



## Message from the Attorney General

This report on the Department of Justice's performance during FY 2002 and plans for FY 2003 and FY 2004 serves as an important mechanism of accountability and measure of progress. I am pleased to present it to you.

The attacks of September 11th redefined the mission of the Department of Justice. Defending our nation and defending the citizens of America against terrorist attacks is now, and will remain, our first and overriding priority. In fulfilling this mission, we are devoting all resources necessary to eliminate terrorist networks, to prevent terrorist attacks, and to bring to justice those who kill Americans in the name of murderous ideologies.

On November 8, 2001, I announced a comprehensive review and wartime reorganization of the Department of Justice to meet our counterterrorism mission. Since that time, the Department has been making progress in eliminating duplicative functions; retargeting resources to counterterrorism efforts by refocusing our resources on frontline positions, especially within the Federal Bureau of Investigation (FBI); and working to attract a diverse, high-quality workforce to the Department. Additionally, efforts to reorganize the FBI and the Office of Justice Programs are in progress.

Additional changes are underway to further enhance America's homeland security. This year, the Department will help facilitate the transfer of the Immigration and Naturalization Service to the newly created Department of Homeland Security. Already, the Bureau of Alcohol, Tobacco, Firearms, and Explosives has been transferred from the Department of the Treasury to the Department of Justice. This shift represents increased law enforcement integration and cooperation that is critical to the Department's mission.

The Department is also making progress in fulfilling the goals of the President's Management Agenda. Effective, efficient, and economic delivery of desired results is paramount to our reorganization efforts and the President's Agenda. The Department is working towards, and has already achieved success in, meeting the criteria for each item and maximizing accountability in all areas of operation.

In addition to our primary mission, the Department of Justice will continue to enforce vigorously federal laws; deter, investigate and prosecute federal crimes, including gun, drug and civil rights violations; incarcerate offenders; partner with state, local and community groups to prevent crime; and provide leadership and assistance in meeting the needs of crime victims.

We continue to strive for performance information that holds us accountable to our mission, measured in outcomes and results. Our mission is clear. As the President said, in this mission, "we will not tire, we will not falter, and we will not fail." May God continue to bless America.

A handwritten signature in black ink that reads "John Ashcroft". The signature is written in a cursive, flowing style.

**John Ashcroft**

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## MANAGING OUR NEW MISSION

*“Defending our nation and the citizens of America against terrorist attacks is now our first and overriding priority. To fulfill this mission, we are devoting all the resources necessary to eliminate terrorist networks, prevent terrorist attacks, and bring to justice those who kill American’s in the name of murderous ideologies.”*

- Attorney General John Ashcroft

## LEADERSHIP IN A NEW ERA

The Attorney General, through his Strategic Management Council, developed the Strategic Plan and reviews each budget considering the goals and objectives of the plan. The attacks of September 11, 2001 redefined the mission of the Department of Justice. Defending our nation and defending the citizens of America against terrorist attacks became the first and overriding priority of the Department of Justice. Since that time, the Department has refocused its resources and has taken steps that reflect the new realities of protecting America’s Constitutional rights from threats, foreign and domestic, that would rob us of our basic liberties.

With the release of the Department’s most recent Strategic Plan on November 8, 2001, the Attorney General announced ten major management goals to enhance the ability of the Department to meet its counterterrorism mission. These goals seek to restructure and reorganize many functions and responsibilities of the Department and realign resources to support critical tasks, while continuing to vigorously enforce the laws of the United States, they are: 1) Develop Performance-Based, mission focused Leadership; 2) Streamline, eliminate or consolidate duplicative functions; 3) Focus resources on front-line positions; 4) Reform the FBI; 5) Restructure the INS & EOIR; 6) Restructure OJP and reform grant management; 7) Coordinate internal and external communications and outreach; 8) Improve Department-wide financial performance; 9) Strengthen hiring, training, and diversity; and 10) Utilize technology to improve government. Accomplishments toward these goals are interwoven into the Strategic Goals for the Department.

## HOMELAND SECURITY ACT OF 2002

The Homeland Security Act of 2002 (P.L. 107-296), transfers INS from DOJ to the Department of Homeland Security on March 1, 2003. This document reports INS’ performance for FY 2002 and discontinues all performance measures for FY 2003 and FY 2004. Also, as a result of the provisions of the Act, the law enforcement functions of the Treasury Department’s Bureau of Alcohol, Tobacco and Firearms will transfer to DOJ. The mission of the renamed Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) is to deter and investigate violations of law relating to alcohol, tobacco, firearms, explosives, and arson. ATF will be focusing its efforts on law enforcement and coordinating closely with FBI, DEA, and other DOJ components to investigate firearm violations, explosives thefts, and other crimes. Although ATF is not yet reflected in the Department’s Strategic Plan, a separate section of this combined Report and Plan (Appendix A) outlines ATF’s FY 2003 and FY 2004 performance plan and requested resources (budget and personnel).

## PERFORMANCE-BASED MANAGEMENT

The Department of Justice, through the leadership of the Attorney General, fully embraces performance-based management. At the heart of performance-based management is the idea that focusing on mission, agreeing on goals, and reporting results are key to achieving the Department’s highest potential and delivering the greatest service to the American public. Significant strides have been made in the development of outcome oriented performance measures in the areas of immigration and drug law enforcement efforts. In addition, the Department realigned its budget to its mission an effort to present a formal performance-based budget. The FY 2004 budget clearly presents the resources (budget and personnel) and associated performance expectations for each major activity within each component.

**DEPARTMENT OF JUSTICE**  
**Mission, Values and Goals**

**MISSION  
STATEMENT**

*"To enforce the law and defend the interests of the United States according to the law; to ensure public safety against threats foreign and domestic; to provide federal leadership in preventing and controlling crime; to seek just punishment for those guilty of unlawful behavior; administer and enforce the nation's immigration laws fairly and effectively; and to ensure fair and impartial administration of justice for all Americans."*

**CORE VALUES**

**Equal Justice Under the Law.** Upholding the laws of the United States is the solemn responsibility entrusted to us by the American people. We enforce these laws fairly and uniformly to ensure that all Americans receive equal protection and justice under the law. **Honesty and Integrity.** We adhere to the highest standards of ethical behavior. **Commitment to Excellence.** We seek to provide the highest levels of service to the American people. We are effective and responsible stewards of the taxpayers' dollars. **Respect for the Worth and Dignity of Each Human Being.** We treat each other and those we serve with fairness, dignity, and compassion. We value differences in people and ideas. We are committed to the well-being of our employees and to providing opportunities for individual growth and development.

**STRATEGIC  
GOALS**

**Goal 1:            PROTECT AMERICA AGAINST THE THREAT OF TERRORISM**

**Goal 2:            ENFORCE FEDERAL CRIMINAL LAWS**

**Goal 3:            PREVENT AND REDUCE CRIME AND VIOLENCE BY ASSISTING STATE, TRIBAL, LOCAL, AND COMMUNITY-BASED PROGRAMS**

**Goal 4:            PROTECT THE RIGHTS AND INTERESTS OF THE AMERICAN PEOPLE BY LEGAL REPRESENTATION, ENFORCEMENT OF FEDERAL LAWS AND DEFENSE OF U.S. INTERESTS**

**Goal 5:            FAIRLY AND EFFECTIVELY ADMINISTER THE IMMIGRATION AND NATURALIZATION LAWS OF THE UNITED STATES**

**Goal 6:            PROTECT AMERICAN SOCIETY BY PROVIDING FOR THE SAFE, HUMANE AND SECURE CONFINEMENT OF PERSONS IN FEDERAL CUSTODY**

**Goal 7:            PROTECT THE FEDERAL JUDICIARY AND PROVIDE CRITICAL SUPPORT TO THE FEDERAL JUSTICE SYSTEM TO ENSURE IT OPERATES EFFECTIVELY**

**Goal 8:            ENSURE PROFESSIONALISM, EXCELLENCE, ACCOUNTABILITY AND INTEGRITY IN THE MANAGEMENT AND CONDUCT OF DEPARTMENT OF JUSTICE ACTIVITIES AND PROGRAMS**

## **DEPARTMENTAL MISSION, VALUES AND STRATEGIC GOALS AND OBJECTIVES**

Congress has mandated performance-based management through a series of bipartisan statutory reforms. The centerpiece of this statutory framework is the Government Performance and Results Act (GPRA) of 1993 (P.L. 103-62). The GPRA requires agencies to develop strategic plans that identify their long range strategic goals and objectives; annual plans that set forth corresponding annual goals and indicators of performance; and annual reports that describe the actual levels of performance achieved compared to the annual goal.

Our mission is embedded in public law. Our core values and identified strategic goals and objectives are outlined within *The Department of Justice FY 2001-2006 Strategic Plan* (available on the Internet at <http://www.usdoj.gov/jmd/mps/strategic2001-2006/toc.htm>). The Strategic Plan identifies eight overarching strategic goals the Department pursues in carrying out its mission. The Strategic Plan also sets forth long-term objectives and strategies, identifies crosscutting programs, and describes external factors that may affect goal achievement. Our annual performance goals are identical to the strategic objectives. For the most part, these goals are not self-measuring, that is, the goal statements will not include a target value of performance. Instead, one or more performance indicators are associated with each goal. These indicators provide the specific values or characteristics that enable the goal to be measured. In some instances, performance indicators focus on outputs or intermediate outcomes that reflect incremental progress toward a strategic objective. For the purposes of this document, broadly stated goals and objectives from our Strategic Plan provide the framework for specific annualized performance goals (or targets) linked to the Department's annual planning, reporting and budgeting activities.

At DOJ, performance planning and reporting is companion to the budget process. We recognize that performance information is vital to making resource allocation decisions and should be an integral part of the budget. In presenting performance information with the budget, individual Performance/Resource Tables are

included in the budget requests of the Department's components. These tables provide detailed information on each major activity within a component program and constitute the foundation of the Department's annual plans.

## **PERFORMANCE REPORT AND PLAN PURPOSE AND CONTENT**

This document, prepared pursuant to the requirements under GPRA, combines the Department of Justice Annual Performance Report for FY 2002, the Revised Final Annual Performance Plan for FY 2003, and the Annual Performance Plan for FY 2004. Combining our report on past accomplishments with our plans for the upcoming years provides the reader a useful, complete and integrated picture of our current performance, a preview of our future goals, and a summary of how our budget is expended. This combined annual performance report and plan incorporates a number of changes that reflect the goals, objectives, and strategies of Attorney General Ashcroft, including a heightened focus on counterterrorism efforts. This document represents another step forward in the continuing efforts of the Department of Justice to implement the tenets of performance-based management at the heart of the GPRA. Further, this document addresses the goals outlined in the President's Management Agenda, addresses major management challenges, satisfies the requirements for the Attorney General's Annual Report, and serves as a complementary document to the *FY 2002 Department of Justice Performance and Accountability Report* (available on the Internet at <http://www.usdoj.gov/ag/annualreports/ar2002/index.html>).

## **ORGANIZATION OF THE DOCUMENT**

This document presents to the President, the Congress, and the public a clear picture of how the DOJ has used, and is planning to use, its resources to accomplish its mission. The body of the document is divided into nine sections, one for each of the eight strategic goals listed above, and one section that addresses the goals of the President's Management Agenda. (As previously mentioned,

Appendix A addresses the FY 2003 and FY 2004 performance plan for the Bureau of Alcohol, Tobacco, Firearms and Explosives.)

Each strategic objective is further divided into two sections. The first is a summary discussion of the strategic goal including an introduction to the responsible components, a summary of performance and related resources (actual obligations are reported for FY 2002, and requested levels for FY 2003 and FY 2004), details regarding the skills and information technology required to achieve each strategic goal, and a discussion of program evaluations. The second section further divides the strategic objective into manageable "performance clusters" that can be measured and described in detail. Each subsection provides a background discussion of the program objective, addresses past and future performance contributing to the accomplishment of the strategic objective, discusses the strategies to achieve targeted performance, highlights how the public benefits from our efforts, and outlines the crosscutting activities essential to the success of the objective.

#### **MEASURING DEPARTMENTAL IMPACT**

Throughout FY 2002, the Department continued to improve our measures by establishing performance goals and indicators reflecting results, not just workload or processes. For example, we focused law enforcement efforts on disrupting and dismantling targeted criminal groups, such as major drug trafficking organizations, Asian and Eurasian criminal enterprises, and major violent gangs. In the area of immigration, we identified the number of illegal aliens entering and residing in the U.S. In the area of illegal drugs, we have identified the drug supply available for consumption in the U.S. In areas, such as litigation, where results-oriented measurement is particularly difficult, we developed a new measure that will capture our efforts toward a reduction in crime and we will keep working to establish meaningful outcome-oriented goals and measures.

Although it is difficult to measure, the results of our enforcement and litigation efforts create a safer environment for the American public, especially when crime is deterred due to the presence of a highly effective enforcement capacity. While measuring deterrence may be impossible, we have

introduced the concept of "optimal deterrence" as an indicator of our state of readiness to thwart present and future threats.

Measuring law enforcement performance presents unique challenges. Success for the Department is highlighted when justice is served fairly and impartially and the public is protected. In many areas, our efforts cannot be reduced to simplistic numerical counts of activities such as convictions. Therefore, although the Department provides retrospective data on a limited number of these activities, it does not target levels of performance. The Department is concerned that doing so would lead to unintended and potentially adverse consequences.

Additionally, it is extremely difficult to isolate the effects of our work from other factors that affect outcomes over which the Department of Justice has little or no control. Although during the last 7 years the annual violent crime rate has decreased by about 50 percent, the Department does not rely on this macro-level indicator in measuring its performance. Many factors contribute to the rise and fall of the crime rates, including federal, state, local, and tribal law enforcement activities and sociological, economic, and other factors. Instead, we have focused on more targeted indicators such as those described above.

#### **MEASURE REFINEMENT**

Performance measurement is an iterative process. We strive to present the highest-level outcome-oriented measures available. Each year, measures are replaced, refined or discontinued due to a number of reasons, some of which are outside of the control of the Department. For example, a number of measures have been discontinued this year because in FY 2003, the Immigration and Naturalization Service (INS) and several other Department functions related to counterterrorism and homeland security, are moving to the Department of Homeland Security.

Overall, changes in performance measurement fall into four categories: *Measurement Refined* – the display has been modified slightly as better data have become available; *Discontinued Measure* – the measure has been replaced completely with a better measure, the function is being transferred

out of DOJ, or there are data issues that prevent continued reporting; *New Measure* – this measure is new to the plan and report; *Title Changes* – the title has been modified for clarity, however, the reported data remains unchanged.

## DATA RELIABILITY, VERIFICATION AND VALIDATION

DOJ views data reliability, validity, and validation as critically important in the planning and assessment of our performance. This document contains a discussion of data validation and verification below each performance measure. Within the discussion, the component displays trend data back to 1999 (when available), the name, source and type of system used in the collection and reporting of data, as well as identification of external data sources that have been used (if applicable). In addition, to ensure that data contained in this document are reliable, each reporting component was surveyed to ensure that data reported met the Office of Management and Budget (OMB) standard for data reliability. Data that do not meet this standard have been discontinued due to data collection and/or reporting inadequacies or were not included in the report and plan. The OMB standard is as follows:

*"Performance data is acceptably reliable when there is neither a refusal nor a marked reluctance by agency managers or government decision makers to use the data in carrying out their responsibilities. Performance data need not be perfect to be reliable, and the cost and effort to secure the performance data possibly can exceed the value of any data so obtained."*—OMB Circular No. A-11 (2002), Section 231-15

## CONTINUOUS IMPROVEMENT

With the introduction of the President's Management Agenda, the importance of addressing management challenges, and the introduction of the OMB PART process, our report continues to evolve.

**The President's Management Agenda-** A new section has been added to the combined performance report and plan addressing the five

government wide management improvement strategies within the President's Management Agenda, as well as one identified initiative, they are: 1) Strategic Management of Human Capital; 2) Competitive Sourcing; 3) Improved Financial Management; 4) Expanded Electronic Government; 5) Budget and Performance Integration; and the Faith-Based and Community Initiative. The Department recognizes the importance of performance-based management and the efficient and economic delivery of desired results. Therefore, we are committed to effective and efficient operation with maximum accountability in all areas of operation. The Department has outlined strategies, milestones, and metrics to measure the progress made in each of the PMA areas identified, please see the PMA section for details.

**Addressing Management Challenges-** In addition, the Department is committed to resolving the management challenges facing the Department. This combined performance report and plan gives particular attention to the major management challenges and identified weaknesses confronting the Department (Appendix B). Management challenges are a collection of issues included in the *OIG Top Ten Management Challenges*, the Presidential Management Agenda, and issues that the Attorney General has reported to the President on DOJ's Federal Managers Financial Integrity Act (FMFIA).

Management challenges run the gamut from maintaining the security of information systems to ensuring sound financial management. They include areas of concern that bear significantly on how well the Department carries out its mission and meets its responsibilities as stewards of public funds. Note that the OIG's ten management challenges may or may not be considered material weaknesses by the Department. The OIG list includes issues, such as grants management, that is inherently risky due to the amount of public funds involved and large volume of grantees. Even though some of the challenges may not be a problem for DOJ at this time, they require a high level of continuing attention to ensure the resources involved are used appropriately.

**OMB's PART Process-** In an effort to support the President's budget and performance management initiative within the PMA, the OMB has developed an analytic assessment tool called PART (Program Assessment Rating Tool). The following DOJ programs were assessed under the PART process during FY 2002: BOP; DEA; FBI's Cybercrime and White Collar Crime program; INS Immigration Services; OJP's Residential Substance Abuse Treatment, Weed and Seed, Drug Courts and the Juvenile Accountability Block Grants; and the COPS program. We are using the results of these assessments in our continuing efforts to improve DOJ programs and aid in the development of long-term performance measures.

**INTELLECTUAL PROPERTY REPORT  
AND OTHER INFORMATION**

The Department's Intellectual Property Report is included in Appendix C. Appendix D contains the Index of Justice Component websites, and Appendix E contains the Glossary of Abbreviations and Acronyms.

This document is available on the Internet:  
<http://www.usdoj.gov/ag/annualreports/pr2002/TableofContents.htm>

# I STRATEGIC GOAL ONE: Protect America Against the Threat of Terrorism

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Terrorism, both international and domestic, poses the most complex threat of any, for which the Department of Justice (DOJ) has responsibility. This was dramatically demonstrated by the attacks on September 11, 2001 and the subsequent anthrax attacks. International radical extremists and ad hoc coalitions of loosely affiliated individuals motivated by perceived injustices, as well as domestic groups and disgruntled individual American citizens – have attacked U.S. interests at home and abroad. They have increasingly chosen nontraditional targets and have employed unconventional weapons. In addition, the technological advancements of the information age have rendered crime-fighting efforts increasingly complex and have opened new avenues for global criminal activities. The increasing interconnectedness of critical infrastructures has created new vulnerabilities as criminals, terrorists, and hostile foreign intelligence services exploit the power of cyber tools and weapons.

To effectively address international and domestic terrorism, DOJ must concentrate on both prevention and response. The Department utilizes a multifaceted approach to detect, assess, deter, prevent, investigate, and respond to terrorist operations. On November 8, 2001, the Attorney General outlined a wartime reorganization and mobilization of the nation's justice and law enforcement resources to meet the counterterrorism mission of DOJ. To fulfill the critical mission of protecting the U.S. from the threat of terrorism, the DOJ will devote all resources necessary to disrupt, weaken, and eliminate terrorist networks, to prevent or thwart terrorist operations, and to bring to justice the perpetrators of terrorist acts. DOJ recognizes that success in counterterrorism efforts will require not only the coordinated efforts of all Department components, but also productive and cooperative efforts with other critical state, local, and federal partners.

Several of the Department's major components are heavily involved in the fight against terrorism:

- The *Federal Bureau of Investigation (FBI)* plays a critical role in identifying and countering threats to the U.S. In addition, the FBI is the designated Lead Agency for terrorism investigations and crisis management of terrorist acts that occur within the U.S. The FBI also provides specialized support in connection with terrorist acts against U.S. interests abroad and appropriate law enforcement assistance to foreign governments upon request.
- The *Immigration and Naturalization Service (INS)* and the Criminal Division work together to prevent the entry of terrorists into the U.S. through effective border control and through measures targeting smuggling organizations that may be used by potential terrorists. INS also works with the FBI in select counterterrorism investigations and exercises administrative removal authority against persons who finance or provide material support to terrorists or designated terrorists organizations.
- The *Drug Enforcement Administration (DEA)* provides intelligence support to the FBI and agencies conducting counterterrorism activities. Their Special Operations Division (SOD) serves as a point of contact for electronic surveillance assistance for terrorism-related requests.
- The *United States Attorneys* offices, through their Anti-Terrorism Task Force Coordinators, are part of a national network that coordinates the dissemination of information and the development of a preventive, investigative and prosecutorial strategy among federal law enforcement agencies, primary state and local police forces, and other appropriate state agencies and officials in each district throughout the country.
- The *Criminal Division (CRM)*, through the Terrorism and Violent Crime Section, focuses on the development and prosecution of terrorism cases, preparation for and response to acts of terrorism, and coordination of counterterrorism issues with the U.S. Attorneys' offices, other pertinent

Executive Branch agencies, and foreign governments. CRM's Computer Crime and Intellectual Property Section focuses on the development and prosecution of cyberterrorism cases and issues regarding gathering electronic evidence. In addition, CRM's Alien Smuggling Task Force coordinates investigations and prosecutions of alien smuggling organizations that may be used by potential terrorists.

- The *Office of Justice Program's (OJP)* Office of Domestic Preparedness (ODP) provides state and local agencies with grant funding and needed services to acquire specialized response equipment, training, and technical assistance. In an effort to consolidate the terrorism mission, in FY 2003, the ODP will transition to the Department of Homeland Security.

**STRATEGIC OBJECTIVE 1.1 &  
ANNUAL GOAL: PREVENT TERRORISM**

Prevent, disrupt, and defeat terrorist operations before they occur.

Dramatic changes in the international and domestic environments have produced credible and serious terrorist threats. Each of these threats, which include the efforts of international terrorists, the growing threat of use of weapons of mass destruction (WMD), and criminal acts perpetrated by domestic terrorists, present the Department with a clear, but difficult challenge.

The wide range of terrorist threats include: Osama bin Laden's Al Qaeda network, terrorist organizations attempting to obtain WMD capability, anthrax threats, attacks and hoaxes, radical animal rights and environmental groups, violent anti-government groups and white supremacists, and threats against the information infrastructure. Due to the diversity of the terrorist threat and the complicated nature of terrorist investigation and response, the Department focuses on developing the capacity to respond to any terrorist issue, whether it is domestic or international. While

the Department cannot prevent all terrorism, by developing a structure to build and maintain maximum feasible capability, the Department is in a position to prevent and deter terrorism to the maximum extent possible.

To fulfill the critical mission of protecting the U.S. from the threat of terrorism, DOJ will devote all resources necessary to disrupt, weaken, and eliminate terrorist networks, to prevent or thwart terrorist operations, and to bring to justice the perpetrators of terrorist acts. DOJ recognizes that success in counterterrorism efforts will require not only the coordinated efforts of all Department components, but also productive and cooperative efforts with other critical federal, state, and local partners. DOJ is fully committed to breaking down the bureaucratic and cultural barriers that prevent meaningful coordination and cooperation between criminal law enforcement and counterintelligence operations, both within the Department and between the Department and other entities, while respecting legitimate legal restrictions.

While the federal government plays a major role in preventing and responding to terrorist incidents, the state and local public safety community serve as the nation's "first responders." The FBI provides both training and certification to state and local bomb technicians. Additionally, OJP's Office of Domestic Preparedness (ODP) provides state and local agencies with grant funding services to acquire specialized response equipment, emergency responder training and technical assistance, and support to plan and conduct exercises tailored to the circumstances of the jurisdiction. In FY 2003, ODP's functions will be transferred to the newly created Department of Homeland Security; however, OJP's National Institute of Justice (NIJ) will continue to support the development of technologies that enhance the ability of federal, state and local public safety agencies to prevent and respond to terrorist attacks and other critical incidents.

**STRATEGIC OBJECTIVE &  
ANNUAL GOAL 1.2-1.3: INVESTIGATE  
and PROSECUTE TERRORIST ACTS**

1.2: Develop and implement the full range of resources available to investigate terrorist incidents, bringing their perpetrators to justice.  
1.3 Vigorously prosecute those who have committed, or intend to commit, terrorist acts against the United States.

DOJ focuses on the criminal prosecution of terrorists to bring perpetrators to justice, disrupt terrorist operations, and disrupt financing of terrorism. The Department will pursue investigations based on various criminal violations, including material support to terrorists, espionage, money laundering, fraud, smuggling, immigration charges, and any other charge that may be applicable in order to fully utilize all tools available to investigators. Terrorism investigations will emphasize source development and intelligence gathering, as well as deterring and determining responsibility for acts of terrorism. In addition, the Department will continue to implement the new tools outlined in the USA PATRIOT Act, which will significantly aid law enforcement and intelligence partners in information sharing, coordination, and cooperation.

The Department will build strong cases for prosecution through the use the Joint Terrorism Task Forces headed by each FBI field office, and with the support of the district Anti-Terrorism Task Forces. Also, the Department will promote, and when available, use new legislation and authorities to prosecute suspected terrorists to the fullest extent of the law.

One of the Department's strategies to prevent and deter terrorist acts is to cut off the

lifeblood of terrorism – its funding and other means of support. DOJ, in consultation with the State Department and the Department of the Treasury, exploits all available avenues to designate individuals and entities as terrorists, thereby freezing their financial assets and other means of support, excluding their members and associates from entering the U.S., and providing a basis for prosecuting those who offer material support to these individuals and entities. The Criminal Division plays a critical role in coordinating the focus on the financial underpinnings of terrorism through the Terrorism Financing Task Force. With the U.S. Attorneys, the FBI's Financial Review Group, and other federal agencies, the Task Force pursues the full range of available remedies: criminal prosecution, immigration proceedings, and seizing all financial assets.

The Criminal Division, through the Terrorism and Violent Crime Section, and the U.S. Attorneys' offices, are directly involved in the development and prosecution of major terrorism cases – particularly those involving extraterritorial acts of terrorism against Americans and American interest abroad, as well as in multidistrict terrorist fundraising cases, preparation for and response to acts of terrorism, and coordination of counterterrorism issues with other pertinent Executive Branch agencies, and multilateral organizations. Working closely with the Anti-Terrorism Coordinators in each U.S. Attorney's Office, the Terrorism and Violent Crime Section provides guidance and support to strengthen terrorism investigations and prosecutions. In the area of preparation for and response to acts of terrorism, the Terrorism and Violent Crime Section is responsible for administering the Department's Attorney Critical Incident Response Group and its Crisis Management Coordinators program, which involves the development of a crisis response plan for each federal judicial district and the training of specially selected federal prosecutors from the U.S. Attorneys' offices and the DOJ litigating divisions in crisis preparation and response techniques.

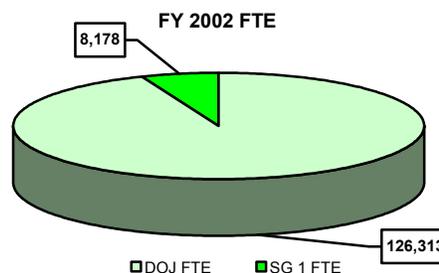
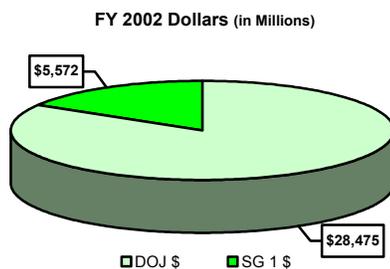
## PERFORMANCE SUMMARY

Strategic Objective, Page #		Performance Measure/ Indicator	Was the Target Achieved			FY 2002 Performance		Performance Improvement From FY 2001
			Yes	No	N/A	Target	Actual	
1.1	6	Terrorist Acts Committed by Foreign Nationals Against U.S. Interests within U.S. Borders	■			0	0	
1.1	8	Computer Intrusions Investigated <ul style="list-style-type: none"> <li>• Closed</li> <li>• Open/Pending</li> </ul>			■ ■	N/A N/A	814 1,956	
1.1	8	Computer Intrusions/Convictions, Pretrial Diversions			■	N/A	101	
1.1	9	NEW MEASURE: Number of Compromised Computer Systems Identified and Notified			■	New for FY 2002	2,554	
1.1	9	DISCONTINUED MEASURE: Key Assets Identified	■			6,100	10,418	
1.1	11	State/Local Bomb Techs Trained		■		1,050	882	Reallocation of resources to CT mission
1.1	12	DISCONTINUED MEASURE: Total # State/Local First Responders Trained	■			132,284	192,643	
1.2/ 1.3	13	Terrorist Cases Investigated <ul style="list-style-type: none"> <li>• Pending &amp; Received</li> <li>• Closed</li> </ul>			■ ■	N/A N/A	15,455 5,533	
1.2/ 1.3	14	MEASURE REFINED: Terrorism Activities <ul style="list-style-type: none"> <li>• Terrorist Convictions</li> <li>• Terrorism Related Convictions</li> </ul>			■ ■	N/A N/A	153 251	

## RESOURCES

Appropriation		FY 2002 FTE	FY 2002 Actual \$ (millions)	FY 2003 FTE	FY 2003 Request \$ (millions)	FY 2004 FTE	FY 2004 Request \$ (millions)
1.1	Criminal Division	46	8	56	9	57	9
1.1	FBI	7,672	1,502	5,810	1,152	6,681	1,406
1.1	General Administration	0	6	7	5	7	2
1.1	Office of Justice Programs	78	1,109	3	67	6	48
1.1	US Attorneys	15	2	55	7	55	7
<i>Subtotal 1.1</i>		<i>7,811</i>	<i>\$2,627</i>	<i>5,931</i>	<i>\$1,240</i>	<i>6,806</i>	<i>\$1,472</i>
1.2/1.3	Criminal Division	86	15	107	16	110	17
1.2/1.3	FBI (see 1.1)	--	--	--	--	--	--
1.2/1.3	US Attorneys	281	63	463	61	463	61
<i>Subtotal 1.2/1.3</i>		<i>367</i>	<i>\$78</i>	<i>570</i>	<i>\$77</i>	<i>573</i>	<i>\$78</i>
<b>TOTAL SG 1</b>		<b>8,178</b>	<b>\$2,705</b>	<b>6,501</b>	<b>\$1,317</b>	<b>7,379</b>	<b>\$1,550</b>

### RESOURCE COMPARISON: Strategic Goal to Total DOJ \$ and FTE



#### Required Skills

The Department requires skilled agents, attorneys, analysts, and linguists. Linguists are critical to supporting criminal and national security investigations and intelligence success. This goal requires the skills and abilities of experienced attorneys, law enforcement professionals, and intelligence analysts.

#### Information Technology Utilized

FBI programs in this area are supported by: the Integrated Statistical Reporting and Analysis Application (ISRAA), a centralized database which tracks statistical case accomplishment from inception to closure; the Automated Case Support System (ACS), a database which captures all information pertaining to the administration of cases; and internal databases that support the National Infrastructure Protection Center.

## PROGRAM EVALUATIONS

There are no program evaluations planned for FY 2003.

## STRATEGIC OBJECTIVE 1.1 & ANNUAL GOAL: PREVENT TERRORISM

Prevent, disrupt, and defeat terrorist operations before they occur

### 1.1A Prevent Terrorists' Acts

#### Background/Program Objectives:

The FBI's Counterterrorism (CT) program strategy recognizes that the underlying political/religious/social movements that drive terrorist acts are beyond the control of any law enforcement organization. The FBI, therefore, cannot prevent all acts of terrorism. To effectively address terrorism, the FBI has developed a comprehensive strategy focused on building maximum feasible capacity in the CT program. Maximum feasible capacity is achieved when the CT program has all necessary elements in place in five areas of competency: investigations, intelligence, communications, liaison, and program management. The effort to achieve maximum feasible capacity involves in-depth assessment of the program's current capacity, identification of performance gaps, and focusing resources and attention on specific initiatives to close these gaps.

By maximizing capacity in all five levels, the FBI can proactively assure that the CT program is in the best possible position to prevent terrorist acts. This strategy enables the FBI to maintain a specific and defined strategy, thorough intelligence gathering, valid and straightforward reporting and tracking mechanisms, effective intra- and interagency liaison and cooperation, and accountable program management.

#### Performance:

**Performance Measure:** Terrorist Acts Committed by Foreign Nationals Against U.S. Interests (within U.S. Borders) [FBI]

**FY 2002 Target:** 0

**FY 2002 Actual:** 0

**Discussion:** No incidents falling into this category were reported for FY 2002.

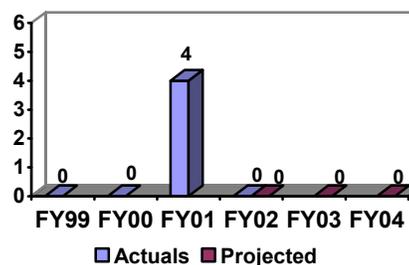
**FY 2003 Performance Plan Evaluation:**

Regardless of terrorist activity, the target will always remain zero terrorist acts.

**FY 2004 Performance Target:** 0 terrorist

acts.

**Terrorist Acts Committed by Foreign Nationals Against U.S. Interests within U.S. Borders [FBI]**



**Data Definitions:** This measure captures acts that involve the "unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives." (28 C.F.R. Section 0.85). For the purposes of this measure, the FBI defines a terrorist act as an attack against a single target (e.g., a building or physical structure, an aircraft, etc.). Acts against single targets are counted as separate acts, even if they are coordinated to have simultaneous impact. For example, each of the 09/11 acts (North Tower of the World Trade Center (WTC), South Tower of the WTC, the Pentagon, and the Pennsylvania crash site) could have occurred independently of each other and still have been a significant terrorist act in and of itself. The FBI uses the term terrorist incident to describe the overall concerted terrorist attack. A terrorist incident may consist of multiple terrorist acts. The 09/11 attacks, therefore, are counted as four terrorist acts and one terrorist incident.

**Data Collection and Storage:** The reported numbers were compiled through the expert knowledge of FBI CT senior management at headquarters.

**Data Validation and Verification:** See above.

**Data Limitations:** The decision to count or discount an incident as a terrorist act, according to the above definition, is subject to change based upon the latest available intelligence information and the opinion of program managers. In addition, acts of terrorism, by their nature, are impossible to reduce to uniform, reliable measures. A single defined act of terrorism could range from a small-scale explosion that causes property damage to the use of a weapon of mass destruction that causes thousands of deaths and massive property damage and has a profound effect on national morale.

**Public Benefit:** The FBI's focus on building CT capacity ensures that all the elements are in place to prevent terrorism. The FBI works to build maximum feasible capacity, enabling investigators and analysts to pursue specific operational strategies against priority targets. The FBI is able to monitor progress towards achieving maximum capacity and to move resources to address gaps in the foundation that supports investigative efforts.

**Strategies to Achieve the FY2003/FY 2004 Goal:**

The FBI will continue to build maximum feasible capacity to ensure that the FBI has the capability to restrain all types of groups and individuals engaged in acts of terrorism and to deter and respond to threats *before* attacks occur. This strategy builds the capacity to safely and effectively respond to the challenges of unconventional terrorist methods such as the use of chemical, biological, nuclear, and radiological materials. A strategy of maximum feasible capacity requires all elements of crisis and consequence management at the federal, state, and local levels throughout the country to develop and implement integrated terrorism response plans. The strategy also builds the capacity to rapidly identify, locate, apprehend, and prosecute those responsible for terrorist attacks when they do occur; and to prevent, disrupt, and defeat terrorist elements and plans.

Specific strategies to build maximum feasible capacity include the complete implementation of the Counterterrorism Division (CTD) reorganization; full establishment of the Information Sharing Initiative currently in development with law enforcement partners; the integration of personnel (especially analytical personnel) into the CT program; and the full expansion of the Joint Terrorism Task Force (JTTF) program to all FBI Field Offices.

**Crosscutting Activities:**

Crosscutting functions include deterring and responding to terrorist acts; improving capabilities through training, planning, exercises, and research and development; and improving coordination domestically and internationally. The FBI has the lead in deterring and responding to terrorists acts which occur in the U.S., while the Department of State has the lead in regard to acts abroad which

impact U.S. citizens or U.S. interests. The Department of Defense (DOD) assists with tactical and logistical support through well-established protocols. Extensive interagency and inter-jurisdictional training and exercising efforts focus on the goal of seamless counterterrorism response. The Criminal Division, in coordination with the Departments of State, the Treasury and others, works closely with our allies in the G-8, in the Council of Europe, in the Financial Action Task Force, in the United Nations, and in other multinational fora, to pursue common counterterrorism efforts.

Crosscutting efforts to establish comprehensive border enforcement include cooperation with local communities and industries, as well as Canadian and Mexican authorities. The Criminal Division's Alien Smuggling Task Force and INS meet regularly with Canadian and Mexican counterparts to identify and implement measures to improve border security. INS agents in offices worldwide will continue to work closely with the Department of State, DEA, the U.S. Customs Service, the FBI, the U.S. Coast Guard, the Department of Agriculture, and foreign governments in order to exchange information with foreign immigration counterparts and to better identify and disrupt terrorist activities. The Border Coordination Initiative (BCI) is a crosscutting effort to increase shared information and intelligence along the U.S.-Mexico border. Through the establishment of joint performance measures, BCI has proven successful and is considering priority areas for expansion such as the Northern Border. This will further bolster the borders against terrorism threats. Other cooperative intelligence/investigative efforts include the INS Law Enforcement Support Center, which provides a link between federal, state, and local law enforcement officers and the database accessed by INS, and the El Paso Intelligence Center, which is a DEA-led, multi-agency tactical intelligence center.

## 1.1B Protect Critical Infrastructure

### Background/Program Objectives:

All critical infrastructures now rely on computers, advanced telecommunications, and, to an ever-increasing degree, the Internet. That dependence creates new vulnerabilities, which are exacerbated by several factors. Most infrastructures rely on commercially available technology, which means a vulnerability in hardware or software is not likely to be limited to one company, but to be widespread. Infrastructures are increasingly interdependent and interconnected with one another, making it difficult to predict the cascading effects that the disruption of one infrastructure would have on others. The telecommunications infrastructure is now truly global. Satellite communications, the Internet, and foreign ownership of telecommunication carriers in the U.S. have all combined to undermine the notion of a "National Information Infrastructure." The goal of FBI's National Infrastructure Protection Center (NIPC) is to enhance U.S. national security by preventing infrastructure damage through a multifaceted approach to maximize its investigative and preventative resources in order to thwart cyber attacks on the nation's infrastructure.

### Performance:

**Performance Measure:** Computer Intrusions Investigated [FBI]

**FY 2002 Target:** In accordance with Department guidance, targeted levels of performance are not projected for this indicator.

**FY 2002 Actual:**

Opened and Pending: 1,956

Closed: 814

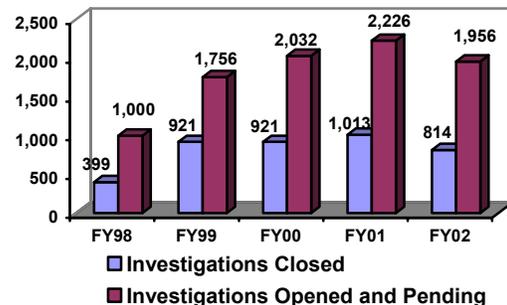
**Discussion:** Changes in the number of investigations is largely proportional to the number of trained agents in the field who respond to reported intrusions. The number of computer intrusion investigations is also tied to an increase in the intelligence base of the FBI, as well as an increase in violations reported by industry through the InfraGard and Key Asset Programs.

**FY 2003 Performance Target:** N/A

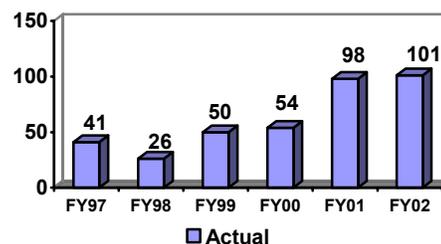
**FY 2004 Performance Target:** N/A

**Public Benefit:** See below.

Computer Intrusions Investigated [FBI]



Computer Intrusion Convictions/Pre-Trial Diversions [FBI]



**Data Definition: Pre-trial Diversion:** A pretrial diversion can be claimed when a subject and the USA agree to a pre-trial diversion plan under which the subject must complete a plan of lawful behavior in lieu of prosecution. Generally, a pre-trial diversion plan may be considered for misdemeanor offenses involving first time offenders.

**Data Collection and Storage:** The data source for the number of intrusions investigated is the FBI's Monthly Administrative Report/Automated Case Support (MAR/ACS) system.

**Data Validation and Verification:** Computer intrusion data are reviewed and approved by an FBI field manager before they are entered into the system. Data in both systems are subsequently verified through the FBI's inspection process. Inspection occurs on a 2 to 3 year cycle. Using statistical sampling methods data in ISRAA is traced back to source documents contained in FBI files.

**Data Limitations:** None known at this time.

**Performance Measure:** Computer Intrusion Convictions/Pre-Trial Diversions [FBI]

**FY 2002 Target:** In accordance with Department guidance, targeted levels of performance are not projected for this indicator.

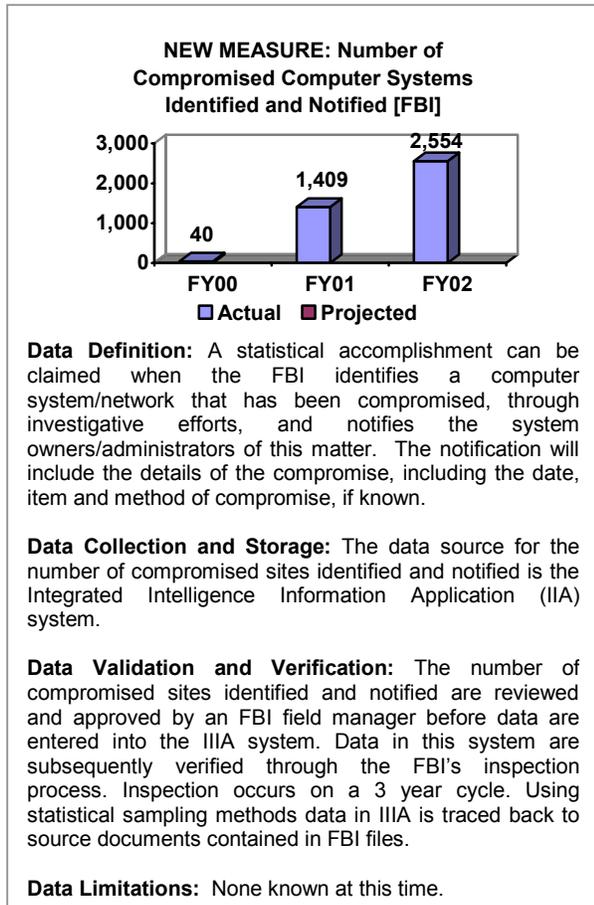
**FY 2002 Actual:** 101

**Discussion:** Computer intrusion convictions continue to rise as a result of increased investigations and level of agent expertise.

**FY 2003 Performance Target:** N/A

**FY 2004 Performance Target:** N/A

**Public Benefit:** See below.



**Performance Measure:** NEW MEASURE: Number of Compromised Computer Systems Identified and Notified [FBI]

**FY 2002 Target:** In accordance with Department guidance, targeted levels of performance are not projected for this indicator.

**FY 2002 Actual:** 2,554

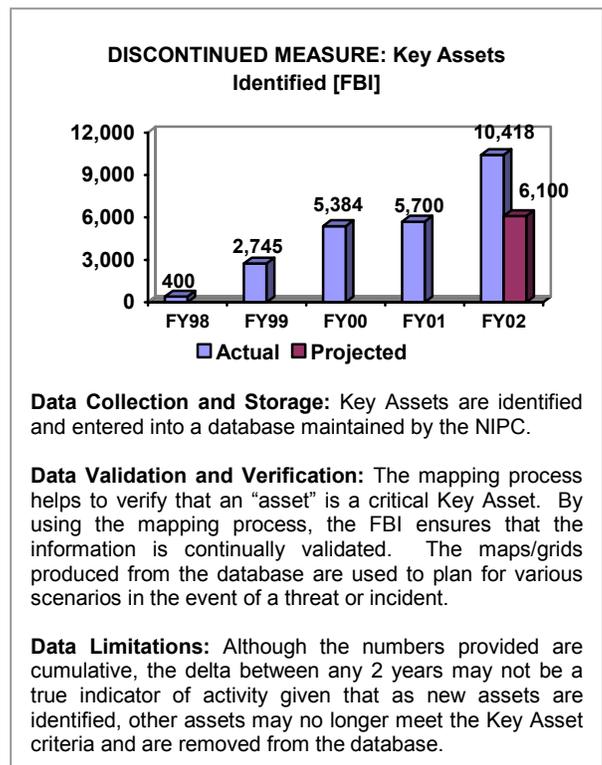
**Discussion:** Through investigative efforts, additional compromised computer systems are being identified and the owners of these systems are being notified of the compromises and the methods utilized by the intruders to gain access to their computers. This performance measure reflects the complexity of computer intrusion investigative efforts and the success of efforts to

identify and target intruders who are breaking into multiple computer networks.

**FY 2003 Performance Target:** N/A

**FY 2004 Performance Target:** N/A

**Public Benefit:** Through computer intrusion investigations and prosecutions, the FBI works to arrest those who perpetrate computer intrusions that affect the nation's infrastructure. In addition, these investigations enable the FBI to gather information, develop and solidify relationships with critical partners, and maintain a visible presence to both potential criminals and the American public.



**Performance Measure:** DISCONTINUED MEASURE: Key Assets Identified [FBI] (NOTE: This indicator is being discontinued - the program has been transferred to the Department of Homeland Security.)

**FY 2002 Target:** 6,100

**FY 2002 Actual:** 10,418

**Discussion:** The number of Key Assets indicates the number of identified organizations, systems, or physical plans, the loss of which would have widespread or dire economic or social impact on a national, regional, or local basis. FBI field agents identify assets in their jurisdiction that may

qualify as Key Assets and consult with the owners on their operations and impact on the locality's critical infrastructure. Key Assets are identified and entered into a database from which maps are created that help determine any overlapping or secondary Key Assets that are interlinked.

**Public Benefit:** The FBI's NIPC works closely with the private sector, law enforcement, industry, and government at all levels. The core of the NIPC approach is prevention, detection, and response.

**Strategies to Achieve the FY2003/FY 2004 Goal:**

Processes of contingency planning and determining cascading effects and interdependencies have already begun for some key assets. NIPC will continue to work to assess vulnerabilities and develop proactive techniques and countermeasures. NIPC will also work closely with the private sector and promote a close working relationship between law enforcement, industry, and government at all levels.

Specifically, NIPC will work to assess vulnerabilities and develop proactive techniques and countermeasures. Other strategies within NIPC include: 1) the recruitment of agents and analysts with specialized computer expertise; 2) training and education on computer incident investigations for both FBI personnel and public and private sector partners; 3) continuation of the InfraGard program to ensure that private sector infrastructure owner and operators share information about cyber intrusions, exploited vulnerabilities, 4) the development of an indications and warning network for federal computer systems; 5) the continuation of research and development; and 6) the provision of state of the art tools, technologies, and intellectual capital related to computer intrusions.

Also, the FBI's National Infrastructure Threat Warning System disseminates, advisories and vulnerability/threat assessments to public and private sector stakeholders and the law enforcement community. The FBI ensures the development and implementation of contingency plans designed to protect infrastructure assets, maintain maximum feasible capacity for deterrence, and facilitate the rapid response to threats, compromise, or attack.

**Crosscutting Activities:**

The NIPC staff includes detailees from federal and state agencies as well as two international partners. These agencies include: Department of Energy (DOE), Central Intelligence Agency (CIA), DOD, United States Air Force (USAF), Defense Central Intelligence Service, NSA, Postal Service, Navy, GSA, and others. NIPC staff ensures coordination with FBI field offices, other government agencies and foreign police and security. Rapid response to intrusions is often required, placing a premium on cooperation.

The InfraGard initiative encourages the exchange of information by government and private sector members through the formation of local InfraGard chapters within the jurisdiction of each FBI Field Office. Chapter membership includes representatives from the FBI, private industry, other government agencies, state and local law enforcement, and the academic community. The initiative provides four basic services to its members: an intrusion alert network using encrypted e-mail, a secure website for communications about suspicious activity or intrusions, local chapter activities, and a help desk for questions.

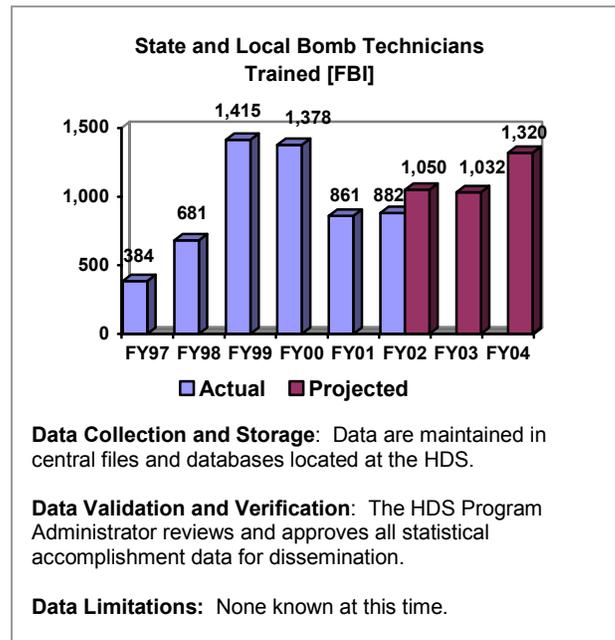
## 1.1C Improve Domestic Preparedness

### Background/Program Objectives:

Two key elements of domestic preparedness are expertise in hazardous devices and emergency response capabilities to address threats such as weapons of mass destruction (WMD). The FBI's Hazardous Devices School (HDS) is the only formal domestic training school for state and local law enforcement to learn safe and effective bomb disposal operations. The HDS prepares bomb technicians to locate, identify, render safe, and dispose of improvised hazardous devices, including those containing explosives, incendiary materials, and materials classified as WMD.

Qualification for bomb technician certification includes graduation from the HDS basic course and the completion of the HDS recertification course every 3 years. Additionally, a bomb technician must be actively employed by a law enforcement or public safety organization and assigned to bomb squad responsibilities by that organization. Other course offerings include robot courses and executive management courses.

OJP's Office of Domestic Preparedness (ODP) provided grant funding to assist state and local emergency response agencies (law enforcement, fire, hazardous materials, emergency medical services, emergency management, and public health) to enhance their capabilities to respond to the threat posed by terrorist uses of WMD. In addition to the grant funds that may be used to acquire specialized response equipment and design and conduct exercises, ODP developed and delivered emergency responder training, technical assistance, and direct support to plan and conduct exercises tailored to the local jurisdiction. ODP provided training through the delivery of over 30 courses which range in scope from courses to increase awareness of terrorism threats and weapons of mass destruction among public officials, public health and the medical community, public safety and public works personnel, to intensive technician and operations courses that demonstrate the effects of, and response to, live agents, explosives, and radiation.



### Performance:

**Performance Measure:** State and Local Bomb Technicians Trained [FBI]

**FY 2002 Target:** 1,050 students trained at the Hazardous Devices School (HDS)

**FY 2002 Actual:** 882

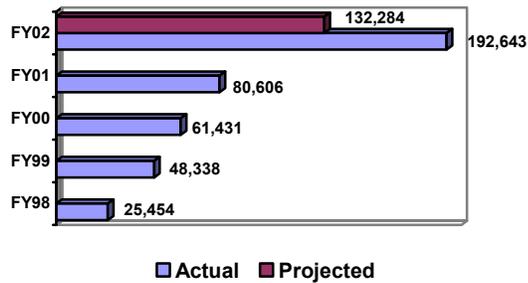
**Discussion:** The events of September 11, 2001 and the subsequent reallocation of resources had an impact on the performance target for FY 2002, as in many other FBI programs.

**FY 2003 Performance Plan Evaluation:** Based on performance in FY 2002, we have revised our FY 2003 target downward. The revised target is 1,032.

**FY 2004 Performance Target:** 1,320 students

**Public Benefit:** The HDS is providing unique explosives training to all public safety bomb technicians in every state. Recent terrorist events and the increased availability of sophisticated and advanced technologies makes it essential that the FBI provide the best possible training for state and local bomb technicians. Training in new instruments and methods is critical to core competency and future operational and investigative successes.

**DISCONTINUED MEASURE: Total # of First Responders Trained [OJP]**



**Data Collection and Storage:** The data on training participants are reported by the providers of ODP-sponsored training to a central database maintained by one of the providers.

**Data Validation and Verification:** Beginning January 2002, the database will be maintained by ODP's Central Scheduling Desk and will be verified and analyzed by ODP's evaluation staff.

**Data Limitations:** None known at this time.

**Performance Measure:** DISCONTINUED MEASURE: Number of First Responders Trained [OJP] (NOTE: This indicator is being discontinued - the program has been transferred to the Department of Homeland Security.)

**FY 2002 Target:** Cumulative: 132,284

**FY 2002 Actual:** Cumulative: 192,643

**Discussion:** ODP exceeded its target by 60,359. ODP achieved this goal by increasing the number of classes offered for existing courses and developing and offering new course deliveries. Additionally, the increased emphasis and desire to receive WMD training by state and local jurisdictions contributed to the vast increase in the number of emergency responders receiving training.

**Public Benefit:** First responders, emergency response agencies, and jurisdictions that have participated in ODP-sponsored training courses and exercises are better prepared to prevent or respond to a WMD terrorism incident resulting in enhanced safety for the first responders and the public, as well as more effective use of available resources.

**Strategies to Achieve the FY2003/FY 2004 Goal:**

The FBI and the U.S. Army will construct a new HDS facility at Redstone Arsenal, Huntsville, Alabama. The existing FBI-funded and

administered facility at Redstone provides basic, recertification, and other training for public safety bomb technicians in the United States. The new site, four administrative and classroom buildings and 14 practical exercise-training villages, is scheduled for completion in FY 2004. An Advanced Diagnostics and Disablement Course in under development, and should be fully operational as soon as the new HDS facility is completed. A pilot course is anticipated during FY 2003. Any necessary revisions to the course will be made in FY 2004, with six courses planned for FY 2005.

**Crosscutting Activities:**

The HDS represents a partnership between the FBI and the U.S. Army to provide state and local law enforcement agencies with state of the art explosives training to improve domestic preparedness. Recent terrorist events and the increased availability of sophisticated and advanced technologies makes it essential that the FBI provide the best possible equipment and training for state and local bomb technicians. Training in new instruments and methods is critical to core competency and future operational and investigative successes.

ODP coordinates with and/or participates in joint activities with the Department of Health and Human Services, FEMA, the State Department, DOD, the National Security Council, and the Department of Energy. These working relationships are demonstrated through the joint participation in the planning and conducting of national exercises, such as the ODP-sponsored Top-Off exercises, the Training Resources and Data Exchange Group, the Interagency Board for Equipment Standardization and Interoperability, and the Domestic Preparedness Support Helpline.

**STRATEGIC OBJECTIVE & ANNUAL GOAL 1.2-1.3: INVESTIGATE AND PROSECUTE TERRORIST ACTS**

1.2: Develop and implement the full range of resources available to investigate terrorist incidents, bringing their perpetrators to justice

1.3: Vigorously prosecute those who have committed, or intend to commit, terrorist acts against the United States

**1.2 – 1.3A Investigate and Prosecute Terrorists’ Acts**

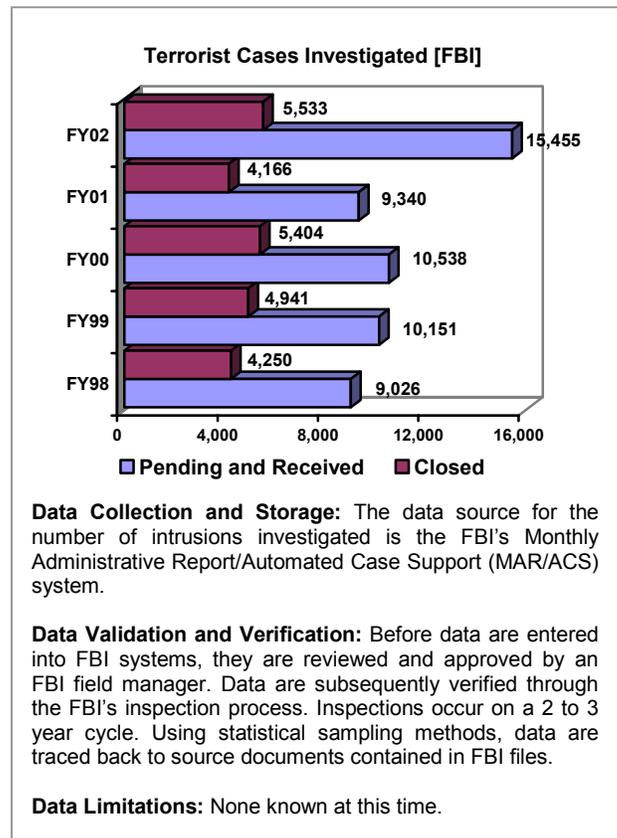
**Background/Program Objectives:**

Through criminal and national security investigations, DOJ works to arrest and prosecute or deport terrorists and their supporters and to disrupt financial flows that provide resources to terrorists operations. These investigations enable the Department to gather information, punish terrorists, develop and solidify relationships with critical partners, and maintain a presence visible to both potential terrorists and the American public, all of which are critical pieces of the Department’s efforts against terrorism.

The new counterterrorism strategy, implemented by the Department after September 11, 2001, includes the development of Anti-Terrorism Task Forces. Each United States Attorney’s office identified one experienced prosecutor to serve as the Anti-Terrorism Coordinator for that district’s Anti-Terrorism Task Force. The Coordinator convenes meetings of representatives from the federal law enforcement agencies – including the FBI, INS, DEA, U.S. Customs Service, U.S. Marshals Service, U.S. Secret Service, and Bureau of Alcohol Tobacco, Firearms, and Explosives (ATF) – and the primary state and local police forces, along with other appropriate state agencies and officials in each district. These task forces are part of a national network that coordinates the dissemination of information throughout the country. The implementation of these task forces coordinated by the United States Attorney in each district and interfacing with the Department through the Criminal Division’s Regional Terrorism Coordinators, supports a concerted national assault against terrorism.

In addition, the Department created a Terrorist Financing Task Force, consisting of attorneys from the Criminal and Tax Divisions and the U.S.

Attorneys’ Offices, to coordinate the nationwide prosecutorial efforts against groups and individuals assisting in financing international terrorism. This task force works closely with the FBI’s Financial Review Group, which draws resources from numerous, federal law enforcement agencies and is devoted to the collection and analysis of information concerning terrorist financing.



**Performance:**

**Performance Measure:** Number of Terrorist Cases Investigated [FBI]

**FY 2002 Target:** In accordance with Department guidance, targeted levels of performance are not projected for this indicator.

**FY 2002 Actual:**

Pending and Received: 15,455

Closed: 5,533

**Discussion:** Each case represents effort towards the investigation and prevention of terrorism. While the number of investigations itself does not fully capture the efforts or effects of the Department’s counterterrorism program, this measure does show activity towards the ultimate goals of preventing terrorism.

**FY 2003 Performance Target:** N/A

**FY 2004 Performance Target:** N/A

**Public Benefit:** The Department’s multi-faceted effort seeks to prevent future terrorist attacks, investigate acts of terror, and prosecute those who intend to commit or have committed terrorist acts against the United States. Law enforcement officials at all levels of government – federal, state, local – must work together, sharing information and resources needed to arrest and prosecute individuals responsible. The preventive and investigative efforts culminate with the prosecution of terrorist acts.

**Performance Measure:** MEASURE REFINED: Terrorism Related Convictions (Formerly: Number of Terrorist Convictions) [EOUSA]

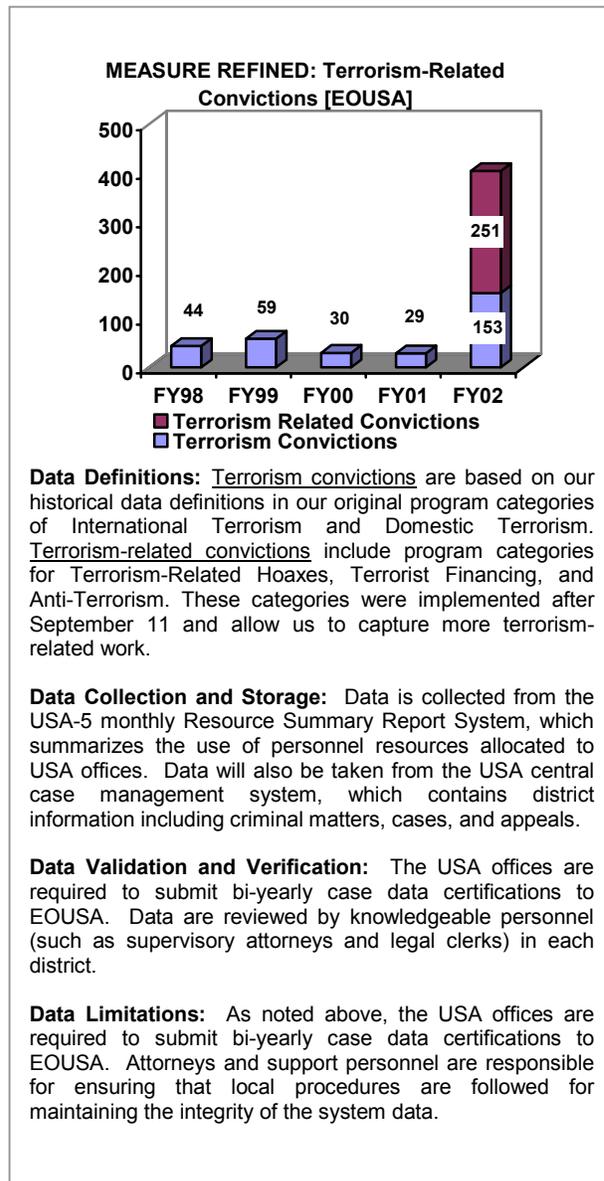
**FY 2002 Target:** In accordance with Department guidance, targeted levels of performance are not projected for this indicator.

**FY 2002 Actual:**

Terrorism Convictions: 153

Terrorism-Related Convictions: 251

**Discussion:** Convicted defendants include those defendants who plead guilty or were found guilty in cases classified by the U.S. Attorneys’ offices under the Domestic Terrorism or International Terrorism program categories. Those program categories include offenses involving acts (including threats or conspiracies to engage in such acts) that are violent or dangerous to human life and that appear motivated by an intent to coerce, intimidate, or retaliate against a government or civilian population. Examples of offenses that could be classified as international or domestic terrorism include the following: destruction of an



aircraft or interference with a flight crew; attack on a mass transit facility or on the means of interstate communication; use of weapons of mass destruction; material support for terrorism; and terrorism. The substantial increase in offenses in these program categories is attributable to the Department’s determination, after the terrorist attacks of September 11, 2001, to make the prevention of terrorism its highest priority. As of August 2002, the United States Attorneys began a review of their terrorism caseload data to classify these cases based on a new set of terrorism codes.

**FY 2003 Performance Target:** N/A

**FY 2004 Performance Target:** N/A

**Public Benefit:** The public benefit from the prosecution of terrorists, associates of terrorists, and supporters of terrorists is the prevention and deterrence of terrorism. In the last year, the Department has successfully prosecuted a number of person's accused of terrorist acts, such as the American Taliban, John Walker Lindh and the airplane shoe bomber, Richard Reid. The Department has also successfully prosecuted several persons accused of materially supporting terrorism or suspected of transferring funds to terrorists abroad.

**Strategies to Achieve the FY2003/FY 2004 Goal:**

FBI will continue to attack terrorism by investigating those persons and countries that finance terrorist acts. The Department will aggressively use the money laundering and asset forfeiture statutes to locate and disrupt the financial sources of terrorist organizations. FBI will also work to effectively and efficiently utilize the tools authorized by Congress in the USA PATRIOT Act of 2001. While the ultimate goal is to prevent a terrorist act before it occurs, the FBI must be able to respond should an act occur. FBI's efforts in this area include improved information gathering and sharing, improved analytical capabilities, and enhanced training and liaison.

The U.S. Attorneys, along with the Criminal Division, will continue utilizing the USA PATRIOT Act as a vital weapon in the war against terrorism. Under the law, prosecutors and law enforcement officers may now share grand jury and wiretap information regarding foreign intelligence with a wide range of federal personnel, including State Department officials, including those responsible for issuing visas, and members of the intelligence and national defense communities. In addition, we will target and prosecute cases developed by the Terrorist Financing Task Force and the Financial Review Group.

**Crosscutting Activities:**

DOJ coordinates with other Executive Branch partners. These include the Central Intelligence Agency (CIA), DOD, the Departments of State and the Treasury, Department of Transportation (DOT), FEMA, National Security Agency (NSA), the Department of Energy (DOE), Environmental Protection Agency (EPA), the Department of Commerce, and the Department of Agriculture.

The National Defense Authorization Act of 1996 provided funding and a training mandate to assist state and local authorities in the proper response to a terrorist incident. The DOJ participates with DOD, DOE, and EPA in the development and delivery of this training.

INS cooperates with federal, state, and local law enforcement organizations, to create a secure and seamless border management system. The crosscutting activities required for this effort are extensive and are discussed in detail in Strategic Goal 5.1 Secure America's borders.

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# II

## STRATEGIC GOAL TWO: Enforce Federal Criminal Laws

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As a result of the provisions of the Homeland Security Act of 2002 (P.L. 107-296), the law enforcement functions of the Treasury Department's Bureau of Alcohol, Tobacco and Firearms transferred to Department of Justice's (DOJ). The mission of the renamed *Bureau of Alcohol, Tobacco, Firearms, and Explosives* (ATF) is to deter and investigate violations of law relating to alcohol, tobacco, firearms, explosives and arson; areas that could be monitored under Strategic Goal Two. Although ATF is not yet reflected in the Department's Strategic Plan, a separate section (Appendix A) addresses the ATF FY 2003 and FY 2004 performance plan and related resources (budget and personnel).

At the heart of DOJ's mission is our responsibility to enforce the Nation's federal laws through the investigation and prosecution of criminal offenses. The array of areas for which we are responsible are diverse and challenging, including: terrorism, drug related crime, violent crimes, firearms offenses, white-collar crime, child exploitation, cybercrime, and public corruption.

Adding to this challenge is the complexity of the American criminal justice system. The law enforcement responsibility in the United States is shared and addressed cooperatively among DOJ organizations, and other federal, tribal, state, and local agencies. Several DOJ component organizations share primary responsibility for enforcing the Nation's criminal laws. In addition, the increased globalization of crime requires the Department to strengthen cooperation with international law enforcement organizations.

- The *Federal Bureau of Investigation (FBI)* has responsibility to investigate over 200 categories of federal crimes, and monitor activities that threaten the Nation's security. The FBI also provides law enforcement assistance and other specialized support when required.

- The *Drug Enforcement Administration (DEA)* has responsibility to enforce the controlled substance laws and regulations of the United States, and to bring to justice those organizations and individuals who are involved in the growth, manufacture, and distribution of those substances destined for illicit traffic in the United States.
- The *Organized Crime Drug Enforcement Task Force (OCDETF)* program is the cornerstone of the Attorney General's drug strategy to reduce the availability of drugs. The principal mission of the OCDETF program is to disrupt and dismantle the most significant drug trafficking and money laundering organizations and their related enterprises. OCDETF provides the overall strategy and funding to achieve a coordinated approach by federal agents and prosecutors with support from state and local government.
- The *Immigration and Naturalization Service (INS)* is charged with enforcing the Nation's immigration laws. Although Strategic Goal Five focuses on DOJ's immigration efforts, the interrelationship between immigration issues and criminal offenses also makes INS an important contributor to the fight against violent crime, drug related crime, and terrorism.
- The *United States Attorneys (USA)* and the *Criminal Division (CRM)* are also key players in these goals as they prosecute violators of federal criminal law, seek punishment of those guilty of unlawful behavior, and represent the United States in other specialized litigation. Both are committed to dismantling major drug organizations, targeting terrorist acts and violent crime, and prosecuting high priority white-collar crime nationwide. The USA and CRM play key roles in providing leadership and direction to the combined federal, state, tribal, and local law enforcement effort.

In addition, the Antitrust (ATR), Civil (CIV), Civil Rights (CRT), Environment and Natural Resources (ENRD) and Tax (TAX) Divisions perform critical and specialized functions in prosecuting violators of the Nation's antitrust, consumer, civil rights, environmental, wildlife, and tax laws. The priority

performance goals of these divisions are split between Strategic Goals Two and Four, as appropriate.

Lastly, while we continue to focus on violent crime, white-collar crime, and illegal drugs, we must confront the sophistication of criminals that will challenge our ability to prevent and solve crimes, and bring criminals to justice. We will work aggressively to combat gun crimes. We will also face the complexities of fighting cybercrime and international crimes. We will confront these issues recognizing that the Department is a crime-fighting partner with other federal, state, tribal, and local agencies working strategically to define our roles and coordinate our efforts to ensure that our scarce resources provide maximum impact in our crime-fighting efforts.

**STRATEGIC OBJECTIVE &  
ANNUAL GOAL 2.1: VIOLENT CRIME**

Reduce the threat, incidence, and prevalence of violent crime, especially as it stems from illegal use of guns or from organized criminal enterprises.

DOJ's principal law enforcement investigative agencies will counter violent crime by emphasizing targeted enforcement strategies. The ultimate goal of the Department's organized crime program is to dismantle the most significant organized crime enterprises through investigation and prosecution. Our principal enforcement efforts are currently directed against: (1) the 22 active La Cosa Nostra (LCN) and native Italian organized crime families operating in the United States; (2) the 21 most significant Russian/Eastern European/Eurasian criminal enterprises (more commonly referred to as the Russian Organized Crime) operating in the United States and elsewhere; and (3) approximately 25 Asian organized crime groups operating in the United States, including Chinese Triads, criminally influenced Tongs and various gangs. The transnational activities of these groups will also be addressed to the extent that such activities impact the United States. A related goal is to undercut the strong financial underpinnings of these large criminal enterprises by placing renewed emphasis on

efforts to prevent the laundering of their illegal proceeds and to forfeit their assets, thereby seeking to permanently cripple their operations.

Continued commitment of resources for international liaison and enforcement efforts will help counter the foreign-based aspect of emerging threats such as Russian, Eastern European, Asian, Italian, and other organized crime groups. The increasing international nexus of this new breed of criminal organization means that the corruption of key officials in major industries, and the operation of large-scale money laundering schemes, through bank stock exchanges and commodities markets, can flourish without regard to national boundaries.

Another growing threat is posed by emerging organized crime enterprises, or so-called "non-traditional" crime organizations, that have rapidly expanding membership, are flourishing in the drug underworld, and often employ violent means to establish themselves. The FBI and the DEA have adopted new technologies to improve analytical support for investigations and have strengthened their intelligence base about these non-traditional groups and their leadership in order to prevent them from gaining a stronger foothold.

Efforts to curtail gang-related violence and the illegal use of firearms are other major features of this plan. In response to a surge in juvenile and gang-related violent crime between 1985 and 1995, the FBI developed its National Gang Strategy. As part of this gang strategy, federal law enforcement agents continue to form multi-agency task forces that include state and local police officers. Collectively, these teams are able to achieve results, which no agency could do on its own.

Similarly, the DEA will deploy its Mobile Enforcement Teams (MET) to help meet emerging drug crises in particular localities and in collaboration with the National Crime Prevention Council and the Bureau of Justice Assistance. DEA will continue to provide anti-drug training to community leaders following their MET deployment where appropriate. The training is a grass-roots effort to help communities plan, organize, implement and evaluate a prevention program. In addition, the National Drug Intelligence Center (NDIC) will update its National Street Gang Survey Report, a key reference for enforcement agencies. At the district and headquarters levels, the EOUSA and CRM play a leadership role in developing and refining the DOJ's violent crime reduction strategies and increasing

cooperation between state, local, and federal enforcement authorities.

Project Safe Neighborhoods is a comprehensive national strategy that has created local partnerships to effectively enforce existing gun laws. The strategy promotes cooperation to determine where gun criminals can be most effectively prosecuted and punished. Project Safe Neighborhoods gives each federal district the flexibility it needs to focus on individual challenges that a specific community faces.

Another on-going initiative will address the rising incidence of crimes against children, including abduction cases, sexual exploitation offenses, and the production of child pornography. DOJ's multi-agency, multi-disciplinary teams address problems, including the growing use of the Internet and commercial on-line subscription services, to pursue related crimes.

Coordinating the Department's law enforcement activities ensure that the objectives of the Department's investigative agencies are fully coordinated and complementary, that intelligence is shared, and that administrative practices are consistent. The Department will develop and implement, under the guidance of each U.S. Attorney, a District Enforcement Strategy that targets both national and local priorities and identifies how all parts of the system can interact more effectively to meet the needs of justice. In addition, the Department will identify and coordinate cases in which a multi-district prosecution effort is needed.

**STRATEGIC OBJECTIVE &  
ANNUAL GOAL 2.2: DRUGS**

Reduce the threat, trafficking, and related violence of illegal drugs by identifying, disrupting and dismantling drug trafficking organizations

America faces many challenges due to the trafficking of illegal drugs. Illegal drug trafficking and use weakens our society; violent drug trafficking groups erode the quality of life in our communities; and drug

trafficking provides some terrorist groups a steady source of income to finance their operations. The ultimate goal of law enforcement efforts in this area is to reduce the availability of illicit drugs in the U.S.

This Performance Plan supports the President's Anti-Drug Abuse Policy and is consistent with the general guidance of the Office of National Drug Control Policy (ONDCP) and the Department's Drug Control Strategic Plan. The Organized Crime Drug Enforcement Task Force (OCDETF) program is the vehicle for implementing the Attorney's General's drug strategy to reduce the drug supply available within the United States. These plans articulate that our primary investigative and prosecutorial objective is to curtail the availability of illegal drugs through the disruption and dismantlement of drug trafficking organizations, as well as forfeiting illegal proceeds and their economic foundations at the national and international levels.

DOJ will strengthen its efforts to disrupt and dismantle drug trafficking organizations by continuing to increase the analytical capacity of each investigative agency and the Special Operations Division (SOD). The Department, working with ONDCP and the Intelligence Community, will continue to actively support the work of the National Drug Intelligence Center (NDIC), the El Paso Intelligence Center (EPIC), and the Financial Crimes Intelligence Center (FinCen).

The Department will strengthen its programs to target drug smuggling organizations that traffic across the Southern borders, and from Europe and Asia. Since September 11, 2001, the Department has strengthened its programs focus on targeting drug organizations using the Northern border as their transit zone for drugs and drug proceeds. All of these programs are intended to link federal, state and local investigations domestically and to facilitate multilateral enforcement efforts abroad.

**STRATEGIC OBJECTIVE &  
ANNUAL GOAL 2.3: ESPIONAGE**

Combat espionage against the United States by strengthening counterintelligence capabilities

To combat foreign intelligence operations against U.S. interests, DOJ, through the FBI, will emphasize effective intelligence gathering and analytical capability to evaluate foreign intelligence threats. The FBI's counterintelligence program conducts, manages, and supports investigations which collect, analyze, and

exploit intelligence in order to identify and neutralize the intelligence activities of foreign powers and their agents that adversely affect U.S. national security or have a substantial economic impact on the nation.

The 1990's saw great changes in the global intelligence environment, patterned after the changes in the geopolitical environment. There has been an increase in the number of intelligence actors, both at the state and individual levels. To achieve their goals, foreign countries are engaged in long-term efforts designed to gain critical intelligence relating to sensitive U.S. information. Our adversaries will continuously strive to impede investigative operations, obtain sensitive information, initiate and implement reprisal actions against DOJ personnel or facilities, and take illegal advantage of any opportunity presented to them.

**STRATEGIC OBJECTIVE & ANNUAL GOAL 2.4: WHITE COLLAR CRIME**

Combat white collar and economic crime, especially cybercrime

DOJ's plan for reducing white collar crime is based on the premise that a strong deterrent capability is required to prevent criminals from defrauding and thus weakening the Nation's industries and institutions. In monetary terms, the annual loss to American citizens and businesses is conservatively estimated in the billions of dollars.

The criminal threat originates from several sources and may have a variety of purposes and targets including: the financial markets; the health care field; public officials open to corruption; communications facilities; critical infrastructure; computers storing sensitive proprietary, financial and personal data; valuable intellectual properties; international commerce; and telemarketing, insurance, commodities, retirement system, and other businesses susceptible to fraud.

The Department will devote considerable resources to countering white collar crime matters involving corporate fraud. The

President has designated the Deputy Attorney General to lead the inter-agency Corporate Fraud Task Force in order to ensure that this top priority receives the full attention of a vested federal law enforcement community. The Department will also work against health care fraud; financial institution fraud, telemarketing, Internet, and other mass-marketing fraud; public corruption and government fraud; high technology crime; computer crime and the theft of intellectual property; and international price fixing cartels.

The Department also addresses environmental and wildlife crime issues focusing on the endangerment of the environment and public health, fraud in the environmental testing industry, smuggling and poaching of protected species, exploitation and abuse of marine resources through illegal commercial fishing, and related criminal activity.

Violations of the Internal Revenue Code drain the federal fisc and undermine public trust in the voluntary tax system. The Tax Division utilizes criminal prosecutions to ensure that the Nation's internal revenue laws are fairly and uniformly applied and the public complies with the Nation's tax laws. In this way our accomplishments contribute significantly and directly to efforts of the Administration and Congress to protect the federal fisc from intentional false tax returns and evasion schemes. For all stages of case investigation, review, litigation and appeals the Tax Division's attorneys are guided by the principles of fair and uniform treatment for all categories of taxpayers.

**STRATEGIC OBJECTIVE & ANNUAL GOAL 2.5: CRIMES AGAINST CHILDREN AND THE EXPLOITABLE**

Combat crimes against children and other vulnerable victims of violence and exploitation

The Criminal Section of the Civil Rights Division works closely with the Federal Bureau of Investigation, Immigration and Naturalization Service, Department of Labor, the Criminal Division, the U.S. Attorneys Offices, and Non-Government Organizations to identify victims, many of who are women and children of illegal trafficking. The Victims of Trafficking and Violence Protection Act, enacted into law in 2000, expanded the scope of federal enforcement authority over slavery offenses.

## PERFORMANCE SUMMARY

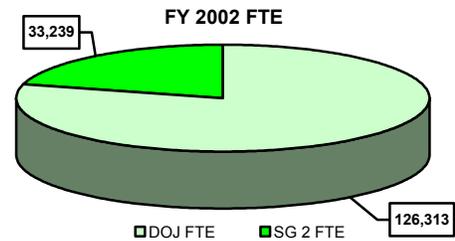
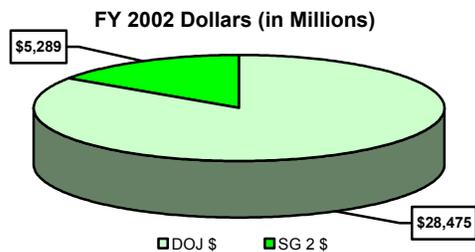
Strategic Objective, Page #	Performance Measure/ Indicator	Was the Target Achieved			FY 2002 Performance			
		Yes	No	N/A	Target	Actual	Performance Improvement From FY 2001	
2.1	25	Dismantled Asian Criminal Enterprises		■		9	7	Reallocation of resources to CT mission
2.1	26	Dismantled Eurasian Criminal Enterprises		■		8	0	Reallocation of resources to CT mission
2.1	28	# Dismantled of the 30 Targeted Gangs Identified as Most Dangerous	■			3	6	
2.1	31	DISCONTINUED MEASURE: Persons with Criminal Records Prevented from Purchasing Firearms			■	N/A	62,525	
2.1	31	NEW MEASURE: Reduction in Targeted Local Gun-related Crime			■	New for 2002	N/A	
2.1	33	DISCONTINUED MEASURE: New Treaties with Other Countries						
		<ul style="list-style-type: none"> <li>Mutual Legal Assistance Treaties</li> <li>Extradition Treaties</li> </ul>	■			4	5	
				■		4	2	
2.1	34	NEW MEASURE: Fugitives Surrendered <ul style="list-style-type: none"> <li>To the U.S.</li> <li>From the U.S.</li> </ul>			■	New for 2002	269 102	
2.2	35	DOJ's Reduction in Supply of Drugs Available for Consumption Within the U.S.	■			Baseline	Baseline Est.	
2.2	39	Dismantled / Disrupted Priority Drug Trafficking Organizations (PDTO's) Operating Within the U.S.						
		<ul style="list-style-type: none"> <li>PDTOs Targeted</li> <li>PDTOs Disrupted / Dismantled</li> </ul>	■			588 35	764 190	
2.2	39	NEW MEASURE: Dismantled Priority Drug Trafficking Organizations (U.S. and Foreign) <ul style="list-style-type: none"> <li>CPOT Linked</li> <li>Non CPOT</li> </ul>			■ ■	New for 2002	16 92	
2.2	40	Dismantled Drug Trafficking Organizations (DTO's)	■			250	253	DTOs linked to NPTs took priority over non-linked organizations
		<ul style="list-style-type: none"> <li>DTOs Dismantled linked to NPT's (and CPOT organizations)</li> </ul>	■			13	14	
		<ul style="list-style-type: none"> <li>Other DTOs Dismantled</li> </ul>		■		160	105	
2.3	42	Foreign Counterintelligence Convictions			■	N/A	1	
2.4	45	Medicare Billings for Durable Medical Equipment Targeted for Fraud (millions)						
		<ul style="list-style-type: none"> <li>Diabetic Footwear</li> </ul>	■			\$69.5	\$42.2	
		<ul style="list-style-type: none"> <li>Enteral Nutrition</li> </ul>	■			\$456.5	\$323.8	
		<ul style="list-style-type: none"> <li>Manual Wheelchairs</li> </ul>	■			\$205.5	\$151.9	
		<ul style="list-style-type: none"> <li>Motorized Wheelchairs</li> </ul>	■			\$415.6	\$412.9	
2.4	47	Convictions / Pre-Trial Diversions in White Collar Crime			■	N/A	5,799	

Strategic Objective, Page #		Performance Measure/ Indicator	Was the Target Achieved			FY 2002 Performance		
			Yes	No	N/A	Target	Actual	Performance Improvement From FY 2001
2.4	48	Recoveries, Restitutions & Fines- White Collar Crime (billions) • Recoveries/Restitutions • Fines			■ ■	N/A N/A	\$9.80 \$0.50	
2.4	50	Convictions / Pre-Trial Diversions in Public Corruption			■	N/A	631	
2.4	51	Recoveries, Restitutions & Fines- Public Corruption (billions) • Recoveries/Restitutions • Fines			■ ■	N/A N/A	\$28 \$25	
2.4	52	High Technology Crime (Fraud) Criminal Case Success Rate	■			80%	100%	
2.4	54	Success Rate for Antitrust Criminal Cases	■			90%	91%	
2.4	55	Savings to U.S. Consumers (millions)			■	N/A	\$45	
2.4	56	% of Criminal Environmental and Wildlife Cases Successfully Litigated	■			80%	88%	
2.4	57	\$ Awarded in Criminal Environmental and Wildlife Cases (millions)			■	N/A	\$26	
2.4	59	DISCONTINUED MEASURE: # of Request for Litigation Honored, Tax Division		■		300	269/ 205	Reporting methodology revised
2.5	61	Convictions/ Pre-Trial Diversions for Crimes Against Children Via Computer Usage			■	N/A	646	
2.5	62	Number of Missing Children Located			■	N/A	106	
2.5	63	Victims Protected from Involuntary Servitude and Human Trafficking	■			43	54	

## RESOURCES

Appropriation		FY 2002 FTE	FY 2002 Actual \$ (millions)	FY 2003 FTE	FY 2003 Request \$ (millions)	FY 2004 FTE	FY 2004 Request \$ (millions)
2.1	Criminal Division	174	19	190	20	185	21
2.1	FBI	8,259	1,155	10,089	1,518	10,624	1,624
2.1	Interpol	66	8	64	9	64	11
2.1	U.S. Attorneys	1661	219	1720	228	1751	238
<i>Subtotal 2.1</i>		<i>10,160</i>	<i>\$1,401</i>	<i>12,063</i>	<i>\$1,775</i>	<i>12,624</i>	<i>\$1,894</i>
2.2	Asset Forfeiture Fund (Current Authority)	--	18	--	23	--	23
2.2	Criminal Division	200	32	242	33	344	34
2.2	DEA	7,949	1,518	8,708	1,546	8,965	1,559
2.2	Diversion Control Fee	644	86	722	114	789	119
2.2	FBI	2,569	280	2,743	352	2,759	367
2.2	Interagency Crime/Drug	[2,915]	340	[2,952]	362	[3,907]	542
2.2	National Drug Intell. Center	217	42	322	34	322	34
2.2	U.S. Attorneys	2,725	359	2,869	380	2,916	395
<i>Subtotal 2.2</i>		<i>14,304</i>	<i>\$2,675</i>	<i>15,606</i>	<i>\$2,844</i>	<i>15,995</i>	<i>3,073</i>
2.3	Criminal Division	42	9	66	11	72	14
2.3	General Administration	16	3	18	3	17	3
<i>Subtotal 2.3</i>		<i>58</i>	<i>\$12</i>	<i>84</i>	<i>\$14</i>	<i>89</i>	<i>\$17</i>
2.4	Antitrust Division	270	40	298	48	298	50
2.4	Criminal Division	253	42	273	45	275	47
2.4	Environment & Natural Resources Division	65	7	69	8	73	9
2.4	FBI-Health Care Fraud	522	101	844	114	834	114
2.4	FBI	4,189	550	5,020	758	5,113	803
2.4	Tax Division	156	21	147	20	145	20
2.4	U.S. Attorneys	2,644	348	2,798	370	2,844	384
<i>Subtotal 2.4</i>		<i>8,099</i>	<i>\$1,109</i>	<i>9,449</i>	<i>\$1,363</i>	<i>9,582</i>	<i>\$1,427</i>
2.5	Civil Rights Division	14	2	21	3	21	2
2.5	Criminal Division	24	4	30	5	30	5
2.5	FBI	580	86	736	120	744	122
<i>Subtotal 2.5</i>		<i>618</i>	<i>\$92</i>	<i>787</i>	<i>\$128</i>	<i>795</i>	<i>\$129</i>
<b>TOTAL SG 2</b>		<b>33,239</b>	<b>\$5,289</b>	<b>37,989</b>	<b>\$6,124</b>	<b>39,085</b>	<b>\$6,540</b>

### RESOURCE COMPARISON: Strategic Goal to Total DOJ \$ and FTE



<p><b>Required Skills</b></p>	<p>The Department requires skilled agents, attorneys, analysts, and linguists. Linguists are critical to supporting criminal and national security investigations and intelligence success. This goal requires the skills and abilities of experienced attorneys and law enforcement professionals, DEA relies on experienced prosecutors, agents, investigators, intelligence analysts, and linguists are critical to supporting Major Drug Trafficking Organization investigations. In addition, DEA must have skilled Special Agents, Diversion Investigators, and forensic chemists. The majority of positions require analysis and writing skills.</p> <p>Successful accomplishment of this goal requires highly skilled agents, analysts and engineers with sophisticated knowledge of computer technology and computer systems, as well as an array of highly complex software and hardware systems. The Antitrust Division requires experienced attorneys, economists, paralegals and support staff. Attorneys experienced in complex, international investigations are particularly valued. The Tax Division requires experienced trial and appellate attorneys and support staff. That Division also requires some specialized experience to include substantive tax issues and tax procedures; search warrants of computer stored financial data; sentencing guidelines in financial crimes; obtaining foreign evidence and information and knowledge about international agreements to achieve international tax compliance, such as tax treaties, mutual legal assistance treaties and extradition treaties. The Environment and Natural Resources Division (ENRD) requires attorneys, particularly litigators experienced in criminal and appellate environmental law, in addition to experienced legal support staff.</p>
<p><b>Information Technology Utilized</b></p>	<p>FBI programs in this area are supported by: the Integrated Statistical Reporting and Analysis Application (ISRAA), a centralized database which tracks statistical case accomplishment from inception to closure; the Automated Case Support System (ACS), a database which captures all information pertaining to the administration of cases; a separate case management system maintained by the Innocent Images National Initiative (IINI); IIA, a centralized database that tracks foreign activity; data collected through the Foreign Intelligence Surveillance Act (FISA); NICS, a national name check system that compares the identity of firearm purchasers against several databases to determine eligibility for firearm purchase; and internal databases that support the National Infrastructure Protection Center (NIPC). ENRD relies upon its version of the DOJ Justice Consolidated Office Network (JCON) and its Case Management System. DEA relies on FIREBIRD, the primary office automation infrastructure that supports the full spectrum of DEA's global operations; and MERLIN, an advanced intelligence system designed to support the classified processing needs of Special Agents and Intelligence Research Specialists operating worldwide.</p> <p>In addition, DEA has developed the Priority Target Activity and Resource Reporting System (PTARRS), a subordinate automated system specifically to link the resources applied and the results achieved against priority targeted organizations. The Organized Crime Drug Enforcement Task Forces (OCDETF) maintains a management information database system that captures information on investigations and prosecutions.</p> <p>The Antitrust Division relies upon its Matter Tracking System and companion user interfaces; office systems, including networks and infrastructure; litigation support tools and applications, including those for courtroom presentations; and data storage capacity related to all of these technologies. The Tax Division relies upon the Justice Consolidated Office Network system and recently implemented TaxDoc Case Management System. ENRD relies upon the Justice Consolidated Office Network system and its Case Management System.</p>

**PROGRAM EVALUATIONS**

There are no program evaluations planned for FY 2003.

## STRATEGIC OBJECTIVE & ANNUAL GOAL 2.1: VIOLENT CRIME

Reduce the threat, incidence, and prevalence of violent crime, especially as it stems from illegal use of guns or from organized criminal enterprises

### 2.1A Dismantle Targeted Organized Crime Groups

#### Background/Program Objectives:

The FBI, working closely with DOJ prosecutors, will continue its intensive efforts against the threats of active La Cosa Nostra (LCN), native Italian, and emerging Asian and Eurasian criminal enterprises. The Organized Crime Section, through the use of the Racketeering Influenced Corrupt Organization (RICO) statute, targets the entire entity responsible for the crime problem, *the organization*. This is accomplished by charging the organization's members as a group with a wide range of crimes committed by its members in violation of local, state, and federal laws.

Organized Criminal Enterprises are structured to ensure that their leadership is far removed from the criminal activity, making it difficult to link overt crimes to the leaders of the organization. Moreover, even if key individuals are removed, the strength of these organizations often allows the enterprise to be sustained. This situation requires the FBI to develop strategies targeted primarily at dismantling the organization, as opposed to merely removing key individuals.

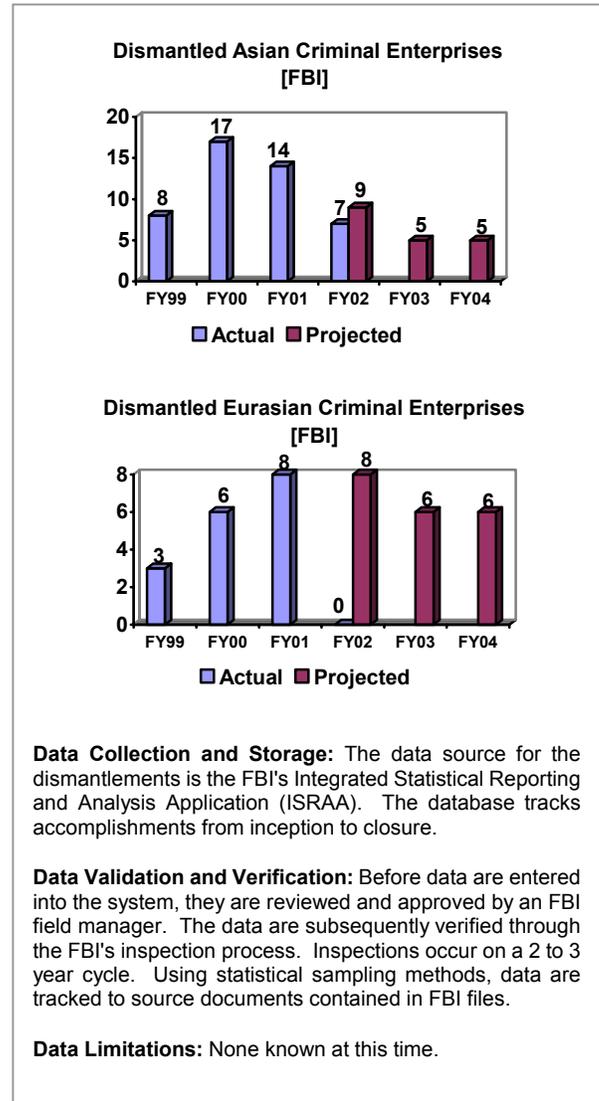
#### Performance:

**Performance Measure:** Dismantled Asian Criminal Enterprises (ACE) [FBI] (NOTE: Prior year actuals have been updated to reflect the most current and accurate data available.)

**FY 2002 Target:** 9

**FY 2002 Actual:** 7

**Discussion:** The goal of the FBI's ACE subprogram is to reduce the rapid growth and increasingly adverse impact of domestic and international ACEs on the United States, as well as to prevent ACEs from becoming established and entrenched criminal institutions in the United States.



#### **FY 2003 Performance Plan Evaluation:**

The events of September 11, 2001, had a significant impact on ACE subprogram performance. Field offices with the largest ACE subprogram, such as New York and Washington Field Office, have

diverted their resources to focus on the prevention of terrorism. Based on performance in FY 2002, we have revised our FY 2003 target downward. The revised FY 2003 target is dismantling 5 ACEs.

***FY 2004 Performance Target: 5***

***Public Benefit:*** The ACE problem clearly poses a threat to the public safety. Traditional ACEs, such as the Chinese Triads and Japanese Boryokudan, have hundreds of thousands of members worldwide and financial resources equal to some small countries. ACEs continue to pursue profitable criminal activity, including financial crimes, public corruption, alien smuggling and narcotics trafficking. A different but equally alarming threat exists from emerging non-traditional ACEs, such as the violent gangs active in ethnic Asian immigrant communities (i.e., Vietnamese, Laotian, Cambodian, Thai, etc.). In March 2002, FBI agents and detectives from the New York Police Department arrested 5 subjects of a violent ACE in connection with their cross-country armed robbery crime spree. The arrest of these subjects interdicted a planned robbery in the Florida area, which was to occur in the following week. All of the subjects involved in this criminal enterprise originated from the Fujian Province, People's Republic of China. In July 2002, FBI agents made 30 arrests in eight states, culminating a five-year investigation that began when owners of a massage parlor in Blount County, TN tried to bribe public officials, including a judge. The ensuing investigation revealed hundreds of Korean massage parlors in 14 cities throughout the United States engaged in money laundering, prostitution, alien smuggling, and associated criminal activities.

***Performance Measure:*** Dismantled Eurasian Criminal Enterprises (ECE) [FBI]

***FY 2002 Target:*** 8

***FY 2002 Actual:*** 0

***Discussion:*** ECE groups in the United States are engaged in traditional racketeering activity such as extortion, murder, prostitution, and drugs. They are also deeply involved in large scale white collar crimes, such as gasoline excise tax scams, fraudulent insurance claims, stock fraud, and bank fraud.

The mission of the Eurasian Organized Crime Unit is to implement the FBI's Organized

Crime (OC) Program Plan to coordinate and support FBI field offices and local law enforcement agencies in their efforts to reduce the threat posed by Russian/Eastern European Criminal Enterprises.

The fundamental goal of the unit is to assist the field in identifying, disrupting, and dismantling major Russian/Eastern European Criminal Enterprises.

The reallocation of field investigative resources following the events of September 11, 2001, had a significant impact on ECE program performance. Field offices with the largest Eurasian Organized Crime programs, such as New York, Newark, and Miami, were required to shift their focus to the investigative efforts following the terrorist attacks.

***FY 2003 Performance Plan Evaluation:*** Based on performance in FY 2002, we have revised our FY 2003 target downward. The revised FY 2003 target is 6 dismantled ECEs.

***FY 2004 Performance Target: 6***

***Public Benefit:*** ECE groups are becoming increasingly more sophisticated in their domestic U.S. and worldwide criminal operations. This has become especially apparent in medical insurance fraud, international money laundering, and bank fraud activity. The conclusion of a New York Field Office investigation yielded multiple arrests for criminal violations involving health care fraud through the submission of no-fault claims and developed evidence linking the highest-ranking Russian Organized Crime figure to traditional LCN figures. An international investigation has identified Russian Organized Crime leaders who are involved in prostitution, extortion, bank fraud, and insurance fraud with connections to 33 countries and six cities in the U.S.

***Strategies to Achieve the FY 2003/FY 2004 Goal:***

The FBI will provide oversight of ACE investigations to ensure that the Enterprise Theory of Investigation and sophisticated investigative techniques are utilized to order to disrupt and dismantle targeted ACEs. Specifically, the FBI will provide appropriate training to field agents working Asian Organized Crime (AOC) cases, monitor and assess investigative progress through regular communications and case meetings among all AOC field staff, initiate undercover operations where

necessary, and participate in multi-agency information sharing sessions. In addition, the FBI will apply the Enterprise Theory of Investigation, an integrated investigative approach that utilizes the entire range of sophisticated investigative techniques to dismantle ECEs.

**Crosscutting Activities:**

The FBI, U.S. Attorneys and the Criminal Division continue to work together in dismantling traditional organized crime groups and to ensure that a new generation of criminal enterprises does not emerge utilizing more advanced technology and new crime schemes. Law enforcement personnel from DOJ and other federal agencies including: the Bureau of Alcohol, Tobacco and Firearms (ATF); the Internal Revenue Service (IRS); the United States Coast Guard (USCG), and the United States Customs Service (USCS), combine their expertise and resources with state and local investigators to meet these objectives.

## 2.1 B Reduce the Number of Targeted Gangs

### Background/Program Objectives:

The mission of the FBI's Violent Crimes and Major Offenders Program is to reduce the incidence and impact of crimes of violence and of crimes against property that affect individuals, organizations, and communities. The Program's mission involves the proactive identification, disruption, and dismantlement of criminal enterprises, as well as the swift, efficient, and measured response to serious violent criminal acts, which call upon core FBI jurisdiction, responsibilities, and competencies.

Research shows that victimization costs \$105 billion annually in property and productivity losses and for medical expenses. This amounts to an annual "crime tax" of roughly \$425 for each United States citizen. From the business owner who must pay "protection" money to neighborhood gangs; to families who live like hostages within their own homes, afraid to venture out; to the residents of Indian Country, the harmful impact of violent crime on victims and on society collectively is both psychologically and physically debilitating.

The FBI strives to reduce the level of violent crime by dismantling gangs identified as being the most dangerous. The FBI maintains a "Top 30" list of these gangs each year, selected based upon the extent to which each gang's activity is multi-jurisdictional, violent, has a deleterious effect on the community, and is affiliated with a group identified in the FBI's National Gang Strategy. The FBI's objective is to dismantle 15 gangs that appear on this list over a 5-year period (an average of 3 per year).

### Performance:

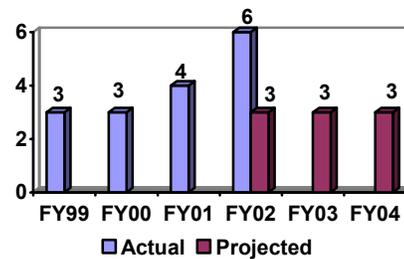
**Performance Measure:** # Dismantled of the 30 Gangs Targeted by the FBI as the Most Dangerous [FBI] (NOTE: Prior year actuals have been updated to reflect the most current and accurate data available.)

**FY 2002 Target:** 3

**FY 2002 Actual:** 6

**Discussion:** The FBI exceeded the target. Highlights for FY 2002 are included below.

# Dismantled of the 30 Targeted Gangs Identified as Most Dangerous [FBI]



**Data Collection and Storage:** FBI's Integrated Statistical Reporting and Analysis Application (ISRAA) tracks statistical accomplishments from inception to closure.

**Data Validation and Verification:** Before data are entered into the system, they are reviewed and approved by an FBI field manager. They are subsequently verified through FBI's inspection process. Inspections occur on a 2-3 year cycle. Using statistical sampling methods, data in ISRAA is tracked back to source documents contained in FBI files.

**Data Limitations:** None known at this time.

### **FY 2003 Performance Plan Evaluation:**

Based on performance in FY 2002, we plan to achieve our original FY 2003 target of 3 dismantlements.

### **FY 2004 Performance Target: 3**

**Public Benefit:** Despite the general decline in violent criminal activity, gangs are still a threat to the nation. The gangs that are emerging are composed of older, more experienced, hardened criminals that engage in a myriad of violent activities as well as thefts of cargo, motor vehicles, and high tech goods. Examples from FY 2002: On September 6, 2001, 29 subjects from the Santana Block Crips (SBC) gang were indicted on charges of drug trafficking, conspiracy, money laundering, and bank fraud. On September 7, 2001, 26 subjects were arrested on these federal charges in a coordinated sweep. Two subjects have passed away since their incarceration and three are being pursued as fugitives. On October 8, 2002, 12 defendants from the SBC pled guilty to charges of drug trafficking, conspiracy, money laundering, and bank fraud in the Central District of California, in Los Angeles, CA. This included a guilty plea of the main target, Frederick Staves. This represents the

complete dismantling of the SBC and its existence as a criminal organization. Additionally, the Bridgeport Safe Streets Task Force (BSSTF) investigated the criminal organization headed by Frankie Estrada, aka "Terminator," which was linked to money laundering, weapon violations, armed robberies, and murders in connection with the operation and protection of a continuing criminal enterprise. Twenty-six subjects were indicted and arrested on drug distribution charges. A superseding indictment in June 2001, added additional subjects, money laundering counts, and a forfeiture count seeking \$10 million in proceeds from Estradas' heroin sales. The BSSTF seized \$750,000 in real estate, cash, cars, and jewelry for forfeiture. Twenty-three subjects were convicted, two were acquitted and one subject is awaiting trial.

On March 18, 2002, the New Haven Division, BSSTF, dismantled the organization.

**Strategies to Achieve the FY 2003/FY 2004 Goal:**

In FY 2004, DOJ will target and respond to particular local crime problems involving violence and gang activity, including drug-related crimes. To achieve this objective, DOJ will strive to reduce the level of violent crime by taking violent criminals and gangs off our streets through cooperative enforcement efforts with state and local law enforcement programs such as the FBI's Safe Streets Task Forces and DEA's Mobile Enforcement Teams (MET). DOJ will accomplish this objective dismantling 15 of the most dangerous gangs over a 5-year period. Cases will be selected based upon the multi-jurisdictional nature, violent activity, affiliation with a group identified in the National Gang Strategy, and/or degree of deleterious effect on the community. These cases are identified at the beginning of each fiscal year and always consist of the 30 most dangerous gangs fitting the criteria above. As cases and investigations are closed, new gangs meeting the established criteria are rotated in to maintain a base of 30.

**Crosscutting Activities:**

The FBI, USNCB, DEA, USMS, U.S. Attorneys and the Criminal Division work with state and local law enforcement agencies to reduce the level of violent crime associated with these targeted gangs.

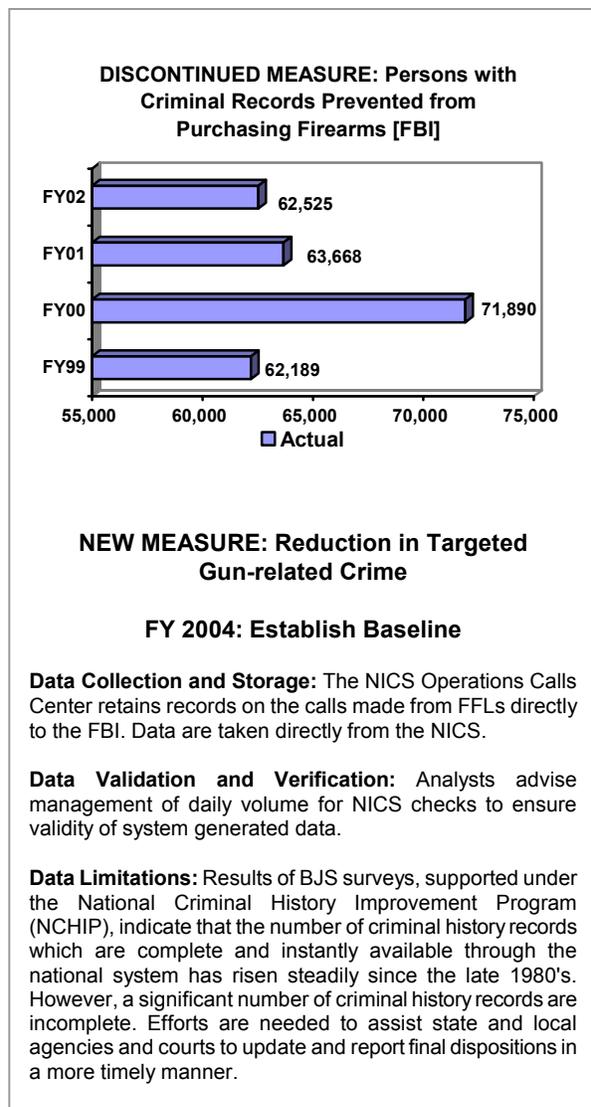
## 2.1C Implement Gun Violence Reduction Strategies

### Background/Program Objectives:

The Department of Justice implements gun violence reduction strategies through its Project Safe Neighborhoods initiative. Project Safe Neighborhoods is a comprehensive national strategy that creates multi-agency partnerships to effectively enforce existing gun laws and reduce the incidence of gun violence across the country. The strategy provides more options to prosecutors, allowing them to utilize local, state, and federal laws to ensure that criminals who commit gun crimes face tough sentences. It is also designed to deter gun crime by publicizing these enforcement efforts in the community. Project Safe Neighborhoods gives each federal district the flexibility it needs to focus on individual challenges that its community faces. Currently each district is in the process of gathering and utilizing relevant crime data to develop a strategic plan to target the illegal use, possession, and trafficking of firearms. Each district is tasked with developing meaningful measurements of the impact of its strategy and will report on both the plan and its impact every 6 months.

In addition to the Project Safe Neighborhoods initiative, the Department is tasked with implementing certain provisions of the Brady Handgun Violence Protection Act. This act requires Federal Firearm Licensees (FFL) to request background checks on individuals attempting to purchase a firearm, and required the establishment of a National Instant Criminal Background Check System (NICS) that any FFL may contact by telephone, or other electronic means, for information to be supplied immediately on whether the receipt of a firearm by a prospective transferee would violate federal or state law. Although NICS provides a definitive response (i.e., “proceed” or “deny”) to 85 percent of inquiries by FFLs within 4 minutes, the Act allows NICS 3 business days to make its determination. If NICS does not contact the FFL before the expiration of the third business day with a definitive response to proceed or deny, the FFL may transfer the firearm without waiting for a response from NICS. If NICS

receives information after the 3 day period has expired that would indicate a prohibited person has acquired a firearm from an FFL, NICS immediately refers this information to the Bureau of Alcohol, Tobacco, and Firearms (ATF) for investigation and possible retrieval of the firearm. All NICS denials (i.e., NICS determinations that receipt of a firearm by the potential transferee would violate state or federal law) are referred to ATF for investigation and, where appropriate, are referred to the United States Attorney’s Office (USAO) for prosecution.



**Performance:**

**Performance Measure:** DISCONTINUED  
MEASURE: Persons with Criminal Records Prevented From Purchasing Firearms [FBI]  
(NOTE: This measure has been discontinued because the total number of persons denied by NICS per year is a factor of the total number of NICS checks performed per year. Accordingly, the measure does not adequately represent the Department's performance. Also, the prior year performance plan incorrectly reflected a target for FY 2002. This measure is not targeted and the figure previously reported was merely an estimate based on historical data.)

**FY 2002 Target:** In accordance with Department guidance, targeted levels of performance are not projected for this indicator.

**FY 2002 Actual:** 62,525

**Discussion:** The number of NICS checks performed per year is driven by market demand for firearms. In addition, denial determinations are dependent upon the accessibility of prohibiting records. Consequently, the Department of Justice does not establish a target for denial determinations either by percentage of total background checks or an actual projected number per year.

**Public Benefit:** NICS is an important tool that allows DOJ to prevent firearms from falling into the wrong hands. NICS' goal is to "Reduce criminal activity by providing data on individuals who are prohibited from purchasing a firearm to FFLs in a timely manner." Potential firearms purchasers who have a criminal history or other background rendering them ineligible are blocked at the point of sale. Since its inception in November 1998 through September 2002, NICS has completed 16,344,895 FBI and call center inquiries and blocked 260,272 gun sales to ineligible persons.

**Performance Measure:** NEW MEASURE:  
Reduction in Targeted Local Gun-related Crime

**Discussion:** Efforts are underway to capture the progress of the Department in targeting gun-related criminal activities in specific areas. See the strategies section below.

**FY 2004 Performance Target:** Establish baseline.

**Public Benefit:** The Department's efforts to design strategies tailored to the challenges of a specific locality, combined with a coordinated multi-agency approach, should yield maximum effectiveness in enforcing existing gun laws thereby reducing the incidence of gun violence across the country. In addition, by publicizing these enforcement efforts in the community, it is anticipated that these strategies will deter gun crime. The ultimate impact will be safer communities and a higher quality of life.

**Strategies to Achieve the FY 2003/FY 2004 Goal:**

Project Safe Neighborhoods is a comprehensive and strategic approach to reduce gun violence across the country. A centerpiece of this initiative is to create multi-agency partnerships in every district that will effectively enforce existing gun laws, target violent offenders, and deter gun crime by publicizing these enforcement efforts in the community. In every district, the PSN partners have been given resources to assist them in evaluating the nature of the local gun violence problem and to develop meaningful measurements of the impact of the strategies developed. This accountability component is designed to keep the district-based partnership abreast of changes occurring in the community, to assist them in evaluating their efforts in light of those changes, and to provide them with an opportunity to retool their gun plans to address emerging issues. Many of the PSN strategies developed to date have focused on those communities, towns, and cities that have been most affected by gun violence. Thus, in order to measure our performance at the national level, we will report on the change in gun violence in these targeted areas, rather than entire states or districts.

**Crosscutting Activities:**

Project Safe Neighborhoods brings together the law enforcement community at the local, state, and federal level. Our United States Attorneys' Offices and our federal investigative agencies such as the Bureau of Alcohol, Tobacco and Firearms and the Federal Bureau of Investigation are coordinating their efforts with local police, sheriffs, and prosecutors. Non-law enforcement agencies as well

as community and faith-based organizations are playing active roles in these gun violence reduction partnerships. At the national level, the PSN initiative is coordinated by a team represented by numerous Department components, with input from a number of national organizations.

## 2.1D Increase Cooperation with Foreign Law Enforcement

### Background/Program Objectives:

International law enforcement cooperation is critical to addressing the dramatic growth in the scope of transnational crime such as terrorism, narcotics trafficking, money laundering, fraud, and cybercrime and the immediate threat it poses to the U.S. and the global community. The Department is increasing its emphasis on cooperation with foreign law enforcement and criminal justice officials to make it easier to obtain and provide information and evidence needed to pursue cases against transnational criminals. Working jointly with foreign counterparts is a realistic way to achieve the goals of dismantling international criminal organizations, locating fugitives, and establishing mutually recognized processes for ensuring criminals are brought to justice primarily through the extradition process coordinated and supervised by Criminal Division's Office of International Affairs (OIA).

OIA is the Central Authority for the United States under 40 Mutual Legal Assistance Treaties (MLATs) in force and a number of multilateral conventions. As such, OIA makes and receives all MLAT requests and is responsible for the drafting by federal, state, or local prosecutors of requests for bank records or other evidence abroad. OIA insures that the requests are presented to the proper foreign Central Authority, and presses for the execution of the request in a timely manner. OIA also coordinates the execution in the U.S. of requests from foreign countries under the MLATs.

### Performance:

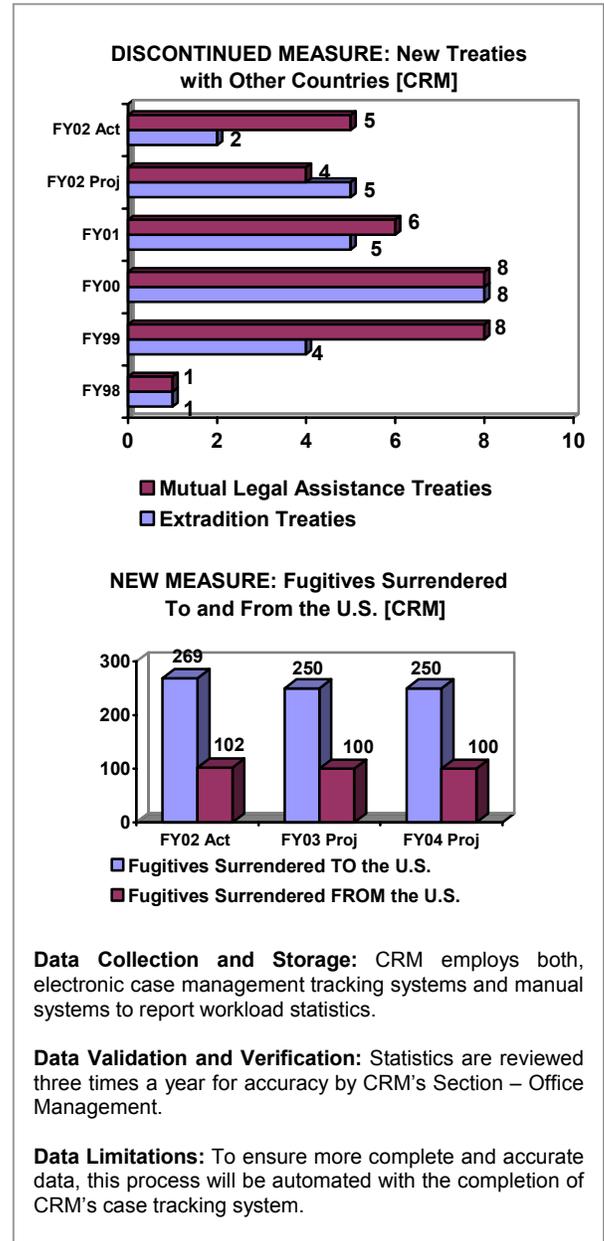
**Performance Measure:** DISCONTINUED MEASURE: Number of New Treaties with Other Countries Entering Into Force [CRM] (NOTE: This measure is being discontinued as it not outcome oriented.)

**FY 2002 Target:** (9)

5 Extradition treaties  
4 MLATs

**FY 2002 Actual:** (7)

2 Extradition treaties  
5 MLATs



**Discussion:** We did not meet our target number of new treaties entering into force. Treaties entering into force are dependent on legislative action by the U.S. and the foreign country.

**Public Benefit:** New extradition and Mutual Legal Assistance Treaties expand the complement of tools available to U.S. and foreign law enforcement officials engaged in the fight

against transnational crime. Such treaties provide the means to bring fugitives to justice and supply evidence necessary to support criminal investigations and prosecutions. These treaties forge strong law enforcement relationships between the U.S. and other countries, and they convey an obligation to assist in international extradition and formal evidence gathering efforts. Equally important is the ongoing effort to implement our existing treaties, with a view to making them as effective as possible.

**Performance Measure:** NEW MEASURE:  
Number of Fugitives Surrendered To and From the U.S. during the FY [CRM]

**FY 2002 Actual:**

269 fugitives surrendered to the U.S.

102 fugitives surrendered from the U.S.

**Discussion:** The Office of International Affairs works closely with U.S. federal, state, and local prosecutors, as well as with international law enforcement counterparts, to facilitate the surrender of fugitives wanted both in the U.S. and abroad for prosecution or service of sentence.

**FY 2003 Performance Target:** Based on performance thus far in FY 2002, we plan to achieve FY 2003 targets of 250 fugitives surrendered to the U.S. and 100 fugitives surrendered from the U.S.

**FY 2004 Performance Plan:**

250 fugitives surrendered to the U.S.

100 fugitives surrendered from the U.S.

**Public Benefit:** Facilitating the effective prosecution of fugitives, particularly those charged with the most serious crimes, including murder, narcotics trafficking, offenses related to terrorism, and large-scale financial fraud is a critical element in the fight against transnational crime.

**Strategies to Achieve the FY 2003/FY 2004 Goal:**

As our network of international law enforcement treaties has grown in recent years, we have begun to focus our efforts on implementing our existing treaties, with a view to making them as effective as possible, rather than on negotiating many new instruments. The legal processes leading up to a fugitive's surrender include extradition and waiver of extradition (the U.S. has extradition treaty

relationships with approximately 120 countries), deportation, expulsion and voluntary return.

**Crosscutting Activities:**

DOJ works closely with the State Department in negotiating law enforcement related treaties and agreements and pursuing the extradition process. DOJ also deals with Treasury in international money laundering matters and with the Office of National Drug Control Policy in the development of strategies for domestic and transnational drug trafficking.

## **STRATEGIC OBJECTIVE & ANNUAL GOAL 2.2: DRUGS**

Reduce the threat, trafficking, and related violence of illegal drugs by identifying, disrupting, and dismantling drug trafficking organizations

### **2.2A Reduction in the Supply and Use of Drugs within in the U.S.**

#### **Background/Program Objectives:**

The Department of Justice focuses its drug law enforcement efforts on reducing the availability of drugs by targeting the largest drug supply and money laundering networks for dismantlement of their entire infrastructure, from international supply and national transportation cells, to regional and local distribution organizations. The OCDETF program has been designated by the Attorney General as the centerpiece of his drug strategy. The program coordinates multi-agency and multi-region investigations, targeting the most serious drug trafficking threats. The OCDETF program functions through the efforts of the U.S. Attorneys; elements of the Department's Criminal Division; the investigative, intelligence, and support staffs of DEA, FBI, INS, and USMS; the investigative support of the Bureau of Alcohol, Tobacco and Firearms; the Internal Revenue Service; the U.S. Customs Service; the U.S. Coast Guard; as well as state and local law enforcement agencies. The goal of each OCDETF investigation is to determine connections to related investigations nationwide in order to identify and dismantle the entire structure of the drug trafficking organization (DTO). A major emphasis of OCDETF investigations is to disrupt financial dealings and dismantle the financial infrastructure that supports the DTO. As the Attorney General noted during a national conference in December 2001, "Sophisticated drug trafficking organizations mirror the Fortune 500. They have similar business structures, distribution systems, and profitability - laundering an estimated \$300 - \$500 billion a year. Just as the Department seeks to dismantle terrorist operations by cutting off their access to money, so too must we combat the sophisticated financial infrastructure of drug trafficking operations."

#### **Performance:**

**Performance Measure:** DOJ's Reduction in the Supply of Drugs Available for Consumption Within the U.S. (Formerly Reduction in the Supply of Drugs Entering the U.S.) [DEA] (NOTE: This measure reflects drug enforcement efforts focused on the highest level violators regardless of the drug involved, therefore the target is an overall target and not drug specific.)

**FY 2002 Target:** Establish Baseline

**FY 2002 Actual:** Baseline Established, with seizure data for FY 2002

**Discussion:** During FY 2002, DOJ, in conjunction with the Office of National Drug Control Policy (ONDCP), and an interagency group led by DEA, baseline estimates were developed for the annual amount of cocaine, heroin, methamphetamine and marijuana available for consumption in the U.S. during 2001. These totals include drugs transported into the U.S., as well as drugs produced domestically. These drug availability estimates will be updated annually.

While drug seizure data is readily available, it does not capture the total impact of disrupted or dismantled DTOs. In an effort to evaluate the Department's impact on the availability of drugs entering the U.S. during FY 2003, DEA is developing a methodology to determine the immediate and long term impact on drug trafficking and the drug supply as a result of successfully disrupting and/or dismantling a drug trafficking criminal enterprises. The development of this methodology will be complex due to the data limitations and numerous variables similar to those encountered in the development of the national drug supply estimates. Upon development of these estimates, the methodology will be expanded to determine the impact on drug supply as a result of

the law enforcement efforts of the Departments of Transportation and Treasury.

**FY 2003 Performance Plan Evaluation:**

Based on FY 2002 performance, we plan to meet our original FY 2003 goal of a 5% reduction in the supply of drugs.

**FY 2004 Performance Target: 5%**

reduction

**Public Benefit:** As entire drug trafficking networks, from sources of supply through the transporters/distributors, are disrupted or dismantled, the availability of drugs within the U.S. will be reduced. In addition, as more drug trafficking organizations are dismantled, the crime associated with those infrastructures should also be reduced.

**Strategies to Achieve the FY 2003/FY 2004 Goal:**

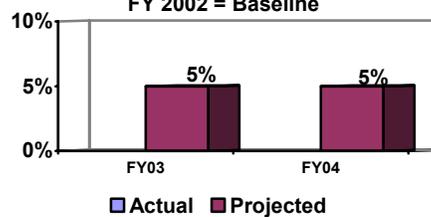
OCDETF has developed and implemented several changes to enhance the program's ability to achieve its goals. These developments include the establishment of a consolidated list of priority drug and money laundering targets, new and revised program guidelines, and new field guidance for agents and prosecutors to enhance effectiveness of OCDETF investigations.

Based on the new guidance, the OCDETF regions are accountable for ensuring that OCDETF resources are used toward the development of coordinated, multi-regional investigations and not for lower priority drug targets that could be investigated by a single federal agency or solely by state and local law enforcement. Thus, street level drug cases, without developed connections to higher-level organizations, are to be addressed by other law enforcement resources. To meet this challenge, each of the nine OCDETF Regions have developed a strategic plan that identifies the major drug trafficking and related money laundering networks operating within its region.

In addition, the Attorney General's drug strategy places increased emphasis on conducting financial investigations as an integral part of each OCDETF investigation. Accordingly, all OCDETF investigations must now include a financial investigation that extends beyond merely the

DOJ's Reduction in Supply of Drugs Available for Consumption Within the U.S. [DEA]			
Drug	FY 2002 Baseline	FY 2001 Seizures	FY 2002 Seizures
	Pure Metric Tons	Metric Tons	
Cocaine	260-270	35	25
Heroin	13-18	.6	.7
Methamphetamine	110-140	2.0	1.8
Marijuana	10,000-25,000	646	562

**DOJ'S Reduction in the Supply of Drugs Available for Consumption Within the U.S. [DEA,OCDETF]**  
FY 2002 = Baseline



**Data Definition:** Pure metric tons reflects the volume of drugs entering or produced in the U.S. prior to distribution and possible dilution.

**Data Collection and Storage:** FY 2001 estimates were developed using intelligence data from several sources including but not limited to, the United Nations Office for Drug Control and Crime Prevention; ONDCP; the National Drug Intelligence Center; and the Federal-wide Drug Seizure System. FY 2002 seizure statistics were drawn from FDSS. In addition, a baseline estimate for the amount of illicit drugs consumed in the U.S. was developed by ONDCP based on data from the Substance Abuse and Mental Health Services Administration; National Institute of Justice's Arrestee Drug Abuse Monitoring Program; and the National Institute for Drug Abuse Monitoring the Future Survey.

**Data Validation and Verification:** An executive-level interagency Steering Committee oversaw this effort and individual interagency working groups were formed to develop availability estimates for each drug type, to include cocaine, heroin, methamphetamine, and marijuana. The working groups met periodically to determine the most appropriate estimation model to be used for each of the drugs and to ensure that all applicable availability data was assessed for inclusion in the estimates. These drug specific working groups then presented their findings to the executive-level Steering Committee for approval.

**Data Limitations:** The development of credible drug availability estimates was a first-time effort and, thus, there is uncertainty in some of the estimates. The estimates for cocaine are based on several years of research so these figures are more precise. However, due to the wide variance in prices and use behavior of heroin users, the lack of information regarding methamphetamine diversion, and the fact that there are no reliable figures regarding domestic marijuana production, the estimates for these drugs are presented in fairly wide ranges.

seizure of cars or other personal property of the main defendants. Although initiation of the financial investigation is not a prerequisite to OCDETF approval, the supervising AUSA's will be required to certify that financial investigative steps have commenced within 6 months after OCDETF approval.

While OCDETF cases encompass the drug efforts of the FBI and much of DEA, they do not represent the majority of cases worked by law enforcement at various levels throughout the U.S., nor do they represent the sum total of the DOJ effort.

Therefore, it is important to highlight the fact that there are many entities operating simultaneously at various levels, each with their specific area of focus and strategic approach, which contribute to a collective impact on the illicit drug supply within the U.S.

#### **Crosscutting Activities:**

Interagency cooperation is key to successful drug enforcement. Given the sophisticated, multi-jurisdictional nature of drug trafficking operations, controlled largely by criminal organizations in Colombia, Mexico and the Dominican Republic, the Department has developed a number of programs through which agencies can coordinate the counter-narcotics investigations with international, federal, state and local counterparts. Among these are the following:

- SOD: A DEA-led national multi-agency program with participation from FBI, Criminal Division, IRS, USCS, and Department of Defense, that supports ongoing investigations by producing detailed and comprehensive data analyses of the activities of Priority Drug Trafficking Organizations (PDTOs) which include CPOT targets.
- OCDETF: A program that joins federal, state and local law enforcement together with the United States Attorneys, in a comprehensive and coordinated attack against the most significant transnational and multi-district drug trafficking organizations.

- The Executive Office for OCDETF and ONDCP work collaboratively to encourage the High Intensity Drug Trafficking Area (HIDTA) task forces to actively participate in OCDETF quality investigations.
- DOJ and the Department of Transportation/U.S. Coast Guard work together to develop evidence to prosecute the maritime drug smuggling cases where U.S. forces have participated in the apprehension of the perpetrators.
- The NDIC assembles and synthesizes intelligence from federal, state, regional, and local law enforcement and the Intelligence Community to prepare its annual "National Drug Threat Assessment."
- EPIC, a national multi-agency intelligence center, acts as a clearinghouse for tactical drug related intelligence to support law enforcement at the federal, state, local and international levels.

## 2.2B Disrupt and Dismantle Major Drug Trafficking Criminal Enterprises

### Background/Program Objectives:

In the past, the drug crime efforts of the DEA and FBI were reported separately, due in part to the size, complexity and significance of the drug trafficking organizations involved. While there were legitimate reasons for separate reporting, it created confusion and lacked Departmental focus. Consequently, in FY 2001, the Attorney General directed the Department to develop a single national list of major drug trafficking and money laundering organizations. In response, DEA, the FBI, and the U.S. Customs Service, with input from the intelligence community and other OCDETF member agencies, identified 53 international command and control organizations representing the most significant drug organizations threatening the U.S. These targets, titled the Consolidated Priority Organization Target (CPOT) list, represent the first time federal agencies have worked together to develop a single target list. This list reflects the most significant international narcotic supply and related money laundering organizations, poly-drug traffickers, clandestine drug manufacturers and producers, and major drug transporters supplying the U.S. The list, as well as linked organizations, will be updated periodically to remain current.

The efforts to disrupt and dismantle the CPOT organizations will be primarily accomplished via multi-agency and multi-regional investigations directed by DEA and the FBI. These investigations focus on the development of intelligence-driven multi-region investigations to identify and target national, international, and regional drug trafficking organizations that play significant roles in the production, transportation, distribution, or financial or other support of large scale drug trafficking. DEA and the FBI's ultimate objective is to dismantle these organizations so that reestablishment of the same criminal organization is impossible.

It is important to note that although DEA and FBI have both identified CPOT-linked organizations for dismantlement, their accomplishments are not mutually exclusive. Given the size, complexity, and the numerous linkages associated with these

organizations, it is probable that both the FBI and DEA have contributed to the dismantlement of a CPOT-linked organization.

DEA, through the utilization of its Priority Drug Targeting Organization (PDTO) Program, identifies and targets the most significant drug trafficking organizations operating at the International, National/Regional and Local levels. This is keeping with DEA's mission to combat drug trafficking at all levels. DEA's PDTO program is more expansive than CPOT, since it also includes local and regional drug organizations significantly impacting the drug supply in its 21 nationwide field divisions. PDTO investigations utilize intelligence derived from on-going PDTO and related investigations to identify major drug trafficking organizations to include the organization's distribution network, structure and members in order to target the highest level of the organization.

The objective of each PDTO investigation is to dismantle/disrupt the identified organization, arrest the organization's leaders, distributors, importers, and facilitators, and seize and forfeit all assets associated with the organization. DEA management has directed that all PDTO investigations be coordinated with appropriate DEA Field Divisions, to include the Special Operations Division (SOD), DEA's Country Offices, and other federal, state and local law enforcement agencies.

The FBI also focuses on the domestic cells of international drug trafficking criminal enterprises that have the most adverse impact on U.S. national interests. These criminal enterprises have previously been included on the FBI's National Priority Target List (NPTL), which the FBI will discontinue when it begins to track its targets through the CPOT list. The FBI's contribution to the CPOT will be based upon crime surveys and threat assessments conducted by its field offices. Field offices will be required to expand the scope of their drug investigations and attempt to link them to the criminal enterprises on the CPOT list.

**Performance:**

**Performance Measure:** Disrupted/Dismantled Priority Drug Trafficking Organizations (PDTOs) Operating with the U.S. (Formerly Disrupted/Dismantled PDTOs) [DEA] (NOTE: Prior Year actual data has been revised. This data was originally drawn from a new system still in the process of being validated. A thorough review revealed that there had been some inadvertent duplication that has now been eliminated.)

Disrupted/Dismantled Priority Drug Trafficking Organizations (PDTOs) Operating within the U.S. [DEA]			
PDTOs Targeted	FY01 Actual	FY02 Proj	FY02 Act
International	221	240	331
National/Regional	228	234	298
Local	117	114	135
<b>TOTAL</b>	<b>566</b>	<b>588</b>	<b>764</b>
PDTOs Disrupted/Dismantled			
International	43	14	70
National/Regional	38	14	65
Local	19	7	55
<b>TOTAL</b>	<b>100</b>	<b>35</b>	<b>190</b>

**FY 2002 Target:**

588 PDTOs targeted  
35 PDTOs disrupted/dismantled

**FY 2002 Actual:**

764 PDTOs targeted  
190 PDTOs disrupted/dismantled

**Discussion:** DEA exceeded both revised targets. The target for PDTOs disrupted or dismantled equated to 6% of targeted PDTOs. The actual accomplishment in this area was 19.9% of targeted PDTOs. In addition, during FY 2002, DEA completed efforts to automate reporting of the PDTO program and is now working to automate the CPOT linkages.

DEA's accomplishments in the latter half of FY 2001 and FY2002 reflect a new program that initially included many PDTOs near completion for dismantlement. In the future, PDTO disruptions and dismantlements will level off.

**FY 2003 Performance Plan Evaluation:**

Based on FY 2002 performance, we revised the FY 2003 goal upward. The Revised Final FY 2003 goal is 90 drug trafficking organizations disrupted

**NEW MEASURE: Dismantled Priority Drug Trafficking Organizations (U.S. and Foreign) [DEA]**

Priority Drug Trafficking Organizations (PDTOs) Disrupted and Dismantled [DEA]					
		Target	Disrupt	Dismantle	Total
FY02	CPOT-Link	141	5	16	21
	NonCPOT	674	81	92	173
	<b>Total</b>	<b>815</b>	<b>86</b>	<b>108</b>	<b>194</b>
FY03	CPOT-Link	155	4	12	16
	NonCPOT	741	36	38	74
	<b>Total</b>	<b>896</b>	<b>40</b>	<b>50</b>	<b>90</b>
FY04	CPOT-Link	171	4	13	17
	NonCPOT	815	40	41	81
	<b>Total</b>	<b>986</b>	<b>44</b>	<b>54</b>	<b>98</b>

**Data Definition:** Disruption occurs when the normal and effective operation of a specific enterprise of the targeted criminal organizations is impacted as a result of an affirmative law enforcement action. Indicators of disruption include changes in organizational leadership, trafficking patterns, drug production methods, and violence within and between organizations. Dismantlement occurs when an identified organization is eviscerated and no longer capable of operating as a coordinated criminal enterprise. The organizations must be impacted to the extent that it is incapable of reforming.

**Data Collection and Storage:** Each Special Agent in Charge (SAC) nominates priority targets (based on intelligence information). Headquarters staff ensure targets are tracked and nominations are supported by data and information stored in the Priority Target Activity and Resource Reporting System (PTARRS).

**Data Validation and Verification:** Targets are validated by the Chief, Operations Division at DEA. Headquarters staff ensure the disruptions and dismantlements are supported.

**Data Limitations:** DEA is currently improving reporting systems that capture investigative work hours and cost data. DEA also recently initiated a Managerial Cost Accounting Study that will eventually allow the agency to capture actual full costs of investigating, disrupting, and dismantling PDTOs.

or dismantled.

**FY 2004 Performance Target:** 98 drug trafficking organizations disrupted or dismantled

**Public Benefit:** DEA's PDTOs comprise the most significant investigations in each domestic field division. As these organizations are identified,

disrupted, and dismantled, the investigative intelligence developed will be utilized to identify and target all organizational elements on the drug trafficking continuum. As entire drug trafficking networks, from sources of supply through the transporters/distributors, are disrupted or dismantled, the availability of drugs within the U.S. will be reduced.

**Performance Measure:** Dismantled Drug Trafficking Organizations (DTOs)[FBI]

**FY 2002 Target:**

Identify 250 DTOs

Dismantle 13 DTOs linked to NPTs (and CPOT organizations)

Dismantle 160 Other DTOs

**FY 2002 Actual:**

Identified 253 NPT DTOs

Dismantled 14 DTOs linked to NPTs (and CPOT organizations)

Dismantled 105 Other DTOs.

**Discussion:** Two targets were exceeded despite a FY 2002 reallocation of 400 agents from the FBI's counterdrug efforts to counterterrorism. The target for dismantling Other DTOs was not met because dismantling DTOs linked to NPTs took priority over dismantling non-linked organizations.

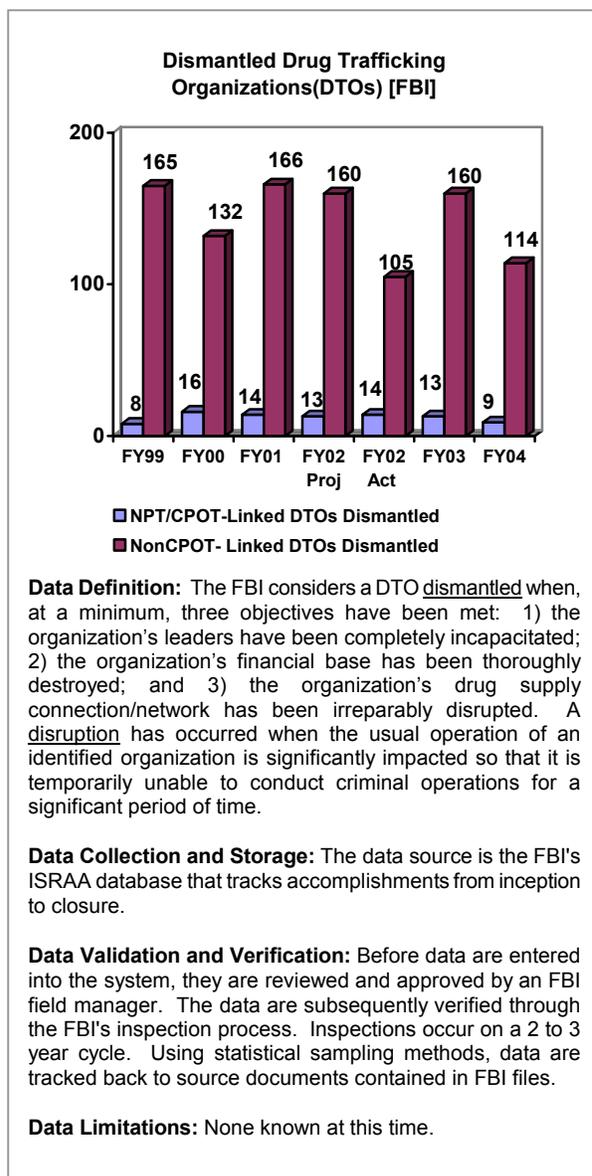
FY 2002 accomplishments included Mexican, Colombian, and Caribbean-based organizations.

**FY 2003 Performance Plan Evaluation:**

Based on performance thus far in FY 2002, we plan to achieve our original FY 2003 targets: Identify 250 DTOs, Dismantle 13 CPOT-Linked DTOs, and Dismantle 160 Non-CPOT DTOs.

**FY 2004 Performance Target:** Identify 176 DTOs; Dismantle 9 CPOT-Linked DTOs; Dismantle 114 Other DTOs.

**Public Benefit:** In order to make the most progress with the resources available, the FBI concentrates counter-narcotics resources against DTOs with the most extensive drug networks in the U.S. As entire drug trafficking networks, from sources of supply through the transporters/distributors, are disrupted or dismantled, the availability of drugs within the U.S. will be reduced.



**Strategies to Achieve the FY 2003/FY 2004 Goal:**

DEA has developed a strategy for targeting, disrupting and/or dismantling the most significant PDTOs and linked DTOs that present the greatest threat to the U.S. In order to disrupt or dismantle PDTOs, all organizational elements must be identified and targeted, including producers and/or suppliers, transporters, distributors, and facilitators.

Due to the increasing decentralization of drug trafficking, not all organizational elements are usually contained within a single PDTO. A decentralized organizational structure affords a great deal of flexibility and protection. For example, the facilitator generally has little or no

contact with the rest of the organization, so if the money laundering capability is disrupted, those arrested usually have little information about the remainder of the organization.

In order to ensure that resources are aligned against the significant drug trafficking threats to the U.S., DEA recently completed a Domestic Threat Assessment. Based on this assessment, DEA identified four primary illegal drug threat zones in the U.S.: Overland Arrival Zone, Maritime Arrival Zone, Methamphetamine Zone, and Heroin Zone.

- The *Overland Arrival Zone* (e.g., Southwest Border) remains the most vulnerable region of the U.S. Interagency assessments report that more than 60 percent of the cocaine entering the U.S. moves across the Southwest Border. In addition, methamphetamine produced in Mexico and multi-ton shipments of marijuana continue to enter the U.S. through the Southwest Border. *Transportation* PDTOs, which are responsible for moving multi-ton quantities of cocaine and marijuana, and kilogram quantities of heroin and methamphetamine, will continue as a major focus. Major sources of supply in Mexico and Colombia utilize these independent transportation groups, which control smuggling of all drug types within their established corridors, to transport their illicit products to distributors throughout the U.S.
- The *Maritime Arrival Zone* (e.g., Caribbean Corridor) remains a key transit area for cocaine as well as increasing amounts of heroin and MDMA. *Transportation* PDTOs, which utilize aircraft, high-speed boats, Dominican freighters, and containerized cargo to transport drug shipments into the U.S. will remain a major focus.
- The *Methamphetamine Zone*, which includes the West Coast and the Midwest, has the highest concentration of methamphetamine “super labs” and are supplied with Canadian pseudoephedrine PDTOs transiting through Detroit. PDTOs that supply and transport

pseudoephedrine to methamphetamine “super labs” will continue as a major focus.

- The *Heroin Zone* includes the Northeast corridor, with New York remaining the primary heroin entry point on the East Coast. The PRIDE program will continue to identify and target Colombian, Dominican, Asian, and Nigerian heroin PDTOs, particularly those with a Central Asian nexus having suspected linkages to terrorist organizations.

PDTO producer/suppliers and transporters also rely on three other types of independent PDTOs and/or DTOs to further their criminal activities. Distributors provide a portion of the illicit drugs to local organized distributors for retail sale in a specific community, and the remainder distributed in other areas throughout the U.S. Non-Financial Facilitators provide services, including protection (corrupt government officials often ensure the safe passage of drug loads) and storage facilities to conceal the illicit drugs/proceeds. Financial Facilitators provide money-laundering services, arranging for bulk shipments of cash from distributors to transporters and sources of supply, and/or provide front money to PDTOs for the purchase and transportation of drugs.

The FBI’s drug program is being restructured for several reasons. Recent events, primarily the September 11, 2001 attacks, required the FBI to examine current and future investigative priorities and develop organizational changes to accomplish its new objectives. The FBI, with the approval of Congress, has shifted 567 agents (in FY 2002 and 2003) from drug investigations to counterterrorism, counterintelligence, security, and training functions. This reduction will ultimately affect the number of DTOs identified, disrupted, and dismantled by the FBI.

#### **Crosscutting Activities:**

Please see Crosscutting Activities under 2.2A.

## STRATEGIC OBJECTIVE & ANNUAL GOAL 2.3: ESPIONAGE

Combat espionage against the United States by strengthening counterintelligence capabilities

### 2.3A Identify, Prevent, and Defeat Foreign Intelligence Operations

#### Background/Program Objectives:

Foreign intelligence operations directed against the United States reflect the complexity and fluidity of the new world order. While the national goals of traditional rivals have changed, their capabilities and willingness to target traditional objectives, such as national defense information, plans and personnel, have not. At the same time, many of these rivals have increased their activities in other sectors affecting our national interests, such as in economic competitiveness. They join a formidable array of other foreign powers jockeying for economic or political preeminence, the success of whom is dependent upon effective intelligence operations directed against the United States.

Foreign intelligence threats can never be eliminated given that their origin and impetus lie primarily with sovereign states. They are planned, authorized, and financed by government entities beyond our boundaries and beyond the reach of our laws. Measures of success in these areas will gauge the FBI's capacity to detect potential hostile activities by foreign powers against the United States. In addition, the FBI will analyze its record at preventing and defeating these hostile activities in comparison to the best available estimates of the magnitude of foreign intelligence operations.

#### Performance:

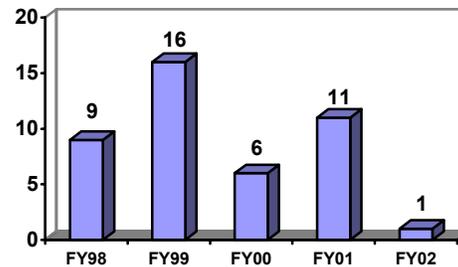
**Performance Measure:** Defeat Intelligence Operations – Foreign Counterintelligence Convictions [FBI]

**FY 2002 Target:** In accordance with Department guidance, targeted levels of performance are not projected for this indicator.

**FY 2002 Actual:** 1

**Discussion:** The number of convictions indicates only a portion of the success DOJ has had in preventing individuals or groups from

Foreign Counterintelligence Convictions [FBI]



**Data Collection and Storage:** The data source is the FBI's ISRAA database. The database tracks statistical accomplishments from inception to closure.

**Data Validation and Verification:** Before data are entered into the system, they are reviewed and approved by an FBI field manager. They are subsequently verified through FBI's inspection process. Inspections occur on a two to three year cycle. Using statistical sampling methods, data in ISRAA are tracked back to source documents contained in FBI files.

**Data Limitations:** None known at this time.

conducting hostile intelligence activities, because law enforcement methods are only one of several methods used to protect against hostile intelligence activities. Other methods, however, are often classified. Convictions may also serve as a deterrent to other individuals who may be susceptible to participating in foreign intelligence operations. The number of convictions is subject to wide fluctuation based on the nature of the program itself. Such fluctuations do not necessarily indicate a change in the success or effectiveness of the program, as it employs various other methods to prevent and combat hostile intelligence activities.

**FY 2003 Performance Target:** N/A

**FY 2004 Performance Target:** N/A

**Public Benefit:** Foreign entities frequently attempt to collect sensitive economic intelligence to enhance their military capabilities, as well as their

economic stability and competitiveness. Advanced critical or restricted U.S. technologies, defense-related industries, and critical business trade secret information remain the primary targets of the foreign economic espionage activities. Through the identification and neutralization of such activities, the FBI has deterred foreign efforts to wrongfully obtain critical U.S. Government and private sector data, information and technologies that are critical to maintaining U.S. national security and economic prosperity.

**Strategies to Achieve the FY 2003/FY 2004 Goal:**

The FBI's Foreign Counterintelligence (FCI) Program has recently completed a thorough and wide-ranging internal review of its operations and, as a result, has developed a comprehensive new Counterintelligence strategy. In the coming months, the FCI program will be developing program plans to carry out this strategy. The strategy is predicated on the need for a centralized national direction that facilitates a focus on common priorities and specific objectives in all areas of the country. It also recognizes the need for collaboration with other members of the U.S. Intelligence Community. This new strategy will enable the program to more effectively combat the intelligence threats facing the United States.

**Crosscutting Activities:**

DOJ continues to work with the intelligence community and with selected foreign governments to develop the internal and external relationships necessary to support investigations and prevention of intelligence threats and to generate information upon which analysis can be made. Coordination will facilitate long-range analysis of emerging threats.

## STRATEGIC OBJECTIVE & ANNUAL GOAL 2.4: WHITE COLLAR CRIME

Combat white collar and economic crime, especially cybercrime

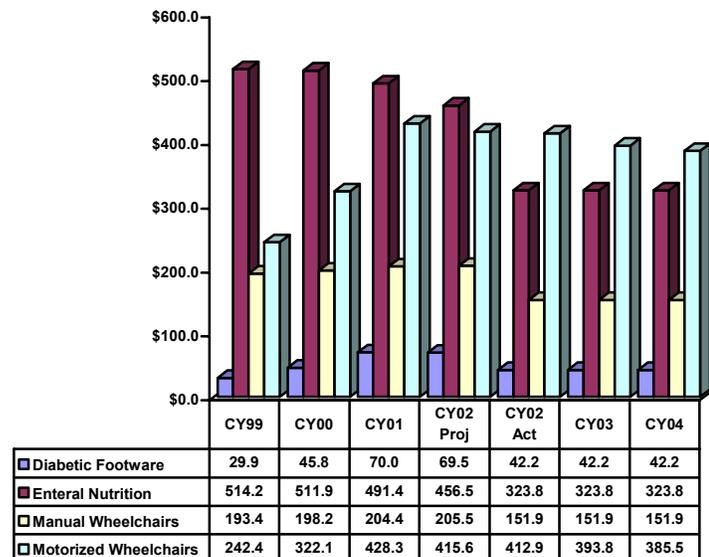
### 2.4A Reduce Fraudulent Practices in the Health Care Industry

#### Background/Program Objectives:

According to the Centers for Medicare and Medicaid Services (CMS), spending for health care totaled nearly \$1.3 trillion in 2000, and accounted for 13.2 % of the nation's gross domestic product. Public spending for health care services through the Medicare, Medicaid, and all other government funded health care programs accounted for 45 % of total health care spending in 2000. Medicare spending grew 5.6 % in 2000, following a brief period of slower growth in 1999 (1.5 %) and 1998 (1.0 %). CMS has attributed most of the increased spending to changes in provider payments, particularly those enacted in the Balanced-Budget Refinement Act of 1999 and the Benefit Improvement Protection Act of 2000. Due largely to demographic trends, CMS projects that national health expenditures will more than double to \$2.8 trillion by 2011, growing at a mean annual rate of 7.3 % during the forecast period 2001 to 2011. Due to this expected growth in health care spending, CMS further projects that national health expenditures will constitute approximately 17.0 % of GDP by 2011, a substantial increase from 13.2 % in 2000.

The General Accounting Office (GAO) estimated that as much as 10 % of annual health care costs may be attributable to fraud. The Department of Health and Human Services (HHS), Office of Inspector General's most recent audit of improper payments in the Medicare fee-for-service program shows that the claims payment error rate was 6.3 % (\$12.1 billion) in 2001, which is down from 14% (\$23.2 billion) when the first audit was conducted in 1996. Fraudulent claims submitted to health care insurers

Medicare Billings for Durable Medical Equipment Targeted for Fraud (mil) [FBI]



**Data Definition:** Enteral Nutrition is defined as the provision of nutritional requirements through a tube into the stomach or small intestine.

**Data Collection and Storage:** Data are collected from databases maintained by regional carriers and stored by the Centers for Medicare and Medicaid Services (CMS). Durable medical equipment information is collected from the Part B Extract Summary System (BESS).

**Data Validation and Verification:** Validation and verification of the data are performed by regional carriers and by CMS.

**Data Limitations:** Claims data from CMS are proved on a calendar year basis. BESS data are adjusted and reflect 95 % reporting of claims for 1999, 2000, and 2001, and 56 % reporting of claims for FY 2002. The figures are adjusted based upon the estimate of claims received for the reporting period. Changes in Medicare payment system due to legislative or regulatory action are taken into account so that comparisons of data from previous years are reliable.

and medically unnecessary services performed simply to generate billings are prevalent in every geographical area in the country. Pending cases demonstrate that fraud exists on a national scale, through either corporate schemes to defraud or systemic abuse by certain provider types. Home health care agencies, medical transport companies,

suppliers of durable medical equipment, and clinical laboratories are particularly susceptible to fraud. Enhanced use of technology to analyze health care billing data will allow law enforcement and health care program agencies to become more proactive in detecting fraud and abuse, identifying systemic weaknesses and closing loopholes in the system before criminals take further advantage of them.

**Performance:**

**Performance Measure:** Medicare Billings for Durable Medical Equipment (DME) Targeted for Fraud through FBI Investigations (in millions) [FBI] (NOTE: Prior year actuals have been updated to display the most accurate and current data available.)

**CY 2002 Projection (Based on previous estimates for CY 2001):**

Diabetic Footwear - \$69.5  
Enteral Nutrition - \$456.5  
Manual Wheelchairs - \$205.5  
Motorized Wheelchairs - \$415.6

**CY 2002 Actual (Full year projections based upon available data):**

Diabetic Footwear - \$42.2  
Enteral Nutrition - \$323.8  
Manual Wheelchairs - \$151.9  
Motorized Wheelchairs - \$412.9

**Discussion:** Although data collection takes place on a calendar year basis, and thus CY 2002 data are incomplete, so far the data indicate that the expected reduction in Medicare billings will occur. Updated information on CY 2001 Medicare data from CMS showed that previous estimates were reasonably close to more accurate data that are now available. Some of the updated revisions take into account certain DME codes that Medicare no longer services, and thus could not be tracked any further.

**FY 2003 Performance Plan Evaluation:**

Based on performance thus far in CY 2002, we expect to meet our original performance targets for FY 2003:

Diabetic Footwear - \$42.2  
Enteral Nutrition - \$323.8  
Manual Wheelchairs - \$151.9  
Motorized Wheelchairs - \$393.8

**FY 2004 Performance Target:** Targets have been stabilized where estimated billings have already surpassed projections of cost reductions:

Diabetic Footwear - \$42.2  
Enteral Nutrition - \$323.8  
Manual Wheelchairs - \$151.9  
Motorized Wheelchairs - \$385.5

**Public Benefit:** The FBI's Health Care Fraud initiative protects the nation's health care system in multiple ways. First, it directly impacts the current operating budget of the Medicare system by preventing criminals from bilking taxpayers for hundreds of millions of dollars. Second, well-publicized and high-impact cases act as a deterrent for future crimes by those sectors of the health care industry that previously felt their activities would go unnoticed. For example:

- On October 3, 2001, TAP Pharmaceuticals (TAP) had entered into the second largest Health Care Fraud settlement agreement in the United States. Investigation revealed that TAP engaged in the paying of kickbacks to urologists. The kickbacks appeared to have been paid in numerous forms, including unrestricted grants and free samples, office equipment, software, and tickets to sporting and cultural events. Four urologists were convicted in connection with this case for the selling of sample products of Lupron. TAP was sentenced to a \$290 million criminal fine and accepted a \$585 million civil settlement. In addition, TAP was required to pay interest of approximately \$10 million as agreed to in the settlement.

- Dr. Niels H. Lauersen and Magda Binion were convicted of 16 counts of health care fraud, mail fraud, and conspiracy in their ten year scheme of defrauding private insurance companies for \$2.5 million. After a six week trial, a Southern District of New York jury found renowned gynecologist, Lauersen, guilty of fraudulently billing insurance companies for covered gynecology procedures when, in fact, he was performing uncovered fertility surgeries, such as in-vitro fertilization.

**Strategies to Achieve the FY 2003/FY 2004 Goal:**

DOJ will continue to successfully investigate, prosecute and obtain judgments, forfeitures and settlements against providers that defraud health care programs. DOJ will also continue to sponsor training programs for prosecutors, investigators, and program integrity personnel and will collaborate with other federal and state agencies to combat health care fraud. The key performance measure illustrates projected reductions in discrete CMS Medicare expenditures based on recent enforcement initiatives. The relationship between law enforcement efforts targeting health care fraud and the resulting effect on identifiable areas of Medicare billings is implied by reductions in projected health care costs for Medicare expenditures related to services targeted for fraud enforcement. The Department will focus resources on early indicators of potential fraud that are anticipated to lead to high-impact investigations of nationwide health care schemes. Industries and markets that have been identified as potential targets for investigation will be monitored for reductions in economic loss and frequency of fraud.

**Crosscutting Activities:**

DOJ has increased participation on interagency task forces and working groups formed to address health care fraud and abuse issues. In addition to federal law enforcement and health care program agency representatives from the Departments of Justice, HHS, Defense, Labor, Veterans Affairs, and the Office of Personnel Management, such task forces may also include state and/or local law enforcement representatives from the National District Attorneys Association, the National Association of Medicaid Fraud Control Units, and the National Association of Attorneys General. To illustrate, the National Health Care and Managed Care Fraud Working Group was formed in the early 1990s and meets on a quarterly basis. Similarly, numerous United States Attorneys' Offices across the nation chair interagency health care fraud task forces that meet routinely on a local or state basis. DOJ and HHS formed an interagency Nursing Home Fraud and Abuse steering committee, comprised of CMS, HHS-OIG and the FBI, that has met monthly since the agencies launched a nursing home fraud and

abuse initiative in October 1998. Since 2000, DOJ and CMS have jointly sponsored one national conference and two regional meetings to enhance the use of technology and high-tech analytic tools to combat health care fraud.

## 2.4B Combat Fraud

### Background/Program Objectives:

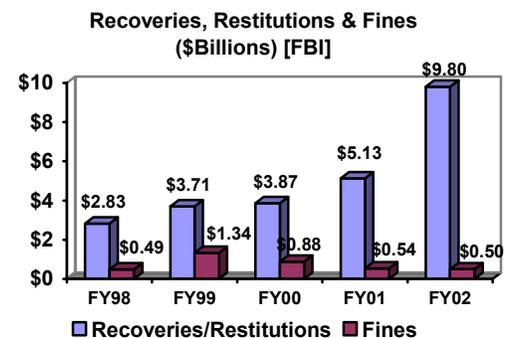
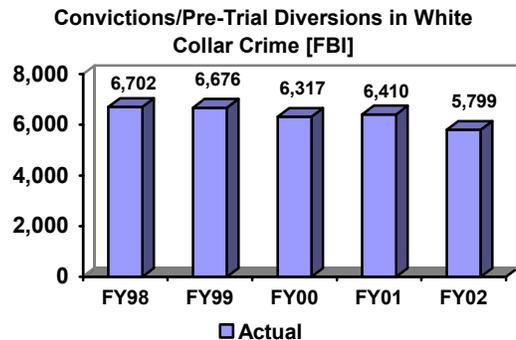
Private industry in the U.S. controls trillions of dollars in assets, an inviting target for criminal schemes ranging from technological attacks on a corporation's intellectual property to more traditional attempts to defraud. The challenge facing the FBI in this area is to create and maintain a strong deterrent capability that will prevent criminal organizations from defrauding, and thereby weakening, U.S. industries. To prevent significant levels of fraud, the FBI must be able to identify emerging trends and industry vulnerabilities and enlist the cooperation of the private sector.

The overwhelming number of frauds committed each year far exceeds the FBI's capacity to investigate and prosecute each individually. Accordingly, the FBI will concentrate on the most significant crime problems, leverage limited resources through cooperative efforts with affected industries and other law enforcement agencies, and implement a preventive strategy that will rely heavily on improved intelligence.

The current focus in the area of fraud revolves around the President's Corporate Fraud Task Force, created by Executive Order, under the direction of the Deputy Attorney General to oversee and coordinate the Department's and the Federal Government's efforts to investigate, prosecute, and punish corporate fraud. The Corporate Fraud Task Force has thus far coordinated hundreds of investigations of accounting misstatements, fraudulent enrichment, and obstruction of justice at companies large and small. These efforts have yielded significant indictments and pleas in matters involving WorldCom, Enron, Adelphia, Homestore.Com, Peregrine Systems, El Paso Corporation, ImClone, Newcom, Commercial Financial Services, and other companies.

### Performance:

**Performance Measure:** Convictions/Pre-Trial



**Data Collection and Storage:** The data source is the FBI's ISRAA database. The database tracks statistical accomplishments from inception to closure.

**Data Validation and Verification:** Before data are entered into the system, they are reviewed and approved by an FBI field manager. They are subsequently verified through the FBI's inspection process. Inspections occur on a two to three year cycle. Using statistical sampling methods, data in ISRAA are tracked back to source documents contained in FBI files.

**Data Limitations:** None known at this time.

Diversions in White Collar Crime [FBI] (NOTE: Prior year data has been updated to reflect the most current and accurate data available. Public Corruption program data are not included, see 2.4C.)

**FY 2002 Target:** In accordance with Department guidance, targeted levels of performance are not projected for this indicator.

**FY 2002 Actual:** 5,799

**Discussion:** The FBI is still developing performance measures that will reflect its ability to prevent and deter significant fraud in the U.S.

***FY 2003 Performance Target:*** N/A

***FY 2003 Performance Target:*** N/A

***Public Benefit:*** The FBI targets the most notorious cases of fraud using joint investigations and task forces with other federal, state, and local law enforcement agencies.

The investigation of WorldCom, one of the largest telecommunications providers in the country, has combined the efforts of Corporate Fraud Task Force members, USAOs, the Security Exchange Commission (SEC), and the FBI. WorldCom has to date revealed accounting misstatements in excess of \$9 billion.

The SEC brought swift enforcement action against WorldCom in June 2002, within days of the initial disclosure of massive accounting misstatements. That suit secured an injunction against the dissipation of remaining company assets and the imposition of a corporate monitor to ensure that executive wrongdoers did not remove cash from the company.

Former WorldCom CFO Scott Sullivan and former WorldCom Director of General Accounting Buford Yates were indicated by a federal grand jury on charges of conspiracy and securities fraud charges stemming from their participation in a scheme to defraud the investing public by falsifying the financial condition and operating performance. On October 28, 2002, Yates pleaded guilty.

On September 26, 2002, David Myers, the former comptroller of WorldCom, pleaded guilty to conspiracy, securities fraud, and making false filings with the SEC; and on October 11, 2002, Betty Vinson, the former Director of Management Reporting at WorldCom, and Troy Normand, the former Director of Legal Entity Accounting, pleaded guilty to conspiracy and securities fraud.

Adelphia, one of the largest cable providers in the country, was also a focus of the Corporate Fraud Task Force. The investigation and prosecution of senior executives resulted from the combined efforts of the Task Force, USAOs, the U.S. Postal Inspection Service, the SEC, and the Treasury Department's Internal Revenue Service (IRS).

On September 23, 2002, John J. Rigas, the founder and former Chairman of the Board and CEO of Adelphia Communications Corp., two of

his sons and two other executives were indicted on charges of wire fraud, securities fraud, bank fraud, and conspiracy to commit all of those offenses. The indictment charges that from 1999 through 2002, the defendants participated in a scheme to defraud Adelphia's creditors and investors by making false and misleading statements about Adelphia's debt, operating performance, and basic cable subscriber growth. The indictment also charges that the Rigas family embezzled hundred of millions of dollars in Adelphia's funds and assets.

Additionally, in January 2002, the Department of Justice formed a special Enron Task Force to examine all Enron-related matters. The Task Force is composed of a team of federal prosecutors supervised by the Department of Justice's Criminal Division and agents from the Federal Bureau of Investigation and other agencies.

Based on the work of the Task Force, the investigation already has produced significant results. On April 9, 2002, David Duncan, chief accountant for Arthur Andersen LLP, pleaded guilty to a one count information charging him with obstruction of justice. On June 15, 2002, Arthur Andersen LLP was convicted of an obstruction of justice charge for destroying Enron-related materials. On July 27, 2002, three former British bankers were charged with fraud in a \$7.3 million scheme involving Enron. On August 21, 2002, Michael J. Kopper, a former managing director of the Enron Corporation, pleaded guilty to conspiracy to commit wire fraud and conspiracy to commit money laundering stemming from a scheme to defraud Enron and its shareholders. In pleading guilty, Mr. Kopper agreed to cooperate in the ongoing investigation of the Enron collapse and to pay \$12 million in restitution and forfeiture. On October 31, 2002, Andrew Fastow, former chief financial officer of Enron, was charged in a 78-count indictment in connection with Enron's multi-billion dollar collapse. On November 26, 2002, former Enron executive Lawrence M. Lawyer pleaded guilty pursuant to a cooperation agreement to subscribing to a false tax return. As part of his cooperation agreement, Lawyer agreed to pay \$29,274.73 in back taxes to the IRS and to pay voluntary restitution in the amount of \$79,468.83 to the Enron Ex-Employees Relief Fund.

**Performance Measure:** Recoveries, Restitutions, and Fines in billions [FBI] (NOTE: Prior year data have been updated to reflect the most current and accurate data available. Public Corruption program data are not included. See 2.4C)

**FY 2002 Target:** In accordance with Department guidance, targeted levels of performance are not projected for this indicator.

**FY 2002 Actual:**  
Recoveries and Restitutions: \$9.80 billion  
Fines: \$0.50 billion

**Discussion:** See above.

**FY 2003 Performance Target:** N/A

**FY 2004 Performance Target:** N/A

**Public Benefit:** See above.

**Strategies to Achieve the FY 2003/FY 2004 Goal:**

In FY 2004, under the leadership of the Corporate Fraud Task Force, DOJ will continue to identify and target fraud schemes such as corporate fraud. DOJ will also continue to pursue health care fraud, money laundering, financial institution fraud, insurance fraud, securities/commodities fraud, and identity theft, which threaten to undermine our nation's financial institutions. DOJ will aggressively utilize the money laundering and asset forfeiture statutes to ensure that fraudulently obtained funds are located and proper restitution is made to the victims of fraud. DOJ's enforcement strategy is a coordinated approach whereby the Department will continue to work with other Federal agencies to identify and target fraud schemes by successfully investigating, prosecuting, and obtaining judgments and settlements.

**Crosscutting Activities:**

The President's Corporate Fraud Task Force is a collaborative effort led by the DOJ to root out and eradicate corporate fraud. The Task Force combines the efforts of components across DOJ and the cooperation of SEC, Commodity Futures Trading Commission, the Department of Treasury, the Department of Labor, the Federal Communications Commission, the Federal Energy Regulatory Commission, and the U.S. Postal Inspection Service.

## 2.4C Combat Public Corruption

### Background/Program Objectives:

Public corruption is a serious crime against both the individual and society as a whole. All public corruption offenses, regardless of the type, share a common objective: to pervert our representative system of government and replace it with a government of special interests. Furthermore, the higher the office or level of government tainted by the corruption, the broader the negative effects. The Department, therefore, places a high priority on attacking public corruption by senior government officials. The Public Corruption Unit of the FBI believes a significant amount of corruption is untouched. The FBI addresses this problem, both domestically and internationally, by determining likely points of corruption, and then cultivating an intelligence base within government and/or the business entity and monitoring activity.

Over the past 5 years, there have been more than 600 subjects in law enforcement corruption cases. There is a growing trend of law enforcement corruption cases involving law enforcement officers actively participating in criminal acts, rather than merely protecting such actions. The single greatest obstacle to a law enforcement corruption investigation is the fact that police departments throughout the country regard their own corruption issues as their own "dirty laundry" not to be taken outside the agency.

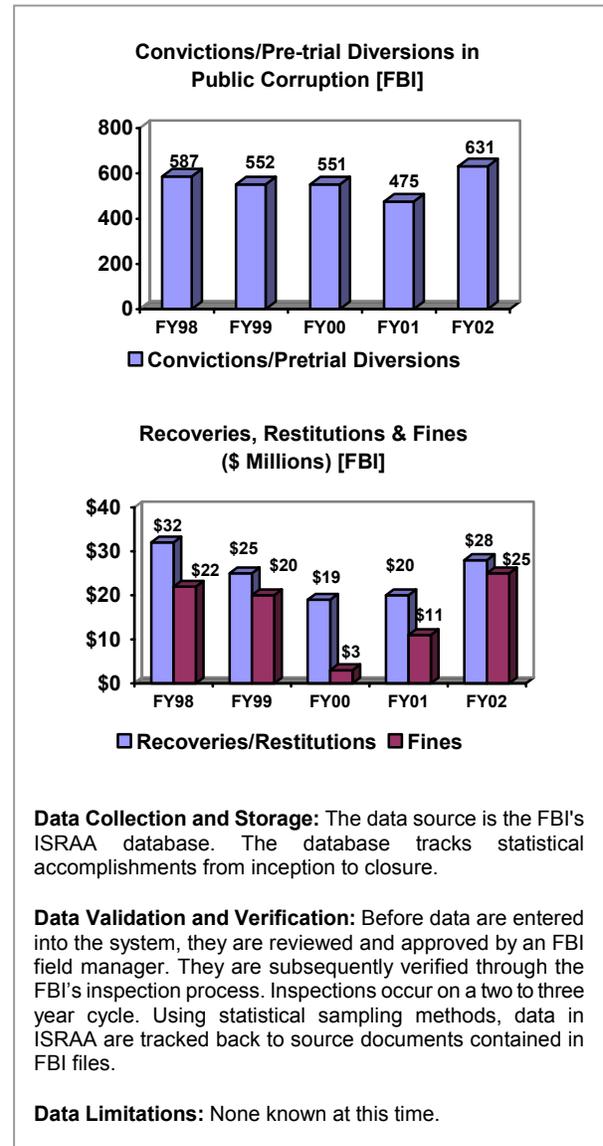
### Performance:

**Performance Measure:** Convictions/Pre-trial Diversions [FBI] (NOTE: Prior year actuals have been updated to provide the most recent and accurate data available.)

**FY 2002 Target:** In accordance with Department guidance, targeted levels of performance are not projected for this indicator.

**FY 2002 Actual:** 631

**Discussion:** The FBI is still developing performance measures that will reflect its ability to reduce public corruption in the U.S. At this time, the FBI believes that its strategic emphasis in fighting public corruption will yield greater



statistical accomplishments in the future. However, the measures currently used to report its progress are insufficient to project performance targets by which the FBI's public corruption investigations can be externally evaluated.

**FY 2003 Performance Target:** N/A

**FY 2004 Performance Target:** N/A

**Public Benefit:** The FBI vigorously pursues public corruption cases at all levels of public life, with almost 1,600 corruption probes pending at the

end of FY 2002. Approximately 30 percent of public corruption convictions are typically associated with law enforcement corruption. These investigations are crucial to ceasing high-impact criminal conduct by the public servants entrusted with the safety and protection of American citizens and public property.

**Performance Measure:** Recoveries/Restitutions and Fines in million [FBI] (NOTE: Prior year actuals have been updated to provide the most recent and accurate data available.)

**FY 2002 Target:** In accordance with Department guidance, targeted levels of performance are not projected for this indicator.

**FY 2002 Actual:**

Recoveries and Restitutions: \$28 million

Fines: \$25 million

**Discussion:** See above.

**FY 2003 Performance Target:** N/A

**FY 2004 Performance Target:** N/A

**Public Benefit:** See above.

**Strategies to Achieve the FY 2003/FY 2004 Goal:**

The Department will increase its efforts to address public corruption by (1) increasing Department-wide awareness of the significant harm caused by public corruption and the Department's interest in combating it; (2) making public corruption investigations and prosecutions a top priority throughout the Department; and (3) increasing the number and scope of training events for federal prosecutors and investigators focused on corruption cases.

One of the key strategic goals in the FBI regarding public corruption is the increased awareness and pursuit of international matters. The current caseload of investigations is not indicative of the true extent of the problem, but is an indication of the difficulty of pursuing these inquiries. Unfortunately, the U.S. is virtually alone in outlawing corrupt practices by its citizens abroad. As it stands, other nations do not criminalize bribery of foreign public officials, which makes it very difficult for the U.S. to successfully investigate such allegations against its own citizens. However, the FBI is making an effort to gain

intelligence into such activities to support its own investigations.

**Crosscutting Activities:**

The Department also will continue its participation in training events sponsored by other federal departments and agencies and will continue to instruct the Offices of Inspectors General of the federal agencies on the investigations of conflicts of interest and other corruption allegations. At the international level, the Department will continue to assist in a number of anti-corruption efforts including those of the Council of Europe, the United Nations Crime Prevention and Criminal Justice Commission and the Organization for Security and Cooperation in Europe. The FBI is working with state and local police executives and law enforcement officers in Eastern Europe, the former Soviet Union and Asia, on recognizing and responding to emerging trends in law enforcement corruption.

## 2.4D Investigate and Prosecute High Technology Crimes

### Background/Program Objectives:

With the continuing expansion of the Internet as a global medium for electronic commerce and communications, the type of cybercrime most likely to cause significant harm to consumers and businesses here and abroad, and to undermine consumer confidence, is Internet fraud. There are substantial increases in various fraud schemes involving the Internet, such as online auction fraud, stock manipulation schemes, credit card fraud, false business or investment opportunities, ponzi/pyramid, identity theft, and perjury. One estimate is that online payment-card fraud will increase from \$1.6 billion in 2000 to \$15.5 billion by 2005.

### Performance:

**Performance Measure:** High Technology Crime (Fraud) Criminal Case Success Rate [CRM]

**FY 2002 Target:** 80%

**FY 2002 Actual:** 100%

**Discussion:** Fraud Section exceeded its target for FY 2002.

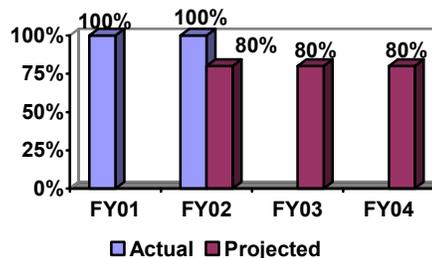
### **FY 2003 Performance Plan Evaluation:**

Based on FY 2002 performance, we plan to meet our original FY 2003 goal of 80%.

**FY 2004 Performance Target:** 80%

**Public Benefit:** High Technology has become a weapon used to commit major fraud schemes that traditionally had been committed with the use of the mails and wires. Criminals use computers to solicit, communicate with and receive payments from substantial numbers of victims in a span of a few days by taking advantage of cutting-edge technology to commit identity theft and related crimes, as well as large-scale investment schemes over far greater distances than ever before. Included is the unregulated sale of health care products including prescription drugs over the Internet to unwitting consumers here and abroad. Also included are Internet fraud and Internet related fraud cases, such as securities fraud, consumer fraud and identity theft that exploit the Internet. The Department's objective in combating High Technology crime includes education, coordination

High Technology Crime (Fraud) Criminal Case Success Rate [CRM]



**Data Collection and Storage:** The Department's measurement for this goal includes data from the Criminal Division's Automated Case Tracking System (ACTS). ACTS is a centralized database used to track the Division's cases from inception to closure.

**Data Validation and Verification:** Data are provided by trial attorneys and reviewed by the overseeing Deputy Chief/Chief prior to being entered into the tracking system. All case information is reviewed and updated on a monthly basis by the assigned attorneys.

**Data Limitations:** None known at this time.

and cooperation at the federal, state, local and international law enforcement levels; public education and prevention; detection; prosecution; and deterrence.

On May 17, 2002, the Fraud Section, in coordination with the U.S. Attorney's Offices in Pennsylvania and South Carolina, obtained the conviction of David Allen Sussman in connection with an online auction fraud. Sussman pleaded guilty to two counts of wire fraud in connection with a scheme to defraud users of eBay and other online auction sites. Sussman adopted multiple false names, established multiple Web-based e-mail accounts under those names, and used them to conduct fraudulent eBay auctions and to bid in others' eBay auctions for high-priced watches, jewelry, and other items of value. Sussman's scheme caused total losses of at least \$85,894.

**Strategies to Achieve the FY 2003/FY 2004 Goal:**

DOJ will increase the quality and variety of Internet fraud related training, to ensure that prosecutors and agents are fully conversant with changing trends. To effectively manage the increase in prosecution of cases such as securities fraud, consumer fraud, and identity theft that exploit the Internet, including those cases that may operate in multiple jurisdictions and use sophisticated techniques for concealing and laundering criminal proceeds, the Fraud Section will plan for appropriate investigative, prosecutorial, financial and technical support.

CRM's Computer Crime and Intellectual Property Section's (CCIPS) dedicated team of prosecutors will continue to build relations with various computer crime squads; respond to requests for training, advice, and review of proposed legislation; and coordinate international efforts (such as investigating the denial of service attachment and Love Bug virus). In addition, CCIPS will increase assistance with wiretaps over computer networks, as well as taps and traces that require agents to segregate Internet headers.

CCIPS will also assist in the prosecution of crimes involving unlawful conduct on the Internet to include Internet gambling, online drug sales, child pornography and fraud; and will maintain primary responsibility for the prosecution of criminal intellectual property violations.

**Crosscutting Activities:**

As part of the Department's Intellectual Property Initiative, CCIPS will continue to work with USCS, EOUSA and the FBI on prosecuting intellectual property cases. In addition, CCIPS will continue to coordinate approval for, as well as prosecute, all the charges under the theft of trade secret provisions of the Economic Espionage Act.

International coordination will occur through direct bilateral consultation and discussion with G-8 and other countries.

## 2.4E Prosecute International Price Fixing Cartels

### Background/Program Objectives:

The Antitrust Division (ATR) decreases and deters anticompetitive behavior affecting U.S. businesses and consumers by investigating and prosecuting violations of our Nation's antitrust laws. While DOJ remains vigilant in the face of all criminal antitrust activity, DOJ has placed a priority on the successful prosecution of international price fixing cartels. These cartels pose a number of challenges in that they are highly sophisticated; significant for the large volumes of commerce involved; and extremely broad in terms of the number of businesses and consumers affected. ATR is committed to meeting these challenges in order to ensure the arrest of unlawful conduct, wherever it occurs, that causes injury in the United States. Successful enforcement of these laws decreases and deters anticompetitive behavior which saves U.S. consumers millions of dollars, allows them to receive goods and services of the highest quality at the lowest price, and enables U.S. businesses to compete on a level playing field nationally and internationally.

### Performance:

**Performance Measure:** Success Rate for Antitrust Criminal Cases [ATR]

**FY 2002 Target:** 90%

**FY 2002 Actual:** 91%

**Discussion:** ATR's goal is to achieve a successful outcome in every case it tries. ATR has been aggressive in its pursuit of criminal anticompetitive behavior, exceeding its targeted 90% success rate in FY 2002.

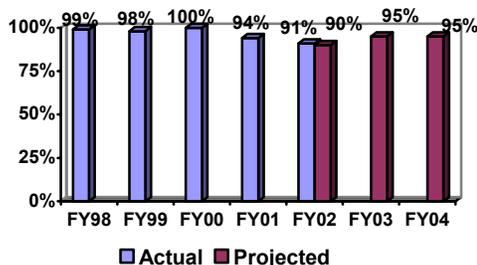
**FY 2003 Performance Plan Evaluation:**

Based on FY 2002 performance, we plan to meet our original FY 2003 goal of 95%.

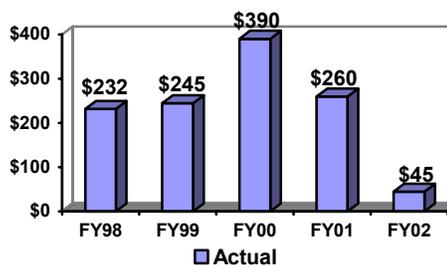
**FY 2004 Performance Target:** 95%

**Public Benefit:** In recent years, ATR has enjoyed remarkable success in terms of fracturing international cartels, securing the convictions of major conspirators, and obtaining record-breaking fines. The benefits that accrue to U.S. consumers and businesses as the result of these efforts are considerable. Criminal enterprises encountered by ATR are increasingly large and global in scope, and

Success Rate for Antitrust Criminal Cases [ATR]



Savings to U.S. Consumers (\$Mil) [ATR]



**Data Collection and Storage:** Data is collected and stored in ATR management information systems, primarily in the Matter Tracking System and its companion user interfaces.

**Data Validation and Verification:** User training and software guides encourage accurate data entry. Instantaneous online data validations include inter-element cross-checks, numeric range checks, single element list-of-values checks and mandatory data element checks. In addition, batch data analysis and ad hoc reviews are conducted periodically. Finally, programmatic review of data helps assure the quality.

**Data Limitations:** Savings to U.S. consumers uses the volume of commerce affected by the conspiracy and the estimated price effect of the conspiracy. Volume of commerce is based on the best available information from investigative and public sources. We are limited in our ability to estimate the price effect, and thus in most cases rely on the 10 % figure cited in the U.S. Sentencing Guidelines Manual as the average gain from price fixing. A 1-year estimate of savings may be significantly underestimated as many conspiracies exceed 1 year.

their impact on international commerce is significant, raising prices and thwarting innovation around the globe. Since the beginning of FY 1997, ATR has prosecuted international cartels affecting well over \$10 billion in U.S. commerce and collected fines exceeding \$2 billion. It is clear that

the termination of cartel activity in these cases will save U.S. businesses and consumers many hundreds of millions of dollars annually.

**Performance Measure:** Savings to U.S. Consumers (as a result of the Antitrust Division's Criminal enforcement efforts) [ATR]

**FY 2002 Target:** In accordance with Department guidance, targeted levels of performance are not projected for this indicator.

**FY 2002 Actual:** \$45 million

**Discussion:** In the criminal enforcement area, ATR continued to provide economic benefits to U.S. consumers and businesses in the form of lower prices and enhanced product selection by dismantling international private cartels and restricting other criminal anticompetitive activity. The estimated value of consumer savings generated by our criminal efforts is contingent upon the size and scope of the matters encountered and thus varies significantly.

**FY 2003 Performance Target:** N/A

**FY 2004 Performance Target:** N/A

**Public Benefit:** ATR has moved forcefully against price-fixing, bid-rigging, and market-and custom-allocation conspiracies in both international and domestic markets. In some matters, the volume of commerce affected by the suspected conspiracy exceeds \$1 billion per year per matter; and in over half of ATR's investigations, the volume of commerce affected exceeds \$100 million.

**Strategies to Achieve the FY 2003/FY 2004 Goal:**

When businesses are found to be actively engaged in bid rigging, price fixing, and other market allocation schemes that negatively affect U.S. consumers and businesses (no matter where the illegal activity may be taking place), ATR pursues criminal investigations and prosecutions. ATR's Individual and Corporate Leniency Programs, revised in recent years for greater effectiveness, have proven critical in uncovering criminal antitrust violations. Increasingly, ATR is relying on formal international cooperation agreements or informal consultations with foreign antitrust authorities in pursuit of the companies and individuals involved, whether those companies come to our attention via the Leniency Programs, or through other channels.

Greater time and resources are devoted to investigation-related travel and translation, given the increasingly international operating environment of the criminal conspiracies being encountered. In all instances, if ATR ultimately detects market collusion and successfully prosecutes, ATR may obtain criminal fines or injunctive relief.

**Crosscutting Activities:**

The Antitrust Division maintains relationships with the FBI and the U.S. Attorneys, largely in support of the criminal enforcement strategy. Activities in this area are typically coordinated on a case-by-case basis, and program performance is assessed in terms of successful prosecutions of unlawful conduct.

## 2.4F Prosecute Environmental and Wildlife Crimes

### Background/Program Objectives:

Vigorous prosecution remains the cornerstone of the Department's integrated approach to ensuring broad-based environmental compliance. It is the goal of investigators and prosecutors to discover and prosecute criminals before they have done substantial damage to the environment (including protected species), seriously affected public health, or inflicted economic damage on consumers or law-abiding competitors. The Department's environmental protection efforts depend on a strong and credible criminal program to prosecute and deter future wrongdoing. Highly publicized prosecutions and tougher sentencing for environmental criminals are spurring improvements in industry practice and greater environmental compliance. Working together with federal, state and local law enforcers, DOJ is meeting the challenges of increased referrals and more complex criminal cases through training of agents, officers and prosecutors; outreach programs; and domestic and international cooperation.

### Performance:

**Performance Measure:** Percent of Criminal Environmental and Wildlife Cases Successfully Litigated [ENRD]

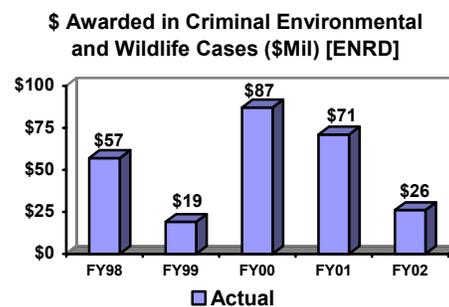
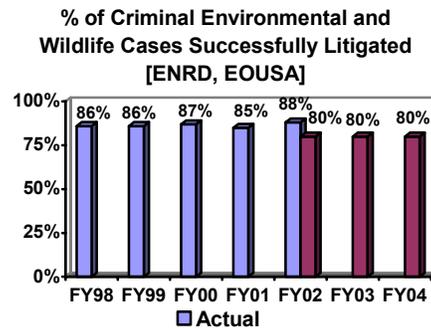
**FY 2002 Target:** 80%

**FY 2002 Actual:** 88%

**Discussion:** FY 2002 successes include a guilty plea and an \$18 million fine from a major passenger cruise line which was falsifying records of oil contaminated discharges to the sea. A portion of the fine will be paid to environmentally focused organizations. In another success, a defendant pled guilty to intentionally draining two ponds that contained a protected species thereby making way for a housing development. The judgment included fines and payments to environmentally focused organizations totaling \$1 million, and an agreement to preserve a 640-acre parcel for the protected species.

### **FY 2003 Performance Plan Evaluation:**

Based on FY 2002 performance, we plan to meet our original FY 2003 goal of 80%.



**Data Collection and Storage:** A majority of the performance data submitted by ENRD are generated from the division's Case Management System (CMS). Similarly, EOUSA data are extracted from their CMS.

**Data Validation and Verification:** ENRD has instituted a formal data quality assurance program to ensure a quarterly review of the Division's docket. The case systems data are monitored by the Division to maintain accuracy.

**Data Limitations:** Timeliness of notification by the courts.

**FY 2004 Performance Target:** 80%

**Public Benefit:** The Department continues to produce successful criminal prosecutions relating to environmental and wildlife statutes. These successes ensure compliance with the law and lead to specific improvements in the quality of the environment of the United States, and the health and safety of its citizens. Additionally, the Department has had numerous successes in prosecuting vessels for illegally disposing of hazardous materials into United States' waterways. These successes have improved the quality of our waterways and promote compliance with proper disposition of hazardous materials.

**Performance Measure:** \$ Awarded in Criminal Environmental and Wildlife Cases [ENRD] (ENRD data only)

**FY 2002 Target:** In accordance with Department guidance, targeted levels of performance are not projected for this indicator.

**FY 2002 Actual:** \$26 million

**Discussion:** FY 2002 successes include the \$18 million dollar fine from a major passenger cruise line mentioned above, and a fuel supplier that was ordered to pay a total of \$471,000 and spend 2 years on probation for conspiring to falsify reformulated gas testing results in order to meet EPA standards. In addition, a shipping company and its owner pled guilty to the crime of distributing caviar from protected species. The two defendants were fined a total of over \$111,000 and ordered to pay total restitution of \$48,000 split between the Fish & Wildlife Foundation and the Fish & Wildlife Service.

**FY 2003 Performance Target:** N/A

**FY 2004 Performance Target:** N/A

**Public Benefit:** The Department continues to yield criminal fines from violators, thereby removing any economic benefits of non-compliance and leveling the playing field for companies that comply with environmental laws. Additionally, the Department's prosecution efforts, and resulting criminal fines, deter others from committing such crimes and promote adherence to environmental and natural resource laws and regulations. These efforts result in the reduction of hazardous materials and wildlife violations thereby improving the quality of the United States' waterways, airways, land, and wildlife, resulting in improved public health and safety.

**Strategies to Achieve the FY 2003/FY 2004 Goal:**

In FY 2003, the Department will continue its efforts to convict and deter environmental crimes through initiatives focused on laboratory fraud, chlorofluorocarbon (CFC) smuggling, water pollution, leaking underground storage tanks, and the transportation of hazardous materials. For example, the Laboratory Fraud Initiative centers on ensuring that businesses and environmental enforcement agencies at the federal, state and local levels can rely on the accuracy of analyses

performed by commercial laboratories. Investigations will examine fraudulent practices, target companies suspected of committing laboratory fraud, and identify common investigative and prosecutorial issues in these cases. The CFC Smuggling Initiative has led to a dramatic decline in CFC trafficking, although the Department expects that smuggling may rise as the shortage of CFC-12, a type of ozone depleting chemical, becomes more acute. The Water Pollution Initiative is aimed at investigating and prosecuting cases involving the discharge of illegal pollutants into the nation's sewers and public wastewater treatment facilities. More than 100 million pounds of toxic industrial compounds annually pass untreated through the nation's publicly owned treatment works, only to be discharged into rivers and lakes. The focus of the Leaking Underground Storage Tanks initiative is uncovering widespread fraud by firms that fail to lawfully test and analyze underground tank systems. Such testing is critical to the protection of the nation's drinking water. The Department will work to identify the companies involved in these schemes and to develop criminal investigations and prosecute them. The "Hazmat" or Hazardous Material Enforcement Initiative focuses on violations of the laws in connection with the transportation and handling of toxic and flammable substances. Experts have identified the nation's Hazmat transportation & handling system as a vulnerable area for terrorist attacks. For example, thousands of deaths could result from a terrorist with a fraudulent HazMat license commandeering a tractor-trailer or a vessel laden with hazardous materials. The Department will work to ensure the environmental HazMat laws are enforced and will identify and prosecute violators, resulting in the strengthening of our homeland security.

In addition, the Department will continue to battle international trafficking of protected species of fish, wildlife, and plants with a host of international treaty partners. International trade in wildlife is second in size only to the illegal drug trade, and our criminal prosecutors work directly on these cases, as well as assist the U.S. Attorneys' Offices, and share their expertise nationwide with state and

federal prosecutors and investigators. We will also focus on both interstate trafficking and poaching cases on federal lands, and seek to insure that our wildlife laws are uniformly applied and enforced across the country, seeking consistency in the U.S. position in these criminal prosecutions and a vigorous enforcement program that is an international role model.

**Crosscutting Activities:**

ENRD, the FBI and the U.S. Attorneys' Offices are working collectively with other federal agencies (including EPA and the Department of the Interior (DOI), and state and local governments to strengthen enforcement of environmental criminal cases. The Department is involved in the U.S./Canadian CFC Enforcement Work Group; eradicating clandestine drug labs; supporting enforcement of the lead-based paint disclosure rule in collaboration with DOI, state and local prosecutors, the Department of Housing and Urban Development (HUD) and EPA; and improving the quality of our costal waters through multi-agency efforts. In addition, the Department is focusing increased attention on training federal, state and local investigators and prosecutors, as well as their counterparts in neighboring Canada, Mexico, and other countries under sponsorship by other agencies or organizations.

## 2.4G Prosecute Tax Fraud

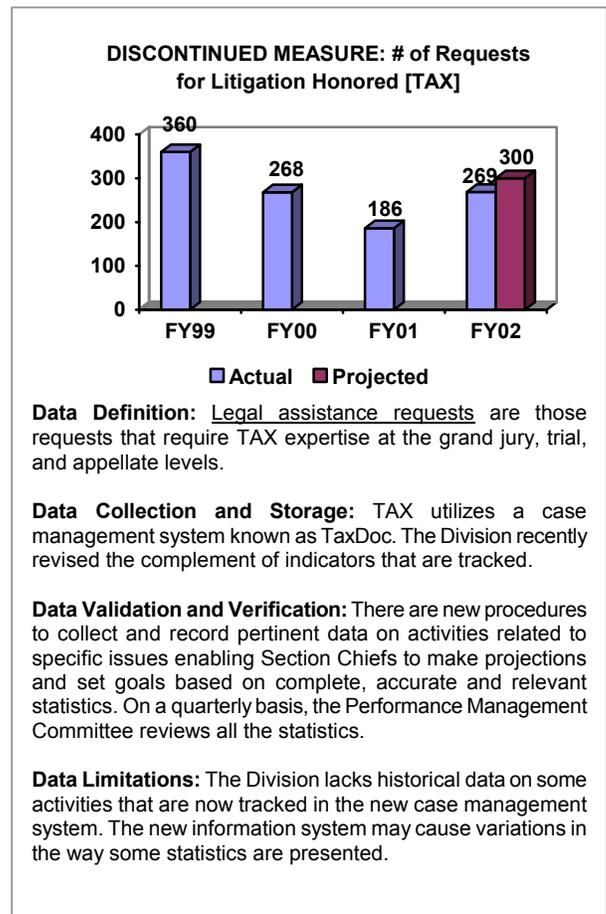
### Background/Program Objectives:

The Tax Division's (TAX) criminal enforcement objective is to deter taxpayers from illegal conduct that drains the Treasury through the consistent and uniform enforcement of the criminal tax laws. TAX accomplishes this goal through the nationwide review of requests to prosecute criminal tax violations and, upon specific request, through litigation assistance in the investigation and prosecution of criminal tax cases. In addition, TAX provides assistance in treaty negotiations and foreign evidence gathering in criminal tax matters.

TAX reviews cases to ensure that these prosecutions meet national federal criminal tax enforcement standards. The matters reviewed cover the full range of criminal charges found in the IRS code as well as associated offenses found in Titles 18, 21, and 31 of the United States Code. The case review process is essential to Tax Division's supervisory oversight of criminal tax matters as it enables TAX to provide critical guidance to the Executive Office for United States Attorneys (EOUSA) on complex federal substantive and procedural tax issues, difficult requirements encountered in indirect methods of proof, and unique evidentiary and sentencing problems found in criminal tax cases. As a result, the national average of convictions in indicted criminal tax trials continues to be very high and thereby advances one of the TAX goals of establishing overall general deterrence through carefully selected prosecutions.

Each year TAX also successfully handles a substantial number of criminal tax investigations and prosecutions. These are primarily undertaken at the request of various EOUSAs who either lack resources or do not have the expertise specific to the case. Cases having significant regional or national scope are undertaken as part of TAX's priority initiatives. The nature of cases range from illegal tax protest to complex white collar fraud cases involving illegal international business transactions, complex tax issues, and foreign evidence gathering problems. TAX also focuses on

the prosecution of legal source income cases, defined as those cases where the source of the proposed criminal tax charges is income that is legally produced as distinguished from income earned as a result of illegal conduct. As the vast majority of the taxpaying public earns its income from legal sources, legal source income prosecutions have a significant deterrent effect.



### Performance:

**Performance Measure:** DISCONTINUED MEASURE: Number of Requests for Litigation Honored [TAX] (NOTE: This measure is being discontinued as TAX is developing a measure that more accurately reflects its key missions of reviewing all criminal tax cases for fairness and nationwide uniformity, and trying the most complex or specialized cases itself.)

**FY 2002 Target:** 300

**FY 2002 Actual:** 269 (NOTE: Both the

target and actual numbers for this performance indicator reflect what may be considered double counting, because those figures reflect the total number of grand jury investigations and trial assignments for which TAX attorneys accepted litigation responsibility, either as sole counsel or as co-counsel with Assistant U.S. Attorneys. Under this methodology, a case in which TAX handled both the grand jury and trial phases was counted as two cases. In planning performance for future years, double counting will be eliminated. Had the revised methodology been used this year, the target would have been 209, and the actual figure achieved would have been 205.)

**Discussion:** As a result of TAX's litigation efforts and its revised methodology to more accurately report its performance, the government succeeded in securing 127 guilty pleas and returning 65 indictments.

**Public Benefit:** Monitoring performance is a high priority of TAX. The criminal enforcement attorneys review over 1,000 cases a year and directly prosecute about 200 cases a year. While TAX is very proud of its conviction rate and significant revenue collection, the emphasis is on uniform and fair enforcement of the tax laws.

**Strategies to Achieve the FY 2003/FY 2004 Goal:**

The Tax Division coordinates nationwide criminal investigations and prosecutions of illegal tax protest groups using new and emerging schemes and combats abusive international tax evasion schemes before they cause significant damage to the tax system. TAX efforts stop the proliferation of regional and nationwide tax evasion schemes using illegal trusts. TAX prosecutes legal source income cases and prosecutes drug cases involving tax crimes. In addition, TAX conducts training and provides expert technical assistance to EOUSA. Assistance is also provided in treaty negotiations and foreign evidence gathering in criminal tax matters. Initiatives concerning legislative and policy matters involving the sentencing guidelines, the federal rules of evidence and criminal procedure, and substantive criminal law are also provided by TAX.

**Crosscutting Activities:**

Criminal tax enforcement requires the cooperation of the IRS, USAs, and other federal government agencies. Recently, the Tax Division has worked closely with the IRS in its on-going reorganization of its criminal investigation function and to develop plans for an enhanced working relationship between the IRS and DOJ.

Representatives of the Tax Division are also liaison attorneys with the various regions of the Organized Crime Drug Enforcement Task Force (OCDETF) and are formal members of its policy formation body. In addition, the Tax Division is represented on the Domestic Terrorism Task Force chaired by the Terrorism Violent Crimes Section of the Criminal Division. Participation in these and other joint task forces enables the Tax Division to help formulate national programs, strategy and procedures in cooperation with other law enforcement components in a coordinated attack on financial crime.

## STRATEGIC OBJECTIVE & ANNUAL GOAL 2.5: CRIMES AGAINST CHILDREN AND THE EXPLOITABLE

Combat crimes against children and other vulnerable victims of violence and exploitation

### 2.5A Identify and Apprehend Child Predators and Locate Children

#### Background/Program Objectives:

The FBI's Crimes Against Children (CAC) program in coordination with the Criminal Division's Child Exploitation and Obscenity Section work to reduce the vulnerability of children to acts of sexual exploitation and abuse; develop a nationwide capacity to provide a rapid, effective investigative response to reported crimes involving the victimization of children; and strengthen the capabilities of state and local law enforcement investigators through training programs and investigative assistance.

CAC impacts not only the victims, but also their families, communities and law enforcement. Although the impact cannot be quantified, crimes against children clearly raise safety concerns for our citizens within their communities. Subjects who prey on children typically are not first time offenders, but rather are serial offenders who may have traveled interstate during the commission of multiple offenses targeting children. Most importantly, a rapid, effective response to CAC incidents could literally mean life or death for a victim.

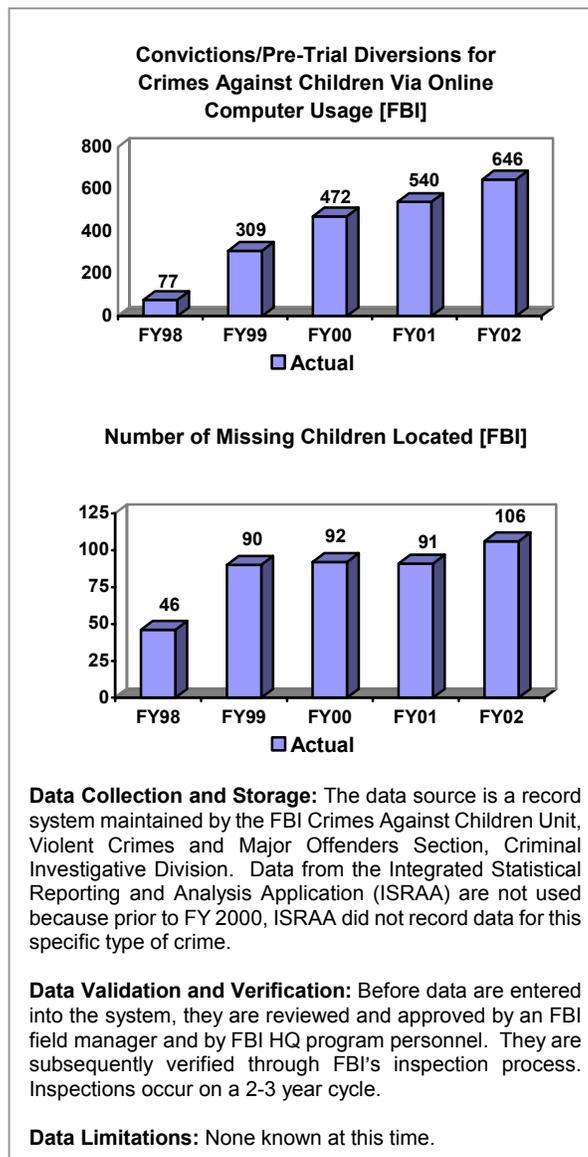
#### Performance:

**Performance Measure:** Convictions/Pre-Trial Diversions for Crimes Against Children Via online Computer Usage [FBI] (NOTE: Prior year actuals have been updated to reflect the most current and accurate data available.)

**FY 2002 Target:** In accordance with Department guidance, targeted levels of performance are not projected for this indicator.

**FY 2002 Actual:** 646 Convictions/Pre-Trial Diversions

**Discussion:** The strategy for combating crimes against children committed through the medium of the Internet is still valid and effective.



The FBI has remained consistent in its role as primarily assisting state and local authorities in the location of missing children.

**FY 2003 Performance Target:** N/A

**FY 2004 Performance Target:** N/A

**Public Benefit:** The FBI is the primary investigative agency for on-line child pornography. Its Innocent Images National Initiative (IINI) program is responsible for a growing number of arrests and convictions in this crime area. Any reported child abduction or mysterious disappearance of a child receives an immediate and aggressive response from the FBI. This immediate response may be in the form of a full investigation based on a reasonable indication that a violation of the federal kidnapping statute has occurred, or it may take the form of a preliminary inquiry in order to determine if the federal kidnapping statute has been violated.

**Performance Measure:** Number of Missing Children Located [FBI]

**FY 2002 Target:** In accordance with Department guidance, targeted levels of performance are not projected for this indicator.

**FY 2002 Actual:** 106 children located

**Discussion:** See above.

**FY 2003 Performance Target:** N/A

**FY 2004 Performance Target:** N/A

**Public Benefit:** See above.

forces are comprised of representatives from the FBI, U.S. Customs Service, and USAs, as well as state and local law enforcement offices. In addition, the USCS and the U.S. Postal Service manage their own national initiatives to combat child pornography. The Department coordinates with the respective agencies on these programs.

**Strategies to Achieve the FY 2003/FY 2004 Goal:**

DOJ will continue to make efforts to apprehend those who commit sexual exploitation offenses against children, including those who traffic in child pornography. The objective of the strategy is to reduce the number of victimized children and to increase the rate of identification and apprehension of child pornographers. Facilitation of crimes against children through the use of a computer and the internet is a national crime problem that is growing dramatically. Statistics in this area have recently doubled annually. The FBI targets individuals involved in sexual exploitation of children by focusing its investigative efforts towards travelers/enticers (i.e. those who entice minors to meet them in order to engage in sexual acts), and enterprises involved in the manufacture and distribution of child pornography.

**Crosscutting Activities:**

The Criminal Division works closely with the 24 FBI regional Innocent Images Task Forces. Task

## 2.5B Enforce the Victims of Trafficking and Violence Protection Act

### Background/Program Objectives:

The Civil Rights Division's (CRT) Criminal Section works closely with the FBI and the INS to identify victims, many of whom are women and children, of illegal trafficking and to investigate and prosecute incidents involving criminal violations of federal civil rights crimes. The Victims of Trafficking and Violence Protection Act of 2000 expanded the scope of the federal enforcement authority over slavery offenses. This new law strengthened our ability to investigate and prosecute slavery offenses. We are continuing our outreach programs in this area in an effort to coordinate slavery and trafficking enforcement efforts throughout the nation.

### Performance:

**Performance Measure:** Victims Protected from Involuntary Servitude and Human Trafficking (as a result of federal prosecutions) [CRT]

**FY 2002 Target:** 43

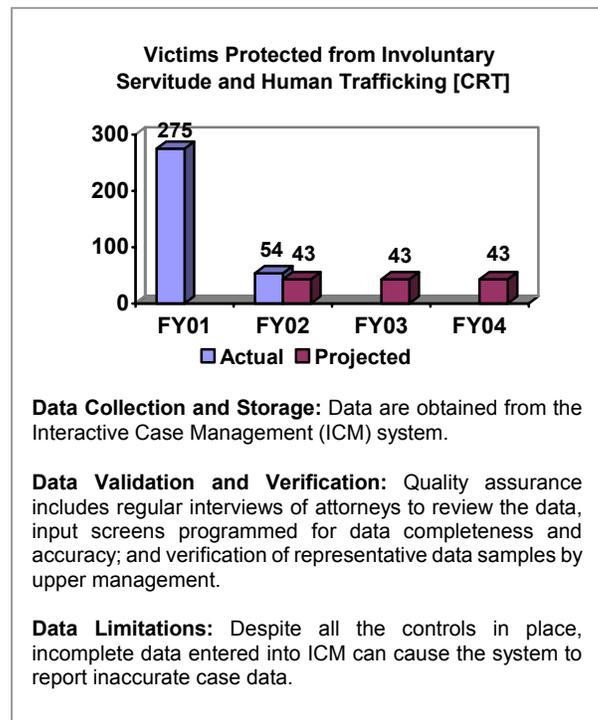
**FY 2002 Actual:** 54

**Discussion:** CRT's Criminal Section surpassed its target for FY 2002. 54 victims were protected as a result of federal charges filed against perpetrators engaging in human trafficking and holding persons in involuntary servitude. Many of these victims were women and children. In addition to protecting these 54 victims, the section filed 10 cases charging 41 defendants with human trafficking and servitude-related crimes in FY 2002.

**FY 2003 Performance Plan Evaluation:** Based on FY 2002 performance, we plan to meet our original FY 2003 goal of 43 victims protected.

**FY 2004 Performance Target:** 43 victims protected

**Public Benefit:** The Justice Department devotes substantial attention to combating human trafficking as well as continuing its efforts to deter the victimization of migrant workers and other minorities in violation of the involuntary servitude and peonage statutes. Examples of several prosecutions handled this year include guilty pleas



by a wealthy Berkeley, California landlord and his three associates for trafficking women and girls into the United States to force them into sexual servitude; the conviction of three defendants in Miami on criminal asset forfeiture charges and the coercion of approximately 50 victims into performing agricultural work. Lastly, two defendants were sentenced to serve 108 months imprisonment following convictions on servitude and related charges for holding an illegally smuggled 14-year-old Cameroonian girl in involuntary servitude. The victim was effectively imprisoned in their home where she was forced to act as their domestic servant and subjected to physical and sexual abuse.

**Strategies to Achieve the FY 2003/FY 2004 Goal:** The Criminal Section's Worker Exploitation Task Force brings together DOJ and the Department of Labor (DOL), Department of State and Health and Human Services (HHS) to address involuntary servitude, slavery, trafficking and other criminal

violations involving undocumented workers and others held in bondage. DOJ works closely with DOL, local authorities and the Non-Governmental Organization (NGO) community to identify, investigate and prosecute incidents of servitude and human trafficking. Once victims are identified and certified, we work with several agencies to secure available assistance and benefits to victims (e.g., the Section works with HHS to access refugee-type benefits; with HUD to locate possible housing; with the Social Security Administration (SSA) to ensure victims who get a work permit also receive a social security number; with the Department of Agriculture to obtain food stamps available to certified victims). We also consult with the Department of State, and the National Security Agency to locate language interpreters. Additionally, the Section has spearheaded formal training of local and federal investigators and prosecutors in the techniques of investigating and prosecuting slavery cases and to provide expert guidance on the newly enacted Trafficking Victims Act. Training and outreach efforts continue in this area.

**Crosscutting Activities:**

Crosscutting activities for this activity are detailed in the strategies section above.

# III

## **STRATEGIC GOAL THREE: Prevent and Reduce Crime and Violence by Assisting State, Tribal, Local and Community–Based Programs**

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To provide leadership in the area of crime prevention and control, the Department of Justice (DOJ) continually searches for ways to strengthen the criminal and juvenile justice capabilities of state, local and tribal governments. Three DOJ components are at the forefront of the Department's efforts to fortify community safety across the nation. The Office of Justice Programs (OJP) administers formula and discretionary grant programs, as well as provides targeted training and technical assistance on a wide range of criminal and juvenile justice system improvements. In addition, OJP conducts research, evaluates programs and collects and publishes crime-related statistical information. The Office of Community Oriented Policing Services (COPS) advances community policing by developing and administering programs that respond directly to the emerging needs of state and local law enforcement; developing state-of-the-art training and technical assistance; and promoting collaboration between law enforcement agencies and the communities they serve to establish problem-solving partnerships. And finally, the Community Relations Service (CRS) assists state and local officials and civic leaders to resolve conflicts and prevent violence in communities experiencing tensions due to race, color, or national origin.

In support of Strategic Goal III, OJP works in partnership with federal, state, local, and tribal governments to carry out its mission to improve the nation's capacity to prevent and control crime, administer justice, and assist crime victims. Its five Bureaus administer a variety of activities:

- The *Bureau of Justice Assistance* (BJA) provides leadership and assistance in support of state, local and tribal justice strategies to achieve safer communities. Its program activities focus on reducing and preventing crime, violence and drug abuse and improving the overall

functioning of the criminal justice system. BJA also provides financial and technical assistance to state, local, and tribal governments to implement correction-related programs, including corrections facility construction and corrections-based drug treatment programs. BJA supports the development, implementation and enhancements of drug courts by providing resources, training and technical assistance to states, state courts, local courts, units of local government, and Indian tribal governments.

- The *Bureau of Justice Statistics* (BJS), the statistical arm of the Department, collects and reports on a portfolio of statistics focusing on crime and the operation of the justice system. BJS, through its grant activities, also assists state and local governments with the development of justice information systems and the collection, analysis and dissemination of statistical data.
- The *National Institute of Justice* (NIJ) is the principal federal agency for research on crime. Its role is to build knowledge regarding "best practices" and "lessons learned" and to develop tools and technologies to help the criminal justice community prevent and control crime.
- The *Office of Juvenile Justice and Delinquency Prevention* (OJJDP) provides national leadership, coordination, and resources to develop, implement, and support effective methods to prevent and respond to juvenile delinquency and child victimization.
- The *Office for Victims of Crime* (OVC) provides federal resources to support victims' assistance and compensation programs around the country. OVC activities enhance the nation's capacity to assist crime victims and provide

leadership in changing the attitudes, policies, and practices to promote justice and healing for all crime victims.

In addition, OJP's three program offices administer program activities designed to assist state, local, and tribal governments as follows:

- The *Office on Violence Against Women (OVW)* coordinates the Department's legislative and other initiatives relating to violence against women and administers a series of grant programs to help prevent, detect, and stop violence against women, including domestic violence, stalking and sexual assault.
- The newly created *Community Capacity Development Office (CCDO)* will include the *Executive Office for Weed and Seed (EOWS)*. EOWS helps communities build stronger, safer neighborhoods by implementing the Weed and Seed strategy, a community-based, multi-disciplinary approach to combating crime.
- The *Office of the Police Corps and Law Enforcement Education (OPCLEE)* provides college educational assistance and professional leadership training to students who commit to public service in law enforcement, and scholarships with no service commitment to dependents of law enforcement officers killed in the line of duty.

**STRATEGIC OBJECTIVE & ANNUAL GOAL 3.1: LAW ENFORCEMENT**  
Improve the crime fighting and criminal justice administration capabilities of state, tribal, and local governments

OJP continues to invest significant resources in establishing partnerships with state, local, and tribal governments. Through its program activities, OJP provides federal leadership regarding matters of crime and the justice system.

Advances in technology have greatly increased criminal intelligence, information sharing among jurisdictions, and the ability to track and analyze local crime trends.

Technology has provided valuable tools to help criminal justice agencies enhance their ability to lower crime and improve their operations. In addition, OJP is developing other law enforcement applications, including investigative and forensics tools, less-than-lethal devices, crime mapping, and vehicle stopping devices. Through OJP programs, states and local jurisdictions have interstate and national access to criminal records and have improved the quality of data in these systems. Accurate state data help to improve the FBI administered national criminal record systems, such as the Interstate Identification Index, the National Protection Order File, the National Sex Offender File, and the National Instant Criminal Background Check System, which provides pre-sale record checks pursuant to the Brady Act. OJP is also promoting integrated criminal justice information technology and design to facilitate and assist state and local integration efforts. The goal is to achieve a nationally integrated justice information environment that will facilitate the development of information sharing systems by federal, state, and local criminal justice agencies.

OJP is working to ensure that tribal governments are included in efforts to improve access to and integration of criminal justice and information technology. To do this, OJP has increased its efforts to channel justice-related resources to make existing programs, traditionally available to states and local entities, more relevant to the needs of tribal governments.

**STRATEGIC OBJECTIVE & ANNUAL GOAL 3.2: JUVENILE JUSTICE**  
Reduce youth crime and victimization through assistance that emphasizes both enforcement and prevention

OJP will help states and communities implement initiatives to prevent, intervene in, and suppress crime by juveniles, as well as to

protect youth from crime and abuse. OJP's Office of Juvenile Justice and Delinquency Prevention (OJJDP) works to address youth crime through a comprehensive program of research, evaluation, program development, and information dissemination. This multi-faceted approach targets youth who experience risk factors for delinquency as well as youth arrested, processed, and sentenced in the juvenile justice system. OJP also focuses on status offenders and juvenile offenders who have been diverted from the system into alternative programs. Additionally, OJJDP addresses juvenile offenders who have been waived or transferred out of the juvenile justice system into adult criminal court, typically for the most serious and violent crimes.

**STRATEGIC OBJECTIVE & ANNUAL GOAL 3.3: DRUG ABUSE**  
Break the cycle of drugs and violence by reducing the demand for and use and trafficking of illegal drugs

OJP works to prevent use and abuse of drugs and alcohol through a variety of demonstration, educational, and public outreach programs. Research shows that drug use and crime are closely linked. OJP funds a number of ongoing data collection programs used to monitor the drug/crime nexus, including: NIJ's Arrestee Drug Abuse Monitoring (ADAM) Program and the BJS' National Crime Victimization Survey and Surveys of Jail Inmates, State Prisoners, Federal Prisoners, and Probationers. For more than a decade, the majority of detained arrestees tested positive for recent drug use within 48 hours of their arrest. Research indicates that combining criminal justice sanctions with substance abuse treatment is effective in decreasing drug and alcohol use and related crime. In addition, correctional agencies have begun to intervene in the cycle of substance abuse and crime by implementing intervention activities, drug testing, and/or treating this high-risk population while under custody or supervision. Drug courts employ the coercive power of courts to subject non-violent offenders to an integrated mix of

treatment, substance abuse testing, incentives, and sanctions to break the cycle of substance abuse and crime.

**STRATEGIC OBJECTIVE & ANNUAL GOAL 3.4: VICTIMS OF CRIME**  
Uphold the rights of and improve services to America's crime victims

OJP's Office for Victims of Crime (OVC) is dedicated to serving our nation's victims, including those in traditionally underserved populations. OVC administers a mix of formula and discretionary grant programs. Through its National Crime Victim Assistance program, OVC provides funds for programs that provide direct services to crime victims. OVC's compensation program helps reimburse victims for their out-of-pocket expenses related to crime. In order to more accurately measure the effectiveness of OVC's programs, and provide the appropriate kinds of services victims most need and want, OVC and NIJ are funding a study to identify victims' needs, the sources of aid they seek to meet those needs, the adequacy of the aid they receive, the role of victim assistance and compensation programs in delivering needed aid, and whether victims are accorded their full rights under applicable statutes.

**STRATEGIC OBJECTIVE & ANNUAL GOAL 3.5: COMMUNITY SERVICE**  
Support innovative, cooperative, and community-based programs aimed at reducing crime and violence in our communities

DOJ's Office of Community Oriented Policing Services (COPS), will continue to advance community policing, a law enforcement philosophy that rests on sustained organizational change within agencies that decentralizes command and empowers front-line officers to establish and maintain partnerships with the community to develop innovative problem-solving approaches that

address the causes of crime and disorder within the community. DOJ, through the COPS Office, supports innovative, cooperative, and community-based programs aimed at reducing crime and violence and enhancing homeland security. COPS will accomplish this through improved criminal justice information flow and interoperability across jurisdictions; enhanced crime problem identification among grantees; improved police department operations, problem-solving practices and crime prevention strategies; and by providing training and technical assistance to law enforcement agencies. Community policing opens lines of communication between the police and residents. Police officers and sheriff's deputies, as public servants who interact with citizens on a daily basis, have a unique opportunity to demonstrate the importance of police involvement in the community. In turn, they realize their authority and effectiveness are

linked directly to the support they receive from citizens.

Through the Community Relations Service (CRS), the Department will continue to provide conflict resolution, violence prevention, police-community relations training, and technical assistance to local communities. Through the efforts of OJP and CRS, DOJ will continue to provide assistance to state and local governments with community-derived strategies to fight crime, resolve local conflicts, and reduce community violence and racial tension. As part of this strategy, CRS and OJP will engage communities in developing their own strategies that focus on bringing together the energy and willingness of community leaders, organizations, and citizens to work towards crime-prevention and improved race relations, thereby building safe neighborhoods and communities for all Americans.

## PERFORMANCE SUMMARY

Strategic Objective, Page #	Performance Measure/ Indicator	Was the Target Achieved			FY 2002 Performance		
		Yes	No	N/A	Target	Actual	Performance Improvement From FY 2001
3.1 73	DISCONTINUED MEASURE: Total # of Tribal Court Grants funded		■		208	136	Fewer tribes applied for awards than anticipated
3.1 75	Records Available Through Interstate Access Compared to Total Criminal History Records (millions)			■	N/A	■	Data are reported every two years
3.1 77	DISCONTINUED MEASURE: State and Local DNA Analysis Backlog		■		30%	N/A	Data were not able to be reported
3.1 78	Total # of Crime Labs Developing New Forensic Capabilities		■		147	146	Proposal delay; one award
3.1 78	NEW MEASURE: Estimated Samples Collected, as reported by States; Annual Total of State Backlog Samples Analyzed			■	300,000	N/A	FY 2002 grant funds not yet awarded
3.1 79	Total # of Federal, State and Local Investigations Aided by the National DNA Index System (NDIS)	■			1,950	2,873	
3.1 80	NEW MEASURE:# of NDIS Matches Identified			■	New for FY 2002	2,738	

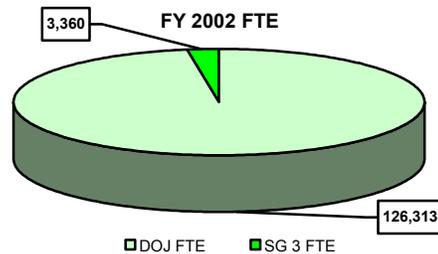
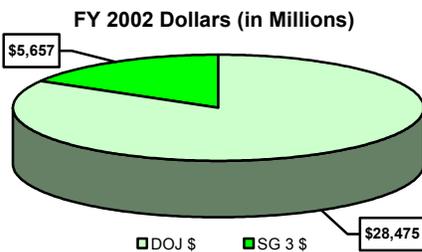
Strategic Objective, Page #		Performance Measure/ Indicator	Was the Target Achieved			FY 2002 Performance		
			Yes	No	N/A	Target	Actual	Performance Improvement From FY 2001
3.1	82	Law Enforcement & Regulatory Personnel Trained <ul style="list-style-type: none"> <li>In the Field (FBI)</li> <li>Computer Crime</li> <li>FBI Academy</li> </ul>		■		100,000 1,900 5,130	82,337 1,830 3,665	Reallocation of resources to CT mission
3.1	84	Total # of Jurisdictions Providing Services in Rural Areas Previously Under-served		■		330	303	Award funding cycles have been adjusted
3.2	85	# Children Served by the CASA Program	■			253,000	264,869	
3.2	88	# of Youth Enrolled in Mentoring Programs Nationwide	■			18,500	18,644	
3.2	89	Personnel Trained in Missing & Exploited Children's Issues		■		64,000	57,668	Trained less than anticipated
3.2	90	Forensic Exams and Investigations Conducted <ul style="list-style-type: none"> <li>Forensic Examinations of Computer Equipment</li> <li>Investigations Conducted</li> </ul>	■			1,500 2,146	2,497 3,538	
3.3	92	Total # of ADAM sites		■		50	35	Program Evaluation is currently underway
3.3	94	Total # New Drug Courts	■			426	442	
3.3	95	MEASURE REFINED: Number of Offenders Treated for Substance Abuse (RSAT)	■			1,122	38,639	
3.5	99	New Police Officers Funded and on the Street <ul style="list-style-type: none"> <li>Funded</li> <li>On the Street</li> </ul>		■		117,726 100,000	116,726 88,028	
3.5	100	DISCONTINUED MEASURE: % Reduction in Locally Identified, Targeted Crime & Disorder		■		1-4%	Data not Available	Baseline not established, survey not conducted
3.5	100	DISCONTINUED MEASURE: % Reduction in Fear of Crime in Surveyed Communities		■		1-4%	Data not Available	Baseline not established, survey not conducted

Strategic Objective, Page #	Performance Measure/ Indicator	Was the Target Achieved			FY 2002 Performance		
		Yes	No	N/A	Target	Actual	Performance Improvement From FY 2001
3.5	DISCONTINUED MEASURE: % Increase in Trust in Local Law Enforcement in Surveyed Communities		■		1-4%	Data not Available	Baseline not established, survey not conducted
3.5	DISCONTINUED MEASURE: # of School Resource Officers Funded/Hired		■	6,103/ 4,452	5,907/ 4,241		Increased costs limited the amount that could be hired/funded
3.5	Communities with Improved Conflict Resolution Capacity	■			425	719	

## RESOURCES

Appropriation	FY 2002 FTE	FY 2002 Actual \$ (millions)	FY 2003 FTE	FY 2003 Request \$ (millions)	FY 2004 FTE	FY 2004 Request \$ (millions)
3.1 Asset Forfeiture Fund (Perm Authority)	0	424	0	479	0	411
3.1 FBI	2,379	178	2,417	237	2,452	255
3.1 OJP	493	2,194	496	523	454	1,585
3.1 U.S. Attorneys	20	3	22	3	22	3
3.1 Telecom. Carrier	--	26	--	--	--	--
<i>Subtotal 3.1</i>	<i>2,892</i>	<i>\$2,825</i>	<i>2,935</i>	<i>\$1,242</i>	<i>2,928</i>	<i>\$2,254</i>
3.2 Office of Justice Programs	121	565	129	454	124	235
<i>Subtotal 3.2</i>	<i>121</i>	<i>\$565</i>	<i>129</i>	<i>\$454</i>	<i>124</i>	<i>\$235</i>
3.3 Office of Justice Programs	28	135	38	144	36	149
<i>Subtotal 3.3</i>	<i>28</i>	<i>\$135</i>	<i>38</i>	<i>\$144</i>	<i>36</i>	<i>\$149</i>
3.4 Office of Justice Programs September 11 <sup>th</sup> Fund (non-add)	87	833	138	772	109	794
	--	[60]	--	[2,700]	--	[2,361]
<i>Subtotal 3.4</i>	<i>87</i>	<i>\$833</i>	<i>138</i>	<i>\$772</i>	<i>109</i>	<i>\$794</i>
3.5 Community Oriented Policing Service (COPS)	180	1,290	235	1,381	235	164
3.5 Community Relations Service	52	9	56	9	56	10
<i>Subtotal 3.5</i>	<i>232</i>	<i>\$1,299</i>	<i>291</i>	<i>\$1,390</i>	<i>291</i>	<i>\$174</i>
<b>TOTAL SG 3</b>	<b>3,360</b>	<b>\$5,657</b>	<b>3,531</b>	<b>\$4,002</b>	<b>3,488</b>	<b>\$3,606</b>

## RESOURCE COMPARISON: Strategic Goal to Total DOJ \$ and FTE



<b>Required Skills</b>	<p>OJP requires skilled administrators with expertise in program development, grant administration, technical assistance, evaluation and implementation. In addition, OJP seeks staff with expertise in social science research including the collection and analysis of statistical data.</p> <p>CRS requires conciliation specialists, managers, and program specialists in order to meet the performance goals. Conciliation specialists must be skilled in conflict resolution and violence prevention techniques. In addition, the managers and program specialists require skills in needs analysis; technical assistance; and program development, implementation, and evaluation. COPS requires skilled administrators with expertise in program development, grant administration, technical assistance, evaluation and implementation.</p>
<b>Information Technology Utilized</b>	<p>The OJP program is supported by the NCJRS system. OJP relies on data provided by its Program Accountability Library (PAL), which is an internal automated grant cataloging system. These systems track and provide detailed, statistical reports.</p> <p>FBI programs in this area rely upon QGIS (tracks all training conducted at Quantico), and CODIS and NDIS, national DNA databases.</p> <p>In addition, COPS relies on its own grant management system. In FY2002, CRS began revamping its old case management system to make it compatible with current recording and reporting needs, including the Congressionally mandated requirement to notify affected Members of Congress of conflict-related deployments of CRS conciliators.</p>

## PROGRAM EVALUATIONS

### ***Evaluations Completed FY 2002:***

#### **BJA – Multi-jurisdictional Task Forces**

The Byrne Program's Multi-jurisdictional Task Forces (MJTF) have been implemented across the nation to provide enhancements to local law enforcement through the development of partnerships between agencies. An ongoing evaluation is assessing the effectiveness of this approach to crime reduction. The goal of the first phase of the project is to develop impact evaluation methodologies to be used by state planning agencies in the outcome evaluation phase. This includes an assessment of current impact and techniques used by: the state planning agencies and MJTFs; a focus group of state agency personnel; and MJTF staff and NIJ staff during six site visits within six states. FY 2003 funds for phase II, which is to develop the field test of the methodology and evaluation tool kit, have not been appropriated. However, BJA is working with the states to develop a funding strategy, which will also be dependent upon FY 2003 appropriations. If funding permits the completion of this evaluation, NIJ will issue a

report and BJA will disseminate it to the states for their use in evaluating their state's task force projects.

#### **BJA - New Hampshire Department of Corrections Community Drug Testing Program**

This evaluation study is assessing the effectiveness of drug testing in two statewide programs in New Hampshire in order to develop profiles of offenders most likely to benefit from a drug-testing program. Two methods will be used to evaluate the effectiveness of random and targeted drug testing currently used by the two programs; and the impact of interventions applied as the result of testing positive. The information will allow an analysis of a specific group of factors (offenders and offense-related, treatment program model, drug testing methods, criminal justice sanctions and rewards). When the study is completed, findings will form the basis of a practice manual to allow criminal justice agencies to develop cost-effective drug

testing strategies, which maximize intended criminal justice outcomes.

### **Comprehensive Indian Resources for Community and Law Enforcement**

NIJ's evaluation is examining implementation of the Comprehensive Indian Resources for Community and Law Enforcement (CIRCLE) Project including the development and use of the comprehensive strategy, and coordination of the individual components of the CIRCLE Project at each site. The process aspect of the evaluation has been completed and the report has been submitted, reviewed, revised and is currently being considered for publication. The outcome aspect of the evaluation is just beginning and will not be completed until the second quarter of FY 2004. When the study is complete, outcomes of the CIRCLE project will be assessed including: the utilization and effectiveness of the technical assistance and training provided to the CIRCLE Project sites; the effects of the CIRCLE Project on relations between and among tribal sites; and the effectiveness of the CIRCLE Project in helping to create safer communities.

### **OVC - Victims of Crime Act Programs**

This multi-year evaluation assesses the effectiveness of Victims of Crime Act funded compensation and assistance programs in meeting the needs of crime victims. The overall evaluation program includes a victims' needs assessment, an assessment of services available to victims, identification of unmet needs, and suggestions for improving the delivery of, and payment for services to all crime victims.

### **OVW – STOP Violence Against Indian Women**

In cooperation with the Office on Violence Against Women (OVW), this national evaluation is designed to assess the overall impact of tribal STOP programs, and to examine how the unique cultural and legal context of American Indians impacts the efficacy and effectiveness of these programs. Preliminary results show that STOP funds have enabled tribes to create new programs to reduce violence against women; increase tribal criminal justice staff; enhance training for all tribal justice and victim service personnel for

task forces; develop information sharing systems; and implement coordinated community responses to violence against women. When the evaluation and final report are complete, OVW plans to use the findings to inform management and improve program development. For example, OVW will respond to weaknesses, if any, in grantee projects by drafting future grant development. In contrast, if the evaluation identifies successful project strategies, future solicitations can recommend that applicants consider these strategies in developing their proposed projects. The evaluation has been completed and the final report is currently being reviewed.

### **OVW--Civil Legal Assistance**

This study will examine how local non-Civil Legal Assistance funded programs compliment OVW-funded programs. This study will also determine the effectiveness of these programs in meeting the needs of the women they serve. Similar to the STOP Violence Against Indian Women evaluation, OVW plans to use the findings to: inform management and improve program development; respond to any weaknesses; recommend strategies for future projects; and/or address the unmet needs of significant areas identified in the findings of the study.

### ***Planned Evaluation:***

#### **DCPO – Drug Courts Multi-Site Evaluation**

In cooperation with the Drug Court Program Office, NIJ will conduct a multi-site evaluation of six to ten special court model programs that have been in existence for a number of years. The evaluation will include both process and an outcome component. When the evaluation is complete, findings will be used to strengthen the annual application kit and the National Drug Court Training and Technical Assistance Program. It is anticipated that the solicitation will be announced in Spring 2003.

### STRATEGIC OBJECTIVE & ANNUAL GOAL 3.1: LAW ENFORCEMENT

Improve the crime fighting and criminal justice administration capabilities of state, tribal, and local governments

#### 3.1A Reduce Crime and Improve Criminal Justice Administration and Operations in Indian Country

##### Background/Program Objectives:

OJP's Tribal Court Program is one method used to reduce crime and improve the criminal justice systems and operations in Indian Country. Over the last decade, there has been unparalleled growth in tribal courts due to a number of factors including the need to reduce the victimization of Indian people in tribal communities. This growth has increased the need for reliable means of settling disputes that arise in the ordinary course of business. For example, the need for tribal courts is spurred by incidents involving violent crime, substance abuse, and managing complex issues such as regulation of gaming, air and water pollution control, mining, banking, and toxic waste disposal.

##### Performance:

**Performance Measure:** DISCONTINUED MEASURE: Total Number of Tribal Court Grants Funded (cumulative) [OJP] (NOTE: To ensure greater reporting accuracy in FY 2002, this measure no longer distinguishes between new, planned or enhanced tribal court grants. This measure is being discontinued; we will transition to a new measure in FY 2003.)

**FY 2002 Target:** 208 Tribal Courts

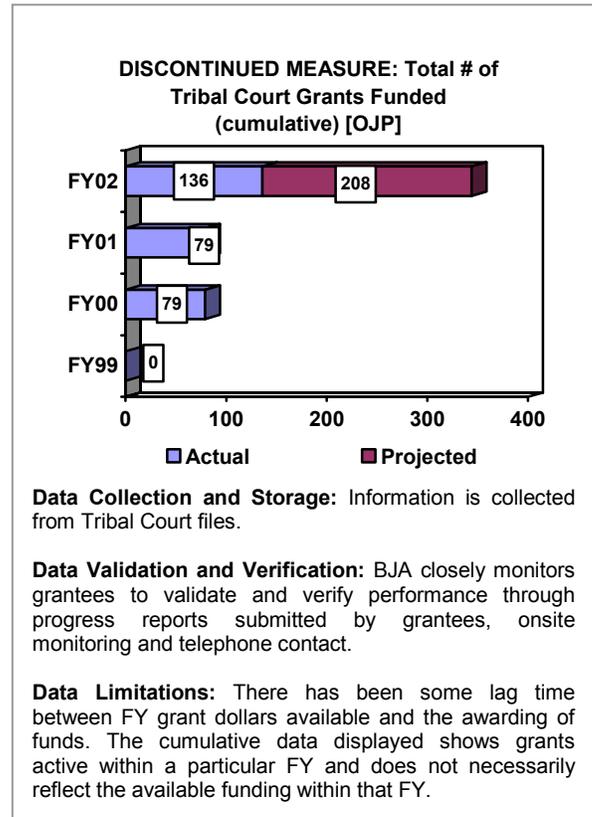
**FY 2002 Actual:** 136

**Discussion:** In FY 2002, BJA incorrectly estimated the targeted number of awards to be made under this program. First, fewer tribes applied for awards than had been anticipated and second, BJA found it necessary to provide more technical assistance to applicants in preparing their grant narratives/budgets than originally forecasted.

**FY 2003 Performance Target:** N/A

**FY 2004 Performance Target:** N/A

**Public Benefit:** Tribal courts help Native American communities develop the capability to address their own crime problems within their communities rather than having agencies outside Indian Country impose a criminal justice system upon them.



##### Strategies to Achieve the FY 2003/FY 2004 Goal:

BJA will continue to support the development, implementation, enhancement and continuing operation of tribal court systems. Through direct awards under this program, BJA will provide financial assistance to federally recognized Indian Tribal Governments to further develop and enhance their court operations. Through its technical assistance plan, BJA will work with national Indian constituency groups to provide training and technical assistance to tribal court personnel and promote cooperation among tribal justice systems.

##### Crosscutting Activities:

OJP is responsible for programs affecting Indian Country and meets on a regular basis with

representatives from the Department of the Interior's Bureau of Indian Affairs and DOJ's Office of Tribal Justice.

### 3.1B Improve Response Time to Crime

#### Background/Program Objectives:

Interstate availability of complete computerized criminal records is increasingly vital for criminal investigation, prosecution, sentencing, correctional supervision and release, and community notification. This information is also necessary to conduct thorough background checks for those applying for licenses; firearm purchases; and work involving the safety and well being of children, the elderly, and the disabled. Interstate exchange of data is critical to ensure that states have access to records maintained by other jurisdictions. The Interstate Identification Index (III), administered by the FBI, provides interstate access to information about offenders at the state and federal level and facilitates this exchange. To ensure compatibility, all state-level record enhancements are required to conform to FBI standards for III participation.

The Bureau of Justice Statistics (BJS) National Criminal History Improvement Program (NCHIP) provides direct funding and technical assistance to states to improve the accuracy, utility, and interstate accessibility of the Nation's criminal history and related records and build their infrastructure to connect to national record check systems both to supply information to and conduct requisite checks, including the FBI-operated National Instant Criminal Background Check System, the National Sex Offender Registry and the National Protection Order File.

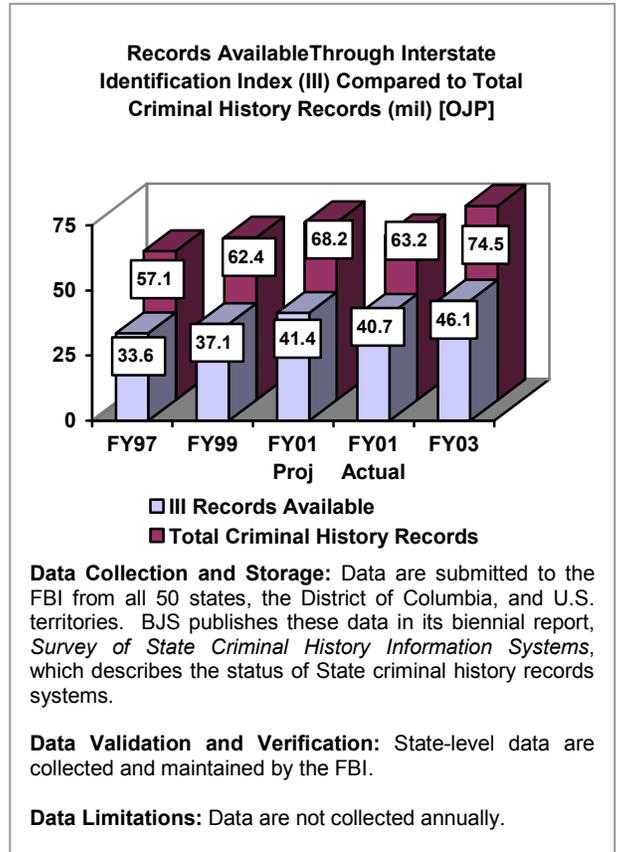
#### Performance:

**Performance Measure:** Records Available Through Interstate Identification Index (III) Compared to Total Criminal History Records (in millions) [OJP] (*Formerly:* "Records (millions) Available Through Interstate Access Compared to Total Criminal History Records")

**FY 2001 Target:** Total Criminal History Records: 68.2 million; Total Records Available Through III: 41.4 million

**FY 2001 Actual:** Total Criminal History Records: 63.2 million; Total Records Available Through III: 40.7 million

**FY 2002 Target:** N/A – No FY 2002 target was set due to the fact that data for this



program are collected and analyzed every two years.

**FY 2002 Actual:** N/A

**Discussion:** By the end of 2001, the estimated number of records available for sharing through the III system was 40.7 million compared to the prior projection of 41.4 million. Additionally, 63.2 million of all criminal history records were III-accessible, the highest since record keeping began in 1993. As of September 2002, records in 43 states are available to the FBI and other states through the III. During 2001, the number of criminal records nationwide increased at the slowest rate since 1993, owing largely to the decrease in crime and the corresponding decrease in the number of persons arrested. As a result, the number of III-accessible records also grew at a slower pace than originally forecasted.

**FY 2003 Performance Plan Evaluation:** Based on FY 2002 performance, we plan to meet our original FY 2003 goal of Total Criminal History Records: 74.5 million; Total Records Available Through III: 46.1 million.

***FY 2004 Performance Target:*** N/A -  
Data for this program are collected and analyzed every two years.

***Public Benefit:*** The III facilitates the interstate exchange of criminal history records for law enforcement and related purposes, such as presale firearm checks and other authorized background checks and the identification of persons subject to protective orders or wanted, arrested, or convicted of stalking and/or domestic violence.

**Strategies to Achieve the FY 2003/FY 2004 Goal:**  
BJS will continue to support states in the expanding range of areas which pertain to criminal history record systems, identification systems, communications, and support for the national record systems maintained by the FBI, including the III and the National Instant Criminal Background Check System. Support is provided through direct grants and technical assistance.

**Crosscutting Activities:**

BJS works closely with the Bureau of Alcohol Tobacco and Firearms, the Administrative Office of the U.S. Courts, and with key representatives of the state law enforcement and court systems.

### 3.1C Improve Crime Fighting Capabilities

#### **Background/Program Objectives:**

The Office of Justice Program's Crime Lab Improvement Program (CLIP), provides support to state and local labs to perform various types of forensic analysis, such as trace evidence analysis, fingerprint comparison, toxicology, firearm and tool mark analyses, and biological evidence analysis (which includes DNA testing). In FY 2004, it is anticipated that CLIP's mission will be revised, under the Department's new DNA Initiative, to become more DNA-focused in order to better address the country's current analysis needs.

The Convicted Offender DNA Backlog Reduction Program was created to reduce the backlog of convicted offender DNA samples awaiting analysis and entry into the FBI's Combined DNA Index System (CODIS) database. Reducing the offender backlog and getting samples into the system is crucial to realizing the full objective of the national DNA database—to solve old crimes and prevent new ones from occurring. Funds are targeted toward the forensic analysis of all DNA samples identified as urgent priority samples (i.e., those from homicide and rape/sexual assault cases) within the current offender backlog. Comprising the backlog are samples collected from certain classes of offenders (typically violent criminals, but offenses such as burglary are now being increasingly included) as specified by state legislation. The size of the current convicted offender backlog is constantly growing in size, due to ongoing, expansive legislative changes in qualifying offenses. This expansion creates significant influxes of samples into labs often under-equipped. The Backlog Reduction Program is the Department's attempt to alleviate this burden.

Through these laboratory improvement/assistance programs, OJP endeavors to support the FBI's CODIS program and provide the second, critical half of a team effort to use DNA technology to solve and prevent crime.

FBI's Combined DNA Index System began as a pilot project in 1990 serving 14 state and local

laboratories. The DNA Identification Act of 1994 authorized the FBI to establish a national DNA database for law enforcement purposes. The Act authorizes the FBI to store the following types of DNA data from federal, state, and local law enforcement entities in its national index: DNA identification records of persons convicted of crimes; analyses of DNA samples recovered from crime scenes; analyses of DNA samples recovered from unidentified human remains; and analyses of DNA samples voluntarily contributed from relatives of missing persons. In 2000, the FBI was authorized to receive DNA profiles from federal convicted offenders and to store these profiles in a national Federal Convicted Offender index with the other four CODIS indexes.

FBI's National DNA Index System (NDIS) became operational during October 1998 and represents the highest-level database in CODIS. NDIS allows participating federal and state laboratories to exchange DNA profiles and perform inter-state searches on a weekly basis. Plans are underway to redesign CODIS and NDIS to allow for immediate uploading and searching upon demand and scalability up to 50 million DNA profiles.

#### **Performance:**

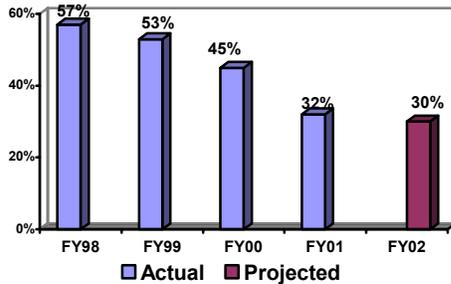
**Performance Measure:** DISCONTINUED MEASURE: State and Local DNA Analysis Backlog (based on percentage of the total number of samples collected)

**FY 2002 Target:** 30%

**FY 2002 Actual:** Data Not Available

**Discussion:** Data provided for this performance measure were the result of a one-time study, conducted by the FBI in FY 2001, that examined only selected data within state-level DNA backlog. Therefore, data related to this measure were not collected during FY 2002 and will not be collected in this manner in coming fiscal years. This measure will be discontinued and we will transition to Estimated Samples Collected; Annual Total of State Backlog Samples Analyzed; and Annual Number of NDIS Matches Identified.

**DISCONTINUED MEASURE: State and Local DNA Analysis Backlog (%) [OJP]**



**Data Collection and Storage:** Data are collected by the program manager from the FBI's annual survey of crime laboratories and is maintained in local files.

**Data Validation and Verification:** Before data is entered into the system they are reviewed and approved by an FBI Laboratory manager and verified again with the submitting state agencies.

**Data Limitations:** None known at this time.

**Discussion:** In FY 2002, the target was missed by one crime lab due to delays in proposal receipt, which subsequently delayed approval and award processing. Additionally, a total of 11 awards were made under the Crime Lab Improvement Program in FY 2002, however only two have been counted as additional improved laboratories under this measure due to its cumulative nature (the other 9 laboratories have previously received funding under CLIP and are reflected in prior year actuals).

**FY 2003 Performance Plan Evaluation:**

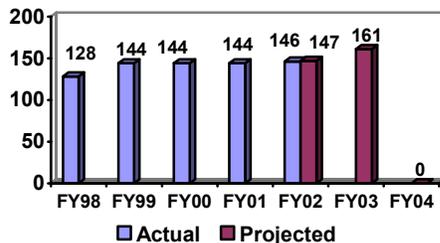
Based on FY 2002 performance, we have revised our FY 2003 upward. The Revised Final FY 2003 goal is 161.

**FY 2004 Performance Target:** N/A. In

FY 2004, it is anticipated that CLIP's mission will be revised, under the Department's new DNA Initiative to become more DNA-focused in order to better address the country's current analysis needs.

**Public Benefit:** From inception until FY 2003, CLIP provided immediate results including, more crimes solved, more criminals brought to justice, and better administration of justice through the presentation of strong, reliable forensic evidence at trial.

**Total Number of State and Local Crime Labs Developing New Forensic Capabilities [OJP]**



**Data Collection and Storage:** Information is collected by the program manager and is maintained in local files.

**Data Validation and Verification:** NIJ validates and verifies performance measures for this program through information supplied from progress reports, on-site monitoring visits and telephone contacts between grantees and program managers.

**Data Limitations:** None known at this time.

**Performance Measure:** NEW MEASURE: State and Local DNA Analysis: Estimated Samples Collected, as Reported by the States; Annual Total of State Backlog Samples Analyzed (with OJP funding) [OJP]

**FY 2002 Target:** 300,000 Samples Collected; 300,000 State Backlog Samples Analyzed

**FY 2002 Actual:** 300,000 Samples Collected; N/A State Backlog Samples Analyzed

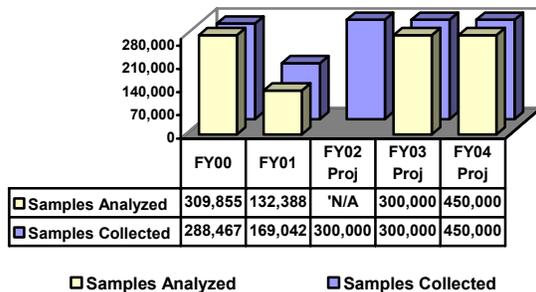
**Discussion:** In FY 2002, grants were not awarded for OJP's DNA Backlog Reduction Program because a new procurement method was being developed in order to accommodate a newly restructured Convicted Offender DNA Backlog program that now allows states access to GSA-facilitated competitive sourcing. OJP is currently finalizing the statement of work that will be used to task the vendors chosen by the participating states. Once this process is complete, OJP expects to be able to resume awarding funds for convicted offender sample analysis early in the 2nd quarter of FY 2003. Therefore, actuals for FY 2002 and FY 2003 will be reported in December 2003.

**Performance Measure:** Total Number of State and Local Crime Labs Developing New Forensic Capabilities [OJP] (Formerly: "Total # of Crime Labs with New Forensic DNA Technology Capabilities")

**FY 2002 Target:** 147

**FY 2002 Actual:** 146

**NEW MEASURE: Estimated Samples Collected, as Reported by the States; Annual Total of State Backlog Samples Analyzed (with OJP funding) [OJP]**



**Data Collection and Storage:** OJP data are collected by NIJ directly from the grantee, which are stored by the Office of the Comptroller as official records. NIJ maintains courtesy copies of these records.

**Data Validation and Verification:** OJP validates and verifies performance measures by progress reports submitted by grantees, onsite monitoring of grantee performance and by telephone contact.

**Data Limitations:** Data are collected from September to September. Targets are based on receiving an anticipated number of collected samples from the states. If less/more collected samples are reported by the states, the actual number of samples analyzed will be affected.

***FY 2003 Performance Plan Evaluation:***

Based on FY 2002 performance, we plan to meet our original FY 2003 goal of 300,000 Backlog Samples Analyzed based on 300,000 samples collected.

***FY 2004 Performance Target:*** 450,000

Backlog Samples Analyzed based on 450,000 samples collected.

***Public Benefit:*** This program will further reduce the DNA sample backlog and support a functioning, active system, which can solve old crimes and prevent new ones from occurring.

***Performance Measure:*** Total Number of Federal, State and Local Investigations Aided by the National DNA Index System (NDIS) [FBI] (Formerly: “Total Number of Investigations Aided by the National DNA Database (CODIS)”)

***FY 2002 Target:*** 1,950 Investigations

***FY 2002 Actual:*** 2,873 investigations

***Discussion:*** In FY 2002, the target was exceeded. Most state and local labs analyzed and submitted DNA profiles to NDIS far more rapidly than FBI estimated. This increase was due largely to the federal grant funding assisting the states in addressing more cases. Upgrades in technology and the expansion of the wide-area network allowed for much larger monthly uploads and searches than were possible last year. The primary goals of the CODIS program are the prevention and reduction of violent crime. CODIS produces investigative leads in crimes of violence and property, including rape, homicide, and burglary. CODIS within the states, and NDIS at the national level, produce investigative leads in crimes of violence and property, including rape, homicide and burglary. CODIS links DNA evidence obtained from crime scenes, thereby identifying serial criminals.

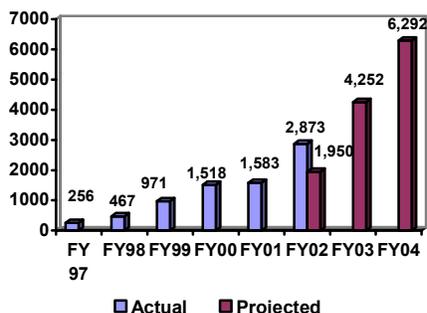
***FY 2003 Performance Plan Evaluation:***

Based on FY 2002 performance, we have revised our FY 2003 downward. The Revised Final FY 2003 goal is 4,252.

***FY 2004 Performance Target:*** 6,292

***Public Benefit:*** CODIS addresses national issues and those crimes that pose a threat to the nation. CODIS operations allow state and local laboratories to establish databases of convicted offenders, unsolved crimes, and missing persons, while ensuring accuracy and the fair pursuit of justice.

**Total Number of Federal, State and Local Investigations Aided by the National DNA Index System (NDIS) [FBI]**



**Data Collection and Storage:** The data source is a spreadsheet maintained by the Forensic Science Systems Unit within the FBI Laboratory Division. Data are collected monthly from the state laboratory in each state.

**Data Validation and Verification:** Before data are entered into the system they are reviewed and approved by an FBI Laboratory manager and verified again with the submitting state agencies.

**Data Limitations:** None known at this time.

**NEW MEASURE: Annual Number of NDIS Matches Identified [FBI]**

**FY 2002 Target:** NDIS Matches N/A

**FY 2002 Actual:** NDIS Matches 2,738

**Discussion:** In FY 2002, no target was set for total number of NDIS matches. However, future targets will be based on historical trends of grant funding provided to state and local laboratories and the matches associated with increased grant money. NDIS matches include federal, state and local matches. NDIS matches also include matches made among DNA profiles not generated from federal grant money.

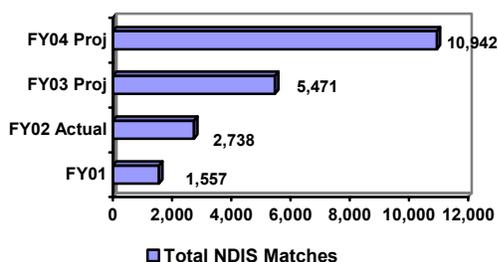
**FY 2003 Performance Plan Evaluation:**

Based on FY 2002 performance, we plan to meet our original FY 2003 goal of 5,471 NDIS Matches Identified.

**FY 2004 Performance Target:** 10,942 NDIS Matches Identified.

**Public Benefit:** This program will further reduce the DNA sample backlog and support a functioning, active system, which can solve old crimes and prevent new ones from occurring.

**NEW MEASURE: Annual # of NDIS Matches Identified [FBI]**



**Data Definition:** NDIS Matches: NDIS finds a DNA match, CODIS software on the state level generates a report that shows a match and/or "hit" has been made and then provides an offender or forensic profile based on the sample received.

**Data Collection and Storage:** FBI data source is a spreadsheet maintained by the Forensic Science Systems Unit within the FBI Laboratory Division. Data are collected monthly from the state laboratories in each state.

**Data Validation and Verification:** Before FBI data are entered into the system they are reviewed and approved by an FBI Laboratory manager and verified again with the submitting state agencies.

**Data Limitations:** Not all analyzed backlog samples are immediately entered into NDIS by the states.

**Strategies to Achieve the FY 2003/FY 2004 Goal:**

In FY 2003, OJP's Crime Lab Improvement Program will work with both the Congressionally directed applicants and those who receive awards in response to OJP solicitations to ensure that the proposed activities and forensic technology equipment acquisitions meet the overall program goals. This will include increasing the capacity of crime labs to meet DNA analysis requirements through automation upgrades optimizing the use of forensic DNA technology. Additionally, OJP's strategy will include the allocation of funds for research evaluation, technical assistance, and training to enhance states' capacities for future upgrades.

NDIS will be expanded to comply with the USA PATRIOT Act of 2001 that requires persons convicted of terrorist acts and crimes of violence to be included in the Federal Convicted Offender Database (FCOD), which is a component of NDIS. During 2003, the FBI will establish the Mitochondrial DNA database for Missing Children and populate with DNA profiles index for Unidentified Human Remains within CODIS. Additionally, the FBI will begin redesign of CODIS software. System architecture and

operations changes will make data storage and search capacities sufficient to meet all future needs, up to 50 million DNA profiles, and provide immediate electronic access to information in the national DNA database. The FBI plans to increase consultation with the forensic DNA community regarding the redesign of CODIS as well as national database and policy changes.

**Crosscutting Activities:**

OJP consults with other federal agencies, such as the Bureau of Alcohol, Tobacco, and Firearms, Department of Defense, and the National Institute of Science and Technology in performing peer-review of proposals received in response to solicitations for DNA programs. CODIS represents a partnership among FBI, state, local and tribal law enforcement agencies to prevent or reduce additional acts of violence, and pursue justice for those already harmed by such acts.

### 3.1D Provide Support to Law Enforcement

#### Background/Program Objectives:

In addition to technical support, the Department also provides critical law enforcement training. The FBI's National Academy Program serves as the foundation for the FBI's comprehensive training assistance to local, county, and state law enforcement. This program targets law enforcement managers, and its goal is to render training assistance regarding investigative, managerial, technical, and administrative aspects of law enforcement. In addition, the FBI Academy provides in-service training to local, county, and state law enforcement in many areas, such as forensic science. FBI staff located in field offices throughout the country also provides, upon request, education and training programs, thereby contributing to enhanced professionalism in American law enforcement.

Through OJP's Bureau of Justice Assistance, the National White Collar Crime Center provides a national resource for the prevention, investigation, and prosecution of multi-jurisdictional economic crimes. This includes a national training and research institute focusing on economic crime issues. One component, the National Cybercrime Training Partnership, serves as a centralized, operational focal point for assessment, design, and delivery of federal, state, and local training and technical assistance regarding computer crime investigation and prosecution.

**Performance Measure:** Law Enforcement and Regulatory Personnel Trained [FBI, OJP]

#### **FY 2002 Target:**

Trained in the field (FBI): 100,000

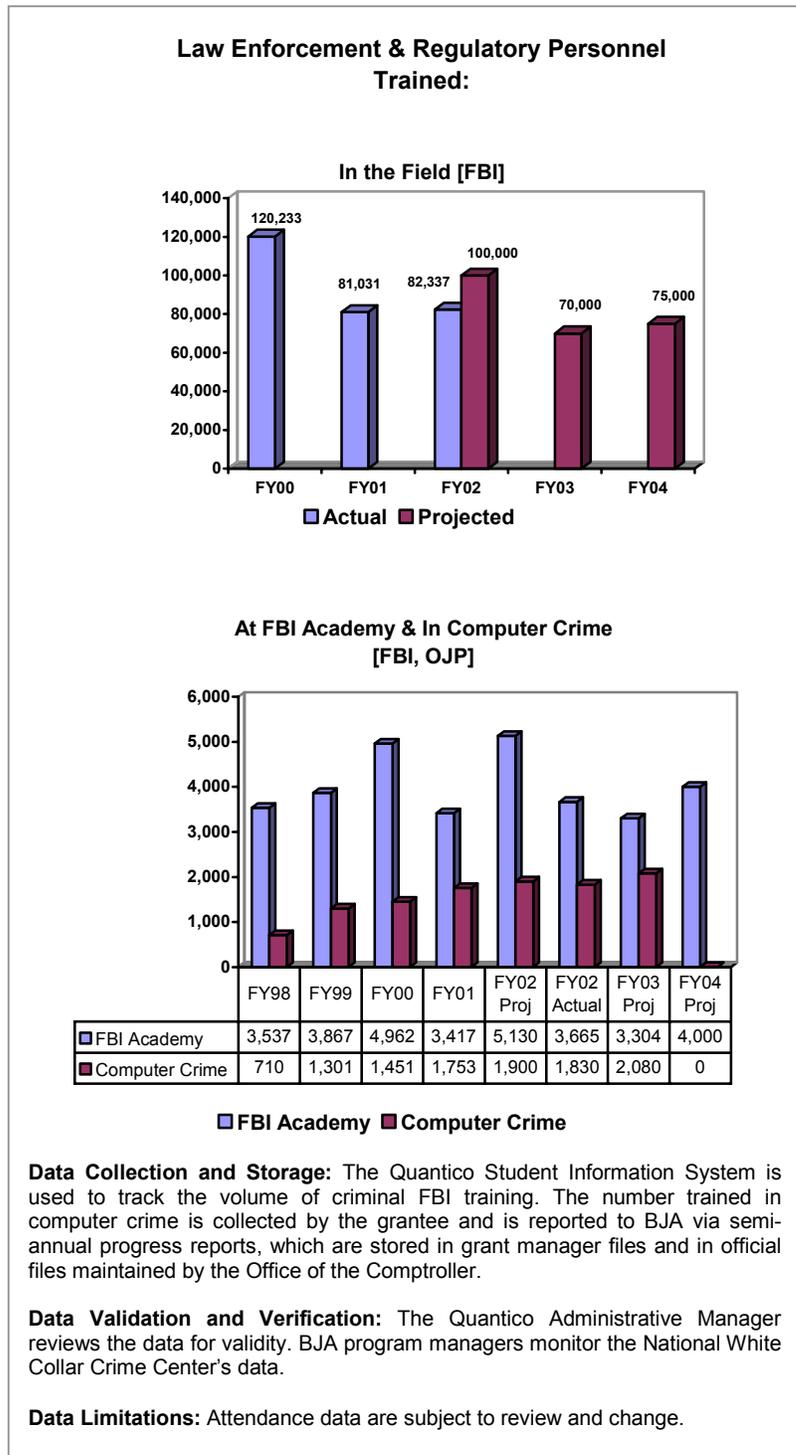
Trained at FBI Academy: 5,130

Trained in Computer Crime (OJP): 1,900

#### **FY 2002 Actual:**

Trained in the field (FBI): 82,337

Trained at FBI Academy: 3,665



Trained in Computer Crime (OJP): 1,830

**Discussion:** In FY 2002, BJA did not meet its target related to computer crime training. Due to the events of September 11, 2001, there was a significant disruption in transporting participants to and from training sessions. Therefore, the amount of law enforcement and regulatory personnel trained was slightly lower than anticipated.

Workyear reductions in the FBI's resources had a significant impact on the FBI's training program. As funded staffing levels in the field were dramatically reduced, FBI law enforcement training efforts were curtailed. In addition, the events of September 11, 2001 impacted the assignment of resources to field training in FY 2002. As the FBI hires new Special Agents, the Training Division must devote significant time and resources to new agent training, which impacts the Division's ability to provide FBI Academy training. Although the FBI's field training efforts are primarily aimed towards state and local police officers, classes and in-services also include attendees from other federal agencies.

**FY 2003 Performance Plan Evaluation:** FBI is revising its FY 2003 targets to 70,000 trained by FBI in the Field, and 3,304 trained at the FBI Academy. Based on FY 2002 performance, OJP revised the FY 2003 upward. The Revised Final FY 2003 goal is 2,080 trained in Computer Crime.

**FY 2004 Performance Target:** 75,000 trained in the Field; 4,000 trained at FBI Academy. N/A Computer Crime (No funding is requested for the National White Collar Crime Center in 2004.)

**Public Benefit:** FBI's training sessions cover the full range of law enforcement topics, including hostage negotiation, computer-related crimes, death investigations, violent crimes, criminal psychology, forensic science, and arson. Training programs also enable the FBI to develop effective partnerships with state and local entities that enhance law enforcement efforts throughout the nation.

From inception until FY 2003, BJA's Computer crime training program has benefited state and local law enforcement and professional agencies by enhancing the effectiveness of the investigation and prosecution of computer crime.

**Strategies to Achieve the FY 2003/FY 2004 Goal:** FBI's training sessions will continue to cover the full range of law enforcement, including hostage negotiation, computer-related crimes, death investigations, violent crimes, criminal psychology, forensic science, and arson.

In FY 2003, OJP will continue to support the National White Collar Crime Center by providing technical assistance and training to local law enforcement and regulatory personnel. In FY 2004, no funding is requested for the National White Collar Crime program due to its support of specialized state-specific projects that duplicate Federal efforts that are currently supported by the FBI and other law enforcement agencies.

**Crosscutting Activities:**

OJP in coordination with other federal, state, and local agencies, provides training and assistance in implementing statewide strategies to improve criminal justice systems. FBI's training programs have established effective partnerships with state and local entities.

### 3.1E Expand Programs to Reduce Violence Against Women

#### Background/Program Objectives:

OJP's Office on Violence Against Women (OVW) administers a combination of two formula and nine discretionary grant programs that support the Violence Against Women Act of 2000 (P.L. 106-386), which are designed to stop domestic violence, sexual assault, and stalking. OVW works with U.S. Attorneys to ensure enforcement of the federal criminal statutes contained in the Violent Crime Control and Law Enforcement Act of 1994; assists the Attorney General in formulating policy related to civil and criminal justice for women; and administers more than \$367 million a year in grants to help states, tribes, and local communities transform the way in which criminal justice systems respond to crimes of domestic violence, sexual assault, and stalking. One notable program, the Rural Domestic Violence and Child Victimization Enforcement Program provides opportunities for rural jurisdictions to draw upon their unique characteristics to develop and implement policies and services designed to enhance intervention and prevention of domestic violence and child victimization.

#### Performance:

**Performance Measure:** Total # of Jurisdictions Providing Services in Rural Areas Previously Under-Served (cumulative) [OJP]

**FY 2002 Target:** 330 Jurisdictions

**FY 2002 Actual:** 303 Jurisdictions

**Discussion:** In FY 2002, OVW made 48 new awards but missed its target by 27. In an attempt to prevent jurisdictions from experiencing a gap in funding cycles, in FY 2002, OVW started awarding 24-month grants instead of 18-month grants. This resulted in larger monetary awards, and therefore OVW was unable to fund as many jurisdictions as originally anticipated.

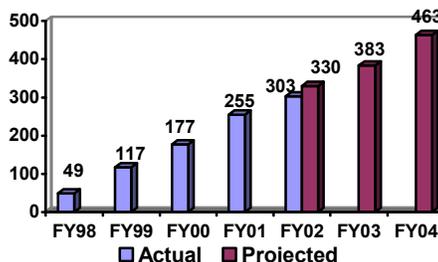
#### **FY 2003 Performance Plan Evaluation:**

Based on FY 2002 performance, we have revised our FY 2003 downward. The Revised Final FY 2003 goal is 383.

**FY 2004 Performance Target:** 463

**Public Benefit:** The Rural Domestic Violence and Child Victimization Enforcement Grant Program (Rural Program) was created to

Total # of Jurisdictions Providing Services in Rural Areas Previously Under-Served [OJP]



**Data Collection and Storage:** Data will be obtained through progress reports submitted by grantees, on-site monitoring and data stored in OVW program office files.

**Data Validation and Verification:** Data will be validated and verified through a review of progress reports submitted by grantees; telephone contact and on-site monitoring of grantee performance by grant program managers.

**Data Limitations:** None known at this time.

support projects preventing and responding to domestic violence and child victimization in rural communities. These victims face additional obstacles to accessing services, such as geographic isolation, economic strain, shortage of victim services, fewer law enforcement resources, and social and cultural constraints. While attention to violence against women has focused largely on urban and suburban areas, the Rural Program is the only grant program, which focuses specifically on enhancing the safety of victims of domestic violence and their children in rural areas.

#### **Strategies to Achieve the FY 2003/FY 2004 Goal:**

In the future to include more communities in the program nationally, OVW plans to provide more funding for new grantees as opposed to awarding continuation grants to existing grantees.

#### **Crosscutting Activities:**

OVW's work prevents violence against women and improves intervention programs along with several components within the Department of Health and Human Services. OVW has regular contact with other federal entities such as the Department of Housing and Urban Development,

the Office of Personnel Management, the Department of Defense (i.e., U.S. Department of Defense Task Force on Domestic Violence), the Department of Labor, and the Department of State.

## STRATEGIC OBJECTIVE & ANNUAL GOAL 3.2: JUVENILE JUSTICE

Reduce youth crime and victimization through assistance that emphasizes both enforcement and prevention

### 3.2A Improve Juvenile Justice Systems

#### Background/ Program Objectives:

OJP's Office of Juvenile Justice and Delinquency Prevention (OJJDP) administers the Court Appointed Special Advocates (CASA) Program. The CASA program funds local programs to support court appointed special advocates in their efforts to assist overburdened court officials and social workers. This program not only serves as a safety net for abused and neglected children, but also as an essential ally in delinquency prevention. Research shows that abused and neglected children are at increased risk of repeating the same violent behavior they experience, and are therefore at increased risk of becoming delinquents and adult criminals.

#### Performance:

**Performance Measure:** Number of Children Served by the CASA Program [OJP] (NOTE: In order to report the most meaningful and accurate data available, in FY 2004, OJP will begin reporting the number of children served through local subgrants, funded by OJP as well as children served by National CASA.)

**FY 2002 Target:** 253,000

**FY 2002 Actual:** 264,869

**Discussion:** During FY 2002, OJP exceeded its target regarding number of children served by the CASA program.

#### **FY 2003 Performance Plan Evaluation:**

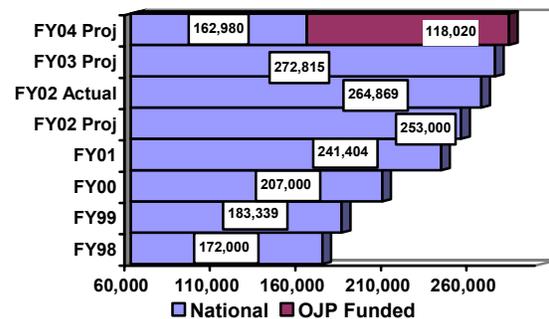
Based on FY 2002 performance, we plan to adjust our FY 2003 goal upward from 260,000 to 272,815.

**FY 2004 Performance Target:** 118,020

OJP Funded; 162,980 Nationally Funded

**Public Benefit:** Children who are victims of abuse and neglect receive effective and quality representation in dependency hearings, thus ensuring that the child's best interest is given appropriate consideration by the court and the child welfare system. As a result, children under the supervision of a court and the child protection system receive the services and attention as detailed in statutory mandates. CASA volunteers

# of Children Served by the CASA Program [OJP]



**Data Collection and Storage:** Data will be obtained through progress reports submitted by grantees, on-site monitoring and data stored in internal files. FY 2004 will be the first year data will reflect number of children served with reference to those local CASA programs that received subgrant funds from national CASA. This will account for the reduction in the number of children served.

**Data Validation and Verification:** Data will be validated and verified through a review of progress reports submitted by grantees, telephone contact, and on-site monitoring of grantees' performance by grant program managers.

**Data Limitations:** National CASA provides information regarding the CASA program two times per year. The next national survey of local CASA programs will be available after 12/31/02. Data reported from 1998-2003 were not separated to distinguish children served by all CASA programs from those served by National CASA subgrants, funded by OJP. In FY 2004, OJP will begin reporting the number of children served through subgrants, funded by OJP, awarded through National CASA.

support the court in working towards achieving permanent stable homes for abused and neglected children. In doing so, the CASA program supports delinquency prevention, as abused and neglected children are at-risk of becoming juvenile delinquents and adult offenders. It is believed that intervention in these cases at an early stage through programs such as CASA, and provision of appropriate services as well as stable homes for these children reduces the long-term consequences of abuse and neglect.

**Strategies to Achieve the FY 2003/FY 2004 Goal:**

Through a training and technical assistance grant from OJJDP, National CASA provides funding opportunities to communities for developing and expanding CASA programs through: electronic consultation, onsite technical assistance and monitoring, an annual national training program, and tracks subgrantee performance in National CASA's database, in order to support the start-up and management of these subgrants.

OJP will continue to provide subgrants to local programs throughout the nation to support the development of new CASA programs and continue the expansion of existing CASA programs in order to increase the number of children served in each community. There are approximately 900 CASA programs that have served more than 200,000 children. National CASA targets communities in underserved areas in order to increase the number of children receiving representation from CASA volunteers. New programs are funded based on information that indicates that no other CASA programs are serving a community. For all CASA programs, National CASA offers consultation and resources that help start CASA programs and also train volunteers for established programs. CASA will continue to award grants to programs for start-up and expansion of CASA's mission through a federal grant program sponsored by OJP. The CASA subgrant program, which currently covers approximately 10% of the total CASA programs, will continue to provide funding in these categories to maximize development and expansion of opportunities to serve children.

**Crosscutting Activities:**

OJJDP coordinates with the Departments of Education and Health and Human Services, the Bureau of Labor Statistics, the National Academy of Public Administration, and the Council of Juvenile Correctional Administrators.

### 3.2B Support Early Intervention and Prevention Programs Focused on Youth Crimes

#### Background/Program Objectives:

Among the intervention and prevention activities supported by OJJDP are juvenile mentoring programs that link at-risk youth with responsible adults to provide guidance, promote personal and social responsibility, discourage gang involvement, and encourage participation in community service activities.

OJJDP recently completed a Report to Congress on the Juvenile Mentoring Program (JUMP), including preliminary results indicating that JUMP shows promise as a prevention measure to reduce delinquency and give participating youth a better chance at success. Additionally, OJJDP continues to fund the National Mentoring Center, which provides training and technical assistance, dissemination of publications and bulletins, and conducts regional training to strengthen the ability of juvenile mentoring programs across the country.

#### Performance:

**Performance Measure:** Number of Youth Enrolled in JUMP Mentoring Programs Nationwide [OJP]

**FY 2002 Target:** 18,500

**FY 2002 Actual:** 18,644

**Discussion:** In FY 2002, OJJDP exceeded its target by 144 youth in mentoring programs nationwide. OJJDP achieved these goals by stressing the importance of data reporting and tightening of monitoring controls.

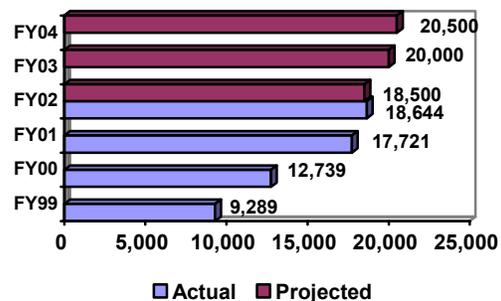
#### **FY 2003 Performance Plan Evaluation:**

Based on FY 2002 performance, we have revised our FY 2003 upward. The Revised Final FY 2003 goal is 20,000.

**FY 2004 Performance Target:** 20,500

**Public Benefit:** This funding supports local communities in their efforts to develop and implement effective multidisciplinary prevention and intervention programs and improve the capacity of the juvenile justice system to protect public safety, hold offenders accountable, and provide treatment and rehabilitative services tailored to the needs of individual juveniles and their families.

Number of Youth Enrolled in JUMP Mentoring Programs Nationwide [OJP]



**Data Collection and Storage:** Information is obtained through the JUMP National Evaluator, which collects quarterly status reports from each grantee site.

**Data Validation and Verification:** Grant monitors perform on-site monitoring visits overseeing grantee performance. Additionally, national program evaluations are performed by OJJDP.

**Data Limitations:** Due to the fact that program start-up varies between fiscal years and youth enrollment varies, setting realistic targets is challenging. Chart includes data from competitively funded JUMP programs, and does not include data from earmarked programs.

#### Strategies to Achieve the FY 2003/FY 2004 Goal:

OJJDP and its technical assistance provider, the National Mentoring Center, will convene the FY 2002 JUMP awardees and existing grantees during the coming year. At these meetings, OJJDP will provide technical assistance to the grantees on youth and mentor recruitment and stress the importance of meeting minimum recruitment objectives. Program monitors, in coordination with the national evaluator, will closely monitor recruitment efforts and outcomes of all active JUMP grants and will address shortcomings through routine and special monitoring activities. A self-evaluation workbook and training were provided to assist sites in collecting data on project operation and effectiveness. Results are expected to enhance grantee reporting.

#### Crosscutting Activities:

OJP is coordinating with internal program offices as well as with the Departments of Education and Health and Human Services.

### 3.2C Implement Child Victim Support

#### Background/Program Objectives:

OJJDP administers the Missing and Exploited Children's Program (MECP). This program coordinates activities under the Missing Children's Assistance Act, including preventing abductions, investigating the exploitation of children, locating missing children and reuniting them with their families, and addressing the psychological impact of abduction on the child and the family. Program funds are used to enhance the efforts of state and local communities in their comprehensive response to missing and exploited children issues through direct assistance in planning and program development; developing and disseminating policies, procedures and programmatic information related to search teams, investigations, and crisis intervention activities; reunification of youth with their families; and issues related to victimization of families and youth involved in the missing and exploitation problem.

OJJDP's Internet Crimes Against Children (ICAC) Task Force program is helping communities protect children from online victimization. Nearly 30 million children and youth go online each year to research homework assignments, play games, and meet friends. The electronic actions of the unwary and vulnerable can lead to stalking, theft, and other malicious or criminal actions. In the worst instances, children and teenagers can become victims of molestation by providing personal information. This initiative encourages state and local law enforcement agencies to develop and implement regional multijurisdictional, multi-agency task forces to prevent and respond to online crimes against children.

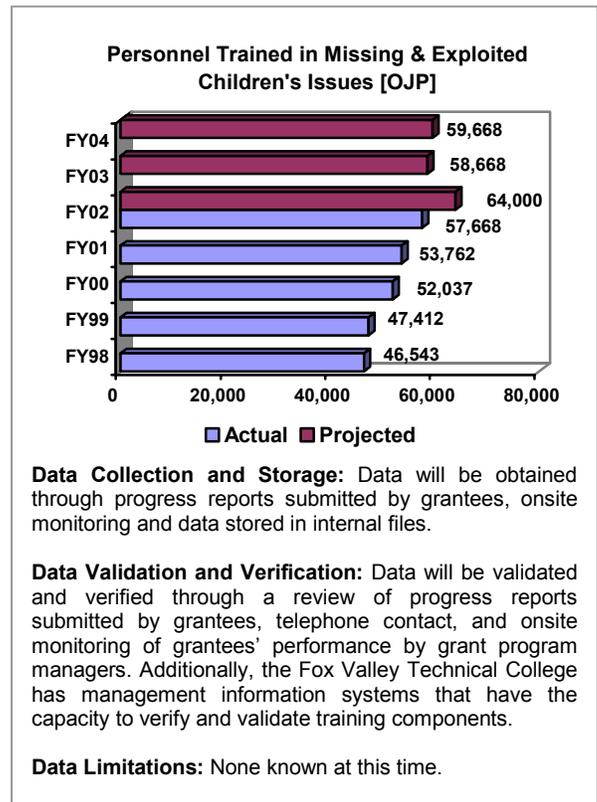
#### Performance:

**Performance Measure:** Personnel Trained in Missing & Exploited Children Issues (cumulative) [OJP] (NOTE: In FY 2001, the actual was over reported by 10,000. Consequently, back year data have been updated to reflect the most accurate data available.)

**FY 2002 Target:** 64,000

**FY 2002 Actual:** 57,668

**Discussion:** In FY 2002, OJJDP trained 3,906 criminal justice, regulatory, education, and social service personnel in missing and exploited



children's issues. Courses included Child Abuse and Exploitation Investigations, Child Fatality Investigations, Key Elements for Effective School Policing, Protecting Children Online for Investigators, Responding to Missing and Exploited Children, and Chief Executive Officer Training Seminar for Missing and Abducted Children.

#### **FY 2003 Performance Plan Evaluation:**

Based on FY 2002 performance, we have revised our FY 2003 downward. The Revised Final FY 2003 goal is 58,668.

**FY 2004 Performance Target:** 59,668

**Public Benefit:** An OJJDP-funded study conducted in 1997 by the Washington Attorney General's Office revealed that 74% of children who are abducted are murdered within 3 hours of abduction. MECP provides the only federally coordinated mechanism for locating and recovering missing children through state, local and federal law enforcement agency efforts. Without an established national program in place to direct the coordination of law enforcement efforts and to train law enforcement, prosecutors, and other agencies in the complex issues of child

abduction and sexual abuse and exploitation, the ensuing uneducated response would be splintered, uncoordinated, and haphazard, leading to unnecessary delays that could easily result in the death of a child. The National Center for Missing and Exploited Children (NCMEC) and Fox Valley Technical College training programs offer multi-tiered training and promotes awareness of and encourages the use of existing resources to assist law enforcement agencies in investigating and prosecuting missing and exploited children cases.

investigations of child sexual exploitation. Numbers exceeded the projected target due to increased investigation activity as a result of Operation Avalanche, a global investigation of purchasers of online child pornography. Additionally, OJJDP exceeded its investigations target by 1,392 through the funding of 30 ICAC task forces to provide investigative expertise to non-ICAC law enforcement agencies in cases involving the sexual exploitation of children.

**FY 2003 Performance Plan Evaluation:**

Based on FY 2002 performance, we plan to meet our original FY 2003 goal of 1,550 forensic examinations, and we are revising our FY 2003 target upward for investigations. The Revised Final FY 2003 goal is 2,200 investigations.

**FY 2004 Performance Target:** 2,300

investigations; 1,600 forensic examinations

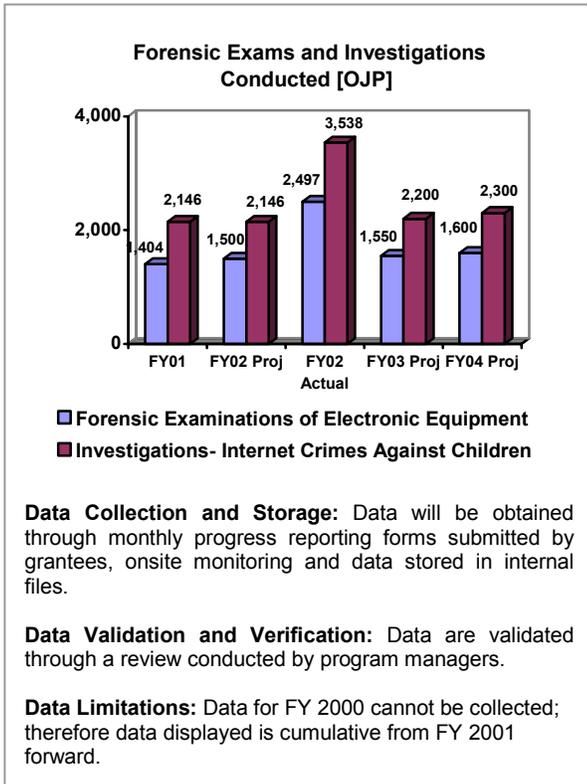
**Public Benefit:** A June 2000, University of New Hampshire study funded through

NCMEC found that nearly 24 million youth ages 10 through 17 were online regularly in 1999.

This study also indicates that 1 in 5 children, 10-17 years old received a sexual solicitation online in 1999. ICAC Task Forces face an increasing proliferation of sexual crimes against children. Predators pose a huge threat to the safety of youth. ICAC Task Forces, the only federally funded, coordinated network of State and local law enforcement agencies targeted to fight child sexual exploitation, many staffed with Federal law enforcement, provide a protective shield across the Nation.

**Strategies to Achieve the FY 2003/FY 2004 Goal:**

The number of ICAC Regional Task Forces will increase to 40 from the original 30. This will provide increased ICAC jurisdictional coverage in areas with no current ICAC coverage. While the number of ICAC satellites will decrease (the ICAC satellite program is being phased out), ICAC Regional Task Forces will continue to expand jurisdiction through “memoranda of understanding” with non-ICAC State and local law enforcement agencies. The increase in Regional Task Forces is not expected to increase the projected number of forensic examinations since the ICAC satellite program is being phased out.



**Performance Measure:** Forensic Examinations of Electronic Equipment and Investigations Conducted by Internet Crimes Against Children (ICAC) [OJP]

**FY 2002 Target:**

1,500 forensic examinations

2,146 Investigations

**FY 2002 Actual:**

2,497 forensic examinations

3,538 investigations

**Discussion:** In FY 2002, OJJDP exceeded its projected target for forensic examinations by 997. ICAC task forces provided technical assistance to non-ICAC law enforcement agencies in the examination of computers seized in

**Crosscutting Activities:**

OJP's OJJDP works with national, international, state, military, and tribal victim assistance, and criminal justice agencies, as well as other professional organizations, to promote fundamental rights and comprehensive services for crime victims. OJJDP works with federal, international, state and military criminal justice agencies to respond and investigate the sexual exploitation of children online. OJJDP and the technical advisors to the ICAC Task Force Board of Directors include the FBI, U.S. Customs Services, U.S. Postal Inspection Service, Executive Office for the United States Attorneys, and the National Center for Missing and Exploited Children.

## STRATEGIC OBJECTIVE & ANNUAL GOAL 3.3: DRUG ABUSE

Break the cycle of drugs and violence by reducing the demand for and use and trafficking of illegal drugs

### 3.3A Monitor Substance Abuse by Arrestees and Criminal Offenders

#### Background/Program Objectives:

OJP works to prevent use and abuse of drugs and alcohol through a variety of demonstration, educational, and public outreach programs. Research shows that drug use and crime are closely linked. OJP funds a number of ongoing data collection programs used to monitor the drug/crime nexus, including: NIJ's Arrestee Drug Abuse Monitoring (ADAM) Program and the BJS' National Crime Victimization Survey and Surveys of Jail Inmates, State Prisoners, Federal Prisoners, and Probationers.

OJP's ADAM program is the only federally-funded drug use prevalence program to directly address the relationship between drug use and criminal behavior. It is also the only program to provide drug use estimates based on urinalysis results, which have proven to be the most reliable method of determining recent drug use. The ADAM program obtains voluntary, anonymous interviews and urine samples from arrestees at selected booking facilities throughout the United States.

#### Performance:

**Performance Measure:** Total Number of ADAM Sites [OJP]

**FY 2002 Target:** 50

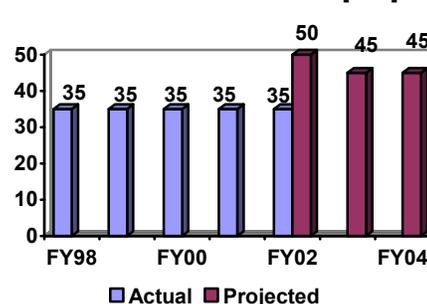
**FY 2002 Actual:** 35

**Discussion:** Based on performance in FY 2002, we did not meet our target of 50 ADAM sites. To assess the benefit of the ADAM program relative to its costs, an independent evaluation is ongoing and due to be completed by January 2003. Pending the results of this evaluation, further site expansion has been put on hold. At the end of FY 2002, 33 sites were actively collecting ADAM data, with one additional site ready to collect in the near future, and another ready to start preliminary negotiations with the national contractor.

#### **FY 2003 Performance Plan Evaluation:**

Based on FY 2002 performance and the pending results of the evaluation, the FY 2003 goal is 45.

Total Number of ADAM Sites [OJP]



**Data Collection and Storage:** ADAM site information is collected from active sites and stored in NIJ files.

**Data Validation and Verification:** NIJ verifies performance measures through progress reports submitted by grantees, onsite monitoring of grantee performance by grant program managers, and telephone contact.

**Data Limitations:** None known at this time.

#### **FY 2004 Performance Target:** 45

**Public Benefit:** The ADAM program provides program planning and policy information on drug use, drug dependency and treatment, and drug market participation among arrestees through quarterly interviews of male and female arrestees in 35 sites across the country. Through interviews and drug testing, these communities gain insight into some dimensions of their particular local substance abuse problems, which can allow them to plan policy responses appropriate to these populations.

#### **Strategies to Achieve the FY 2003/FY 2004 Goal:**

To assess the benefit and program effectiveness of the ADAM program relative to its costs, an independent evaluation is ongoing and due for completion by February 2003. The results of this study will enable OJP to better gauge the benefits of the ADAM program.

**Crosscutting Activities:**

OJP coordinates its substance abuse treatment programs with the Department of Health and Human Services' Center for Substance Abuse Treatment and the Office of National Drug Control Policy, and the National Institute on Drug Abuse. Other federal, state, and local law enforcement agencies are using ADAM data to determine detailed trends in drug use, drug dependency, drug treatment, and drug market participation among arrestees.

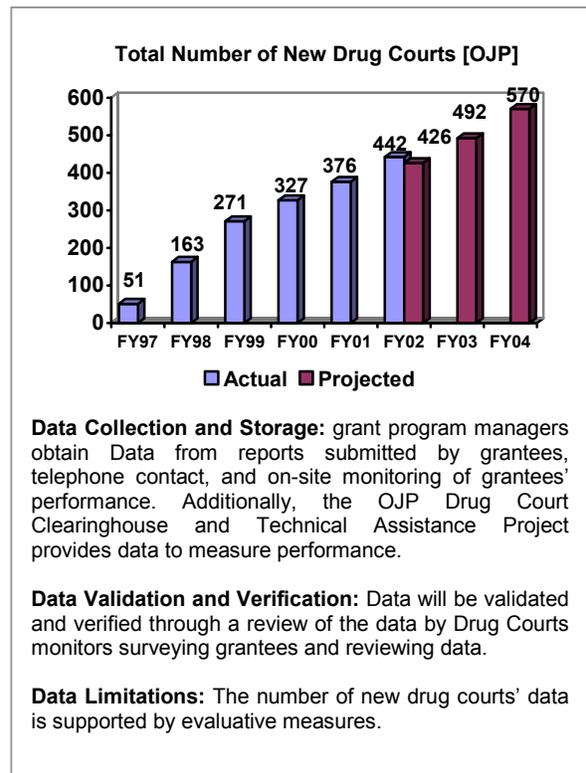
### 3.3B Support Programs Providing Drug Testing, Treatment, and Graduated Sanctions

#### Background/Program Objectives:

According to the latest Bureau of Justice Statistics data published in May 2000, an estimated 417,000 local jail inmates (70% of all jail inmates) had been arrested for, or convicted of, a drug offense or had used drugs regularly. Thirty-six percent were under the influence of drugs at the time of the offense, and 16% said they committed their offenses to get money for drugs. These facts demonstrate that the demand for drug treatment services is tremendous. OJP has a long history of providing drug-related resources to its constituencies in an effort to break the cycle of drugs and violence by reducing the demand, use and trafficking of illegal drugs.

The drug court movement began as a community-level response to reduce crime and substance abuse among criminal justice offenders. This new approach integrated substance abuse treatment, sanctions, and incentives with case processing to place nonviolent drug-involved defendants in judicially supervised rehabilitation programs. The traditional system had rarely provided substance abuse treatment to defendants in any systematic way and, in many cases, provided little or no threat of sanctions to drug offenders. The OJP's Drug Court Program was established in 1995 to provide financial and technical assistance to states, state courts, local courts, units of local government and Indian tribal governments to establish drug treatment courts. Drug courts employ the coercive power of the judicial system to subject non-violent offenders to an integrated mix of treatment, drug testing, incentives and sanctions to break the cycle of substance abuse and crime. This community-level movement is supported through drug court grants and targeted technical assistance and training.

OJP's Residential Substance Abuse Treatment (RSAT) for State Prisoners Program is a formula grant program that assists states and units of local government in developing and implementing these programs within state and local correctional and detention facilities in which prisoners are incarcerated for a period of time sufficient to permit substance abuse treatment (6 - 12 months).



#### Performance:

**Performance Measure:** Total Number of New Drug Courts (cumulative) [OJP]

**FY 2002 Target:** 426

**FY 2002 Actual:** 442

**Discussion:** In FY 2002, OJP exceeded its target by 16 through the implementation of 66 new drug courts.

#### **FY 2003 Performance Plan Evaluation:**

Based on FY 2002 performance, we have revised our FY 2003 upward. The Revised Final FY 2003 goal is 492.

**FY 2004 Performance Target:** 570

**Public Benefit:** Drug courts provide an alternative to traditional methods of dealing with the devastating impact of drugs and drug related crime.

**Performance Measure:** MEASURE REFINED: Number of Offenders Treated for Substance Abuse Annually (RSAT) [OJP] (NOTE: This measure has been refined to reflect offenders treated annually.)

**FY 2002 Target:** 1,122

**FY 2002 Actual:** 38,639

**Discussion:** In FY 2002, 38,639 offenders received treatment. Of the 38,639 receiving treatment through the RSAT program in FY 2002, 30,933 were adults and 3,618 were juveniles. The number of offenders completing the aftercare program was 4,088. In FY 2002, BJA exceeded its target by 37,517 through the treatment of 38,639 offenders for substance abuse. BJA achieved this goal by enhancing the capability of state and local governments to provide residential substance abuse treatment for incarcerated inmates. BJA significantly exceeded its target because jurisdictions are permitted to spend their awarded dollars during the fiscal year the award was made, plus two additional fiscal years. Jurisdictions utilizing this option may treat very few offenders in the early years; however, a spike in the number of offenders treated will result when the remainder of the funding is actually spent in the later years.

**FY 2003 Performance Plan Evaluation:**

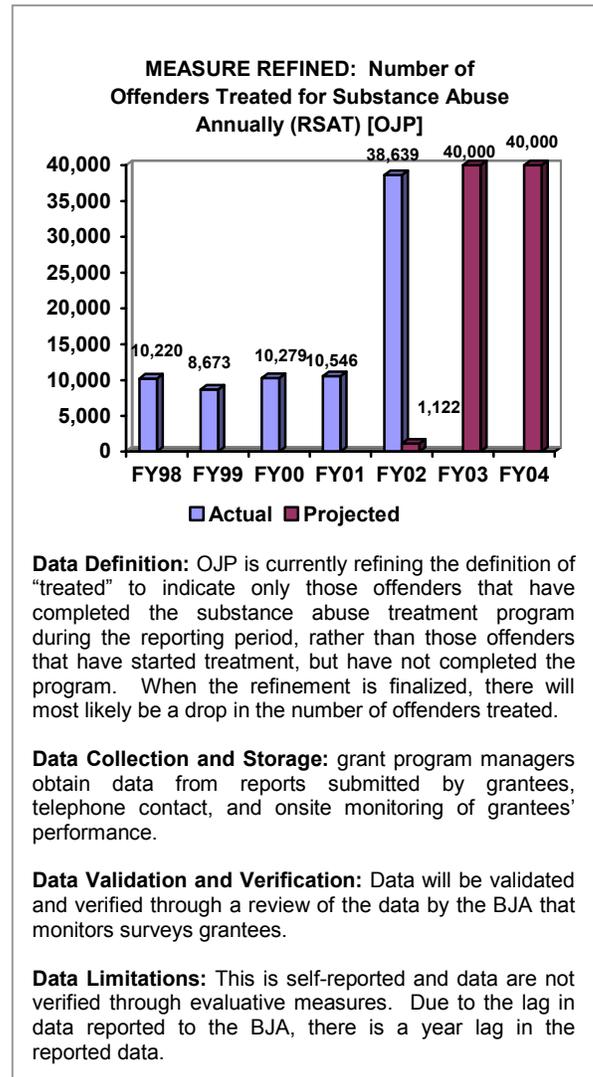
Based on FY 2002 performance, we have revised our FY 2003 upward. The Revised Final FY 2003 goal is 40,000 (annual).

**FY 2004 Performance Target:** 40,000 (annual)

**Public Benefit:** Providing treatment to incarcerated offenders means that they will be less likely to use drugs upon release which will enable them to be more employable, more likely to build strong relationships with their families and communities, and less of a strain on community substance abuse resources as they continue to maintain abstinence. Given the long established link between drugs and crime, offenders who remain drug free are less likely to commit crimes. This adds a public safety benefit as a result of addressing their treatment needs. Additionally, if they remain crime and drug-free, they will not continue to cycle through the criminal justice system. This allows the resources of law enforcement, the courts and corrections to be focused on more serious and violent offenders.

**Strategies to Achieve the FY 2003/FY 2004 Goal:**

OJP's drug court program will continue to employ the statutory provisions by implementing a comprehensive four-step strategy that provides



programmatic guidance and leadership to communities interested in drug courts. This discretionary grant program is designed to provide seed funding for drug courts, not long term direct support, therefore, the overall goal of the strategy is to build capacity at the state and local level. The four components of the strategy are: providing an array of training; technical assistance opportunities to implement best practices; supporting the evaluation of drug courts to demonstrate the effectiveness; and partnering with the drug court field to integrate the drug court movement into the mainstream court system.

Additionally, OJP's RSAT program will continue to fund and expand corrections-based substance abuse treatment programs and to encourage the establishment of community-based aftercare programs. A combination of both the corrections and community based treatment programs is expected to reduce recidivism, thereby reducing crime and violence within communities.

**Crosscutting Activities:**

OJP's drug court program coordinates with the Department of Health and Human Services' Center for Substance Abuse Treatment, the Office of National Drug Control Policy (ONDCP), the State Justice Institute, and the Department of Transportation's National Highway Traffic Safety Administration to leverage the coercive power of the criminal justice system to increase the likelihood of a successful rehabilitation.

Additionally, OJP's RSAT program works with the Center for Substance Abuse Treatment and Center for Mental Health Services, as well as the Center for Disease Control and ONDCP to improve service delivery and quality to those inmates who have substance abuse, mental and physical problems.

## STRATEGIC OBJECTIVE & ANNUAL GOAL 3.4: VICTIMS OF CRIME

Uphold the rights of and improve services to America's crime victims

### 3.4A Provide Victim Services

#### Background/Program Objectives:

OJP's Office for Victims of Crime (OVC) is dedicated to serving our nation's victims, including those in traditionally underserved populations. OVC, in carrying out its mission, (1) enacts and enforces consistent, fundamental rights for crime victims in federal, state, juvenile, military, and tribal justice systems; (2) provides comprehensive quality services for all victims; (3) integrates crime victims' issues into all levels of the country to increase public awareness; (4) provides comprehensive quality training for service providers who work with crime victims; (5) develops a National Crime Victims Agenda to provide a guide for long term action; (6) serves in an international leadership role in promoting effective and sensitive victim services and rights around the world; and (7) ensures a central role for crime victims in the country's response to violence and victimization.

Additionally, millions of Americans call upon religious leaders for spiritual guidance, support and information in times of personal crisis. Many faith-based crime assistance programs across the country receive Victim of Crime Act funding to provide needed counseling, criminal justice support, referrals, and other critical services to America's crime victims.

#### Performance:

OJP is working with Office Management and Budget (OMB) and, in turn, the White House Office of Faith Based and Community Initiatives, to develop an appropriate measure of performance. The measure will focus on efforts to improve access and level the playing field for faith-based and community organizations in the federal grant process. Currently, efforts are underway to improve data collection in this area to better identify the types of applicants. This information will allow us to determine the effectiveness of our outreach efforts and accessibility to potential grantees. Additionally, OVC will continue to

work with and encourage Victims of Crime Act Grant Administrators to provide grants to faith-based subgrantees.

**Discussion:** In FY 2002, OVC decided to make a grant in FY 2003 to the National Association of VOCA Assistance Administrators (NAVAA) to survey State Administrators about the data elements of the VOCA Subgrant Award Report. It is anticipated that the NAVAA report, due in FY 2004, may provide information on the dollars spent for victims at the subgrantee level by various implementing agencies including religious/faith-based organizations. OVC plans to provide performance information on victims served by the latter.

**FY 2003 Performance Evaluation:** N/A

**FY 2004 Performance Target:** It is anticipated that the NAVAA report, to be used in establishing OVC's baseline, will be completed in FY 2004.

**Public Benefit:** Victims who prefer a faith-based service, as opposed to a non-sectarian based service, will have the option of choosing between faith-based or non-faith based services. There are many crime victims in the aftermath of crime that find comfort in receiving services from faith-based organizations.

#### Strategies to Achieve the FY 2003/FY 2004 Goal:

OVC will be providing support in FY 2004 to several discretionary programs aimed at increasing the involvement of the faith-based community in assisting victims of crime. These include: the Faith Community Education Initiative (non-competitive award); the Law Enforcement Chaplainry Services to Crime Victims (non-competitive award); the Collaborative Response to Crime Victims in Urban Areas (competitive); Training for Community Interfaith Councils; Faith-Based Response to Victims in High-Intensity Crime Areas; Training for Community Based Grief Centers; and the Denver Clergy project. OVC is working with each of them to develop common performance measures that can be used to report on this important activity. In addition, with respect

to its formula program, OVC will revise its reporting system to capture victims served by religious organizations.

**Crosscutting Activities:**

OJP is working with OMB and, in turn, the White House Office of Faith Based and Community Initiatives, to develop an appropriate measure of performance. The measure will focus on efforts to improve access and level the playing field for faith-based and community organizations in the federal grant process. Currently, efforts are underway to improve data collection in this area, to better identify the types of applicants. This information will allow us to determine the effectiveness of our outreach efforts and accessibility to potential grantees. Additionally, OVC will continue to work with and encourage Victims of Crime Act Grant Administrators to provide grants to faith-based subgrantees.

### STRATEGIC OBJECTIVE & ANNUAL GOAL 3.5: COMMUNITY SERVICE

Support innovative, cooperative, and community-based programs aimed at reducing crime and violence in our communities

#### 3.5A Support Community Policing Initiatives

##### Background/Program Objectives:

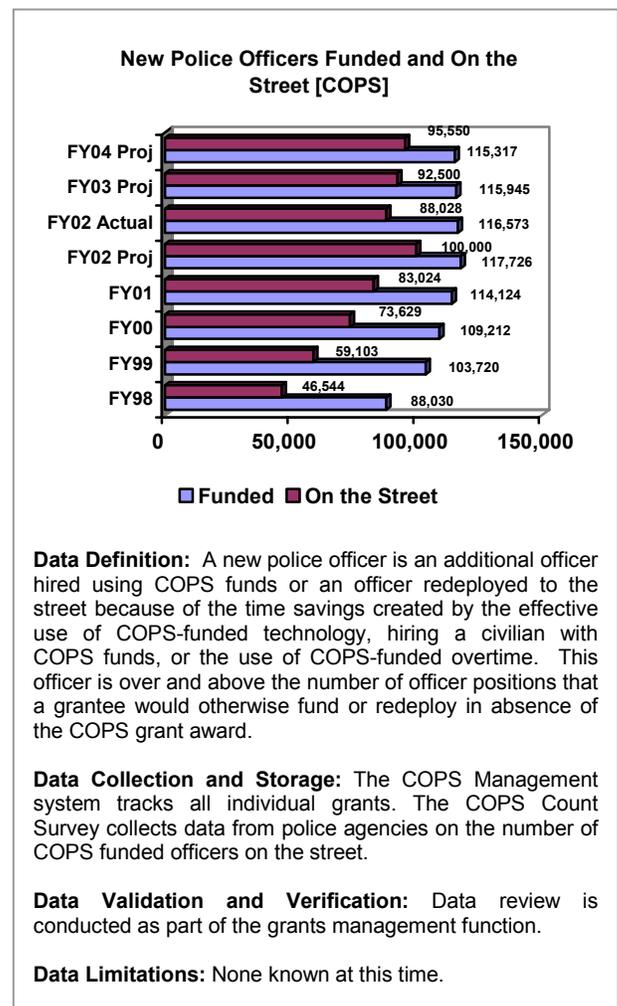
As crime and the fear of crime rose in the 1970s and 1980s, it became apparent that the traditional law enforcement response was not effective. Police were reacting to crime, rather than preventing it and communities felt law enforcement was unresponsive to their concerns. A few cities began experimenting with community involvement in solving problems and addressing the conditions that lead to crime. They found it surprisingly effective. As the practice grew and developed, it came to be known as community policing.

The COPS Office has three primary objectives: reduce the fear of crime, increase community trust in law enforcement, and contribute to the reduction in locally identified, targeted crime and disorder. Community policing rests on three primary principles: 1) continuous community-law enforcement partnership to address issues in the community; 2) a problem-solving approach to the causes of crime and disorder; and 3) sustained organizational change in the law enforcement agency that decentralizes command and empowers front-line officers to build partnerships in the community and address crime and disorder using innovative problem-solving techniques.

Under the COPS Office hiring grant programs (the Universal Hiring Program (UHP), Making Officer Redeployment Effective (MORE), COPS in Schools (CIS), and Indian Country programs), awards were based on a jurisdiction's public safety needs and its ability to sustain the financial commitment to deploy additional community policing officers beyond the life of the grant. The number of officers that are ultimately deployed can decrease from the initial award estimate based on many factors including: the success of a jurisdiction's officer recruitment efforts; the actual availability of local matching funds (which can vary from initial estimates based on funding appropriated by local governments); a change in a

project's scope; and the number of officers that successfully complete academy training.

The COPS In Schools program provided funding to hire School Resource Officers (SROs). While the specific activities of an SRO are largely determined by local communities to address the unique needs of their school, SROs are sworn law enforcement officers serving as liaisons to the school community, school-based problem solvers, and law-related educators. They are an integral part of the protective fabric of the school, developing relationships with students, faculty,



and staff; building respect between law enforcement and schools; and helping to prevent problems from occurring.

**Performance:**

**Performance Measure:** New Police Officers Funded and On the Street [COPS]

**FY 2002 Target:**

117,726 Funded, 100,000 On the Street

**FY 2002 Actual:**

116,573 Funded, 88,028 On the Street

**Discussion:** In FY 2002, the COPS Office funded 4,096 additional officers (for a net increase of 2,449) across all its hiring programs, exceeding the goal of 3,602 for that year. COPS did not reach its cumulative target of 117,726, however, because approximately 1,500 officers were withdrawn from COPS hiring programs as a result of grant award changes requested by grantees. A number of grantees requested modifications to their grants based on a desire to hire fewer officers than originally awarded or to hire part-time officers in the place of the full-time officers that were originally awarded.

Additionally, the grant closeout process resulted in a number of withdrawals by the COPS Office. Lastly, because of an increase in costs per officer in two programs, COPS in Schools and Indian Country, COPS awarded approximately 100 officers fewer than anticipated when targets were established. This brings the net total to 116,573. Note that because of the impact of withdrawals and modifications, one cannot derive the cumulative number of officers funded through FY 2002 by adding the number of officers funded in FY 2002 to the previous year's cumulative total. Withdrawals and modifications affect the cumulative number of officers funded since the COPS program was established.

By July 2002, 88,028 COPS-funded officers had been put on the street. Approximately 96% of the additional officers, overtime, and civilian positions funded through COPS hiring programs have been hired and deployed to the street. MORE technology grantees are having difficulty getting their projects implemented; therefore, only 47% have redeployed their officers to the street. An analysis of the annual survey conducted by COPS shows that grantees from large jurisdictions that are redeploying large numbers of officers are making slow progress because of the difficulty in bringing together consortia consisting of 20-30 agencies and the complexity

of large projects. COPS projects that many of these consortia will be in place and grantees will be able to redeploy additional officers in FY 2003. COPS is offering intensive training and technical assistance to assist MORE grantees.

**FY 2003 Performance Plan Evaluation:**

Based on FY 2002 performance, we have revised our FY 2003 downward. The Revised Final FY 2003 target is 115,945 officers funded and 92,500 officers on the street.

**FY 2004 Performance Target:** 115,317 officers funded and 95,550 officers on the street.

**Public Benefit:** COPS grants have funded more than 116,000 officers in more than 12,800 police and sheriff departments. A study examining data from 1995 - 1999 (2001. Zhao, Jihong and Quint Thurman, "A National Evaluation of the Effect of COPS Grants on Crime from 1994-1999." University of Nebraska at Omaha.) found COPS hiring and innovative grants had a statistically significant association in lowering property crime (burglary, larceny and auto theft) and violent crime (murder, rape, robbery, and aggravated assault) in cities with populations greater than 10,000. Over 90% of the U.S. population lives in cities of this size.

**Performance Measure:** DISCONTINUED  
MEASURE: % Reduction in Locally Identified, Targeted Crime & Disorder; DISCONTINUED  
MEASURE: % Reduction in Fear of Crime in Surveyed Communities; DISCONTINUED  
MEASURE: % Increase in Trust in Local Law Enforcement in Surveyed Communities [COPS]

**Discussion:** Percent Reduction in Fear of Crime in surveyed communities and Percent Increase in Trust in Local Law Enforcement in surveyed communities, have not been effectively surveyed; therefore COPS is unable to establish a meaningful baseline. As a result, these measures are being discontinued.

**FY 2003 Performance Plan Evaluation:**  
N/A

**FY 2004 Performance Target:** N/A

**Public Benefit:** See above.

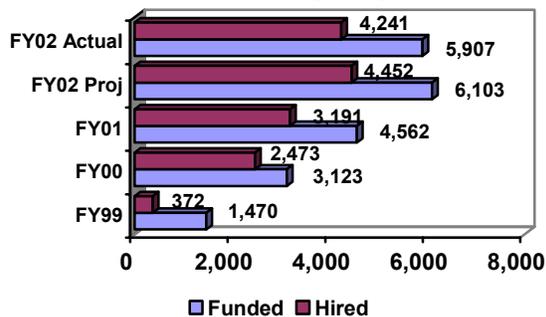
National Evaluation of COPS Grants Effect on Crime	FY 2002 Target	FY 2002 Actual
<b>DISCONTINUED MEASURE:</b> % Reduction in Locally Identified, Targeted Crime & Disorder (FY2000 = Baseline)	1-4%	N/A
<b>DISCONTINUED MEASURE:</b> % Reduction in Fear of Crime in Surveyed Communities (FY2000 = Baseline)	1-4%	N/A
<b>DISCONTINUED MEASURE:</b> % Increase in Trust in Local Law Enforcement in Surveyed Communities (FY2000 = Baseline)	1-4%	N/A

**Data Collection and Storage:** Baseline not established, survey not conducted.

**Data Validation and Verification:** NA

**Data Limitations:** NA

**DISCONTINUED MEASURE: # of School Resource Officers Funded/ Hired (Cumulative) [COPS]**



**Data Collection and Storage:** The COPS Management system tracks all individual grants.

**Data Validation and Verification:** Data review is conducted as part of the grants management function.

**Data Limitations:** None known at this time.

**Performance Measure:** DISCONTINUED MEASURE: # of School Resource Officers Funded/Hired [COPS]

**FY 2002 Target:**

6,103 Funded, 4,452 Hired

**FY 2002 Actual:**

5,907 Funded, 4,241 Hired

**Discussion:** The COPS Office achieved more than 96% of its target for the cumulative

number of SROs funded by FY 2002. FY 2002 projections for the target were based on an average cost per officer, which was 2.65% above the previous year's average. The higher cost reduced the number of officers that could be funded with FY 2002 funds.

**FY 2003 Performance Plan Evaluation:**

N/A Program not funded in FY 2003.

**FY 2004 Performance Target:** N/A

**Public Benefit:** Since FY 1999, COPS has funded more than 5,900 School Resource Officers (SROs) to more than 2,500 agencies through the COPS In Schools (CIS) program. School Resource Officers assist schools and communities in ensuring a safe environment for students and staff by acting as problem solvers and liaisons to the community, safety experts, law enforcers, and educators. The SROs funded through the program teach programs such as crime prevention, substance abuse awareness, and gang resistance classes. SROs monitor and assist troubled students through mentoring programs and promote personal and social responsibility by encouraging participation in community service activities. These officers may also identify physical changes in the environment that may reduce crime in and around primary and secondary schools, as well as assist in developing school policies which address criminal activity and school safety. All these activities have helped SROs contribute to increased trust in law enforcement and reduced fear among students in the schools where they serve.

**Strategies to Achieve the FY 2003/FY 2004 Goal:**

COPS will continue to support the advancement of community policing through training and technical assistance, community policing innovation conferences, development and sharing of best practices through publications and websites, and pilot community policing programs. COPS will continue to support existing grants and evaluate the effects of community policing on crime. To meet critical law enforcement needs, the COPS Office will continue to work in partnership with law enforcement agencies to enhance police integrity.

**Crosscutting Activities:**

COPS works with the Department of Education on the Mental Health and Community Safety Initiative for tribal communities and the National Highway Traffic Safety Administration of the

Transportation Department on a seat belt safety initiative. COPS recently led the SafeCities initiative, which included participation by the Bureau of Alcohol Tobacco and Firearms, Department of Housing and Urban Development and the Office of National Drug Control Policy.

### 3.5B Assist Communities in Resolution of Conflicts and Prevention of Violence Due to Ethnic and Racial Tension

#### Background/Program Objectives:

The Department's Community Relations Service (CRS) continued to improve and expand upon the delivery of conflict resolution and violence prevention services to state and local officials and community leaders in FY 2002. These services include: direct mediation and conciliation services; transfer of knowledge and expertise in the establishment of partnerships and formal agreements for locally-derived solutions; development of community trust and cooperation; improvement of local preparedness for addressing violence and civil disorders; and assistance in enhancing the local capacity to resolve local conflicts.

#### Performance:

**Performance Measure:** Communities with Improved Conflict Resolution Capacity as a Result of CRS Assistance [CRS]

**FY 2002 Target:** 425

**FY 2002 Actual:** 719

**Discussion:** CRS exceeded its target goal in FY 2002. In the aftermath of September 11, 2001, CRS took the initiative to assess community racial and ethnic tensions emanating from the attacks. CRS focused its efforts on counterterrorism issues and the dual imperatives of "Conflict Resolution and Violence Prevention." As a result, an intensive program of outreach and crisis response at the national and local community level was implemented. These new efforts coupled with the continuous demands for CRS' services resulted in more communities with improved conflict resolution capacity.

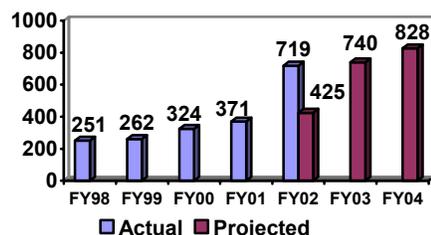
#### **FY 2003 Performance Plan Evaluation:**

Based on the FY 2002 performance, we have revised our FY 2003 upward. The revised Final FY 2003 goal is 740.

**FY 2004 Performance Target:** 828

**Public Benefit:** CRS provides conflict resolution and violence prevention services to state and local officials and community leaders experiencing conflicts and/or violence due to race, color or national origin. The most significant benefits to state and local communities, as a result of CRS' intervention, are the cessation of racial violence, restoration of peace in the community,

Communities with Improved Conflict Resolution Capacity [CRS]



**Data Collection and Storage:** CRS collects and maintains data in a case management system, CRSIS. CRSIS establishes standard criteria for recording and classifying casework.

**Data Validation and Verification:** CRS regional directors review and approve case information entered into CRSIS by conciliators; the data is reviewed and verified by analysts and managers at CRS headquarters.

**Data Limitations:** In FY 2002, CRS implemented an upgraded case management system. The new system is web-based and allows for easier access to data. CRS expects to further revise the current system to better manage data requirements and improve the accuracy of the data collection including the quality and type of CRS services, products, and outcomes. This in turn will permit better management, evaluation, and improvements in CRS program operations.

restoration of public trust in the local government, and reduction in the likelihood of recurring violence.

#### **Strategies to Achieve the FY 2003/FY 2004 Goal:**

CRS will continue providing conflict resolution and violence prevention services to state and local officials and community leaders in 2003 and 2004. In addition, CRS will provide training and technical assistance, and transfer its expertise and knowledge to help state, local, and tribal governments and communities build their own capacities to address local conflicts and violent situations emanating from race and ethnicity.

#### **Crosscutting Activities:**

In achieving these crosscutting efforts, CRS collaborates internally with several components within the Department of Justice. Additionally, CRS strives to improve communications and

cooperation among DOJ components, local law enforcement agencies, and minority communities.

# IV

## STRATEGIC GOAL FOUR:

### Protect the Rights and Interests of the American People by Legal Representation, Enforcement of Federal Laws, and Defense of U.S. Interests

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The Department of Justice is the Nation's litigator and is often described as the largest law firm in the world. The Department's attorney staff is administratively organized into the 94 U.S. Attorneys Offices, 6 litigating divisions (the Antitrust Division, the Civil Division, the Civil Rights Division, the Criminal Division, the Environment and Natural Resources Division, and the Tax Division), and the Office of the Solicitor General.

- The *U.S. Attorneys* serve as the Attorney General's chief law enforcement officers in each federal judicial district and represent the United States in most civil and criminal matters. The litigating divisions are centralized repositories of specialized expertise and perform many critical functions, including representing the United States in cases that present novel and complex legal and factual issues; multi-district cases that require a centralized and coordinated response; cases that require extensive contact (or specialized expertise) with client agencies whose headquarters are in Washington, D.C.; or cases in which the U.S. Attorney may be recused.
- The *Office of the Solicitor General* represents the interests of the United States before the U.S. Supreme Court and authorizes and monitors the government's activities in the Nation's appellate courts. The U.S. Attorneys, the litigating divisions, and the Office of the Solicitor General share responsibility for representing the United States and enforcing the Nation's antitrust, civil, criminal, civil rights, environmental, and tax laws. Together, they ensure that the Federal Government speaks with one voice with respect to the law.

The Attorney General has identified a number of priorities that DOJ's litigating divisions and the U.S. Attorneys will be focusing on in FY 2004. These include initiatives to protect the public fisc from unmerited claims; to recover monies owed to the U.S. Treasury; to defend challenges to the

Federal Government's laws, regulations, and initiatives; to vigorously enforce the Nation's civil rights laws; to continue to focus on enforcing the law even when parties or misdeeds affecting the U.S. are beyond our shores; and to increase efforts to combat specialized white collar crime, particularly health care fraud.

#### STRATEGIC OBJECTIVE & ANNUAL GOAL 4.1: CIVIL RIGHTS

Uphold the civil rights of all Americans, reduce racial discrimination, and promote reconciliation through vigorous enforcement of civil right laws

The Department of Justice is the chief agency of the Federal Government charged with protecting constitutional and statutory rights guaranteed to all Americans. Through the Department's Civil Rights Division (CRT), the FBI and the United States Attorneys (USAs), DOJ enforces numerous civil rights laws including the Americans with Disabilities Act; the Fair Housing Act; the Civil Rights Acts of 1964, 1968, and 1991; the Freedom of Access to Clinic Entrances Act; the Equal Education Opportunities Act of 1974; and the Immigration Reform and Control Act. In addition, the Department also investigates and prosecutes criminal violations of the Nation's civil rights laws, involving matters such as police misconduct, hate crimes, church arson and desecration, and involuntary servitude.

Our objective also requires that we educate the public about the federal civil rights laws, fostering voluntary compliance to the civil rights ideals of non-discrimination, equal opportunity and justice, so that all Americans can be treated with dignity and enjoy the full bounty of the American ideals of equality, fairness, and equal opportunity.

The DOJ promotes compliance with basic federal civil rights protections through a multi-faceted enforcement program. These civil rights laws influence a broad spectrum of conduct by

individuals and public and private institutions. They prohibit discriminatory conduct in such areas as law enforcement, housing, employment, education, voting, lending, public accommodations, access to services and facilities, treatment of juvenile and adult detainees, and residents of nursing homes. They also provide criminal safeguards against hate crimes and criminal and civil safeguards against official misconduct.

The DOJ is the protector of the rule of law within the Executive Branch of government. Fair and uniform enforcement of federal law to prevent hate crimes, police profiling, and a host of other pernicious discriminatory conduct is crucial to the public's trust of government and law enforcement. In recent years, the role of the Department has expanded to issues that capture national attention, such as church arson, clinic bombings, police-profiling and hate crimes. These unpredictable events require the Department to respond both appropriately and creatively.

Police and other official misconduct; crimes of racial violence such as cross-burning, arson, and vandalism; reproductive health care violence and obstruction; victimization of migrant workers; discrimination in housing, lending, education, employment, and voting; and the basic rights of persons with disabilities will continue to be high priorities for resource allocations.

**STRATEGIC OBJECTIVE &  
ANNUAL GOAL 4.2: ENVIRONMENT**  
Promote the stewardship of America's environment and natural resources through the enforcement and defense of environmental laws and programs

Safeguarding the Nation's environment and natural resources for this and future generations is a major DOJ priority for FY 2003. DOJ's Environment and Natural Resources Division (ENRD), FBI, and U.S. Attorneys will work together with other federal agencies to enforce environmental laws; protect our natural resources; defend federal agency environmental regulations and government pollution abatement laws and programs; and assist in fulfillment of U.S. trust responsibilities. As the

Nation's chief environmental litigator, the Department will strive to increase compliance with environmental laws, deter future violations of those laws, seek redress and civil penalties for past violations that harm the environment, and seek recoupment of federal funds spent to abate environmental contamination, and monies to restore or replace damaged natural resources.

**STRATEGIC OBJECTIVE &  
ANNUAL GOAL 4.3: ANTITRUST**  
Promote economic competition through enforcement of and guidance on antitrust laws and principles

The Antitrust Division (ATR) maintains and promotes competitive markets by enforcing, improving, and educating people about antitrust laws and principles. Enforcement of antitrust laws is pursued through the investigation and prosecution of business arrangements and practices that encourage anticompetitive behavior and lessen competition, whether those arrangements and practices involve mergers, international criminal conspiracies, or other potentially anticompetitive business practices. Improvements to antitrust laws and principles are pursued through participation in interagency regulatory processes, interagency task forces, and international bodies (i.e., the World Trade Organization). Whether through direct contact and targeted communication with specific audiences, or via the development, publication, and distribution of policy guidance, ATR seeks to increase the breadth and depth of awareness of antitrust law and the promotion of free and open competition to the benefit of all U.S. consumers and businesses.

**STRATEGIC OBJECTIVE &  
ANNUAL GOAL 4.4: TAX LAWS**  
Promote the fair, correct, and uniform enforcement of the federal tax laws and the collection of tax debts to protect the public fisc from unjustified claims

The Tax Division (TAX) utilizes civil litigation to ensure that the Nation's internal revenue laws are fairly and uniformly applied and that the public complies with the Nation's tax laws. TAX

contributes significantly and directly to efforts by the Administration and Congress to protect the Federal fisc from unmerited claims involving tax related issues and to promote voluntary compliance with the tax laws. In addition, TAX protects the public fisc by defending the rights of the United States. TAX's attorneys are guided throughout each stage of litigation by the principles of fair and uniform treatment for all categories of litigants.

**STRATEGIC OBJECTIVE &  
ANNUAL GOAL 4.5: CIVIL LAWS**

Effectively represent the interests of the United States in all civil matters for which the Department of Justice has jurisdiction

DOJ will continue to represent the United States in civil matters, protecting the public fisc, ensuring that the Federal Government speaks with one voice in its view of the law, preserving the intent of Congress, and advancing the credibility of the United States before the courts. In addition, DOJ will continue to place emphasis on the expanded and appropriate use of alternative dispute resolution (ADR).

## PERFORMANCE SUMMARY

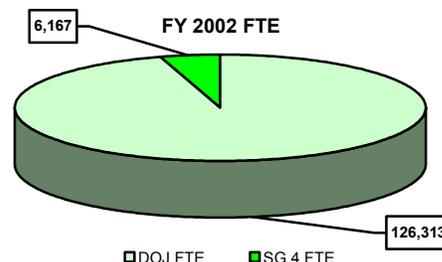
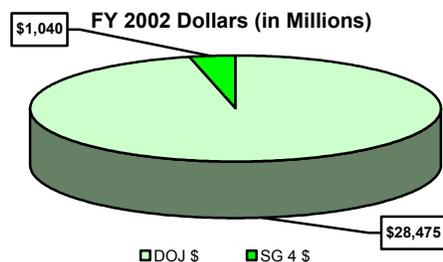
Strategic Objective, Page #	Performance Measure/ Indicator	Was the Target Achieved			FY 2002 Performance		
		Yes	No	N/A	Target	Actual	Performance Improvement From FY 2001
4.1 111	% of Successful CRT Prosecutions	■			87%	91%	
4.1 113	% of Pattern or Practice Cases Successfully Litigated (Resolved)	■			95%	100%	
4.2 115	% of Civil Environmental Cases Successfully Resolved <ul style="list-style-type: none"> <li>Affirmative</li> <li>Defensive</li> </ul>	■ ■			80% 70%	88% 87%	
4.2 116	Cost Avoided and \$ Awarded (billions) in Civil Environmental Cases <ul style="list-style-type: none"> <li>Awarded Affirmative</li> <li>Avoided Defensive</li> </ul>				N/A N/A	\$0.6 \$6.1	
4.3 118	Success Rates for Civil Antitrust Cases <ul style="list-style-type: none"> <li>Civil Non-merger Matters Pursued</li> <li>Merger Transactions Challenged</li> </ul>	■ ■			90% 90%	100% 100%	
4.3 119	Savings to Consumers (billions)			■	N/A	\$0.5	
4.4 120	DISCONTINUED MEASURE: Civil Settlements and Concessions (all courts) <ul style="list-style-type: none"> <li># of Settlements</li> <li># of Concessions</li> </ul>		■ ■		627 81	435 95	Less civil cases were closed, thus less settlements and concessions
4.4 121	NEW MEASURE: % of Civil Cases Successfully Litigated <ul style="list-style-type: none"> <li>Trial Courts</li> <li>Appellate Courts-Taxpayer Appeals</li> <li>Appellate Courts-Gov't &amp; Cross Appeals</li> </ul>				New for 2002	96% 97% 72%	
4.4 121	Tax Dollars Collected & Retained by Court Action & Settlement (millions) <ul style="list-style-type: none"> <li>Tax Debts Collected</li> <li>Tax Dollars Retained</li> </ul>				N/A N/A	\$90 \$1,264	
4.5 122	% of Defensive Civil Monetary Cases where 85% or more of the Claim is Defeated	■			80%	86%	
4.5 123	\$ Collected from Affirmative Civil Cases (billions)			■	N/A	\$2.2	

Strategic Objective, Page #	Performance Measure/ Indicator	Was the Target Achieved			FY 2002 Performance		
		Yes	No	N/A	Target	Actual	Performance Improvement From FY 2001
4.5	124			■	N/A	\$1.40	
4.5	125	■			80%	85%	
4.5	125	■			85%	85%	
4.5	127	■			65%	70%	

## RESOURCES

Appropriation		FY 2002 FTE	FY 2002 Actual \$ (millions)	FY 2003 FTE	FY 2003 Request \$ (millions)	FY 2004 FTE	FY 2004 Request \$ (millions)
4.1	Civil Rights Division	712	99	750	103	750	107
4.1	FBI	279	37	333	50	334	52
4.1	U.S. Attorneys	18	2	19	3	19	3
<i>Subtotal 4.1</i>		<i>1,009</i>	<i>\$138</i>	<i>1,102</i>	<i>\$156</i>	<i>1,103</i>	<i>\$162</i>
4.2	Environment & Natural Resources Division	589	64	603	63	607	72
4.2	FBI	37	5	44	7	45	7
4.2	U.S. Attorneys	62	8	67	9	67	9
<i>Subtotal 4.2</i>		<i>688</i>	<i>\$77</i>	<i>714</i>	<i>\$79</i>	<i>719</i>	<i>\$88</i>
4.3	Antitrust Division	502	75	553	90	553	92
4.3	FBI	15	2	17	3	18	3
<i>Subtotal 4.3</i>		<i>517</i>	<i>\$77</i>	<i>570</i>	<i>\$93</i>	<i>571</i>	<i>\$95</i>
4.4	Tax Division	380	52	389	56	385	57
<i>Subtotal 4.4</i>		<i>\$380</i>	<i>\$52</i>	<i>389</i>	<i>\$56</i>	<i>385</i>	<i>\$57</i>
4.5	Civil Division	1,069	170	1,099	240	1,121	236
4.5	Foreign Claims Settlement Commission	6	--	11	1	11	1
4.5	Health Care Fraud Office of Dispute Resolution	--	34	--	50	--	50
4.5	Office of Legal Counsel	--	--	3	--	3	--
4.5	Office of Solicitor General	32	5	41	5	41	6
4.5	Radiation Exposure Compensation	48	7	50	8	50	8
4.5	U.S. Attorneys	--	174	--	145	--	107
<i>Subtotal 4.5</i>		<i>2,418</i>	<i>306</i>	<i>2,610</i>	<i>346</i>	<i>2,656</i>	<i>358</i>
<b>TOTAL SG 4</b>		<b>6,167</b>	<b>\$1,040</b>	<b>6,589</b>	<b>\$1,179</b>	<b>6,660</b>	<b>\$1,168</b>

## RESOURCE COMPARISON: Strategic Goal to Total DOJ \$ and FTE



<b>Required Skills</b>	<p>The Department requires attorneys and support staff experienced in constitutional and statutory civil law. ENRD and the U.S. Attorneys require attorneys, particularly litigators, experienced in civil, administrative and appellate environmental law. Experienced legal support staff (paralegals and litigation support assistants) and administrative specialists are also essential. The FBI requires agents experienced in civil rights violation investigations. Additionally, the FBI requires experienced skilled investigators, particularly in the area of fraud. ATR requires experienced attorneys, economists, paralegals and support staff. ATR's desires attorneys experienced in conducting complex, international investigations and economists experienced in analyzing multi-million or -billion dollar mergers in newly emerging markets are particularly valued in the current operating environment. The Tax Division requires top-tier attorneys at all experience levels, and managers with significant litigation experience and substantive tax knowledge to litigate the full range of tax cases initiated by the United States and taxpayers. TAX also requires skilled data management specialists, litigation assistants and paralegals to support litigation. Additionally, experts and consultants are needed to analyze complex issues and present findings in court.</p>
<b>Information Technology Utilized</b>	<p>Civil Rights Division relies on its Interactive Case Management (ICM) system and desktop office automation system. FBI relies on ISRAA, a centralized database that tracks statistical information on cases from inception to closure; and ACS, a database that captures all information pertaining to administration of cases. ENRD relies upon its version of the DOJ Justice Consolidated Office Network (JCON) and its Case Management System. ATR relies upon its Matter Tracking System and companion user interfaces; office systems, including networks and infrastructure; litigation support tools and applications, including those for courtroom presentations; and data storage capacity related to all of these technologies. The Tax Division relies upon the Justice Consolidated Office Network (JCONII) system and recently implemented TaxDoc Case Management System. The Civil Division relies on CASES its case management system, as well as on Automated Litigation Support (ALS) to scan documents, create databases and provide ready access to evidentiary information.</p>

## PROGRAM EVALUTIONS

There are no program evaluations planned for FY 2003.

## STRATEGIC OBJECTIVE & ANNUAL GOAL 4.1: CIVIL RIGHTS

Uphold the civil rights of all Americans, reduce racial discrimination, and promote reconciliation through vigorous enforcement of civil right laws

### 4.1A Prosecute Criminal Civil Rights Violations

#### Background/Program Objectives:

The Civil Rights Division (CRT) works with the FBI and the U.S. Attorneys to prosecute cases of national significance involving the deprivations of Constitutional liberties that cannot be, or are not, sufficiently addressed by state or local authorities. These include acts of bias-motivated violence; misconduct by local and federal law enforcement officials; violations of the peonage and involuntary servitude statutes that protect migrant workers and others held in bondage; criminal provisions which prohibit conduct intended to injure, intimidate, or interfere with persons seeking to obtain or to provide reproductive health services; as well as a law that proscribes interference with persons in the exercise of their religious beliefs and the destruction of religious property. The federal criminal civil rights statutes provide for prosecutions of conspiracies to interfere with federally protected rights, deprivation of rights under color of the law, and the use of threat or force to injure or intimidate persons in their enjoyment of specific rights.

#### Performance:

**Performance Measure:** % Successful Civil Rights Prosecutions [CRT]

**FY 2002 Target:** 87%

**FY 2002 Actual:** 91%

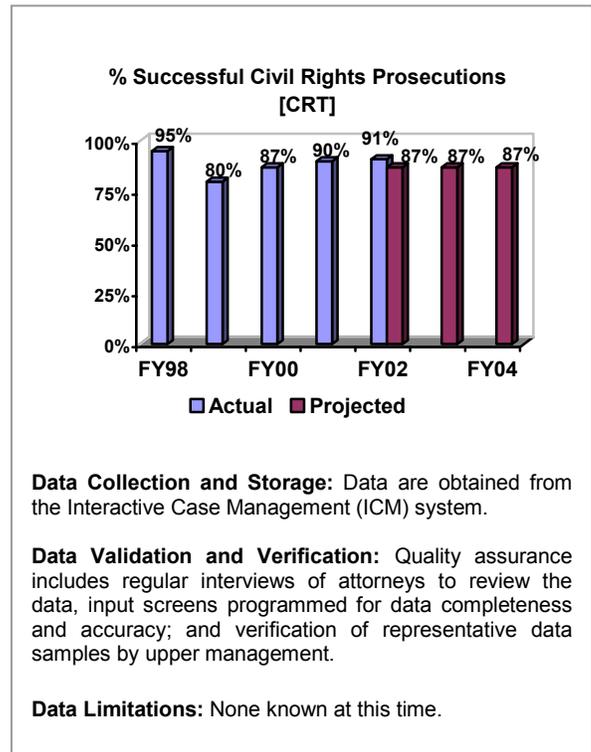
**Discussion:** In FY 2002, CRT exceeded its target for successful prosecutions by 4%. A total of 136 defendants were prosecuted, which resulted in 124 convictions, including 88 guilty pleas. Out of the 124 convictions, 68 were law enforcement officers.

**FY 2003 Performance Plan Evaluation:**

Based on FY 2002 performance, we plan to meet our original FY 2003 goal of 87%.

**FY 2004 Performance Target:** 87%

**Public Benefit:** CRT often prosecutes matters of intense public interest involving acts of racial and ethnic violence, violence intended to interfere with religion, abuse of power by local and



federal law enforcement officials, violations of human trafficking and involuntary servitude statutes that protect migrant workers and others held in bondage, and criminal acts in violation of the Freedom of Access to Clinic Entrances Act.

#### Strategies to Achieve the FY2003/FY 2004 Goal:

DOJ will continue to devote substantial attention to the investigation and prosecution of incidents involving criminal official misconduct, hate crimes, involuntary servitude/human trafficking including worker exploitation, church arson and desecration, and violence directed toward health care providers.

#### Crosscutting Activities:

CRT's Criminal Section participates in several cross-cutting programs: the National Church Arson Task Force, which joins the efforts of the Bureau of Alcohol, Tobacco, Firearms, and Explosives

(ATF); the Worker Exploitation Task Force, which brings together the Department of Labor, Department of State, and Health and Human Services to address involuntary servitude, slavery, trafficking, and other criminal violations involving undocumented workers; and the National Task Force on Violence Against Health Care Providers, which ATF coordinates the investigation and prosecution of violations of the Freedom of Access to Clinic Entrances Act. The Department of Housing and Urban Development (HUD) and the Criminal Section work together to ensure that discriminatory interference with housing rights are effectively addressed. Additionally, the U.S. Customs, ATF, and the U.S. Secret Service telefax complaints to the section relating to official misconduct by federal law enforcement officers.

## 4.1B Prosecute Pattern or Practice Civil Rights Violations

### Background/Program Objectives:

Civil “pattern or practice” litigation is divided into five main areas: Housing and Civil Enforcement, Employment Litigation, Disability Rights, Special Litigation, and Office of Special Counsel (OSC). Housing and Civil Enforcement focuses on discriminatory activities by lending and insurance institutions, illegal discrimination in all types of housing transactions including the sale and rental of housing and the failure to design and build multifamily living to be accessible, discriminatory land use by municipalities, discrimination in places of public accommodations, and discrimination against religious institutions by local zoning authorities.

Employment Litigation focuses on employment discrimination on the grounds of race, color, sex, religion, and national origin. This includes pattern or practice cases against agencies such as: state, county, and local law enforcement organizations; fire departments; state departments of correction; public school districts; and state departments of transportation. These are complex cases that seek to eliminate employment practices that have the effect of denying employment opportunities or otherwise discriminating against one or more protected classes of individuals. Relief reforming discriminatory practice and policies is a primary objective. Employment Litigation also obtains jobs, back pay, and other forms of relief for victims.

Disability Rights enforces the Americans with Disabilities Act (ADA) on behalf of people with disabilities. Enforcement responsibilities cover a broad spectrum of potential actions to encourage individuals and entities to comply with ADA requirements, including new construction, removal of physical barriers, provision of auxiliary aids, access to employment, and the elimination of discriminatory policies. These enforcements, combined with mediation and technical assistance programs, provide cost-effective and dynamic approaches for carrying out the ADA’s mandates in conformance with the current administration’s New Freedom Initiatives.

Special Litigation focuses on pattern or practice of misconduct or discrimination by law enforcement

officers including the denial of constitutional and statutory rights and discrimination based on race, color, national origin, gender, or religion. National media attention and outreach led to an increased volume of complaints in this area. An additional area of concern focuses on the deprivation of constitutional and federal statutory rights of persons in publicly operated residential facilities that are subjected to patterns of egregious and flagrant conditions of confinement. These facilities include: institutions for the mentally ill and developmentally disabled, nursing homes, juvenile detention facilities, local jails, and prisons; however, DOJ does not have authority to pursue an individual claim.

Office of Special Counsel for Immigration-Related Unfair Employment Practices enforces the anti-discrimination provision of the Immigration and Nationality Act on behalf of all U.S. legal workers, including U.S. citizens, lawful permanent residents, asylees and refugees. These cases focus upon employment discrimination cases based upon citizenship or immigration status, and national origin, and include both individual and pattern or practice litigation that seeks to ensure that all legal workers, whether U.S. citizens or legal immigrants, are treated fairly during the hiring and employment verification process. The OSC obtains cease and desist orders, relief for victims, including back pay and jobs, and civil penalties.

### Performance:

**Performance Measure:** % of Pattern or Practice Cases Successfully Litigated (Resolved) [CRT]

**FY 2002 Target:** 95%

**FY 2002 Actual:** 100%

**Discussion:** CRT ended the year 5% above target for the percentage of Pattern or Practice Cases Successfully Litigated. The Housing and Civil Enforcement Section resolved 23 pattern or practice complaints with judgments, consent orders or settlement agreements providing significant relief to aggrieved persons. The Special Litigation Section successfully resolved a total of 13 cases. In addition to these 13 resolutions, the Section was able to resolve three investigations through out-of-court settlements with the Cincinnati Police Department, the Buffalo, New York Police Department, and the Bergen Regional Medical

Center in Paramus, New Jersey. OSC successfully resolved 2 pattern or practice cases. The Disability Rights Section successfully resolved 2 pattern or practice cases. Litigation continues against a national theater chain to correct access violations in stadium style movie theaters.

***FY 2003 Performance Plan Evaluation:***

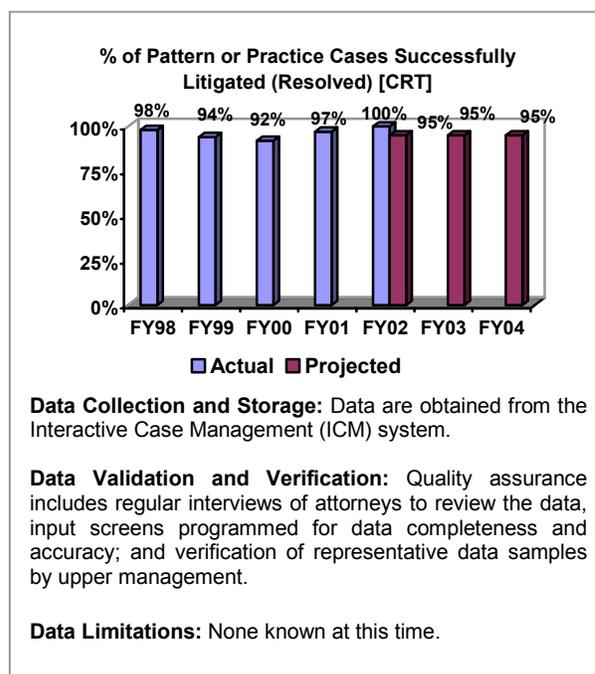
Based on FY 2002 performance, we plan to meet our original FY 2003 goal of 95%.

***FY 2004 Performance Target: 95%***

***Public Benefit:*** Success in cases involving institutionalized persons resulted in improved medical and mental healthcare, supervision, use of force polices and practices and, where appropriate, discharge planning for community placement of institutionalized persons. The police misconduct cases addressed improvements in law enforcement practices, the investigation of police misconduct complaints, and the training of police personnel. Other cases successfully resolved involved fair housing, fair lending and public accommodations cases, and a wide range of allegations including sexual harassment, race, national origin, familial statutes and disability discrimination. These resolutions provided for the design and construction of accessible housing units, the establishment of fair housing and fair lending policies, training and monitoring, and approximately \$5 million in monetary relief. The pattern or practice cases on behalf of people with disabilities continued to uphold the promise of equal access to life opportunities. The OSC cases ensured that employers fully comply with applicable anti-discrimination requirements, they helped ensure that employees understand their rights to a discrimination free workplace.

**Strategies to Achieve the FY2003/FY 2004 Goal:**

DOJ will continue to address pattern or practice civil rights cases, including police misconduct, fair housing, fair lending, employment discrimination, and disability discrimination. The discretionary pattern or practice cases in Housing and Civil Enforcement remain the highest priority because of their broader impact. Special Litigation's priority will be given to providing outreach, training, and consultation in the prevention of pattern or practice of law enforcement misconduct. In addition, institutions will be monitored closely to ensure that adequate treatment and living conditions are achieved and maintained, and that appropriate placements of persons with disabilities are made in



the most integrated setting. Employment Litigation will continue its present litigation and will emphasize identifying and instituting litigation to eliminate policies or practices of discrimination including, hiring, promotion, testing or assignment practices that discriminate on the basis of race, sex, religion, or national origin. Disability Rights will continue to focus on pattern and practice cases including participation in civic life (such as town halls, municipal buildings, and courts), access to employment, new construction, transportation, higher education, healthcare, and access to other public accommodations. The Office of Special Counsel will continue to focus on educational outreach for workers, employers, and non-governmental organizations to minimize the incidences of pattern and practice.

**Crosscutting Activities:**

Pattern or practice cases provide the opportunity to address egregious and systemic violations of civil rights laws. In order to bring these cases to court, DOJ coordinates its efforts internally among the CRT, FBI, BOP, USMS, USAs, and externally with federal partners, including the Department of Labor, the Equal Employment Opportunity Commission, the Department of Housing and Urban Development, and the Department of Health and Human Services.

**STRATEGIC OBJECTIVE & ANNUAL GOAL 4.2: ENVIRONMENT**

Promote the stewardship of America’s environment and natural resources through the enforcement and defense of environmental laws and programs.

**4.2A Enforce and Defend Environmental and Natural Resource Laws**

**Background/Program Objectives:**

The Department of Justice enforces environmental laws to protect the health and environment of the United States and its citizens, defends environmental challenges to government programs and activities, and represents the United States in all matters concerning the protection, use, and development of the Nation's natural resources and public lands, wildlife protection, Indian rights and claims, and the acquisition of federal property.

**Performance:**

**Performance Measure:** % of Civil Environmental Cases Successfully Resolved [ENRD, EOUSA]

**FY 2002 Target:**

80% Affirmative; 70% Defensive

**FY 2002 Actual:**

88% Affirmative; 87% Defensive

**Discussion:** The Department

experienced numerous successes in affirmative and defensive cases during FY 2002. Included in those successes is the defense of federal regulatory programs and initiatives and federal agencies against claims alleging noncompliance with federal, state and local pollution control statutes. The Department defended federal programs such as military preparedness regarding sonar technology testing, and training exercises on the Island of Vieques. Our enforcement efforts resulted in cleanup of toxic waste sites, installation of new pollution control equipment at power companies and oil refineries, and restructured and updated municipal sewage treatment systems.

**FY 2003 Performance Plan Evaluation:**

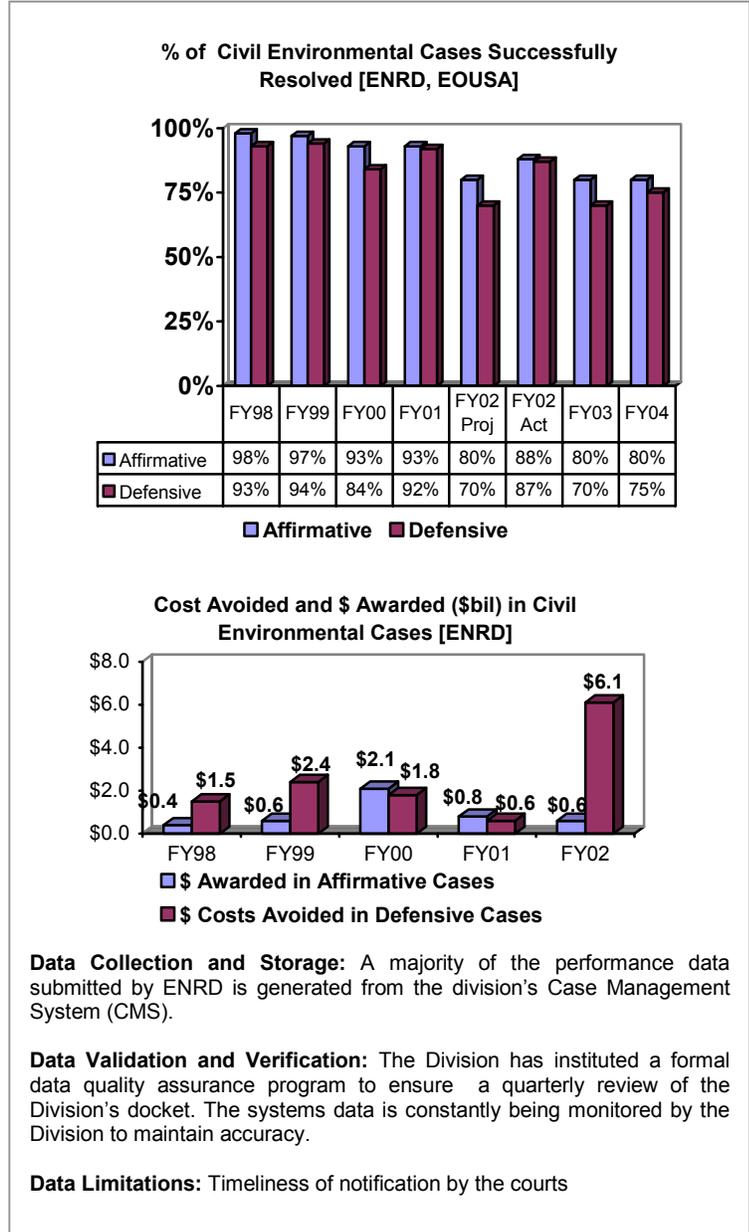
Based on FY 2002 performance, we plan to meet our original FY 2003 goals of 80% Affirmative; 70% Defensive.

**FY 2004 Performance Target:** 80%

Affirmative; 75% Defensive

**Public Benefit:** The successes of the

Department ensures the correction of pollution



control deficiencies, reduction of harmful discharges into the air, water, and land, clean up of leaks and abandoned waste, and proper disposal of solid and hazardous waste. In addition, the Department’s enforcement efforts help ensure

military preparedness, safeguard the quality of the environment of the United States, and to protect the health and safety of its citizens.

**Performance Measure:** Costs Avoided and \$ Awarded in Civil Environmental Cases [ENRD]

**FY 2002 Target:** In accordance with Department guidance, targeted levels of performance are not projected for this indicator.

**FY 2002 Actual:** \$6.1 billion Avoided; \$0.6 billion Awarded

**Discussion:** The Department successfully represented a wide range of government agencies in suits that challenged environmental and public land policies and environmental programs and in cases seeking money from the government. We were also successful in defending the United States in the Court of Federal Claims saving the government civil monetary liability in the hundreds of millions of dollars. The Department aggressively enforced the environmental statutes of the United States. One case included a cost avoidance victory of \$4.7 billion where the plaintiff was seeking damages claiming that the federal government was unlawfully preventing mining in the Chugach National Forest resulting from the National Forest Service's requirement to file and gain subsequent approval of a plan of operation. In another case, the second highest Clean Water Act judgment of \$8.2 million was awarded after trial against a steel company for its unlawful discharges of oil and pollutants from five steel mills it operates in Pennsylvania. In addition, a case addressing the cleanup of sites contaminated with hazardous substances resulted in a cost recovery of \$115.5 million from a petroleum manufacturer for the clean up of a site in Texas. The Department also defended Indian Tribes securing an award of \$248 million in damages from a state where a Tribe's land was acquired illegally.

**FY 2003 Performance Target:** N/A

**FY 2004 Performance Target:** N/A

**Public Benefit:** The Department's efforts to defend federal programs, ensure compliance with environmental and natural resource statutes, win civil penalties, recoup federal funds spent to abate environmental contamination, ensure military preparedness, and ensure the safety and security of our water supply, demonstrated that the United States' environmental laws and regulations are being vigorously enforced. Polluters who violate these laws are not being allowed to gain an unfair

economic advantage over law-abiding companies. The deterrent effect of the Department's work encourages voluntary compliance with the environmental and natural resource laws, thereby improving the environment, the quality of our natural resources, and the safety and health of United States' citizens.

**Strategies to Achieve the FY2003/FY 2004 Goal:**

DOJ will work closely with client agencies to develop enforcement strategies specifically targeted to achieve widespread deterrence and encourage effective compliance across whole industry sectors that are major sources of pollution, including actions to enforce corporate responsibility by companies with environmental obligations. We also will defend the operating programs, permitting decisions and regulations of the federal agencies with a specific focus on defending a wide range of cases including: the largest and most complex Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) defensive matters for which potential liability is estimated in the billions of dollars; ongoing defense of the Army's \$15 billion Chemical Demilitarization Program for destroying the nation's stockpile of chemical weapons as mandated by Congress and an International Chemical Weapons Convention; and handling new litigation challenges to Federal energy, transportation and environmental programs. Efforts will continue to enforce the Clean Water Act, Clean Air Act, Resource Conservation Recovery Act (RCRA) and the Safe Drinking Water Act, and to bring actions under CERCLA to replenish the Superfund. We expect increased litigation to substantially reduce, if not eliminate, gained economic advantages of non-compliance. Additionally, we expect increased litigation to protect the nation's infrastructure, particularly focused on the safety of pipelines and major industrial and chemical manufacturing plants where enforcement actions can reduce the risk of catastrophic accidents. The Department will also continue to vigorously litigate its enforcement actions against coal fired power plants, oil refineries, and other major industries seeking to reduce unlawful emissions of sulfur dioxide, nitrogen oxides and particulate matter that have been shown to cause adverse respiratory health effects in millions of Americans. The Department will continue to focus on tribal land and water claims, as well as issues pertaining to jurisdiction

on Indian trust lands. Included in these cases are those that establish jurisdiction for law enforcement authorities over member and nonmember Indians, as well as non-Indians inside reservation boundaries, which is essential for effective law enforcement. In addition, the Department will litigate to address other issues regarding jurisdiction; to establish and protect treaty-based hunting and fishing rights; and to deter and remediate pollution problems on Indian lands. The demands of thousands of condemnations in the Everglades will continue in FY 2003.

**Crosscutting Activities:**

The Environment Division, FBI and USAs are working collectively with federal agencies including the EPA, Departments of Agriculture and the Interior, and state and local governments to strengthen enforcement of environmental laws and statutes and to preserve public lands, natural resources, and tribal sovereignty.

## STRATEGIC OBJECTIVE & ANNUAL GOAL 4.3: ANTITRUST

Promote economic competition through enforcement of and guidance on antitrust laws and principles.

### 4.3A Maintain and Promote Competition

#### Background/Program Objectives:

The Antitrust Division (ATR) maintains and promotes competitive markets largely by enforcing federal civil and criminal antitrust laws. The statutory authority for the ATR's mission includes Sections 1 and 2 of the Sherman Act; Section 7 of the Clayton Act, as amended by the Hart-Scott-Rodino Antitrust Improvements Act of 1976; and a variety of other competition laws and regulations. These laws affect virtually all industries and apply to every phase of business, including manufacturing, transportation, distribution, and marketing. They prohibit a variety of practices that restrain trade, such as mergers likely to reduce the competitive vigor of particular markets, predatory acts designed to maintain or achieve monopoly power, and per se illegal bid rigging. Successful enforcement of these laws decreases and deters anticompetitive behavior, saves U.S. consumers billions of dollars, allows them to receive goods and services of the highest quality at the lowest price, and enables U.S. businesses to compete on a level playing field nationally and internationally.

#### Performance:

**Performance Measure:** Success Rates for Civil Antitrust Cases [ATR]

##### *FY 2002 Target:*

Civil Non-Merger Matters Challenged: 90%

Merger Transactions Challenged: 90%

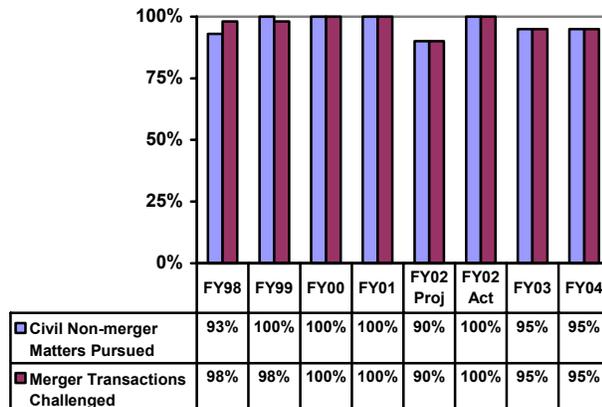
##### *FY 2002 Actual:*

Civil Non-Merger Matters Challenged: 100%

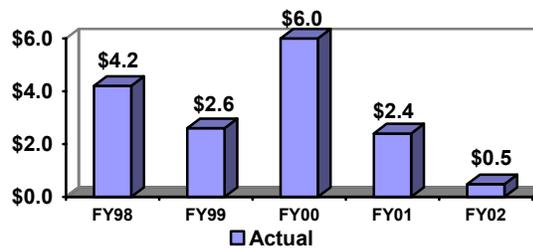
Merger Transactions Challenged: 100%

**Discussion:** The success rate for civil non-merger matters includes investigations in which business practices were changed after the investigation was initiated, a case was filed with consent decree, or a case was filed and litigated successfully. ATR's success in preventing anticompetitive behavior in the civil non-merger arena has been notable. ATR won every case it challenged in FY 2001 and FY 2002 and has exceeded the FY 2002 target of 90%.

Success Rates for Civil Antitrust Cases [ATR]



Savings to U.S. Consumers (\$Bil) [ATR]



**Data Collection and Storage:** Data are collected and stored in ATR management information systems, primarily in the Matter Tracking System and its companion user interfaces.

**Data Validation and Verification:** User training and software guides encourage accurate data entry. Instantaneous online data validations include inter-element cross-checks, numeric range checks, single element list-of-values checks and mandatory data element checks. In addition, batch data analysis and ad hoc reviews are conducted periodically. Finally, programmatic review of data helps assure quality.

**Data Limitations:** In calculating consumer savings across our enforcement areas, key input measures, if not actually estimated in the investigation or case, were estimated based on anecdotal information and observations. These values are both conservative and consistently estimated over time.

The success rate for merger transactions challenged includes mergers that are abandoned, fixed before a complaint is filed, filed as cases with consent decrees, filed as cases but settled prior to litigation, or filed and litigated successfully. Although the merger workload has declined, many of the matters involve complex anticompetitive behavior and large, multinational corporations and require significant resources to review. ATR achieved considerable success in preventing anticompetitive mergers, and exceeded the FY 2002 target success rate for merger transactions challenged.

***FY 2003 Performance Plan Evaluation:***

Based on FY 2002 performance, we plan to meet our original FY 2003 goals of 95% success rate for Civil Non-Merger Matters Challenged and Merger Transactions Challenged.

***FY 2004 Performance Target:*** 95% success rate for Civil Non-Merger Matters Challenged and Merger Transactions Challenged

***Public Benefit:*** ATR's enforcement efforts in its civil program are essential to the overall health of the U.S. economy. By blocking potentially anticompetitive mergers and pursuing other potentially illegal behavior such as group boycotts or exclusive dealing arrangements, ATR safeguards competition and promotes innovation. The ultimate beneficiary of our work is the consumer who is afforded a greater choice of quality products at lower prices.

***Performance Measure:*** Savings to U.S. Consumers (as the result of ATR's Civil enforcement efforts) [ATR]

***FY 2002 Target:*** In accordance with Department guidance, targeted levels of performance are not projected for this indicator.

***FY 2002 Actual:*** \$.5 billion (\$481 million)

***Discussion:*** The estimated value of consumer savings generated by ATR's civil enforcement efforts in any given year depends upon the size and scope of the matters encountered and thus, varies considerably.

***FY 2003 Performance Target:*** N/A

***FY 2004 Performance Target:*** N/A

***Public Benefit:*** Success in these areas saves U.S. consumers billions of dollars and ensures there are a sufficient number of competitors to maintain competition, which spurs research and development, innovation, the development of new and better products and service, and the best prices and quality for consumers.

**Strategies to Achieve the FY2003/FY 2004 Goal:**

ATR employs two distinct strategies to maintain and promote competition (and to decrease and deter anticompetitive business behavior and practices). First is our merger enforcement strategy. This strategy focuses on the investigation and litigation of instances in which monopoly power is sought, attained, or maintained through anticompetitive conduct and by seeking injunctive relief against mergers and acquisitions that may tend to substantially lessen competition. Second, our civil non-merger enforcement strategy supports the investigation and prosecution of civil non-merger matters to suspend or deter anticompetitive behavior. Other behavior, such as group boycotts or exclusive dealing arrangements, that inappropriately restrain free and open trade or commerce is illegal under Section 1 of the Sherman Act.

**Crosscutting Activities:**

ATR and the Federal Trade Commission share responsibility for merger enforcement by law and practice. ATR also maintains relationships with the FBI and the Executive Office for U.S. Attorneys in support of its mission.

## STRATEGIC OBJECTIVE & ANNUAL GOAL 4.4: TAX LAWS

Promote the fair, correct, and uniform enforcement of the federal tax laws and the collection of tax debts to protect the public fisc from unjustified claims

### 4.4A Enforce Tax Laws Fairly and Uniformly

#### Background/Program Objectives:

TAX plays an important role in maintaining the largest source of funding for federal government activities, the federal tax system. TAX promotes tax compliance and protects the public fisc by enforcing the tax laws in the federal appellate courts, the federal district and bankruptcy courts, the Court of Federal Claims, and the state courts. Vigorous, efficient, and fair enforcement promotes voluntary compliance with the tax laws and ensures a continued flow of revenue to the Government to fund its operations. TAX defends the interests of the United States in tax litigation brought against the government and also initiates meritorious litigation referred to it by the IRS and other federal agencies. It provides expert litigation and substantive tax advice to USAs and advises the Department of Treasury and Congress on tax-related legislative matters.

#### Performance:

**Performance Measure:** DISCONTINUED MEASURE: Civil Settlements and Concessions (all Courts) [TAX] (NOTE: This measure has been discontinued as it is not outcome oriented.)

##### **FY 2002 Target:**

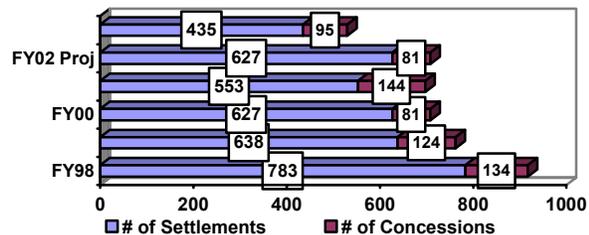
Civil Settlements: 627; Concessions: 81

##### **FY 2002 Actual:**

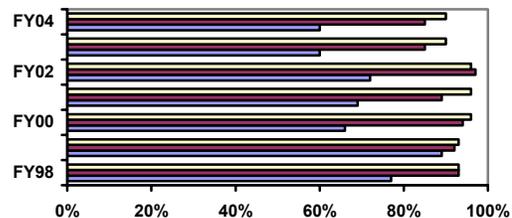
Civil Settlements: 435; Concessions: 95;  
(and Agreed Dispositions: 766)

**Discussion:** To ensure that the tax laws are equitably and consistently enforced throughout the nation, TAX determines that some cases should not go to trial and should instead be resolved through settlement, concession, or other agreed disposition. The number of cases so resolved in any fiscal year depends on a number of variables, including the actual number of cases susceptible to settlement, their complexity, the number of tax years involved, and the dollar amounts at issue. Because these variables change greatly from year to year, it is often difficult to generate accurate estimates. As a result, there are frequently significant differences between the projected and actual numbers of civil settlements

**DISCONTINUED MEASURE: Civil Settlements and Concessions (all Courts) [TAX]**

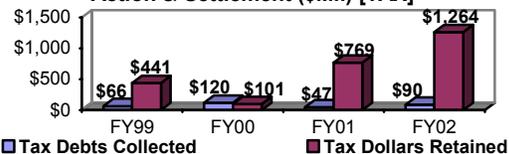


**NEW MEASURE: % of Civil Cases Successfully Litigated in Court [TAX]**



	FY98	FY99	FY00	FY01	FY02	FY03	FY04
Trial Courts	93%	93%	96%	96%	96%	90%	90%
Appellate Courts - Taxpayer Appeals	93%	92%	94%	89%	97%	85%	85%
Appellate Courts - Gov't & Cross Appeals	77%	89%	66%	69%	72%	60%	60%

**Tax Dollars Collected & Retained by Court Action & Settlement (\$Mil) [TAX]**



**Data Definition:** A settlement is an agreed disposition of a case that the client agency has asked us to defend or prosecute and which is based on both parties taking less than they could ultimately obtain if they were completely successful in the litigation and in collecting any judgment. A concession is a voluntary disposition, without a quid pro quo, of a case or an issue that the client agency did not agree to at the administrative level or initially asked us to defend, or of a case in which suit has been authorized on behalf of the Attorney General, on the basis that the case should not be defended or prosecuted. An other agreed disposition is any other agreed disposition that does not require a determination on the merits by the court and results in some litigation benefit to the non-government party. Other dispositions usually occur where the matter reaches litigation without prior administrative consideration so that the client agency does not have an opportunity to take a per-litigation position and does not take a position in the litigation.

**Data Collection and Storage:** TAX utilizes a case management system known as TaxDoc. The Division recently revised the complement of indicators that are tracked.

**Data Validation and Verification:** There are new procedures to collect and record pertinent data. Section Chiefs make projections and set goals. On a quarterly basis, the Performance Management Committee reviews all the statistics.

**Data Limitations:** The Division lacks historical data on some activities that are now tracked in the new case management system. The new information system may cause variations in the way some statistics are presented.

and concessions. There were fewer civil cases ready for trial or other disposition during FY 2002, which meant that there were fewer settlements, concessions, and other dispositions than projected. The primary reason for this change is the shift in the composition of referred cases toward sophisticated, resource-intensive cases involving enormous dollar amounts (as confirmed by the increased collections and retentions reflected below). Also, an unexpectedly large percentage of TAX's cases arose from enforcement initiatives generating cases not susceptible to settlement (i.e. tax promoters or tax protesters).

**Public Benefit** Ensuring that tax laws are enforced uniformly, vigorously, efficiently, and fairly promotes voluntary tax compliance. Honest taxpayers see that violators are held accountable and that non-compliance with the tax laws carries serious adverse consequences. In turn, voluntary tax compliance ensures that the federal fisc is protected and the Government is properly funded.

**Performance Measure:** NEW MEASURE: Civil Cases Successfully Litigated in Court [TAX]

**FY 2002 Actual:**

Trial Courts (complete and partial successes): 96%  
Appellate Courts – Taxpayer Appeals: 97%  
Appellate Courts – Gov't & Cross Appeals: 72%

**Discussion:** These successes resulted in legal precedent that provided taxpayers, including individuals, businesses and industries, with guidance regarding their tax obligations, as well as the collection of significant tax revenues and the protection of the fisc against unfounded taxpayer claims. TAX targeted the promoters of abusive tax schemes and scams sold on the internet and obtained injunctions halting the promotions. TAX also prevailed in litigation that identified for the IRS many thousands of taxpayers likely to have evaded taxes.

**FY 2003/2004 Performance Targets:**

Trial Courts (complete and partial successes): 90%  
Appellate Courts – Taxpayer Appeals: 85%  
Appellate Courts – Gov't & Cross Appeals: 60%

**Performance Measure:** Tax Dollars Collected and Retained by Court Action and Settlements [TAX]

**FY 2002 Target:** In accordance with Department guidance, targeted levels of performance are not projected for this indicator.

**FY 2002 Actual:**

\$90 million collected  
\$1.246 billion retained

**Discussion:** TAX collected substantial amounts for the federal fisc in affirmative litigation and retained even more substantial amounts in defensive tax refund and other litigation. In addition, its litigation affected the revenue involved in many cases being handled administratively by the IRS. The Department does not measure the revenue effect of its litigation on IRS cases. This indicator fluctuates in response to the type and stage of litigation resolved during the year. Five exceedingly complex, resource-intensive cases generated approximately 77% of the \$1.246 billion retained by the Tax Division in FY 2002. Of the \$90 million collected in FY 2002, \$34 million resulted from three similarly complex, resource-intensive cases involving issues ranging from personal income taxes to corporate fraud.

**FY 2003 Performance Target:** N/A

**FY 2004 Performance Target:** N/A

**Public Benefit:** See above.

**Strategies to Achieve the FY2003/FY 2004 Goal:**

TAX will continue its efforts to clarify the law, defend against unmerited claims, fairly pursue civil violations of our tax laws, collect taxes owed, and defend against those who seek to undermine compliance with the Internal Revenue Code and evade or avoid federal taxes. As part of this effort, TAX will concentrate on: the shut down of widely-promoted abusive tax schemes and scams; the elimination of abusive corporate tax shelters; and the identification, investigation, and targeting of taxpayers using offshore bank accounts to evade taxes. TAX will: 1) litigate complex corporate tax shelter cases affecting billions of dollars in revenue, coordinating within TAX and with IRS so that similar shelters are tracked and handled effectively and consistently; 2) use civil injunctive and penalty litigation to combat the promotion of abusive tax schemes on the internet; and 3) develop a common strategy to detect, fight, and punish the use of offshore bank accounts to evade or avoid taxes. TAX will continue to maintain a special counsel for tax protest matters to respond to new issues arising in the illegal tax protest movement.

**Crosscutting Activities:**

In addition to its work providing tax advice to other Divisions and agencies, TAX and IRS frequently consult on new and sensitive tax issues and litigation.

## STRATEGIC OBJECTIVE & ANNUAL GOAL 4.5: CIVIL LAWS

Effectively represent the interests of the United States in all civil matters for which the Department of Justice has jurisdiction

### 4.5A Protect the Public Fisc

#### Background/Program Objectives:

Billions of dollars are saved annually through DOJ's successful defense of the public fisc in lawsuits alleging unwarranted monetary claims. Plaintiffs advancing contract claims, allegations of government misconduct, claims of patent infringement and the like, expose the government to potentially staggering losses. DOJ consistently mounts a strong defense against unwarranted and exaggerated claims to ensure that only those claims with merit under the law are paid.

#### Performance:

**Performance Measure:** % of Defensive Civil Monetary Cases Where 85% or More of the Claim is Defeated [CIV]

**FY 2002 Target:** 80%

**FY 2002 Actual:** 86%

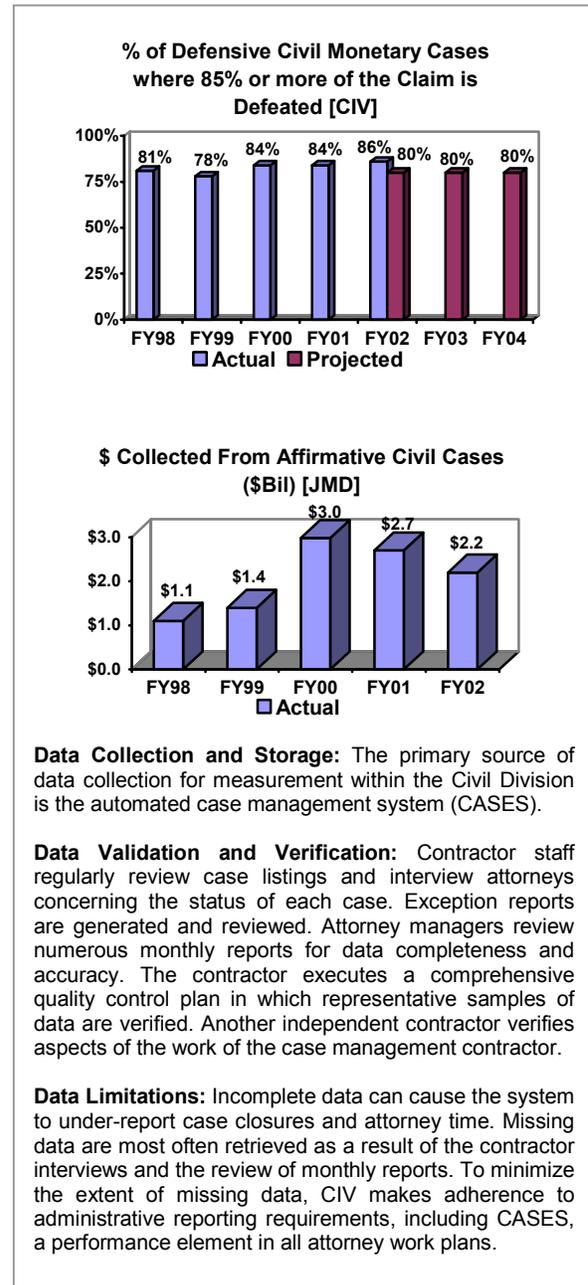
**Discussion:** For the third straight year, the Civil Division exceeded its 80% goal. This accomplishment understates CIV's success because, by definition, the measure excludes cases that do not specify monetary amounts, such as challenges to provisions in entitlement programs, including Medicare. CIV's effective defense of these provisions that limit federal expenditures affect billions of dollars of public funds annually.

**FY 2003 Performance Plan Evaluation:** Based on FY 2002 performance, we plan to meet our original FY 2003 goal of 80%.

**FY 2004 Performance Target:** 80%

**Public Benefit:** Favorable resolutions in defensive cases prevent the Treasury from incurring massive losses and preserve funds to support the counterterrorism fight, military objectives, economic stimulus efforts, or other key initiatives.

The following cases are examples of CIV's efforts on behalf of taxpayers. Thousands of plaintiffs, who asserted losses exceeding \$1 billion, brought third-party claims against the government in *Valenzuela v. Hughes*. CIV's negotiation of a voluntary dismissal ended the government's role in this 15-year-old suit. In a patent case, Exxon



agreed to accept \$2,583 to settle a claim that the company valued at more than \$100 million.

**Performance Measure:** \$ Collected From Affirmative Civil Cases [JMD]

**FY 2002 Target:** In accordance with Department guidance, targeted levels of performance are not projected for this indicator.

**FY 2002 Actual:** \$2.2 billion

**Discussion:** See above.

**FY 2003 Performance Target:** N/A

**FY 2004 Performance Target:** N/A

**Public Benefit:** See above.

**Strategies to Achieve the FY2003/FY 2004 Goal:**

DOJ legal staff will fight for and guard the financial interests of the United States at trial, at the settlement table, and at the highest levels of judicial review, asserting the taxpayers' stake in financial disputes as they move through appellate stages. Automated Litigation Support will be employed to master voluminous evidence collections and prepare for trial. Experts and consultants will be enlisted to enhance the government's case in complex and technical suits, as well as to refute the assertions of our well-financed opponents.

DOJ will investigate allegations brought forth by "whistle blowers" and, where appropriate, seek recoveries and civil penalties. Through collaborative efforts with other federal and state agencies we will pursue health care fraud enforcement, emphasizing massive cases with potential recoveries in the billions of dollars. The taxpayers' interests will be effectively represented in bankruptcies and loan defaults. Finally, alternative dispute resolution will be increasingly used as an alternative to litigation.

**Crosscutting Activities:**

The Civil Division works closely with the Department of Health and Human Services and the Office of Special Masters at the U.S. Court of Federal Claims to justly resolve vaccine claims and to coordinate policy.

## 4.5B Continue Vigorous Civil Enforcement

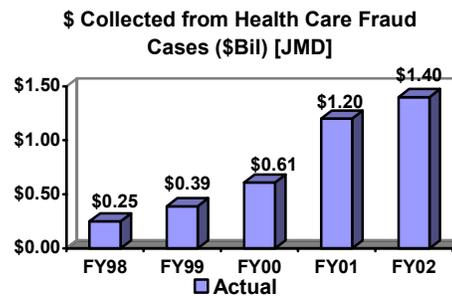
### Background/Program Objectives:

The number one priority of the Department of Justice is fighting the war on terrorism. By securing favorable resolutions in civil cases, the Civil Division ensures the intent of Congress, as well as represents the government's response to some of the most probing issues of our time. Examples include, but are not limited to, litigation concerning the freezing of terrorist financial assets, cases challenging the constitutionality of federal statutes, and tort cases brought against third parties where sensitive security information is sought from the United States.

DOJ attorneys must also respond to a variety of immigration-related suits, including a heightened level of counterterrorism litigation and constitutional challenges to new immigration laws or reformed procedures. Landmark cases concern the detainees at Guantanamo Bay and New York, the media's access to immigration hearings, and constitutional challenges to the USA PATRIOT Act. The majority of immigration cases involves individual or class actions opposing actions by the INS and immigration judges.

Moreover, to safeguard Medicare and other federally funded health programs, combating health care fraud remains a key focus. Recoveries in health care fraud actions have already topped \$5.2 billion and are expected to increase, since the current docket includes a number of matters with the potential of significant recoveries.

DOJ serves a vital role when the laws, programs and policies of the United States are attacked in court. These actions run the full gamut, such as challenges to Presidential determinations under the War Powers Act, to suits disputing the administration of the Medicare program. Other notable litigation involves the inclusion of the words "under God" in the Pledge of Allegiance, campaign finance reform, airline passenger identification requirements and luggage searches, intercepted cell-phone communications, and the military's press policy.



**Data Collection and Storage:** The primary source of data collection for measurement within the Justice Management Division is the Financial Management Information System (FMIS).

**Data Validation and Verification:** The Debt Accounting Operations Group, Finance Staff, JMD executes a comprehensive quality control plan in processing all collections by the DOJ.

**Data Limitations:** Miscoded information can cause the system to under-report specific recoveries under the heading of *health care*; however, this does not affect the actual monetary recoveries realized.

### Performance:

**Performance Measure:** \$ Collected from Civil Health Care Fraud [JMD]

**FY 2002 Target:** In accordance with Department guidance, targeted levels of performance are not projected for this indicator.

**FY 2002 Actual:** \$1.4 billion

**Discussion:** See *Public Benefit* below.

**FY 2003 Performance Target:** N/A

**FY 2004 Performance Target:** N/A

**Public Benefit:** Department attorneys reached a \$585 million civil settlement with TAP Pharmaceuticals, the manufacturer of Lupron, a drug used for the treatment of advanced prostate cancer. In addition, TAP agreed to pay a criminal fine of \$290 million, the largest fine ever in a health care fraud prosecution, bringing the total recovery to \$875 million. For more additional information on this case see the *Public Benefits* section under 2.4A.

Schering-Plough Corporation agreed to pay \$500 million to resolve allegations that the company did not manufacture drugs in compliance with Food and Drug Administration (FDA) regulations. For example, it was found that the company manufactured asthma inhalers without the correct amount of medicine inside.

**Performance Measure:** % of Favorable Resolutions in Civil Cases [CIV, EOUSA] (NOTE: Prior year actuals have been updated to reflect the most current and accurate data available.)

**FY 2002 Target:** 80%

**FY 2002 Actual:** 85%

**Discussion:** As in prior years, the performance target was surpassed, protecting the interests of the American people by effective legal representation in more than 51,000 cases.

**FY 2003 Performance Plan Evaluation:**

Based on FY 2002 performance, we plan to meet our original FY 2003 goal of 80%.

**FY 2004 Performance Target:** 80%

**Public Benefit:** The Department's success in civil litigation preserves taxpayers' dollars through affirmative and defensive litigation and ensures the intent of laws and of government programs and policies.

Approximately \$440 million was recovered for the government and Indian tribes from 1998 through 2002 from sixteen oil companies that knowingly undervalued the oil produced from federal and Indian lands to reduce the amount of royalties owed to the United States and Indian tribes. Additionally, the constitutionality of the Oil Pollution Act of 1990 was upheld, and the owners and operators of EXXON VALDEZ were denied access to Prince William Sound.

**Performance Measure:** % of Favorable Resolutions in Civil Immigration Cases [CIV, EOUSA]

**FY 2002 Target:** 85%

**FY 2002 Actual:** 88%

**Discussion:** As in prior years, the performance target was surpassed, ensuring that immigration enforcement actions are upheld in federal trial and appellate courts.

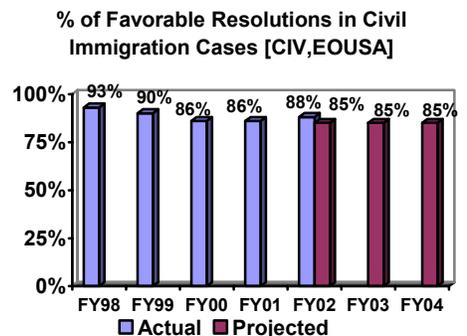
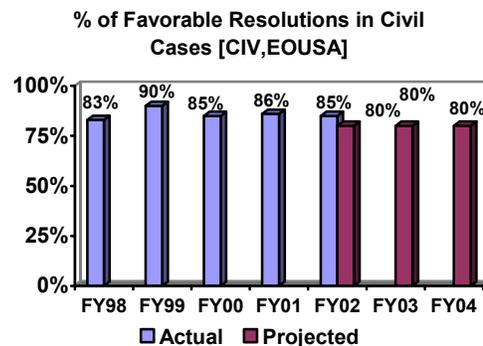
The Department received a record 7,500 new immigration cases in 2002, a 40 % increase over 2001. This growth resulted from intensified INS enforcement and from the Attorney General's mandate to reduce the backlog of cases pending before immigration judges.

**FY 2003 Performance Plan Evaluation:**

Based on FY 2002 performance, we plan to meet our original FY 2003 goal of 85%.

**FY 2004 Performance Target:** 85%

**Public Benefit:** Effective defense of counterterrorism laws, such as the USA PATRIOT Act and related antiterrorism legislation, and of



**Data Collection and Storage:** The primary source of data collection for measurement within the Civil Division is the automated case management system (CASES). Data for EOUSA are derived from USAs central case management system, which contains district information including criminal matters, cases, and appeals.

**Data Validation and Verification:** Within Civil Division: Contractor staff regularly review case listings and interview attorneys concerning the status of each case. Exception reports are generated and reviewed. Attorney managers review numerous monthly reports for data completeness and accuracy. The contractor executes a comprehensive quality control plan in which representative samples of data are verified. Another independent contractor verifies aspects of the work of the case management contractor. EOUSA: The USAs offices are required to submit bi-yearly case data certifications to EOUSA. The data are reviewed by knowledgeable personnel (such as supervisory attorneys and legal clerks) in each district.

**Data Limitations:** Civil Division: Incomplete data can cause the system to under-report case closures and attorney time. Missing data are most often retrieved as a result of the contractor interviews and the review of monthly reports. To minimize the extent of missing data, CIV made adherence to the reporting requirements of CASES a performance element in all attorney work plans. EOUSA: Data are reviewed by knowledgeable personnel (such as supervisory attorneys and legal clerks) in each district.

counterterrorism activities, upholds the government's response to the ongoing threat from terrorists. The formal designation of terrorist organizations and the related freezing of their

financial assets constrain the proliferation and actions of terrorist groups.

**Strategies to Achieve the FY2003/FY 2004 Goal:**

Efforts will focus on: (1) continuing the fight in the war on terrorism; (2) continuing to pursue health care fraud against federally funded programs, in concert with federal and state law enforcement programs; (3) continuing to remove criminal aliens and enforcing the Nation's immigration laws by effectively defending administrative decisions and INS programs and policies; and (4) successfully resolving all civil cases, including challenges to congressional enactments, federal programs and policy initiatives.

**Crosscutting Activities:**

The Civil Division collaborates with the State and Treasury Departments, among others, in the designation of foreign terrorist organizations. The Civil Division and the Executive Office for U.S. Attorneys work closely with the FBI, HHS, DOD, the Veteran's Administration, and state medical fraud units to recover monies lost by federal health care programs. They also participate with other federal, state, and local agencies on the Consumer Protection Initiatives Committee of the Attorney General's Council on White Collar Crime.

## 4.5C Increase the Number of Cases Using Alternative Dispute Resolution (ADR)

### Background/Program Objectives:

Executive Order Executive Order 12988 directs:

*[L]itigation counsel shall make reasonable attempts to resolve a dispute expeditiously and properly before proceeding to trial. . . Where the benefits of Alternative Dispute Resolution (“ADR”) may be derived, and after consultation with the agency referring the matter, litigation counsel should suggest the use of an appropriate ADR technique to the parties. . . . To facilitate broader and effective use of informal and formal ADR methods, litigation counsel should be trained in ADR techniques.*

It is our job to implement the President’s directive consistently with our mission to defend the interest of the United States in civil litigation proceedings. In FY 2003, DOJ attorneys will increase efforts to employ ADR including mediation, negotiation, and other litigation streamlining techniques in appropriate civil cases.

### Performance:

**Performance Measure:** Percentage of Cases Resolved using ADR [CIV, CRT, ENRD, TAX, EOUSA]

**FY 2002 Target:** 65%

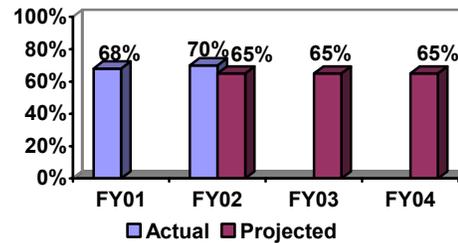
**FY 2002 Actual:** 70%

**Discussion:** We exceeded our target, with 70% of dispute resolution proceedings producing favorable resolutions.

ADR saved the Department attorneys’ time in resolving litigation. For example, attorneys estimated that early resolution of one case through mediation saved an estimated 250 hours of depositions, another avoided 60 hours of discovery as well as trial, another avoided at least 30 depositions, and another saved the time and expense of full briefing of an issue.

Even where the case did not settle, ADR was still valuable in narrowing the issues for trial or improving the relations between the parties. Attorneys reported that ADR allowed the parties to negotiate a disposition that best served their interests, and which may have been beyond the jurisdiction of a court to order. For example, in

**% Cases Resolved using ADR  
[CIV,CRT,ENRD,TAX,EOUSA]**



**Data Collection and Storage:** The primary source of data collection for tabulating the Department’s use of ADR is component reporting. Each litigating component is responsible for tracking attorney usage of ADR and forwarding this information to the Office of Dispute Resolution. The primary source of case outcomes is attorney evaluations.

**Data Validation and Verification:** CIV, CRT, and ENRD track ADR information in case management/docket tracking systems; TAX and EOUSA gather data through the use of manual records. The Office of Dispute Resolution gathers outcome information through the use of manual records.

**Data Limitations:** The individual components are responsible for ensuring compliance with their local procedures for maintaining the integrity of their data collection systems.

several workplace cases, the parties agreed upon the voluntary separation of a government employee, a result that could not have been accomplished through trial.

**FY 2003 Performance Plan Evaluation:** Based on FY 2002 performance, we plan to meet our original FY 2003 goal of 65%.

**FY 2004 Performance Target:** 65%

**Public Benefit:** Mediation and other forms of dispute resolution provide several important public benefits. First, mediation assists in the early settlement of cases, thereby freeing resources to handle other matters that cannot or should not settle. Second, mediators can assist counsel in negotiating favorable settlement terms because the parties can focus on interests that may transcend their legal positions and arrange for a disposition on terms a court would not have the power to order. Third, mediation empowers individuals to participate in the resolution of their own disputes,

rather than deferring to their attorneys, and provides a context for settlement discussions that minimizes the adversarial nature of litigation.

**Strategies to Achieve the FY2003/FY 2004 Goal:**

In many circumstances, our attorneys are able to negotiate settlement in civil litigation through one-on-one negotiations with opposing counsel. However, there are also a considerable number of cases where such settlement discussions would be unproductive, protracted, or highly positional. The use of dispute resolution in such civil litigation, especially mediation, permits our attorneys to obtain settlements that are in the best interests of the government. Mediation is the preferred dispute resolution process because skilled mediators can work with the parties and their counsel, encouraging them to go beyond the legal positions advanced by counsel and focus on the underlying interests of the litigants. In many cases, our attorneys are able to construct creative settlements that include terms favorable to the United States that would not have been identified without the assistance of a mediator. Our experience with the Department's dispute resolution program continues to show that mediation permits more efficient negotiation. We remain committed to promoting the use of dispute resolution in the Department's civil litigation.

**Crosscutting Activities:**

Pursuant to the Administrative Dispute Resolution Act, the President appointed the Attorney General to coordinate ADR for the entire executive branch of the federal government, and the Office of Dispute Resolution manages these activities on a day-to-day basis. In this role, the office works with the federal Interagency ADR Working Group to draft national ADR policies, issue guidance on best practices, and promote the use of ADR government-wide. Recent projects have included materials covering confidentiality, evaluation, and arbitration. The office manages the federal government's ADR website, [www.adr.gov](http://www.adr.gov), and is in the process of publishing a resource book for users of ADR both inside and outside the government. The office conducts ADR training for other agencies and assists them in locating appropriate neutrals throughout the country.

# V

## STRATEGIC GOAL FIVE: Fairly and Effectively Administer the Immigration and Naturalization Laws of the United States

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The DOJ components with primary responsibility for implementing this Strategic Goal are the Immigration and Naturalization Service (INS) and the Executive Office for Immigration Review (EOIR). The Civil Division, the Criminal Division's Alien Smuggling Task Force, and the United and the United States Attorneys' offices are also key players.

The Homeland Security Act of 2002, enacted November 24, 2002, transfers INS from the DOJ to the new Department of Homeland Security. While this transfer will be completed on March 1, 2003, DOJ will summarize the performance of INS in FY 2002. As indicated INS-related performance measures will be discontinued for DOJ in FY 2003.

- The *Immigration and Naturalization Service's (INS)* primary mission is to administer and enforce the nation's immigration laws. INS activities include: determining the admissibility of persons seeking to enter the U.S. through an inspections process, and facilitating entry; processing and granting immigration-related benefits; patrolling the borders; deterring and investigating illegal employment and providing information to employers and benefit providers to prevent illicit employment or benefit receipt; and disrupting and dismantling organizations engaging in document and benefit fraud and alien smuggling. In addition, INS apprehends, detains, and removes aliens present in the U.S. without lawful status and/or those who have violated U.S. criminal laws. As individual aliens engaging in criminal activity and organizations facilitating illegal immigration are often associated with other criminal activity, INS plays a critical role in enforcing U.S. criminal laws.
- The *Criminal Division's Alien Smuggling Task Force* coordinates DOJ policy and prosecution efforts concerning alien smuggling and related crimes. The Task Force works closely with other DOJ components, as well as the Department of State, U.S. Coast Guard, and the intelligence community, to target major alien smuggling organizations for investigation and prosecution. The Task Force provides legal advice and support to overseas INS personnel concerning international law enforcement issues and works with counterparts in other countries on issues related to alien smuggling. The Task Force is also involved with prosecution-related immigration policy and legislative matters.
- The mission of the *Executive Office for Immigration Review (EOIR)* is to provide separate and independent fora for the objective, unbiased adjudication of disputes between INS and aliens or other individuals regarding immigration status, removal, or the availability of relief under the law. In the conduct of this mission, EOIR and its components (the Board of Immigration Appeals, the Immigration Courts, and Administrative Law Judges) seek to render fair and proper decisions in timely and efficiently.
- The *Civil Division* and the *United States Attorneys Offices* defend the decisions of INS and EOIR. By defending policies and administrative decisions, the Civil Division strengthens immigration enforcement activities.

**STRATEGIC OBJECTIVE &  
ANNUAL GOAL 5.1: ENFORCEMENT**  
Secure America's borders, especially to  
reduce the incidence of alien smuggling

The mission of the INS is to enforce provisions of the law that governs lawful entry and presence within the United States, and provide immigration benefits and services to individuals and entities (e.g., employers) entitled under law.

INS executed the Border Management and Control strategies, which include port enforcement, and deterrence and apprehension. Port enforcement efforts target the sophisticated methods of illegal immigration and alien smuggling, and the implementation the expedited removal authority granted under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA).

In the wake of the terrorist attacks of September 11, 2001, INS enforcement activities focused first on protecting America from terrorism. Since terrorists exploit legal and illegal means of coming to and remaining in the United States, one can draw an anti-terrorism nexus to virtually all enforcement strategies, goals, and objectives outlined here.

Immigration Inspections resources focused on improving entry controls to identify individuals violating immigration laws. Efforts in the areas of deterrence and apprehensions targeted unlawful border crossers who seek to enter between Ports-of-Entry (POEs). INS continued implementation of the National Border Control Strategy at and between POEs in designated geographic areas known as corridors. In addition, INS intercepted and repatriated mala fide travelers and offshore migrants en route to the United States. INS also forged effective relationships and engaged in cooperative activities with national, state, and local government, as well as non-government entities, to defuse tensions and provide fora for discussion and feedback on INS laws, policy and practices.

**STRATEGIC OBJECTIVE &  
ANNUAL GOALS 5.2: CRIMINAL ALIENS**  
Promote public safety by combating  
immigration-related crimes and removing  
individuals, especially criminals, who are  
unlawfully present in the United States

The events of September 11, 2001 required INS to reexamine its strategies, approaches, and operations to ensure that service efforts fully address threats to the United States. This reevaluation, coupled with a reemphasis on many objectives established prior to the terrorist attacks, changed the focus for the Interior Enforcement program. The updated approach to the program's increasingly critical mission includes focused enforcement efforts at the Northern Border and in the Caribbean and Central and South America, as well as targeted investigations of industries and businesses where there is a potential threat of harm to the public interest. INS initiatives on the national and global levels required partnerships with other DOJ components to combat terrorism, organized crime, illegal drugs, and violent gangs to reduce the threat of criminal activity.

INS continued its aggressive campaign to remove more removable aliens, with a concentrated focus on criminal aliens. INS will develop a fugitive operations program to identify, locate, apprehend and remove aliens who have received final orders of removal and who have not presented themselves for final removal (absconders). Additionally, INS continued its Institutional Removal Program (IRP) that seeks to identify, locate, process and provide hearings for aliens within the criminal justice system and effect their expedient removal after their release from custody and/or incarceration. INS also began the development of systems to monitor and track individuals released from custody to ensure their appearance for final removal.

**STRATEGIC OBJECTIVE &  
ANNUAL GOAL 5.3: IMMIGRATION  
BENEFITS SERVICES**

Provide timely and consistent services and achieve a substantial reduction in the benefits processing backlog

INS served customers proactively and equitably to create understanding and appropriate action by providing benefits quickly and accurately to those entitled to them. INS improved application processing and continued to emphasize the integrity of decisions made on applications for immigration benefits. Additionally, INS continued to move toward a six-month processing time for all applications, servicewide and in individual offices. At local levels, INS worked to increase community consultations to anticipate or identify potential operational obstacles.

INS continued reducing the backlog on all applications and online filing efforts for additional benefit applications and begin deployment of a customer-based Computer Linked Application Management System (CLAIMS) replacement system. INS began efforts to offer case status information and address changes via the INS Internet website and the National Customer Service Center.

**STRATEGIC OBJECTIVE &  
ANNUAL GOAL 5.4: ORGANIZATION  
AND INFRASTRUCTURE**

Improve operational efficiency and organizational effectiveness of the INS workforce

A variety of services, goods, policies, and procedures are needed to create and support the operational capability of a productive INS workforce. In a stable organization, infrastructure costs and activities would generally be allocated to the business/mission areas that they support and not given separate attention except for major strategic management priorities. However, because of the enormous expansion of the INS mission

and workforce over the past several years, infrastructure changes have not been able to keep up with the mission areas that they need to support. Clearly, backlogs, shortfalls, imbalances, and inconsistencies exist that needed specific attention.

**STRATEGIC OBJECTIVE &  
ANNUAL GOAL 5.5: QUALITY OF DATA**

Provide accurate, easy-to-use, readily accessible, and up-to-date information to meet planning and operational needs

In the course of administering the Immigration and Nationality Act, the INS provided a significant amount of information to benefit applicants, other governmental agencies, employers, communities, Congress, and the public. INS also gathered information from and about those with whom INS comes in contact. The Government Paperwork Elimination Act (GPEA) and government-wide management reforms called for changes in the way agencies interact with the public.

**STRATEGIC OBJECTIVE &  
ANNUAL GOAL 5.6: BORDER  
FACILITATION**

Improve the efficiency of the inspections process for lawful entry of persons and goods

INS continued the development of a comprehensive, fully automated, integrated entry exit system at all POEs to track the arrival and departure of non-U.S. citizens while speeding entry of routine, legitimate traffic. This will improve our ability to deny access to those that should not enter, as well as to definitively determine whether an alien has departed after entry. Additional resources permitted INS to increase primary inspection lanes at air, sea, and land POEs. This effort was one of the Traffic Management strategies to further improve inspections at Ports-of-Entry.

**STRATEGIC OBJECTIVE & ANNUAL GOAL 5.7: ADJUDICATION**  
 Adjudicate all immigration cases promptly and impartially in accordance with due process

The Executive Office for Immigration Review (EOIR) has identified four adjudication priorities and set specific time frames for each. These priorities include cases involving criminal aliens; other detained aliens; those seeking asylum as a form of relief from removal; and appeals. While

the quality and fairness of judicial decision-making is of paramount importance, timeliness is an important measure of performance. In 2002, EOIR redrafted its regulations to streamline the adjudication process for appeals.

Both INS and EOIR are committed to the prompt and fair resolution of matters brought before EOIR by defending immigration laws, policies, and administrative judgments regarding alien removal in Federal courts. Additionally, the Civil Division and the United States Attorneys uphold the intent of Congress and secure the efforts of the immigration agencies.

**PERFORMANCE SUMMARY**

NOTE: Every function under Strategic Objective Five will transition to the Department of Homeland Security, with the exception of the Executive Office for Immigration Review (EOIR), found in 5.7A of this Strategic Objective.

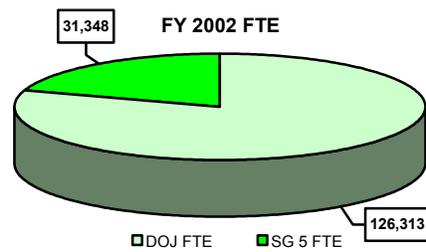
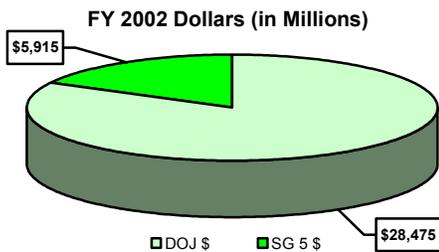
Strategic Objective, Page #	Performance Measure/ Indicator	Was the Target Achieved			FY 2002 Performance		
		Yes	No	N/A	Target	Actual	Performance Improvement From FY 2001
5.1 137	DISCONTINUED MEASURE: Refined Measure: Total # of Illegal Aliens Residing in the U.S. (millions)			■	6.8	7.6	Projection, not performance target
5.1 139	DISCONTINUED MEASURE: Refined Measure: Aliens Entering and Departing the Illegal Population (thousands) • Estimated Actual Entries • Estimated Actual Departures			■ ■	510,000 710,000	775,000 770,000	Projection, not performance target
5.1 141	DISCONTINUED MEASURE: High Priority Border Corridors Demonstrating Optimum Deterrence (number of corridors) • Phase I • Phase II • Phase III	■ ■ ■			4 4 0	4 4 0	
5.1 143	DISCONTINUED MEASURE: Targeted Alien Smuggling & Trafficking Organizations • Identified • Disrupted • Dismantled	■ ■ ■			3 0 1	16 7 1	
5.1 145	DISCONTINUED MEASURE: Interception of Mala Fide and Offshore Travelers en route to the U.S.	■			20,000	90,000	

Strategic Objective, Page #		Performance Measure/ Indicator	Was the Target Achieved			FY 2002 Performance		
			Yes	No	N/A	Target	Actual	Performance Improvement From FY 2001
5.2	147	DISCONTINUED MEASURE: Final Order Alien Removals <ul style="list-style-type: none"> <li>• Unexecuted</li> <li>• Expedited</li> <li>• Non-Criminal</li> <li>• Criminal</li> </ul>	■		■	289,000 N/A 42,500 65,000	289,000 N/A 42,500 65,000	
5.3	148	DISCONTINUED MEASURE: Average Case Processing Time (Months) <ul style="list-style-type: none"> <li>• Naturalization</li> <li>• Adjustment to Status</li> </ul>		■ ■		8 10	10 13	Case processing times were not met
5.3	149	DISCONTINUED MEASURE: Level of Compliance with Naturalization Quality Procedures	■			99%	99%	
5.3	151	DISCONTINUED MEASURE: New Measure: Timely Completion of <ul style="list-style-type: none"> <li>• Asylum Reform (60 days)</li> <li>• Expedited Removals Cases (14 days)</li> </ul>	■ ■			75% 80%	79% 90%	
5.4	152	DISCONTINUED MEASURE: Complaint, Secure & Adequate IT Systems <ul style="list-style-type: none"> <li>• Technology Adequate Equipment</li> <li>• Systems Dev. Lifecycle Standards</li> <li>• System Security</li> </ul>	■		■ ■	17% 90% 99%		Improvements to Lifecycle standards and system security continue
5.5	154	DISCONTINUED MEASURE: % of Public Use Forms Available Online	■			100%	100%	
5.5	155	DISCONTINUED MEASURE: Applications that can be Filled Online <ul style="list-style-type: none"> <li>• Public Use forms</li> <li>• Applications</li> </ul>		■ ■		72 2	61 0	Technology has been developed; admin. and fiscal barriers exist
5.6	156	DISCONTINUED MEASURE: % of Total Commercial flights to clear primary inspection with 30 minutes	■			70%	73%	
5.6	157	DISCONTINUED MEASURE: % of Land Border Wait Times	■			82%	90%	
5.7	158	% of EOIR Cases Completed within Target Time Frames <ul style="list-style-type: none"> <li>• Asylum</li> <li>• IHP</li> <li>• Detained</li> <li>• Appeals</li> </ul>	■	■ ■ ■		90% 90% 90% 40%	91% 84% 84% 26%	In FY 2002, BIA backlog was reduced; efforts to complete cases w/in targeted timeframe continue

## RESOURCES

Appropriation		FY 2002 FTE	FY 2002 Actual \$ (millions)	FY 2003 FTE	FY 2003 Request \$ (millions)	FY 2004 FTE	FY 2004 Request \$ (millions)
5.1	Land Border Inspection Fee	14	[4]	--	--	--	--
5.1	Immigration User Fee	3,289	315	--	--	--	--
5.1	Immigration Exam Fees	280	24	--	--	--	--
5.1	Immigration and Nat. Service	12,538	1,946	--	--	--	--
5.1	U.S. Attorneys	435	47	470	62	470	62
<i>Subtotal 5.1</i>		<i>16,556</i>	<i>\$2,332</i>	<i>470</i>	<i>\$62</i>	<i>470</i>	<i>\$62</i>
5.2	Immigration and Nat. Service	2,440	410	--	--	--	--
5.2	Immigration Exam Fee	122	[15]	--	--	--	--
5.2	Immigration User Fee	67	[8]	--	--	--	--
<i>Subtotal 5.2</i>		<i>2,629</i>	<i>\$410</i>	<i>--</i>	<i>--</i>	<i>--</i>	<i>--</i>
5.3	H-1B Fees	67	14	--	--	--	--
5.3	Immigration and Nat. Service	266	129	--	--	--	--
5.3	Immigration Exam Fees	4,903	835	--	--	--	--
<i>Subtotal 5.3</i>		<i>5,236</i>	<i>\$978</i>	<i>--</i>	<i>--</i>	<i>--</i>	<i>--</i>
5.4	Breached Bond/Detention Fund	11	2	--	--	--	--
5.4	Immigration and Nat. Service	1,653	313	--	--	--	--
5.4	Immigration Exam Fee	210	38	--	--	--	--
5.4	Immigration User Fee	252	34	--	--	--	--
5.4	Immigration Construction	--	76	--	--	--	--
<i>Subtotal 5.4</i>		<i>2,126</i>	<i>\$463</i>	<i>--</i>	<i>--</i>	<i>--</i>	<i>--</i>
5.5	Immigration and Nat. Fee	887	350	--	--	--	--
5.5	Immigration Exam Fee	1,201	310	--	--	--	--
5.5	INS Fines	--	[18]	--	--	--	--
5.5	Immigration User Fee	50	[37]	--	--	--	--
<i>Subtotal 5.5</i>		<i>2,138</i>	<i>\$660</i>	<i>--</i>	<i>--</i>	<i>--</i>	<i>--</i>
5.6	Immigration and Nat. Service	1,249	379	--	--	--	--
5.6	Immigration Exam Fee	285	--	--	--	--	--
<i>Subtotal 5.6</i>		<i>1,534</i>	<i>\$379</i>	<i>--</i>	<i>--</i>	<i>--</i>	<i>--</i>
5.7	Executive Office for Immigration Review	1,129	182	1,283	192	1,393	195
<i>Subtotal 5.7</i>		<i>1,129</i>	<i>\$182</i>	<i>1,283</i>	<i>\$192</i>	<i>1,393</i>	<i>\$195</i>
<b>TOTAL SG 5</b>		<b>31,348</b>	<b>\$5,404</b>	<b>1,753</b>	<b>\$254</b>	<b>1,863</b>	<b>\$257</b>

### RESOURCE COMPARISON: Strategic Goal to Total DOJ \$ and FTE



<b>Required Skills</b>	<p>INS Border Patrol agents, Immigration Inspectors, and Intelligence Officers must have interpersonal skills, problem solving abilities, composure, skill in the use of firearms, operate a variety of motor vehicles, and be fluent in Spanish. Officer corps personnel, particularly those in the intelligence and investigative fields, will also require strong computer skills and knowledge of the systems utilized in INS. Achievement of anti-smuggling goals also requires Special Agents, Investigative Assistants, Financial Analysts for asset forfeiture, Intelligence Agents/Officers, analysts, and other support staff. INS officers overseas must possess the full breadth of immigration knowledge with respect to enforcement and benefit responsibilities, experience in one or more immigration-related disciplines, and above all, communication and diplomatic skills in order to obtain host country authorities' support of the INS mission.</p> <p>EOIR requires the skills of immigration judges, Board of Immigration Appeals members and attorneys, Administrative Law Judges, and support positions, including court interpreters, paralegals, and legal technicians.</p>
<b>Information Technology Utilized</b>	<p>The US Customs Service's Interagency Border Inspection System (IBIS) is a major tool used by the INS to inspect travelers. The INS also uses other automation and technologies to improve processing time performance, such as dedicated commuter lanes and accelerated passenger lanes. Photo-phone equipment allows transmission of photographic images between the INS Forensic Document Lab and POEs. At air and certain sea POEs, USCS and INS Immigration Inspectors receive passenger data from the Advance Passenger Information System (APIS), which allows the agencies to perform enforcement checks and identify high-risk passengers before they arrive in the U.S. Intelligence information and links analysis is conducted using NetLEADS, the approved intelligence module for INS that is part of the ENFORCE Investigation Case Management and Intelligence Module (EICMIM) and stored in the Enforcement Integrated Database (EID). EICMIM allows INS to streamline intelligence collection, storage, research, analysis, and the dissemination of value-added intelligence information. Live-scan biometrics functionality between INS' Automated Fingerprint Identification System (IDENT) system and FBI's Integrated Automated Fingerprint Information System (IAFIS) continues to be integrated and stored within ENFORCE. The Performance Analysis System (PAS) and system-generated counts are used to report data on the use of automation and technologies to manage traveler inspections on a monthly basis. The Border Patrol Enforcement Tracking System (BPETS) and Intelligent Computer Assisted Detection (ICAD) are two of the tools used to generate data for border strategy effectiveness reports. A geographical information system and technology refresh, and a hardware-software-telecommunications platform upgrade will also be undertaken. The Border enforcement effort between the POEs also utilizes the Integrated Surveillance Intelligence System (ISIS), which uses cameras, monitors, and sensors.</p> <p>Systems utilized to collect performance data include the Deportable Aliens Control System (DACS), the Criminal Alien Information System (CAIS), Performance Analysis System (PAS), LYNX work-site enforcement case tracking system, and Orion LEADS intelligence system. Ultimately, the data will be captured in ENFORCE. The verification of aliens' lawful status by the Law Enforcement Support Center (LESC) includes interfaces with DACS and other corporate information systems such as the Central Index System (CIS). INS also interfaces with the NCIC to report wanted and deported alien felons. CLAIMS 4 software is used in the processing of Naturalization casework.</p> <p>At the National Records Center (NRC), the RAFACS system (Receipt and Alien-File Accountability and Control System), allows for timely transfer and tracking of alien-file (A-file) records associated with applications processing, was replaced by the National Files Tracking System (NFTS). INS uses a variety of systems to support administrative and financial activities and decisions. Freedom of Information Act/Privacy Act (FOIA) Information Processing System (FIPS) is used to manage FOIA requests.</p> <p>EOIR staff use ANSIR, the Automated Nationwide System for Immigration Review, which is integrated with routine case processing information.</p>

## **PROGRAM EVALUATIONS**

### **Naturalization Benefits Processing**

Formal assessments of Naturalization Applications casework focus on verifying the compliance level of INS field offices with the Naturalization Quality Procedures.

Previously, this was accomplished through outside audits controlled by the Department. Currently, INS completes internal audits with contract and INS personnel. Internal audits are continuing in FYs 2003 and 2004.

analyses, conclusions and evaluation implications from these studies were combined with INS data, including fingerprint identification of recidivist patterns and performance data. This step allowed INS to complete an assessment of program evaluation approaches, determine the best approach, and implement the plan.

### **Employment Verification Pilots**

Formal multi-year program evaluations of the Employment Verification Pilots began in FY 1999. These evaluations include statistics and interpretation of the impact of the pilot in providing alien status verification services for employers in accordance with Strategic Objective 5.5. The Basic Pilot evaluation was produced in FY 2001. The Citizen Attestation and Machine Readable Pilots will be evaluated in FY 2002, and an evaluation of the overall Verification Pilots is scheduled for FY 2003.

### **Border Enforcement**

INS continually evaluates the effectiveness of its border enforcement strategies, particularly for the southwest border, and monthly evaluates progress on sub-goals and milestones for the southwest, northern, and coastal borders through the Commissioner's Performance Management Report. These reports provide the Commissioner information regarding the current status of control of corridors and identify management issues and progress with deployment and key operations.

In addition, several special studies have been initiated and are ongoing to evaluate border enforcement effectiveness. They include follow-on analysis and reporting regarding the independent assessment of the effectiveness of the operations in the San Diego and McAllen Sectors and follow-up to the recommendations and action plans in the 1999 and 2001 GAO reports on the Status of the Southwest Border Strategy. Study findings will be available when all results are synthesized and an overall analysis is performed. This year the data,

## STRATEGIC OBJECTIVE & ANNUAL GOAL 5.1: ENFORCEMENT

Secure America's borders, especially to reduce the incidence of alien smuggling

### 5.1A Reduce the number of illegal aliens in the United States

#### Background/Program Objectives:

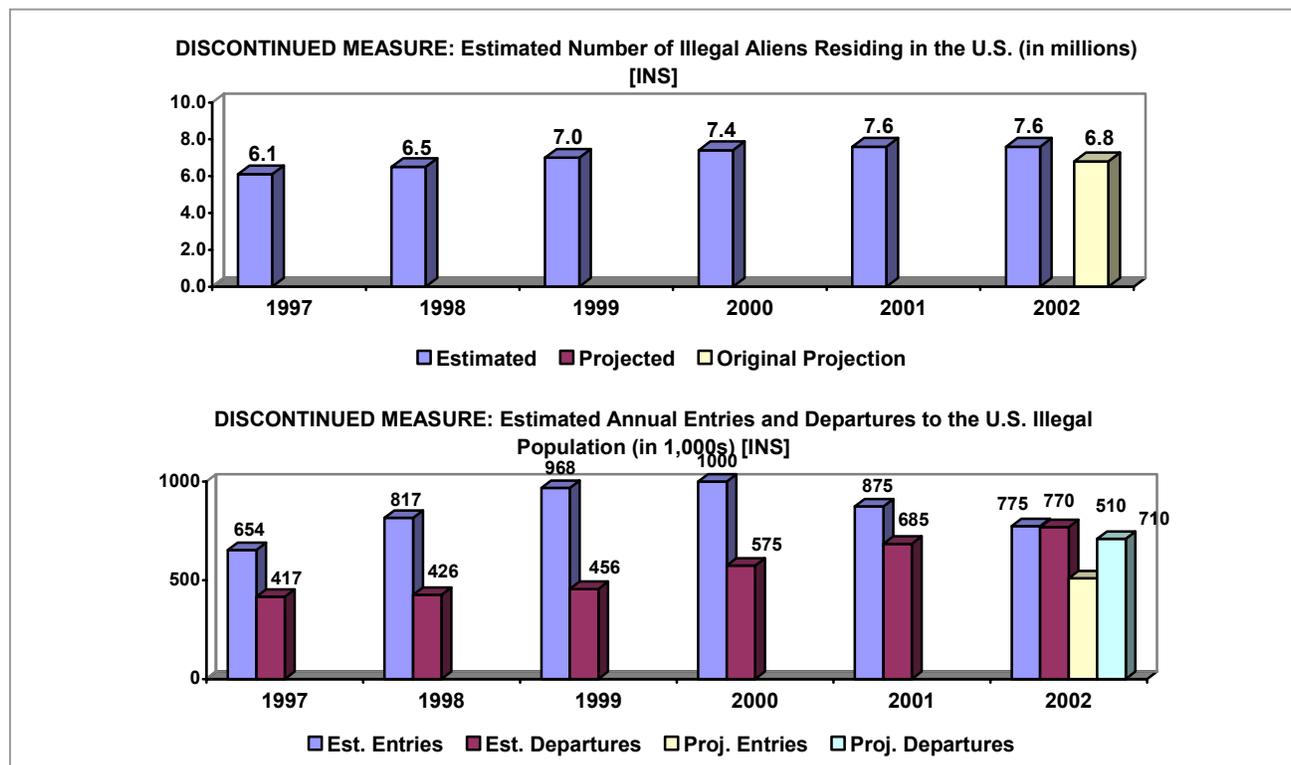
The Immigration and Nationality Act states that the Commissioner, in consultation with interested academicians, government agencies, and other parties, shall provide for a system for collection and dissemination, to Congress and the public, of information useful in evaluating the social, economic, environmental, and demographic impact of immigration laws. The Act provides that "such information shall include information on... the number of aliens estimated to be present unlawfully in the United States each fiscal year."

The initial estimates and projections reported by INS utilized the official updated 1996 estimates of the U.S. illegal population using the detailed statistical data from the U.S. Census Bureau. The estimates were revised for 1997-1999 based on recently released information on the foreign-born population as collected in the 2000 Census, rather

than in the 2000 Current Population Survey. INS has improved the estimates further by identifying and eliminating those persons from the unauthorized population who have gained temporary protection against removal by applying for an immigration benefit. The estimated number of illegal residents as of December 31, 1999, was reported as 6.8 million last year, but the estimate has increased to 7.0 million this year, as a result of the improved data and methodology.

#### Performance:

**Performance Measure:** DISCONTINUED MEASURE: Total Number of Illegal Aliens Residing in the United States (in millions) [INS] (NOTE: This indicator is being discontinued - the program has been transferred to the Department of Homeland Security. Prior year data has been changed as follows: The annual estimates for 1997-1999 have been revised based on information on the foreign born collected in the 2000 Census



**Data Definition:** The total number of illegal aliens is an estimate of the total number of illegal aliens residing in the U.S. as of December 31 of the reference year. The definition of a resident corresponds to the U.S. Census Bureau definition of usual residence (i.e., where a person spends more nights during a year than any other place). Illegal aliens in transit or with no place of usual residence within the United States, therefore, are not included in the estimate. The estimate of the total number of illegal aliens is actually based on estimates for several components according to the following formula:

Total illegal residents = (Foreign-born residents) + (Estimated undercount) – (Legally admitted immigrants + Temporary migrants (nonimmigrants) + migrants who have gained temporary protection against removal by applying for an immigration benefit). Note: Legally admitted immigrants include: Aliens admitted for legal permanent residence + Refugees admitted but not yet adjusted to Legal Permanent Resident status - Emigrants – Deaths

Annual entries is an estimate of the annual number of illegal aliens who entered the U.S. during the reference year and continue to reside in the U.S. as of December 31 of the year. A change in the resident illegal population between years is equal to the difference between the number of new entrants establishing residence during the year (entries) minus the number of prior residents who left the illegal population during the year (departures). The difference between entries and departures is the net change in the illegal resident population. **Note that many of the residents departing the illegal population remain in the U.S. as legal permanent residents.** In addition, illegal residents leave the population through emigration, death, or removal by INS enforcement. The definition of a resident corresponds to the U.S. Census definition of usual residence (i.e., where a person spends more nights during a year than any other place). Illegal aliens who entered the U.S. during the year who are in transit or who have no usual place of residence within the U.S., therefore, are not included in the estimate.

**Data Collection and Storage:** Data are collected from a variety of official government sources. The most important are Census and survey data on the resident foreign-born population collected by the U.S. Census Bureau and administrative data of legal admissions collected by INS. The data on foreign-born residents are collected on the long-form sample during the Decennial census, or, between Decennial censuses, with the monthly household Current Population Survey. The Decennial census data are based on a 1 in 6 sample of all U.S. households. The Current Population Survey data are based on a survey of approximately 50,000 households. INS administrative records used in the estimate are for legal permanent residents, persons removed from the U.S. by INS procedures, and estimates of nonimmigrants based on Nonimmigrant Information System (NIIS) data. The legal permanent resident data are collected by INS through Department of State visas and records of adjustment and recorded in INS' Computer-Linked Application Information Management System (CLAIMS3). Information on INS removals is collected and recorded in INS' service-wide Deportable Alien Control System (DACS) by the respective field offices that conduct the removals. Information on emigrants and deaths of illegal resident aliens is estimated based on data and research conducted by the Census Bureau and information reported by the Mexico-U.S. Migration Study in 1998.

**Data Validation and Verification:** The census foreign-born data are subject to the validation and verification procedures established at the U.S. Census Bureau. Individual INS records of legal permanent residents and persons removed by the INS are extensively reviewed to insure the validity of the data. INS' annual number of legal permanent residents is compared to U.S. Department of State data on visas issued for the categories of immigrants who require a visa, to check for completeness. INS inspectors collect data from all arriving aliens via the Arrival/Departure Record which records name, address, birth date, passport number, airline and flight number, country of citizenship, country of residence, date of arrival and departure. The information is compiled in the Nonimmigrant Information System. The estimates of emigrants and deaths are based on research reports that are subject to the validation and verification procedures established at the U.S. Census Bureau. Data on the removal of criminal and non-criminal aliens are subject to extensive data review activities by both the program office and the Statistics Division of the INS. DACS and CLAIMS3 data verification and validation sections appear in this plan in Strategic Objectives 5.2 and 5.3, respectively. The estimates of emigrants and deaths of illegal immigrants are based on research reports that are subject to the validation and verification procedures established at the U.S. Census Bureau. The estimates of undercount of illegal residents in the 2000 Census are consistent with those of the U.S. Census Bureau and private researchers.

**Data Limitations:** The estimate for the total foreign-born population is subject to sampling error. Assumptions of the number of persons who emigrate or are in temporary legal status and assumptions of the coverage of the foreign-born and illegal aliens in the Decennial census or Current Population Survey also affect the estimate. Differences in assumptions will lead to different estimates. The U.S. Census Bureau and several non-governmental researchers have published their own estimates of the illegal resident population in the past. Differences that are well within the margin of error may still raise questions about the accuracy of the estimates. However, neither the U.S. Census Bureau nor non-governmental researchers have been able to estimate annual inflow, departures from the population, or net annual change in the population, so there are no benchmarks against which to compare the estimates.

and improvements in estimating persons who have obtained temporary protection against removal. The foreign-born information in the census is based on a 1 in 6 household questionnaire [approximately 5,000,000 foreign-born households], while the previous estimates were based on a sample of approximately 50,000 households [native and foreign-born]. The 2000 Census data provides the basis of the estimates

through December 31, 1999. The December 31, 2002, projection is based on projecting net annual illegal immigration in 2000-02 and adding it to the December 31, 1999 population.)

**FY 2002 Target:** Original target: 6.8 million. This was based on a .2 million reduction in illegal aliens residing in the U.S. between 2001 and 2002 (originally estimated at 7.0 million in 2001). This target was set without the benefit of the 1999

baseline data now available through the 2000 Census.

**FY 2002 Estimated:** 7.6 million. This reflects no measurable change in the estimated number of illegal aliens residing in the U.S. between 2001 and 2002.

**Discussion:** The projected number of illegal aliens residing in the United States as of December 31, 2002, is 7.6 million. The primary reason that the estimated number for FY 2002 is higher than the target is due to the improved estimates of the foreign-born population available through the 2000 census data, which significantly increases the estimated populations for each year following 1999. The estimated size of the illegal population remained virtually unchanged between FY 2001 and FY 2002, while INS had projected a decrease of 200,000 in the population (see following discussion of the number of illegal aliens entering and departing the U.S.).

**Public Benefit:** Reduction in the illegal resident population reinforces immigration laws and reduces the supply of illegal aliens for unauthorized employment. It also reduces the demand on local economic and social services from illegal alien residents.

**Performance Measure:** DISCONTINUED MEASURE: Aliens Entering and Departing the Illegal Population [INS] (*Formerly:* Illegal Aliens Entering and Departing the U.S. Annually) (NOTE: This indicator is being discontinued - the program has been transferred to the Department of Homeland Security. Prior year estimates have been revised based on new information available from the 2000 Census. The average annual number of entries of illegal aliens intending to reside in the United States was 780,000 during the 1995-1999 period, while an average of 410,000 left the illegal population, resulting in a net increase of 370,000 a year. The projected average annual entries for 2000-2004 is 860,000, an average of 710,000 are expected to leave the population, resulting in a net increase of 150,000 a year. The entry data for 2000-2004 period are based in part on the estimated illegal entries in 1999 as counted in the 2000 census. *Also, that many of the aliens departing the illegally resident population remain in the United States as legal permanent residents.*)

**FY 2002 Target:** Original estimates:  
510,000 estimated illegal alien entries  
710,000 estimated illegal alien departures

This results in a net 200,000 reduction in illegal aliens residing in the U.S. as discussed above.

**FY 2002 Estimated:**

775,000 estimated illegal alien entries  
770,000 estimated illegal alien departures

**Discussion:** This results in a 5,000 increase in illegal aliens residing in the U.S., which is higher than targeted. The projected target for illegal aliens entries for 2002 was set at 510,000. This target was set without the benefit of the 1999 baseline data now available through the 2000 Census. We currently estimate that the number of illegal alien entries in 2001 was 875,000; therefore, the number of entries are estimated to have decreased 100,000 between 2001 and 2002. Apprehensions of undocumented aliens have generally been decreasing since FY 2000 through 2002. This can be attributed to several factors, such as the increased level of control along the southwest border, enhanced enforcement efforts after 9/11/2001, and the possibility that undocumented aliens are more likely to remain in the U.S. rather than return to their native countries, which reduces their exposure to the possibility of apprehension upon their return to the United States.

**Public Benefit:** INS efforts to reduce illegal migration into the United States will enable us to defend the security and stability of our Nation and deter specific threats from organized crime, drug traffickers, and terrorist groups. Reduction in the movement of aliens across the border will also improve the quality of life in border communities.

**Crosscutting Activities:**

INS coordinates with interested academicians, government agencies, and other parties, including the U.S. Department of Commerce, U.S. Census Bureau, and the U.S. Government Accounting Office. INS is also involved with a number of organizations in the academic and statistical community to continue to improve the collection, methodology, and reporting of alien population information.

## 5.1B Effectively Control the Border

### Background/Program Objectives:

#### *At the Ports-of-Entry*

Immigration Inspectors identify and examine persons seeking entry into the United States at air, land, and sea Ports-of-Entry (POEs) in order to prevent the entry of terrorists, criminals, and unlawful migrants. This mission entails the full range of law enforcement and border security responsibilities balanced with the need to foster travel and tourism and facilitate commerce.

INS works with other Federal Inspection Services to obtain and utilize all available information before passengers arrive at United States borders via air, land, or sea. The analysis of that data provides information necessary to prevent illegal entry, human trafficking, and smuggling, among other crimes.

#### *Between the Ports-of-Entry*

The Border Patrol's National Strategic Plan is the basis for a four-phased, multi-year approach to the deployment of new resources along the U.S. borders, initially concentrating on areas of greatest illegal entry. The strategic has a national focus of "prevention through deterrence" as a means to restrict illegal traffic and encourage legal entry. *Deterrence* is defined as raising the risk of apprehension so high that it is futile to attempt entry. The four-phased approach builds-up resources along the entire Southwest border as well as the northern border and coastal areas of the U.S.

Areas with the highest concentration of illegal entry are given the highest priority. The strategy focuses resources on specific sectors (further defined by corridors) in priority order. Phase I includes San Diego and El Paso. Phase II covers Tucson and McAllen. Phase III concentrates on Del Rio and Laredo and the remainder of the Southwest border. Phase IV includes the Northern Border and Coastal areas, as well as new areas of activity.

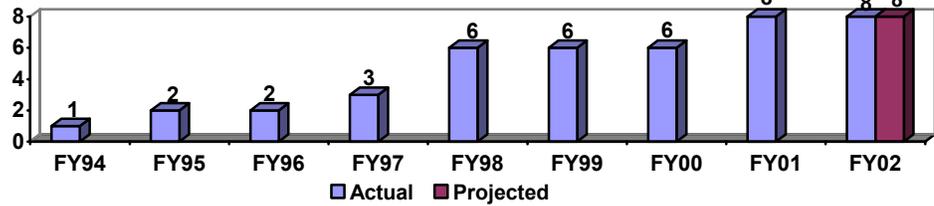
The primary indicator of successful deterrence is the significant reduction followed by leveling off of attempted entry. *Optimum deterrence* is defined, as the level at which applying more Border Patrol agents and resources would not yield a significant

gain in arrests/deterrence. This is a critical point in the strategy, as it would make little sense to try to reach essentially zero illegal entry attempts in one location while there are literally thousands of such attempts in another. Through sufficient staffing in recent years, the Border Patrol has profiled and predicted the trend pattern to reaching optimum deterrence. After several years of staffing increases, a peak is reached in staffing levels and arrests, followed by a reduction in illegal entry attempts (deterrence), culminating in a leveling off of both resources and arrests (optimum deterrence). It can take up to 6-8 years to reach optimum deterrence provided there are sufficient resources.

Although an eventual reduction in arrests is a primary indicator of illegal entry attempts (and therefore deterrence), other critical indicators include: decrease in border related crime, decrease in recidivism, shifting of illegal activity to non-traditional points of entry and through non-traditional methods, increase in smuggling fees, increase in property values and commercial and public development along the border, etc. Each of these factors is part of a comprehensive analysis conducted for each area. The effectiveness of the Border Patrol's National Strategic Plan is evidenced by the significant changes in illegal entry attempts in the San Diego, California, El Paso and Brownsville, Texas, and the Nogales, Arizona border areas. The ultimate impact is the increase in quality of life in these areas.

As a result of the events of September 11, 2001, the Border Patrol redirected its attention forward into Phase IV of the National Strategy expanding its focus to include the Northern Border and coastal areas of the U.S. Additional Border Patrol Agents and Aircraft Pilots were deployed to the northern border and the Border Patrol expanded its Integrated Border Enforcement Team (IBET) to all sectors along the Northern Border. The IBET increases cooperation and exchange of intelligence among other Federal, State, and local law enforcement agencies. Representatives of the Royal Canadian Mounted Police are an integral part of the IBET teams as well.

**DISCONTINUED MEASURE: High Priority Border Corridors Demonstrating Optimum Deterrence [INS]**



Phase I	# of Corridors	FY94	FY95	FY96	FY97	FY98	FY99	FY00	FY01	FY02
San Diego	2	0	1	1	1	2	2	2	2	2
El Paso	1	1	1	1	2	2	2	2	2	2
<b>Phase II</b>										
Tucson	3	0	0	0	0	1	1	1	2	2
McAllen	3	0	0	0	0	1	1	1	2	2
<b>Phase III</b>										
Laredo	3	0	0	0	0	0	0	0	0	0
Del Rio	2	0	0	0	0	0	0	0	0	0
El Centro	3	0	0	0	0	0	0	0	0	0
Yuma	4	0	0	0	0	0	0	0	0	0
Marfa	3	0	0	0	0	0	0	0	0	0

**Data Definitions:** Operational effectiveness is defined as apprehensions plus turn backs (the attempt was thwarted), divided by attempts. Attempts are compiled by adding apprehensions plus evadees (successful illegal entries) plus turn backs. Evadees and turn backs are estimated by Border Patrol agents using information from video cameras, infrared scopes, helicopter patrols, sensor hits, and tracks, etc. Optimum deterrence is further analyzed by evaluating: increase in traffic outside of targeted corridors, decrease in attempted illegal entries, decrease in violent acts against law enforcement, and utilization of "non-traditional" entry routes.

**Data Collection and Storage:** Data are compiled by zones and aggregated at the Sector level into Sector corridors. Data collected include: activity (arrests, evadees, turn backs), narcotics seizures (number, type, weight), personnel (permanent, detailed in or out), technology (lighting, cameras, barriers, sensors, vehicles), narrative reports (trends, incidents, factors affecting entry), and additional monthly statistics (IDENT/ENFORCE usage, crime rates).

**Data Validation and Verification:** On a monthly basis, nationwide reporting occurs via the Performance Analysis System (PAS) database. Monthly reviews and editing of apprehension data in PAS is conducted at the Sector level and by the centralized INS Statistics Division. Increasingly, review and editing involves using systems counts from ENFORCE/IDENT.

**Data Limitations:** Standardization of recording and reporting of data is ongoing. Data collection is currently an intensive manual process. The use of INS' Intranet to extract existing data from automated systems such as ENFORCE and ICAD along with auxiliary data not yet automated, is being tested at limited pilot sites. The national implementation of such operational data will be used to access and analyze operational effectiveness Patrol Strategy.

**Performance:**

**Performance Measure:** DISCONTINUED MEASURE: High Priority Border Corridors Demonstrating Optimum Deterrence (NOTE: This indicator is being discontinued - the program has been transferred to the Department of Homeland Security.)

**FY 2002 Target:** 8

**FY 2002 Actual:** 8

**Discussion:** The Border Patrol met the FY2002 target of eight high priority border corridors demonstrating optimal deterrence. In addition, all nine Southwest Border sectors demonstrated an increase in operational effectiveness (above the FY 2000 baseline) in one

or more corridors. This increase in effectiveness was accomplished while expanding Border Patrol operations to address concerns that arose subsequent to the events of September 11, 2001.

**Public Benefit:** Border Patrol enforcement efforts along the Southwest Border have been attributed to an increase in the quality of life in many communities located adjacent to the border. The Border Patrol has been credited with the reduction of crimes commonly committed by undocumented migrants in specific areas where the Border Patrol maintains an enhanced enforcement presence. These decreases in criminal activity and undocumented alien traffic have created a safer border environment, which has resulted increased

property values and rejuvenated certain residential neighborhoods.

**Crosscutting Activities:**

The INS coordinates with other federal, state, local, and international law enforcement agencies where operational initiatives are crosscutting. This includes memoranda of understanding (MOU) with the Drug Enforcement Administration (DEA), particularly with respect to a delegation of legal authority to enforce drug laws under Title 21. A similar MOU is in place with the United States Customs Service where cross-designated authority is provided to both INS and Customs officers to enforce their respective laws. INS, the U.S. Attorney's Office, and the FBI often coordinate at the INS Sector and District Office levels. INS participates with the U.S. Customs Service, the Department of Agriculture, the U.S. Forest Service, and the U.S. Coast Guard in the Border Coordination Initiative (BCI). BCI interacts with over 15 Federal agencies working with Operation COBIJA and hundreds of state and local law enforcement entities.

The INS also is involved with a number of federal, state, and local joint-agency task forces with missions such as anti-terrorism, drug interdiction, disruption of alien smuggling, detection of fraud, and other illegal activities. On the international front, the INS coordinates its border enforcement efforts with land neighbors to the north and south engaged in such special programs as Operation Alliance with Mexico, and Project Northstar with Canada. Other initiatives with the Canadian and Mexican governments to secure the borders of all three countries will continue to increase the international law enforcement efforts of each country.

## 5.1C Identify, Disrupt and Dismantle Alien Smuggling and Trafficking Organizations

### Background/Program Objectives:

The growing volume and sophistication of alien smuggling organizations poses a threat to the national security of the U.S. to the success of the INS' Border Control and Interior Enforcement Strategies. Public corruption and lax immigration controls in source and transit countries contribute to a smuggling organization's ability to move large groups of migrants from virtually any country in the world to the U.S.

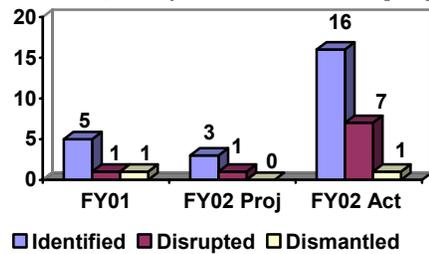
The National Anti-Smuggling Strategy focuses on deterring, disrupting, and dismantling major smuggling organizations operating in the U.S., source, and transit countries. After September 11, 2001, the INS Anti-Smuggling Strategy placed significant emphasis on targeting alien smuggling organizations that present threats to national security. Terrorists and their associates are likely to align with specific alien smuggling networks to obtain entry into the U.S. Some smuggling organizations utilize their illicit profits to provide financial support to terrorist organizations. INS activity in this area will target specific smuggling corridors, and will emphasize long-term, complex investigations targeting smuggling organizations that present a threat to national security. Specific investigative targets have been identified, based on recommendations from the Interagency Working Group (including INS, FBI, DOJ, and the Intelligence Community) on alien smuggling.

To effectively combat threats to our security, INS targets smuggling organizations with ties to extremists overseas. Targeting these groups in source and transit countries increases the ability to protect our homeland, increases our intelligence gathering efforts, enhances our efforts at the border, and enhances our efforts to completely dismantle those organizations that present the greatest threats to our security.

### Performance:

**Performance Measure:** DISCONTINUED MEASURE: Targeted Alien Smuggling & Trafficking Organizations Identified, Disrupted, and Dismantled [INS] (NOTE: This indicator is being discontinued - the program has been transferred to the Department of Homeland Security.)

**DISCONTINUED MEASURE: Targeted Alien Smuggling & Trafficking Organizations Identified, Disrupted and Dismantled [INS]**



**Data Definition:** Identification: the process of conducting investigations and gathering evidence and intelligence to name participants and their criminal associates violating Federal U.S. immigration laws. Since these are complex investigations, cases identified in one year produce outcomes in later years.

Disruption: occurs when a targeted organization is adversely impacted as a result of INS enforcement actions. Indicators of disruption include changes in organizational leadership, trafficking patterns, smuggling infrastructure, or smuggling methods. This may include disruptive actions taken by another agency or government at the request of, or in coordination, with the INS.

Dismantlement: occurs when an identified organization is no longer capable of operating as a coordinated criminal enterprise.

**Data Collection and Storage:** Data are collected in the Performance Analysis System (PAS) and through manual tracking. INS collects investigations data in the PAS which contains aggregate case data and workyears for specific categories of activities. The field enters data into PAS each month.

**Data Validation and Verification:** PAS verification is conducted by the Statistics Office of the Office of Policy and Planning. The statistics are corroborated through submission audits; and logic, range, and computational edits. The Office of Statistics produces monthly statistical and production reports. Some manual tracking is required for smuggling and fraud since performance categories for types of cases no longer exactly match the definitions and methodology of the existing PAS categories. This manual case information is collected and verified by headquarters staff.

**Data Limitations:** PAS records are complete with 95% of field office records entered within the first 8 working days of the reporting month. The remaining 5% are subsequently obtained through submission audits. Since PAS data are manually consolidated at an office level, audits of individual case records cannot be performed.

### ***FY 2002 Target:***

Identify 3, Disrupt 1, Dismantle 0

### ***FY 2002 Actual:***

Identified 16, Disrupted 7, Dismantled 1

### ***Discussion:*** INS exceeded its goals in

FY 2002 for the number of targeted alien smuggling and trafficking organizations identified

and disrupted. INS conducted investigations of the most significant alien smuggling organizations and alien smugglers. Many of the operations were conducted in Central and South America, particularly in Guatemala, Mexico, Ecuador, and the Caribbean. The majority of the 16 organizations identified and the 7 organizations disrupted were operating in this area of the world.

**Public Benefit:** The criminal organizations that engage in alien smuggling and immigration fraud, as well as foreign-born-terrorist organizations, pose a significant threat to the public safety and national security of the United States. Seizing the assets of these organizations and individuals reduces their capital, thus affecting their ability to operate, and also takes away the profit incentive inherent in nearly all criminal activity. As a result of INS efforts, many alien smugglers, fraud organizations, and facilitators were arrested and presented for prosecution; assets were seized; and aliens with a nexus to organized crime, violent gangs, drug trafficking gangs, or who have terrorist related affiliations, were apprehended.

**Crosscutting Activities:**

INS conducts international investigations to prevent, identify, disrupt, and dismantle criminal organizations that facilitate illegal migration. INS' anti-smuggling strategies are coordinated with the FBI. In addition, INS works with the U.S. Attorneys to prepare cases and receives information on work-site enforcement activities from the Department of Labor. INS is represented and participates in several intra-agency task forces including the FBI Joint Terrorism Task Forces, the DOJ Organized Crime and Drug Enforcement Task Forces (OCDETF), the Violent Gang Task Forces, and the Interagency Working Group on Alien Smuggling and Trafficking in Persons.

The Criminal Division's Alien Smuggling Task Force works closely with INS, FBI, the Department of State, U.S. Coast Guard, the intelligence community, and the U.S. Attorneys' offices to target major smuggling organizations for investigation and prosecution. The Criminal Division's Alien Smuggling Task Force and INS meet regularly with Canadian and Mexican counterparts to identify and implement measures to improve border security.

## 5.1D Deter Illegal Immigration at the Source

### Background/Program Objectives:

INS enforcement activity overseas is dedicated to halting illegal immigration at its source and in transit in order to safeguard our borders. By intercepting mala fide and undocumented travelers; targeting and prosecuting known alien smugglers and traffickers, disrupting smuggling operations that may support potential terrorists, and repatriating migrants involved in these operations, INS' efforts overseas are keeping our borders safe and keeping out individuals who present national security concerns. Targeted enforcement actions overseas strengthen the legal immigration process and save INS costly processing, detention, and removal of aliens who may gain access illegally to the United States.

Expanded INS enforcement-dedicated resources overseas will result in stronger and more coordinated investigations, higher numbers of mala fide and undocumented interceptions will occur, thus pushing back our borders and increasing security. These actions will send a clear message to potential terrorists, criminals and undocumented migrants that their efforts to violate our borders will not succeed.

### Performance:

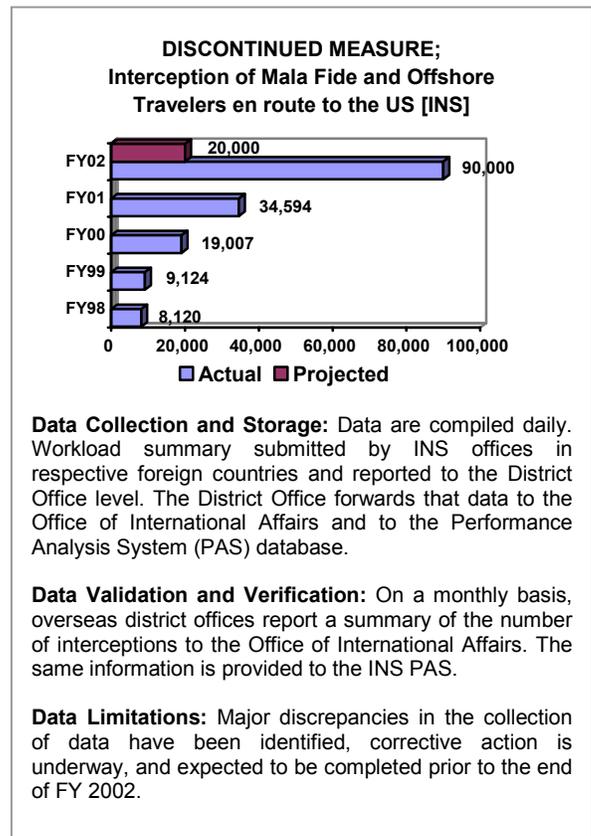
**Performance Measure:** DISCONTINUED MEASURE: Interception of Mala Fide and Offshore Travelers en route to the United States [INS] (NOTE: This indicator is being discontinued - the program has been transferred to the Department of Homeland Security. Also, major discrepancies in the collection of data were identified and corrected in FY 2002.)

**FY 2002 Target:** 20,000

**FY 2002 Actual:** 90,000

**Discussion:** The FY 2002 target was exceeded due to Operation Bus Bound, which was conducted in cooperation with Mexico and Guatemala which resulted significant increases in interceptions of undocumented aliens enroute to the U.S.

**Public Benefit:** Through the deterrence efforts of the overseas district and sub-offices, and in particular Operation Bus Bound, the number of undocumented or mala fide travelers who



successfully reached the United States was reduced. INS, in cooperation with host country immigration and law enforcement officials, as well as air carriers, were responsible for the interception and, in most cases, repatriation of 90,000 would-be immigrants. The interception of these migrants before they reached the United States means that other INS programs, (i.e., Border Patrol, Detention and Removal, and Inspections), were better able to focus their limited resources as needed.

### Crosscutting Activities:

INS agents in offices worldwide work closely with entities within the Department of State, DEA, USCS, the FBI, the USCG, and the CIA to better identify, disrupt and dismantle organized alien smuggling and trafficking entities.

## STRATEGIC OBJECTIVE & ANNUAL GOALS 5.2: CRIMINAL ALIENS

Promote public safety by combating immigration-related crimes and removing individuals, especially criminals, who are unlawfully present in the United States

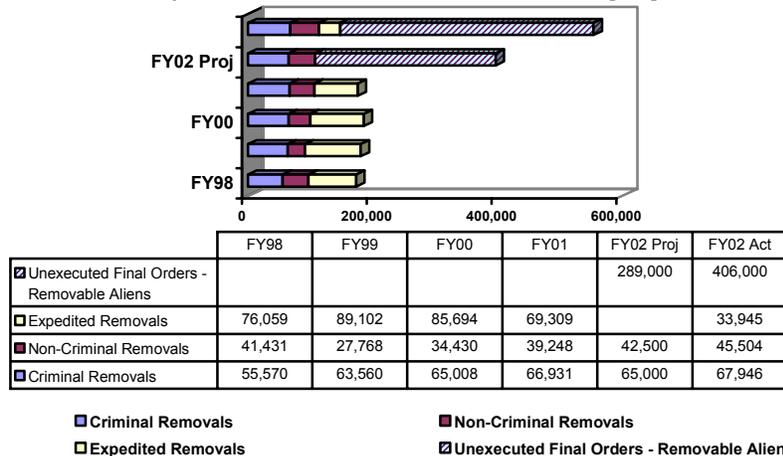
### 5.2A Increase the Number of Criminal Alien Removals and Monitor Alien Overstays

#### Background/Program Objectives:

INS attempts to remove aliens who have received formal removal orders or who have volunteered to be repatriated. A fundamental part of this mission is to ensure the removal of the criminal element in the alien population. INS is adopting new policies and procedures to improve the effectiveness of the Institutional Removal Program, a program designed to identify and remove incarcerated criminal aliens by means of administrative or hearing processes before their release from custody. Focusing on the criminal alien removals enhances public safety.

Another challenge is identifying and removing persons who are in the U.S. illegally, including alien overstays. Knowing who has entered and who has departed our country in real time is an important element in enforcing our laws. The Data Management Improvement Act of 2000 requires INS to develop a fully-automated, integrated entry-exit data collection system and deploy this system at airports and seaports by the end of FY 2003; at the 50 largest land ports-of-entry (POEs) by the end of FY 2004; and all other POEs by the end of FY 2005. The legislation also requires a private sector role to ensure that any systems developed to collect data do not harm tourism or trade.

**DISCONTINUED/REFINED MEASURE: Final Order Removals, Expedited Removals, and Unexecuted Orders [INS]**



**Data Definition:** Unexecuted Final Orders – Removable Aliens: Aliens that have been issued final orders of removal but who have not been removed at the time of the report. Some of these aliens have been officially notified to report for their deportation, but have failed to do so. These are termed “absconders. Aliens “not readily removable:” include those who are incarcerated, officially designated as in a Temporary Protected Status, and aliens from countries with whom the US does not have repatriation agreements. Expedited Removal: The formal removal of an alien ordered removed by the INS after having been inspected and found to be inadmissible based on having no documents or fraudulent documents.

**Data Collection and Storage:** INS collects removal and detention data in the Deportable Alien Control System (DACS) case tracking system. Data is input daily from physical Alien-files, primarily by INS Deportation Program staff, and to a lesser extent, inspectors and agents. DACS is updated throughout the life cycle of the case.

**Data Validation and Verification:** DACS verification occurs through the headquarters DACS quality team, file reviews, comparison with monthly statistical reports, INSPECT team reviews, and district status reports and call-up lists. The Statistics Office of the Office of Policy and Planning conducts monthly quality reviews of DACS data. The verification of an alien’s lawful status by the Law Enforcement Support Center (LESC) includes interfaces with DACS and other corporate information systems such as the Central Index System (CIS). INS also interfaces with the NCIC to report wanted and deported alien felons.

**Data Limitations:** DACS removals records are complete, with 99 percent of total removals records entered within 6 months of the close of the fiscal year. A small but significant number of detention records (approximately 7 percent of over one hundred thousand records) are incomplete. The long-range plan is for DACS to migrate to the Enforcement Case Tracking System (ENFORCE) that will have the capability to track detention and removal cases. A new system the ENFORCE Removal Module (EREM) should permit the reduction of data entry errors, increase completeness and accuracy of data retrieval and provide greater data integrity.

**Performance:**

**Performance Measure:**

DISCONTINUED/REFINED MEASURE: Final Order Removals, Expedited Removals, and Unexecuted Orders [INS] (*Formerly:* Final Order Alien Removals) (NOTE: This indicator is being discontinued - the program has been transferred to the Department of Homeland Security.)

**FY 2002 Target:**

Criminal Removals: 65,000  
Non-Criminal Removals: 42,500  
Unexecuted Final Orders - Removable Aliens:  
289,000

**FY 2002 Actual:**

Criminal Removals: 67,946  
Non-Criminal: 45,504  
Expedited Removals: 33,945  
Unexecuted Final Orders – Removable Aliens:  
406,000

**Discussion:** INS exceeded both the criminal and non-criminal removal targets for FY 2002. INS re-evaluated the unexecuted final orders measure in FY 2002. After an in-depth review and validation of the data encompassing all active cases in the INS database, including absconders and all other forms of unexecuted final order cases, INS revised the measure to include all removable aliens, not just absconders. As of September 30, 2002, there was a 406,000 case backlog of removable unexecuted final orders and a 196,000 case backlog of not readily removable unexecuted final orders of removal, for a total of 602,000 unexecuted orders. [NOTE: Aliens “not readily removable” include those who are incarcerated, officially designated as in a Temporary Protected Status, and those who are nationals of Laos, Vietnam or Cuba (countries that refuse to accept repatriation of their nationals).]

**Public Benefit:** Focused efforts to remove all aliens, especially criminals and absconders, promotes the public safety, enhances the national security and will create a deterrent to continued illegal migration.

**Crosscutting Activities:**

To facilitate efficient and expedient removals, repatriations, and information sharing, INS works in conjunction with BOP, USMS, state and local law enforcement, and foreign governments. INS shares facilities with BOP and coordinates detainee bed space. Additionally, INS coordinates with BOP when aliens serving federal sentences are processed for removal before completion of

their sentence under the Institutional Removal Program. INS also shares facilities with USMS, and relies on USMS for some of their transportation needs through the JPATS program. Through this cooperation, INS is able to maximize available bed space and meet transportation requirements more efficiently. INS also works to develop additional agreements with foreign governments to facilitate repatriation.

## STRATEGIC OBJECTIVE & ANNUAL GOAL 5.3: IMMIGRATION BENEFITS SERVICES

Provide timely and consistent services and achieve a substantial reduction in the benefits processing backlog

### 5.3A Ensure Immigration Benefit Services are Timely, Fair, and Consistent

#### Background/Program Objectives:

INS is responsible for timely, accurate processing of applications for immigration benefits. The current focus is to increase performance in Adjustment of Status application casework processing while meeting completion and backlog goals.

Quality is a primary consideration for application processing. INS strives to maintain a high level of compliance with Naturalization Quality Procedures. These procedures are designed to ensure that naturalization processing is performed consistently, correctly, and fairly. Standardized reporting of compliance with Adjustment of Status Quality Procedures is under development.

#### Performance:

**Performance Measure:** DISCONTINUED MEASURE: Average Case Processing Time [INS] (NOTE: This indicator is being discontinued - the program has been transferred to the Department of Homeland Security. This average is calculated by dividing the average of the past 12 months of completions into the number of pending applications at the end of September.)

##### **FY 2002 Target:**

Naturalization: 8 months

Adjustment of Status: 10 months

##### **FY 2002 Actual:**

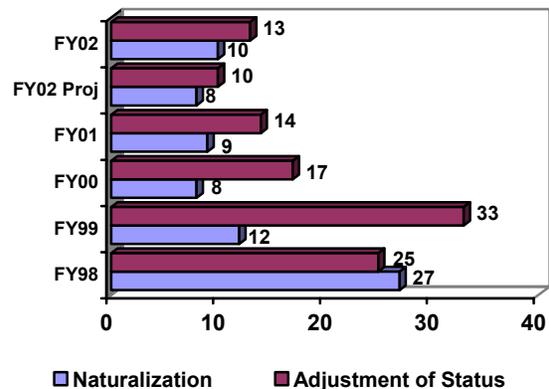
Naturalization: 10 months

Adjustment of Status: 13 months

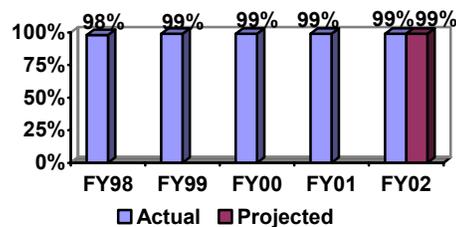
##### **Discussion:**

A formal plan was developed to eliminate the backlog of immigration benefit applications over a two-year period, and achieve and maintain a six-month processing standard for all applications. Although the INS met the numerical case completions target for naturalization and 97% of the adjustment of status case completions target, the INS did not meet the processing time goals for these applications in FY 2002. Naturalization applications increased significantly after

DISCONTINUED MEASURE: Average Case Processing Time (Months) [INS]



DISCONTINUED MEASURE: Level of Compliance with Naturalization Quality Procedures [INS]



**Data Collection and Storage:** Data are collected using a mix of automated counts and manual case counts. Some data are collected locally under manual counts and reported monthly through the automated PAS database, and some counts are provided from various automated systems supporting casework (e.g. CLAIMS4, CLAIMS3, and the Redesigned Naturalization Casework System).

**Data Validation and Verification:** INS instituted monthly data reconciliation and review activities to maximize the integrity of the data reported. Data on the quality of case work is currently compiled by Quality Assurance Analysts and independent contractor(s) conducting quality reviews.

**Data Limitations:** In FY 2001, Naturalization case capability was fully deployed under CLAIMS4. Improvements to automated case processing will be realized through the development of Phase 1 of the CLAIMS replacement system. The development will build on functional requirements captured and system design work completed in FY 2002.

September 11, 2001. INS also instituted additional security checks on all applications in FY 2002, which required significant resources. Future backlog elimination milestones will be revised to accommodate the receipt levels and security checks.

**Public Benefit:** See below.

**Performance Measure:** DISCONTINUED  
MEASURE: Level of Compliance with Naturalization Quality Procedures (NOTE: This indicator is being discontinued - the program has been transferred to the Department of Homeland Security.)

**FY 2002 Target:** 99%

**FY 2002 Actual:** 99%

**Discussion:** The INS achieved a 99% compliance rate with the Naturalization Quality Procedures in FY 2002.

**Public Benefit:** The public will benefit by receiving immigration information and benefits in a timely, accurate, consistent, courteous, and professional manner.

**Crosscutting Activities:**

INS coordinates with the FBI for fingerprint screening. INS coordinates with the Department of State and Department of Labor in the Data-share initiative to electronically share traveler visa and application information to improve the issuance process and improve identification of fraudulent visas. The Student and Exchange Visitor Program is directed by INS in partnership with the Department of State and the Department of Education.

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### 5.3B Ensure Asylum and Refugee Cases are Timely, Fair, and Consistent

#### Background/Program Objectives:

INS is committed to maintaining timely, fair and consistent asylum case processing that denies or refers to Immigration Court, meritless claims without discouraging legitimate refugees. Similarly, INS conducts expedited removal/credible fear screenings, overseas refugee processing, and adjudication under Section 203 of the Nicaraguan and Central American Relief Act (NACARA 203), in a fair, timely, and consistent manner. INS carefully monitors its pre-reform asylum and NACARA 203 backlogs and applies available resources to reduce these backlogs.

#### Performance:

**Performance Measure:** DISCONTINUED MEASURE: Timely Completion of Asylum Reform (60 days) and Expedited Removals Cases (14 days) [INS] (NOTE: This indicator is being discontinued - the program has been transferred to the Department of Homeland Security.)

##### **FY 2002 Target:**

Asylum Reform: 75%  
Expedited Removal: 80%

##### **FY 2002 Actual:**

Asylum Reform: 79%  
Expedited Removal: 90%

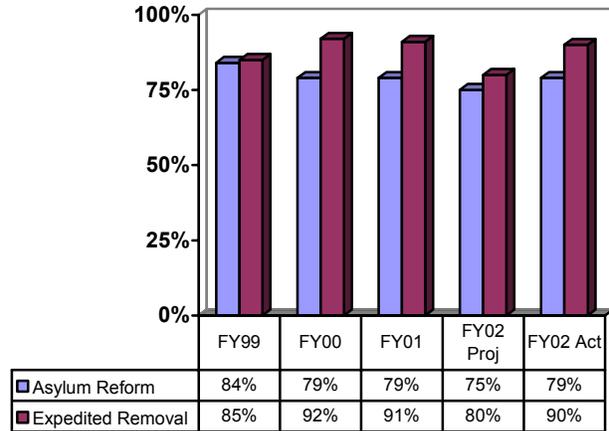
**Discussion:** INS exceeded the goals for timely completion of asylum reform and expedited removal/credible fear cases in FY 2002. In addition, INS completed 86,401 asylum cases and 22,885 NACARA 203 cases, exceeding the targets for completions in both caseloads.

**Public Benefit:** The public benefits by receiving asylum and asylum-related status determinations that are timely, fair, and consistent with United States law and international obligations.

#### Crosscutting Activities:

INS coordinates with the FBI for fingerprint screening. INS coordinates with the Department of State and Department of Labor in the Data-share initiative to electronically share traveler visa and application information to improve the issuance process and improve identification of fraudulent visas.

**DISCONTINUED/NEW MEASURE: Timely Completion of Asylum Reform (60 days) & Expedited Removals Cases (14 days) [INS]**



■ Asylum Reform ■ Expedited Removal

**Data Collection and Storage:** Asylum Officers update the Asylum Pre-Screening System (APSS) with information on aliens referred for credible fear interviews and record their decisions. Asylum Officers update the Refugees, Asylum, and Parole System (RAPS) with their decision on an Asylum claim.

**Data Validation and Verification:** Data are reviewed for accuracy by APSS and RAPS.

**Data Limitations:** None known at this time.

**STRATEGIC OBJECTIVE & ANNUAL GOAL 5.4: ORGANIZATION AND INFRASTRUCTURE**

Improve operational efficiency and organizational effectiveness of the INS workforce

**5.4A Conduct Effective Information Systems Planning and Management to Provide an Adequate, Cost Effective and Compliant IT Environment**

**Background/Program Objectives:**

The enormous growth in INS' workforce and mission over the past several years has resulted in proliferation of new or enhanced automated systems. Management approaches to information technology have been undergoing significant long-term changes, with emphasis on a strategic approach to the management of IT resources and capital assets, compliance with security requirements, and accurate reporting of current status. These activities help ensure that automation decisions and activities provide maximum value for dollar spent.

INS uses its Enterprise Architecture to guide and justify use of resources for automated support of business activities, and is focused on increasing compliance of all projects with appropriate Systems Development Lifecycle Standards and security requirements.

**Performance:**

**Performance Measure:** DISCONTINUED MEASURE: Compliant, Secure and Adequate Information Technology (IT) Systems (NOTE: This indicator is being discontinued - the program has been transferred to the Department of Homeland Security.)

**FY 2002 Target:**

Technologically Adequate Equipment: 17%  
System Security: 99%  
Systems Dev. Lifecycle Standards: 90%

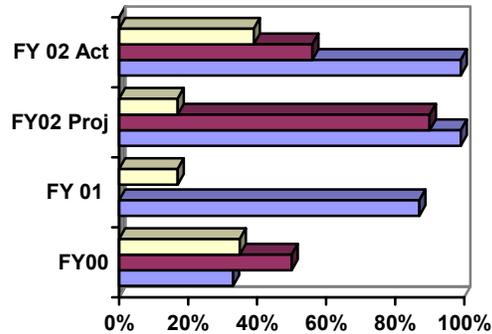
**FY 2002 Actual:**

Technologically Adequate Equipment: 39%;  
System Security: 99%  
Systems Dev. Lifecycle Standards: 56%

**Discussion:** Technologically Adequate

Equipment: The target of 17% for FY 2002 was surpassed, with a FY 2002 accomplishment of 39%. The improvement was the result of program deployment of new equipment and concerted efforts to improve data. INS initiated the Atlas Program that will focus on improving all aspects of the IT environment wide including:

**DISCONTINUED MEASURE: Compliant, Secure & Adequate IT Systems [INS]**



	FY00	FY 01	FY02 Proj	FY 02 Act
Technologically Adequate Equipment	35%	17%	17%	39%
Systems Dev. Lifecycle Standards	50%		90%	56%
System Security	33%	87%	99%	99%

**Data Definition:** Technologically Adequate Equipment is the percent of INS workstations that are 600 MHZ or faster, that are capable of running all software applications and an Internet browser. System Security from FY00-02, this is the percentage of systems and sites in full compliance with IT security certification and accreditation requirements. From FY03-04, this is the percentage of total site and systems unconditionally accredited. Life-cycle compliance is based on periodic manual review of systems.

**Data Collection and Storage:** Indicators are extracted from several databases and manual reports used for project management and inventory control. The data are maintained and updated centrally.

**Data Validation and Verification:** Data are verified through routine, continuous management reviews and periodic reports.

**Data Limitations:** The definition of life-cycle compliance is subject to changing interpretation, especially as INS moves toward a more comprehensive approach to IT capital asset management. The definition of technologically adequate will be updated over time as changes to automation at INS put more pressure on workstation performance.

connectivity, common computing environment, information assurance, enterprise information, access and e-Gov, infrastructure engineering and operations and transformation planning.

System Security: Significant progress was made throughout the fiscal year

and the target of 99.5% for FY 2002 was met. The target cannot be 100% due to continuous fluctuation in systems and sites requiring re-certification and accreditation.

**Systems Development Lifecycle Standards:** The overall target of 90% was not met. The primary reason this measure was not met was the result of the evaluation of the Information Technology portfolio risks and impact of applications not adhering to Lifecycle Standards. Investment projects are typically significantly more vulnerable than Operations and Maintenance projects to cost and schedule variances and require a higher degree of lifecycle oversight. Of INS projects, 27.5% are investment projects. However, they comprise \$55,666,680, which is 39.7% of the total dollar value of the applications in the portfolios. Considering current resource constraints, a decision was made to concentrate on investment applications. All of the investment projects are in compliance with those components of the Lifecycle Standards.

**Public Benefit:** Accomplishment of the INS mission depends on secure electronic collection, transmittal, integration, storage, and access of information. INS must also stay abreast of increased technological demands and improve the ability of the public to interact with the INS. The IT equipment used in the field must be able to handle these demands. The security and reliability of this information is required to ensure accurate application of immigration laws and protection of U.S. borders through efficient and appropriate enforcement activities.

**Crosscutting Activities:**

These measures are largely internal to DOJ and are administered by INS.

## STRATEGIC OBJECTIVE & ANNUAL GOAL 5.5: QUALITY OF DATA

Provide accurate, easy-to-use, readily accessible, and up-to-date information to meet planning and operational needs

### 5.5A Provide Accurate and Readily Accessible Information

#### Background/Program Objectives:

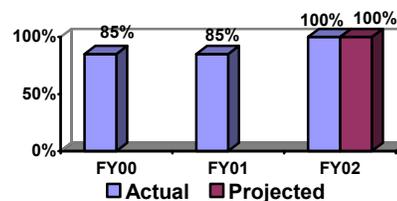
INS will continue to provide useful, current information about INS services, offices and functions, policy and plans, regulations, statistics and reports. INS will provide an information framework that facilitates quick, remote access for wider audiences and allows increased use of the Internet for access to INS forms. INS will modify operations to provide electronic alternatives to delivery of products, services, and exchange of information. By FY 2004, INS will expand the use of electronic filing to additional benefits applications and make 70% of the Immigration Services workload available for electronic filing. INS will provide employers and benefit providers with the information, assistance, and tools needed to comply with the laws while safeguarding the civil and privacy rights of citizens and aliens alike.

INS will continue to implement the Government Paperwork Elimination Act (GPEA) and take steps toward the expansion of electronic government through strategic attention to key areas identified in INS' target Enterprise Architecture and modern e-mail communications. INS has established a GPEA Task Force to coordinate INS' efforts to expand the use of electronic means to deliver services and benefits. This task force will monitor and report on initiatives to gather and exchange information that enhance service and responsiveness, while preserving privacy, legal sufficiency, and accurate, accessible data. As processes and policies are put in place for improved management of information technology (also discussed under Strategic Objective 5.4), informational needs of customers will be identified and addressed through design, development, and deployment of programs and systems.

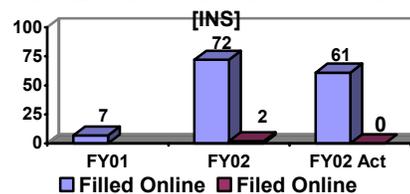
#### Performance:

**Performance Measure:** DISCONTINUED MEASURE: % of Public Use Forms Available Online [INS] (NOTE: This indicator is being

DISCONTINUED MEASURE: % of Public Use Forms Available Online [INS]



DISCONTINUED MEASURE: Forms That Can Be Filled Online and Filed Online



#### Data Definition: Forms That Can be Filled Online:

Customer accesses the form online - fills in the information - prints it and *mails* it. **Forms That Can be Filed Online:** Customer accesses the form online - fills in the information - and submits it *electronically*.

**Data Collection and Storage:** Information is derived from management reports and review of the INS Internet.

**Data Validation and Verification:** Regular review, control and maintenance of the INS Internet is conducted by the responsible INS program personnel and IRM staff.

**Data Limitations:** The percentage of online forms available does not eliminate the possibility that customers will continue to make non-electronic form requests or file forms manually. The number of applications developed for filing online initially will not reflect nationwide implementation.

discontinued - the program has been transferred to the Department of Homeland Security.)

**FY 2002 Target:** 100%

**FY 2002 Actual:** 100%

**Discussion:** The target was met. All forms that are available for public use are downloadable.

**Public Benefit:** The Forms and Fees area is the most visited on the INS Website with 9,806,076 visits in FY 2002. All forms that

are available for public use are downloadable. Notably, the INS is providing a convenient alternative for obtaining public use forms. In doing so, the INS saves on printing and postage costs used to get these forms to the public and decreases the likelihood that persons will visit INS offices for the sole purpose of obtaining public use forms.

**Performance Measure:** DISCONTINUED  
MEASURE: Forms That Can be Filled Online and Forms That Can Be Filed Online (*Formerly:* Forms and Applications That Can be Filed Online)  
(NOTE: This indicator is being discontinued - the program has been transferred to the Department of Homeland Security. This display has been corrected from the previous submission.)

**FY 2002 Target:**

Forms Fillable Online: 72

Forms Filed Online: 2

(Targets were previously reported incorrectly through typographical errors as Forms: 82; Applications 2.)

**FY 2002 Actual Performance:**

Forms Fillable Online: 61

Forms Filed Online: 0

**Discussion:** We did not meet either target for this area. We currently have 61 of the 72 approved forms available. Budget shortages and form content changes prevented us from meeting the target of forms fillable online. The technology for e-filing has been developed. INS is awaiting publication of a regulation in the Federal Register to allow the agency to accept signatures electronically. The regulation was delayed due to a determination that it was necessary to prepare it as a proposed regulation rather than an interim final regulation. The technology will not be available to the public until we have allowed for comment on the proposed regulation and subsequently published the final regulation.

**Public Benefit:** The ability to file online will provide the public a convenient, paperless alternative for submitting public use forms and benefits applications. In addition, it will improve INS' application processing time through elimination of data entry and, in some instances, the elimination of the need for the INS to scan photographs, signatures, and/or pressed prints for document production.

**Crosscutting Activities:**

These measures are largely internal to DOJ and are administered by INS.

## STRATEGIC OBJECTIVE & ANNUAL GOAL 5.6: BORDER FACILITATION

Improve the efficiency of the inspections process for lawful entry of persons and goods

### 5.6A Facilitate Port-of-Entry Traffic and Monitor Deferred Inspections

#### Background/Program Objectives:

The rapid, continuing growth of passenger and vehicular traffic places greater demands on the inspection process. In addition, the September 11, 2001 terrorist attack compels INS to continue increased scrutiny at all POEs to ensure border integrity, and increase enforcement of our nation's immigration laws thereby preventing entry of terrorists and other criminals. These necessary enforcement actions can result in longer lines and increased waiting times, especially at United States land border POEs.

While INS cannot compromise its enforcement mission, it strives to effectively manage the movement of travelers and commerce at POEs. To accomplish that objective INS works with transportation companies and other Federal agencies to obtain and utilize all available information before passengers arrive at U.S. borders.

The INS and the U.S. Customs Service (USCS) agree that cooperation in policy and operational matters enhances the enforcement and traffic management objectives of each agency. To this end, INS coordinates efforts with USCS and the other federal inspection services to facilitate the inspection of bonafide travelers.

#### Performance:

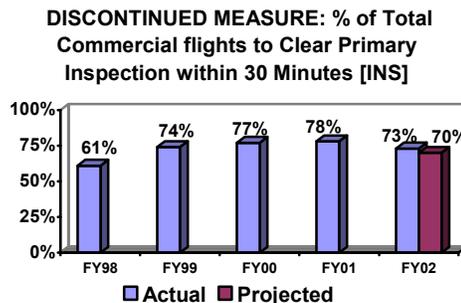
**Performance Measure:** DISCONTINUED MEASURE: % of Total Commercial Flights to Clear Primary Inspection within 30 Minutes [INS] (NOTE: This indicator is being discontinued - the program has been transferred to the Department of Homeland Security.)

**FY 2002 Target:** 70%

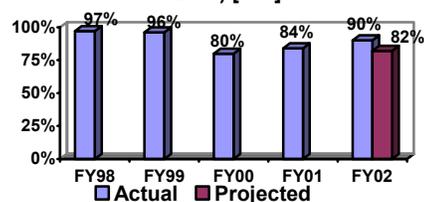
**FY 2002 Actual:** 73%

**Discussion:** INS exceeded its target and cleared 73% of commercial flights through primary within 30 minutes.

**Public Benefit:** INS to complies with more stringent security requirements to



**DISCONTINUED MEASURE: % of Land Border Wait Times (FY98-01 Goal=20 Minutes or Less, FY02 Goal=30 Minutes or Less) [INS]**



**Data Collection and Storage:** Individual POEs collect flight processing information from travelers and airlines and report aggregated information monthly into the Performance Analysis System (PAS). The inspection time for the last traveler is captured in the Interagency Border Inspection System used by INS and U.S. Customs Service. Wait time data for each land POE is collected manually and reported through INS regional offices.

**Data Validation and Verification:** PAS verification is conducted by the INS Statistics Office through submission audits; edits, data validation and logic checks, and field contact. Reported processing times are reviewed by district and regional office staff above each air POE and by the headquarters Inspections program, monthly. Air POEs flight processing information is reviewed by supervisory and technical staff. Time measurement data provided by airlines is recorded in automated systems and subject to quality reviews. At land POEs, data is manually collected locally and validated regularly.

**Data Limitations:** PAS records are complete with 95% of field office records entered within eight working days of the following (reporting) month. Land POEs use one of three approved methodologies to observe, and collect data, and to calculate wait times. Because of this variety, submitted data may vary slightly among land POEs.

implement the Congressional legislative mandates from the Enhanced Border Security and Visa Entry Reform Act of 2002 and the USA PATRIOT Act of 2001, all of which impact INS' ability to effectively accomplish its dual mission at the ports. INS's dual mission is to provide the law-abiding public with service that must be balanced against the need to maintain national security.

perform law enforcement responsibilities while effectively managing traffic, both pedestrian and vehicular. Continuation of these operations in FY 2003 will enhance INS Immigration Inspectors' ability to thwart fraud, human trafficking, and terrorism at United States POEs.

**Performance Measure:** DISCONTINUED  
MEASURE: % of Land Border Wait Times (FY98-01 20 Minutes or Less, FY02-03 30 Minutes or Less) [INS] (NOTE: This indicator is being discontinued since the program has been transferred to the Department of Homeland Security.)

**FY 2002 Target:** 82%

**FY 2002 Actual:** 90% (89.85%)

**Discussion:** INS exceeded the target, clearing 89.85% of land border non-commercial vehicles through primary inspection within 30 minutes at those locations where the information was captured.

**Public Benefit:** See above

#### **Crosscutting Activities:**

At land POEs, INS Immigration Inspectors collect data on processing times in cooperation with the U.S. Customs Service (USCS). Pursuant to a 1979 Memorandum of Understanding (MOU), INS and the USCS agreed to staff land POE vehicle lanes on an equal basis. Since September 11, 2001, POEs have modified this ratio dependent upon location.

INS Immigration Inspectors coordinate operational initiatives with other federal, state, local, and international law enforcement agencies to minimize adverse affects of enforcement operations on traffic management at POEs. On the international front, INS Immigration Inspectors coordinate traffic management and other operational activities with national border control authorities in Mexico and Canada.

INS Immigration Inspectors maintain working relationships with the intelligence community, routinely sharing information that is aimed at the interdiction and interception of document fraud and human trafficking at United States POEs. These activities enhance traffic management at the POEs by enabling Immigration Inspectors to

## STRATEGIC OBJECTIVE & ANNUAL GOAL 5.7: ADJUDICATION

Adjudicate all immigration cases promptly and impartially in accordance with due process

### 5.7A Adjudicate Immigration Cases in a Fair and Timely Manner

#### Background/Program Objectives:

The mission of the Executive Office for Immigration Review (EOIR) is to provide separate and independent fora for the objective, unbiased adjudication of disputes between INS and aliens or other individuals regarding immigration status, removal, or the availability of relief under the law. In the conduct of this mission, EOIR and its components (the Board of Immigration Appeals (BIA), the Immigration Courts, and the Office of the Chief Administrative Hearing Officer) seek to render fair and proper decisions in a timely and efficient manner. EOIR's ability to meet its goal of fair and timely adjudication of immigration cases is critical to: the guarantee of justice and due process; the timely grant of relief from removal in meritorious cases; the timely removal of criminal and other inadmissible aliens; and the effective utilization of limited detention resources. EOIR has identified four adjudication priorities and set specific time frames for each. These priorities include cases involving criminal aliens, other detained aliens, those seeking asylum as a form of relief from removal, and appeals to the BIA.

#### Performance:

**Performance Measure:** Percent of Immigration Court Cases Completed Within Target Time Frames [EOIR]

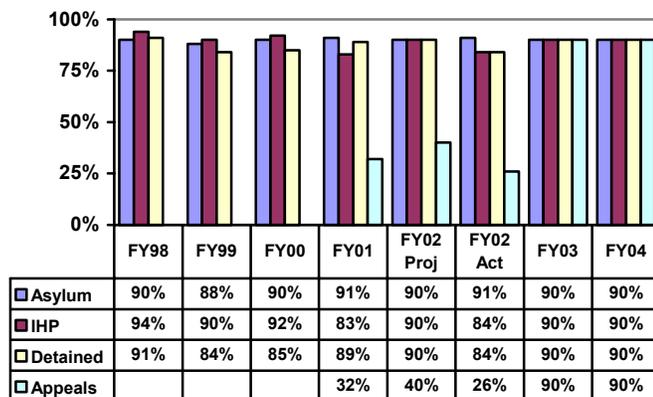
##### **FY 2002 Target:**

90% Expedited Asylum Cases within 180 days  
 90% Institutional Hearing Program (IHP) (Criminal) Cases before release  
 90% Detained Cases Without Applications for Relief within 30 days  
 40% Appeals within 180 days

##### **FY 2002 Actual:**

91% Expedited Asylum Cases within 180 days  
 84% Institutional Hearing Program (IHP) (Criminal) Cases before release

**% of EOIR Cases Completed Within Target Time Frames [EOIR]**



**Data Collection and Storage:** Data are collected from the Automated Nationwide System for Immigration Review (ANSIR) a nationwide case-tracking system at the trial and appellate levels).

**Data Validation and Verification:** Data is verified by on-line edits of data fields. Headquarters and field office staff have manuals that list the routine daily, weekly and monthly reports that verify data. Audits are conducted using the system random number generator, comparing automated data with the corresponding hard case files. All data entered by courts nationwide is instantaneously transmitted and stored at EOIR headquarters, which allows for timely and complete data. Data validation is also performed on a routine basis through data comparisons between EOIR and INS databases.

**Data Limitations:** None known at this time.

84% Detained Cases Without Applications for Relief within 30 days

26% Appeals within 180 days

**Discussion:** EOIR has worked to complete its cases within the targeted time frames. The first three measures (expedited asylum, IHP, and detained cases without applications for relief) relate to the immigration courts. The immigration courts met their goal of completing expedited asylum cases within 180 days. Despite the complexity of many cases due to their designation as "special interest," the courts were within 10% of the goal for detained cases without applications for relief. IHP cases were also within 10% of the goal,

and the percentage of cases meeting the goal was up slightly from FY 2001. Due to a new regulation that imposes strict time lines on the BIA's adjudications and mandates elimination of the backlog, EOIR did not meet its goal of completing 40% of appeals within 180 days of filing. Instead, efforts were concentrated on completing a large number of BIA's oldest cases. At the end of FY 2002, BIA's backlog was 44,400 cases, down from 57,900 pending at the end of FY 2001.

Additionally, BIA completed more than 47,000 cases in FY 2002, an increase of 48% over its FY 2001 completions. EOIR is considering new, and more appropriate, measures for the BIA in FY 2003.

***FY 2003 Performance Plan Evaluation:***

Based on FY 2002 performance, we plan to meet our original FY 2003 goals of 90% Expedited Asylum Cases within 180 days; 90% IHP (Criminal) Cases before release; and 90% Detained Cases Without Applications for Relief within 30 days. However, based on FY 2002 performance and the implementation of the BIA procedural reform regulation, we have revised our FY 2003 goals for the Board of Immigration Appeals. The Revised FY 2003 goals for the BIA are 95% of legacy cases completed and 90% of Detained Appeals within 180 days of receipt.

***FY 2004 Performance Plan:***

90% Expedited Asylum Cases within 180 days  
90% IHP (Criminal) Cases before release  
90% Detained Cases Without Applications for Relief within 30 days  
90% Detained Appeals within 180 days of receipt  
90% Non-detained appeals assigned to a single Board member within 90 days of assignment  
90% Non-detained appeals assigned to a 3-member panel within 180 days of assignment

***Public Benefit:*** EOIR's adjudication functions are part of the government's larger immigration program. As such, EOIR's ability to adjudicate cases in a timely fashion allows the larger system to operate more efficiently. This includes the efficient utilization of INS detention bed spaces. The guarantee of fairness and due process remains a cornerstone of our judicial system. EOIR's role in the provision of relief in meritorious cases and in the denial of relief in others helps assure the integrity of the overall process.

**Strategies to Achieve the FY2003/FY 2004 Goal:**

EOIR will continue to target new resources and to reallocate existing resources to the adjudication of the priority caseload as described. This includes the adjustment of court dockets to increase the number of calendars devoted to detained cases and increasing the volume and frequency of Immigration Judge details to federal, state and local correctional facilities as needed. EOIR will continue to implement the BIA procedural reforms regulation promulgated by the Attorney General. This includes additional streamlining measures and review of cases by single Board members.

**Crosscutting Activities:**

EOIR coordinates with INS and BOP in operating its Institutional Hearing Program, which is intended to resolve immigration cases before non-citizen inmates are released from prison. With respect to coordination involving adjudication processes overall, EOIR coordinates routinely with the INS and the Civil Division. Although EOIR is an independent component of the Department, its workload is linked to INS enforcement activities and adjudication policies. Similarly, EOIR's ability to adjudicate cases in a timely fashion affects other Department goals, e.g., the expeditious removal of criminal aliens, the efficient use of limited detention space, and the timely provision of relief in meritorious cases.

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# VI

## STRATEGIC GOAL SIX:

### Protect American Society by Providing for the Safe, Secure, and Humane Confinement of Persons in Federal Custody

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DOJ is responsible for confining persons convicted of federal crimes and sentenced to terms of incarceration, and those charged with federal offenses and detained while awaiting trial or sentencing, a hearing on their immigration status, or deportation. Four DOJ components, the Bureau of Prisons (BOP), the United States Marshals Service (USMS), the Immigration and Naturalization Service (INS), and the Office of the Federal Detention Trustee (OFDT) engage in activities related to this function.

- The *Bureau of Prisons (BOP)* maintains secure, safe and humane correctional institutions for sentenced offenders placed in its custody. BOP develops and operates correctional programs that seek a balanced application of the concepts of punishment, deterrence, and incapacitation with opportunities to prepare the offender for successful reintegration into society. Through the National Institute of Corrections, BOP provides assistance to international, federal, state, and local correctional agencies. BOP conducts its incarceration function using a range of BOP operated institutions of varying security levels, as well as the use of privately operated facilities, including half-way houses and facilities provided through Intergovernmental Agreements. BOP is also a major provider of detention bed space and operates several metropolitan detention centers. In addition, BOP houses all D.C. adult felons sentenced to a term of confinement.
- The *United States Marshals Service (USMS)* safely houses and maintains custody of federal detainees from the time they are initially brought into federal custody, through the trial process, and until the prisoner is acquitted, arrives at a designated BOP facility to serve sentence, or is otherwise ordered released from custody. The USMS does not operate
- detention facilities, but houses its daily population in state and local jails, private contract facilities, and BOP and INS operated facilities.
- The *Immigration and Naturalization Service (INS)* detains persons who are charged with violating immigration law, have entered the U.S. illegally, or have been ordered to deport. INS detainees are all held for administrative, not criminal law violations. They are in detention awaiting case processing rather than serving a sentence. Thus, their average length of stay is much shorter in comparison to USMS or BOP detainees, and their turnover rate is much higher. INS houses its detainees in its own detention facilities (Service Processing Centers), contract facilities, state and local jails, and BOP facilities.
- The *Office of the Federal Detention Trustee (OFDT)* is responsible for providing guidance to and establishing the detention policy for the Department of Justice. The Federal Detention Trustee has the authority and is responsible for management of DOJ detention resource allocations, financial management of detention operations, coordinating with the components involved in detention on important issues, which include implementation of detention standards, detention planning activities with input from law enforcement components whose initiatives create the federal detention population, and ensuring the implementation of efficiency and effectiveness improvements in DOJ detention operations.

**STRATEGIC OBJECTIVE &  
ANNUAL GOAL 6.1: DETENTION**

Provide for the safe, secure and humane confinement of detained persons awaiting trial, sentencing, or immigration proceedings

One of DOJ's detention services goals is to provide sufficient bed space for the expected increase in the USMS and INS detention populations. The INS detainee population levels are tied directly to the effectiveness of apprehension efforts and therefore affect the number of alien removals. INS has a severe shortage of bed space and the law enforcement personnel to handle the processing and removal of aliens in immigration proceedings, relative to the total number of potentially removable aliens in the country. Additionally, the INS has an increased emphasis on terrorist investigations, and will continue to focus its law enforcement efforts on identifying and removing criminal aliens and aliens who have been issued final orders of removal, but who have not appeared for their removal. The USMS federal detainee population is also expected to continue to increase as a result of growth in enforcement and prosecutorial personnel over the past several years, placing a much greater demand on the USMS to locate sufficient bed space near federal courthouses. The success of DOJ's investigators and prosecutors at solving crimes, arresting suspects and trying cases places increasing workload demands on both INS and USMS detention activities.

**STRATEGIC OBJECTIVE &  
ANNUAL GOAL 6.2: PRISON CAPACITY**

Ensure that sufficient cost effective prison capacity exists so that violent and other serious criminal offenders are imprisoned to the fullest extent of the law

BOP strives to accommodate the increasing population in the most cost effective manner, following a policy of adding capacity through the utilization of contract facilities (where the inmate security level is appropriate), expansion of existing

facilities, the acquisition of existing private or other correctional facilities, the acquisition and conversion of military and other properties to prison use, and the construction of new prisons. During FY 2002, over 16 percent of the BOP inmate population was housed in privately managed prisons, contract facilities, and other alternative confinement.

**STRATEGIC OBJECTIVE &  
ANNUAL GOAL 6.3: PRISON OPERATIONS**

Maintain and operate the federal prison system in a safe, secure, humane and efficient manner

BOP places inmates in facilities that are appropriately secure and offers programs that provide for constructive use of time and afford opportunity for positive changes. An extensive modernization and repair program safeguards prison structures and utilities systems, essential for safe and secure operations. BOP assign a custody status to offenders that relates to the degree of supervision needed and ensures that offenders are placed in the most appropriate and least expensive correctional environment. Supervision of inmates is provided throughout the institutions wherever inmates are located or may have access.

**STRATEGIC OBJECTIVE &  
ANNUAL GOAL 6.4: INMATE SERVICES**

Provide services and programs to facilitate inmates' successful reintegration into society, consistent with community expectations and standards

BOP employs a unit management concept at its facilities, focusing on effective communication between staff and inmates. This concept fosters high morale and promotes a positive atmosphere where offenders can observe and model positive behavior. The opportunity for continuous and open communication enables BOP staff to gather important intelligence informally and become aware of potential problems at a very early stage, avoiding more costly intervention later on.

All medically fit inmates work and all have the opportunity to participate in general and occupational educational programs, psychological services, religious and healthful activities. Federal Prison Industries will strive to employ twenty-five percent of inmates in secure facilities. BOP will continue to provide residential drug treatment to 100 percent of eligible inmates.

BOP provides services and programs to address inmate needs, providing productive activities, and facilitating the successful reintegration of inmates into society. Inmate care includes: providing adequate medical care; meeting appropriate dietary requirements; providing a residential drug treatment program; providing general education and skills-based training, ensuring that all medically fit inmates required to work do so; and affording inmates the opportunity to participate in other productive activities such as “special needs” programs, worship services, adult education, and parenting classes.

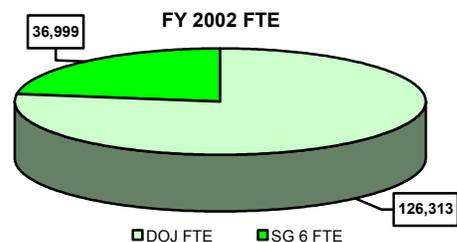
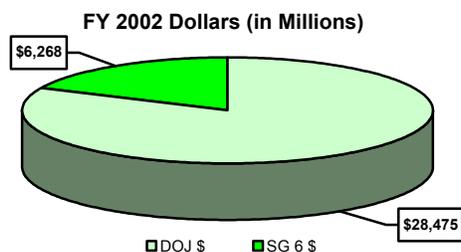
## PERFORMANCE SUMMARY

Strategic Objective, Page #		Performance Measure/ Indicator	Was the Target Achieved			FY 2002 Performance		
			Yes	No	N/A	Target	Actual	Performance Improvement From FY 2001
6.1	168	Jail Day Costs [USMS]	■			\$61	\$60	
6.1	168	DISCONTINUED MEASURE: Per Capita Costs [INS]		■		\$75	\$85	INS detention standards are contributing to increased detention costs
6.1	171	DISCONTINUED MEASURE: % of Facilities with ACA Accreditations (based on # of sites)		■		63%	56%	One facility did not pass re-accreditation review
6.1	172	DISCONTINUED MEASURE: Reduction in Significant Events Involving Detainees/Employees		■		Est. Baseline	Baseline not Est.	Baseline data not established
6.2	173	% Crowding by Security Level <ul style="list-style-type: none"> <li>• Low</li> <li>• Medium</li> <li>• High</li> </ul>	■	■		40% 50% 47%	42% 58% 41%	Contract delays, facility mission changes increased crowding
6.3	175	Per Capita Costs [BOP]	■			\$63	\$62	
6.3	177	% of BOP Facilities with ACA Accreditation	■			93%	95%	
6.3	178	Escapes from Secure Prisons <ul style="list-style-type: none"> <li>• # of Secure Prisons</li> <li>• Actual Escapes</li> </ul>	■		■	N/A N/A	91 0	
6.3	178	Inmate Assaults and Homicides <ul style="list-style-type: none"> <li>• Assaults</li> <li>• Homicides</li> </ul>	■			3,074 5	2,819 3	
6.4	180	REFINED MEASURE: % of U.S. Citizen Inmates with a GED/High School Diploma 7 months prior to release		■		66%	64%	Changes to GED test resulted in slightly lower completion rates
6.4	181	# of Inmates Completing at Least One Vocational Program	■			9,491	10,190	
6.4	182	100% of Eligible Inmates Enrolled in Residential Treatment	■			16,000	16,243	
6.4	184	DISCONTINUED MEASURE: Daily Per Capita Medical Costs		■		\$8.03	\$8.30	Costs captured under 6.3A
6.4	185	New Measure: % Eligible BOP Facilities with JCAHO Accreditation	■			98%	98%	

## RESOURCES

Appropriation		FY 2002 FTE	FY 2002 Actual \$ (millions)	FY 2003 FTE	FY 2003 Request \$ (millions)	FY 2004 FTE	FY 2004 Request \$ (millions)
6.1	Breached Bond/Detention Fund	--	691	--	--	--	--
6.1	Detention Trustee	25	105	--	--	--	--
6.1	Federal Prison System	6	--	18	774	18	810
6.1	Federal Prison Detention	3,914	381	3,985	393	3,985	401
6.1	FPS Building and Facilities	12	236	--	--	--	--
6.1	Immigration and Naturalization Svc	3,156	946	--	--	--	--
6.1	Immigration User Fee	156	72	--	--	--	--
<i>Subtotal 6.1</i>		7,269	\$2,431	4,003	\$1,167	4,003	\$1,211
6.2	Federal Prison System	257	522	313	622	313	604
6.2	FPS Building and Facilities	264	423	350	395	313	224
<i>Subtotal 6.2</i>		521	\$945	663	\$1,017	626	\$828
6.3	Federal Prison System	24,958	2,692	27,113	2851	30,225	3,210
6.3	U.S. Parole Commission	87	10	104	11	104	11
<i>Subtotal 6.3</i>		25,045	\$2,702	27,217	\$2,862	30,329	\$3,221
6.4	Commissary Fund	497	--	642	--	687	--
6.4	Federal Prison Industries	1,693	--	2,061	--	2,189	--
6.4	Federal Prison System	1,974	190	2,382	216	2,571	239
<i>Subtotal 6.4</i>		4,164	\$190	5,085	\$216	\$5447	\$239
<b>TOTAL SG 6</b>		<b>36,999</b>	<b>\$6,268</b>	<b>36,968</b>	<b>\$5,262</b>	<b>40,405</b>	<b>\$5,499</b>

### RESOURCE COMPARISON: Strategic Goal to Total DOJ \$ and FTE



**Required Skills**

USMS Deputy U.S. Marshals must know regulations regarding restraining, feeding, clothing and housing federal prisoners, and must ensure that prisoner rights are not violated while in USMS custody. In addition, they must be able to coordinate with personnel from other law enforcement agencies at the federal, state, and local levels.

INS Deportation Officers and Detention Enforcement Officers must have expert knowledge of applicable Immigration and Nationality law, other Federal statutes, regulations, Executive Orders, Policies and procedures; including rules of search and seizure, arrest authorities, and Federal Rules of Evidence, INS Detention Standards and ACA accreditation standards for detention facilities. They must also be proficient in various law enforcement skills including proficiency with firearms and non-deadly force methods. Personnel must maintain a high degree of interpersonal skills and problem solving and investigative ability as well as ethical and moral standards consistent with the organization's set of core values. They must possess strong computer skills with a variety of office productivity systems and software, as well as with specialized law enforcement and national security, databases.

The BOP requires skilled, well trained, and educated staff from correctional officers to the warden. Staff must have broad knowledge of institution operations and management, and be skilled in applying, adapting, and imparting their knowledge in carefully controlled, closely directed settings. BOP also requires trained educators, program specialists, medical personnel, and industrial experts with appropriate experience and education. BOP employs engineers/architects to ensure design compliance, and construction project managers with a wide variety of construction skills to oversee projects and supervise large inmate work crews. Contract specialists must be skilled in negotiating large construction contracts and work with innovative program specialists to secure community-based and other alternatives to traditional incarceration for nonviolent offenders.

**Information Technology Utilized**

The USMS is in the process of developing one centralized application, the Justice Detainee Information System (JDIS), from its five offender-based applications. The following systems are in place to accomplish this goal: the Warrant Information Network, the Prisoner Tracking System, the Automated Prisoner Scheduling System, the Automated Booking Station, and the Prisoner Medical Tracking system. JDIS will allow the USMS to manage prisoners and track them through the entire judicial process. INS systems utilized to collect detention data are the Deportable Alien Control (DACS) and Criminal Alien Information System (CAIS). Ultimately, the data will be captured in ENFORCE (the INS' enforcement case management database currently being deployed). Inmate data are collected on the BOP on-line system (SENTRY); personnel data is collected on the Human Resource Management Information System (HRMIS); and financial data on the Financial Management Information System (FMIS).

The BOP collects Inmate data in the BOP real-time/on-line system (SENTRY) to accurately track inmates and their medical, education, work, and other programming needs. Staff personnel data are collected in the National Finance Center System (NFC) database, and financial data are captured in the DOJ Financial Management Information System (FMIS). Data from several systems are used to produce the key indicator system data. The BOP uses the Key Indicators/Strategic Support System (KI/SSS) as a management tool to monitor and improve performance and make decisions for the agency. Further, the BOP utilizes a population forecast model in order to plan for future capacity needs. In maintaining its facilities, BOP utilizes the Physical Plant Review Program to incorporate physical plant and infrastructure issues, repairs, and major equipment replacements. Additionally, BOP utilizes a computerized maintenance management system to track preventive maintenance, equipment history, recommended replacement schedules, and costs related to institution maintenance.

**PROGRAM EVALUATIONS**

In FY 2002, the USMS completed its pilot project of repricing medical claims in 6 districts to obtain Medicare rates or lower. Through an interagency agreement with the Department of Veterans Affairs (VA), the USMS used a VA contractor to reprice medical claims and collect vital program cost and savings data. By February 2002, the remaining 88 USMS districts were trained and the Medicare repricing program was implemented on a national

scale. Between March 2002 and June 2002, the average cost savings per month was \$2.1 million. Total saved as for FY 2002 was approximately \$17 million.

## **STRATEGIC OBJECTIVE & ANNUAL GOAL 6.1: DETENTION**

Provide for the safe, secure and humane confinement of detained persons awaiting trial, sentencing, or immigration proceedings

### **6.1A Ensure Adequate, Cost Effective Detention Capacity**

#### **Background/ Program Objectives:**

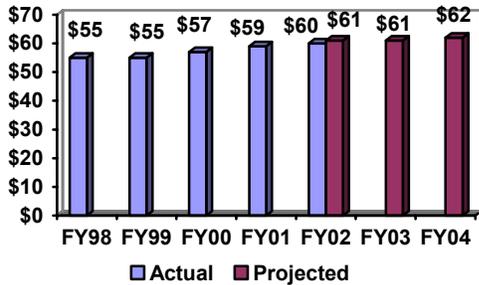
Historically, the USMS has administered the Federal Prisoner Detention (FPD) program for the federal government using funding appropriated specifically for the care of prisoners in federal custody. In FY 2003, the Office of Federal Detention Trustee will assume the oversight of FPD program. The FPD appropriation has provided financial support for the housing, subsistence, medical care, and medical guard service for federal detainees remanded to USMS custody. The responsibility begins when a prisoner is brought into USMS custody. It continues through the trial process, and ends when a prisoner is acquitted or arrives at a designated BOP facility to serve a sentence. The USMS pre-trial population is generated by public policy and multi-component investigative and prosecutorial efforts within the DOJ or other federal law enforcement agencies. Since the USMS, like BOP, is at the receiving end of the federal law enforcement initiatives and efforts, the USMS has no control over the number of detainees remanded to its custody and has no option other than to house and care for the detainees.

Under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 and other immigration laws, INS is authorized, and sometimes required, to detain illegal aliens to help facilitate their removal from the United States. INS administers a national detention program that uses funding appropriated specifically for the care of aliens arrested. INS provides or obtains the transportation, housing, subsistence, medical care, and guard service for detainees held in INS custody. The responsibility begins when a detainee is brought into INS custody and continues until the alien can be released into the community or removed from the United States. The detainee population is generated by multi-component

investigative and prosecutorial efforts within the INS. The detainee population consists of criminals, non-criminals, unaccompanied juveniles, and families, virtually all of whom are in administrative detention as opposed to criminal incarceration. These categories normally require different levels of custodial care. INS endeavors to place detainees into detention facilities that are appropriate for their custody category.

Everyday, the INS and USMS must provide adequate cost-effective and appropriate transportation and bed space for each of the different categories of individuals placed into custody. Factors affecting where an individual is confined include: 1) the proximity of the facility to the federal courthouse; 2) the cost per bed; 3) health issues; 4) the amenability of a facility to detain aliens; 5) the security of the facility; and 6) if detention standards of confinement are being met. INS routinely utilizes its own facilities, contract facilities, state and local government facilities, and contract juvenile facilities to house detainees. Detention bed space for INS and USMS detainees are routinely acquired through a combination of: 1) Intergovernmental Agreements (IGAs), where a daily rate is paid; 2) Cooperative Agreement Programs (CAP) with state and local governments, where capital investment funding is provided in exchange for a guarantee of a certain number of bed spaces, for which a daily rate is paid when these bed spaces are used; 3) private contract facilities; and 4) INS or federal detention facilities, where the government must pay for construction and operation of the facility.

**Jail Day Costs [USMS]**



**Data Collection and Storage:** Data are maintained in 94 separate district Prisoner Tracking System (PTS) databases. This information is downloaded monthly into a USMS Headquarters database, where it is maintained. Jail rate information is maintained in the database and is updated when changes are made to contractual agreements.

**Data Validation and Verification:** Monthly population data are validated and verified (for completeness, correct dates, trends, etc.) by USMS Headquarters before being posted to the database. Jail rate information is verified and validated against actual jail contracts.

**Data Limitations:** PTS is very time and labor intensive. Lack of a real-time centralized system results in data that is close to six weeks old before it is available at a national level.

**Performance:**

**Performance Measure:** Jail Day Costs [USMS]

**FY 2002 Target:** \$61

**FY 2002 Actual:** \$60

**Discussion:** FY 2002 end of year data indicates an average jail day rate of \$60, 1.5% lower than the projected rate of \$61. This slight decrease in the average jail rate is primarily a result of a smaller than anticipated impact of the D.C. Revitalization Act on the Federal Prisoner Detention Account in FY 2002.

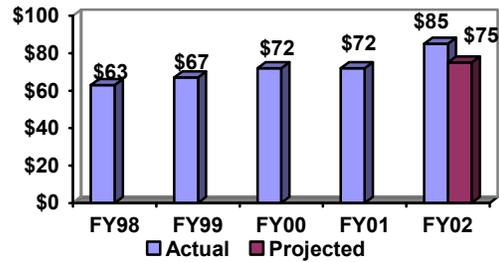
**FY 2003 Performance Plan Evaluation:**

Based on FY 2002 performance, we have revised our FY 2003 target downward. The Revised Final FY 2003 goal is \$61.

**FY 2004 Performance Target:** \$62

**Public Benefit:** The USMS continues to work cooperatively with the state and local governments and the private sector to establish and maintain adequate capacity to detain persons in federal custody in cost-effective, safe, secure and humane facilities, throughout the federal judicial process. In FY 2002, the USMS met 72% of its housing needs through agreements with state and local governments or the private sector. The

**DISCONTINUED MEASURE: Per Capita Costs [INS]**



**Data Collection and Storage:** Data are collected in the Deportable Alien Control System (DACS). DACS provides specific data about the detention stay of individual aliens. INS collects data on the average daily alien population in custody through manual tracking validated against DACS. The field consolidates statistics for each INS location and state and local jails used by INS on a weekly basis. Headquarters consolidates the data into a report that contains aggregate population counts for specific categories of detainees.

**Data Validation and Verification:** The statistics are corroborated through submission audits and contact with field offices for missing information. DACS data validation and verification is described in the Interior Enforcement section of Strategic Goal Five.

**Data Limitations:** DACS data limitations are described in Strategic Goal Five.

remaining 28% of its prisoners were housed in federal detention facilities.

**Performance Measure:** DISCONTINUED MEASURE: Per Capita Costs [INS] (NOTE: This indicator is being discontinued, the program has been transferred to the Department of Homeland Security.)

**FY 2002 Target:** \$75

**FY 2002 Actual:** \$85

**Discussion:** Overall, costs for detaining aliens have increased. This is especially the case as facilities strive toward compliance with the INS detention standards. INS per capita detention costs are based on detention expenses divided by the number of bed days for the time period involved. These expenses include transportation and medical costs in addition to the cost of detention alone. Also, per capita costs vary significantly between facilities due to the variability of population (gender, health and number), facility ages, local economic conditions, facility security level, etc. What is commonly referred to as detention costs

include bed, ground and air transportation (non-removal related), and medical costs. These costs are used by local detention managers in determining bed usage and location; however, they are not indicative of program performance in meeting adequate and appropriate detention for the alien population custody.

**Public Benefit:** INS maintains adequate capacity to detain persons in Federal custody in cost-effective, safe, secure and humane facilities, while awaiting trial, a hearing, or deportation.

**Strategies to Achieve the FY2003/FY 2004 Goal:**

In FY 2003 and FY 2004, DOJ will continue to work with state governments, local governments, and private service providers to maintain adequate detention capacity to house detained individuals charged with federal offenses, or awaiting trial or sentencing, a hearing on their immigration status, or deportation. Currently, approximately 2,000 non-federal facilities are utilized by DOJ to house approximately 70% of the average daily population (46,000 federal detainees). Also, approximately 30% of the average daily population (17,000 detainees) are housed in federally owned and operated facilities.

Based on anticipated growth rates in the federal detainee population, in FY 2003/ FY 2004 the number of detainees in state, local, and private prisons is expected to represent approximately 75% (49,000 detainees). No increase in federally owned and operated facilities is expected. These working relationships with state, local, and private prison providers are paramount to carrying out the function of detention and also save on costly capital development of federal facilities.

In view of this anticipated growth and current availability of state, local and private prison bed space, DOJ has formed a special working group to evaluate opportunities. This working group consists of representatives from the Office of the Federal Detention Trustee (OFDT), the Immigration and Naturalization Service (INS), the United States Marshals Service (USMS), and the Federal Bureau of Prisons (BOP). The group's principal objective is to ensure that excess state and local prison facilities are fairly and thoroughly evaluated and consistent standards are employed in

these evaluations. The working group considers the location of the facility, size and security level (including flexibility in security level), assesses short-term and long-term bed space requirements, and the amount and status of bed space already available in the vicinity of the facility being reviewed.

OFDT will establish a national repository for state, local governments and private detention service providers to electronically post vacancies, rates, services, administrative costs, and availability, mode of transport and medical facilities and services. Detention space and service providers will supply their daily rates, costs, and any applicable service fees, as well as the basis for the calculation of the rates. Those posting vacancies will also be required to list and provide a means for verification of their credentials and accreditations. The goal in creating this nationwide electronic detention space repository is to enable Federal users to find more cost-efficient space where they need it and to provide a means for controlling transportation costs.

In FY 2003, OFDT began to assume responsibility for various detention service functions of INS and USMS. Because INS will transfer to Department of Homeland Security during FY 2003, the Administration is currently assessing the best mechanism for managing the INS detention function in the future. The role of OFDT may change accordingly.

OFDT will continue the long-established partnership with the federal judiciary to ensure the adequate funds are available for the courts to place defendants -who the courts would otherwise detain, into non-secure detention settings (e.g., halfway house and home confinement), with an electronic monitoring component.

In FY 2003, OFDT will complete two regional detention pilot projects one in the Midwest and one along the Southwest border, for process improvements in the areas of consolidation and oversight of federal detention. In each location, OFDT collaborated with multiple law enforcement agencies such as the USMS, U.S. Attorney's Office, U.S. Courts, Executive Office for

Immigration Review, Federal Bureau of Investigation, Bureau of Alcohol, Tobacco, and Firearms, Drug Enforcement Administration, and the Secret Service to: (1) establish a baseline by assessing the current state of detention operations; (2) address future detention needs; (3) identify operational areas where OFDT can improve the efficiency and effectiveness of detention; and, (4) develop an action plan to implement recommendations and performance measures. At the conclusion of the pilot projects, individual initiatives will be evaluated and successful elements will be implemented by OFDT in other areas of the country.

**Crosscutting Activities:**

DOJ works cooperatively with the private sector and state and local governments to establish and maintain adequate capacity to detain persons in federal custody in cost-effective, safe, secure, and humane facilities that meet all appropriate standards.

Additionally, the Office of the Detention Trustee will work with the federal judiciary on joint research efforts, pilot projects and in offering workshops for federal judges on pretrial release and detention issues.

## 6.1B Operate Facilities that are Safe and Secure

### Background/ Program Objectives:

INS seeks the safe, secure, and humane treatment of detainees. INS has the highest regard for human rights and public safety; therefore, it strives to maintain facilities that meet the accreditation standards of INS and correctional professions. Professional accreditation and compliance with INS detention standards alone do not provide an indication of the safe and humane treatment of detainees. Additional indicators are needed to track progress toward this objective. INS will be reviewing its detention program to correct facility deficiencies and implement the changes necessary to achieve safe and humane detention facilities and detention methods for all detainees.

INS developed and began to implement new service-wide Detention Standards in FY 2001. Initial assessments of INS owned and contracted facilities were completed in FY 2001 and will now be performed annually. The results of these internal assessments will become the basis for specific facilities' improvements and for service-wide program changes where indicated. Additionally, INS has committed to obtain American Corrections Association (ACA) accreditation for all of its owned and contracted facilities as expeditiously as practicable.

### Performance:

**Performance Measure:** DISCONTINUED MEASURE: Percent of INS Facilities with American Correctional Association (ACA) Accreditation [INS] (NOTE: This indicator is being discontinued, the program has been transferred to the Department of Homeland Security.)

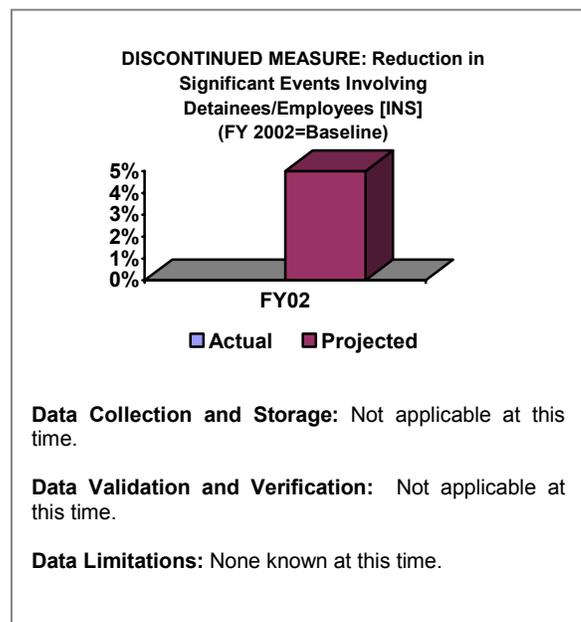
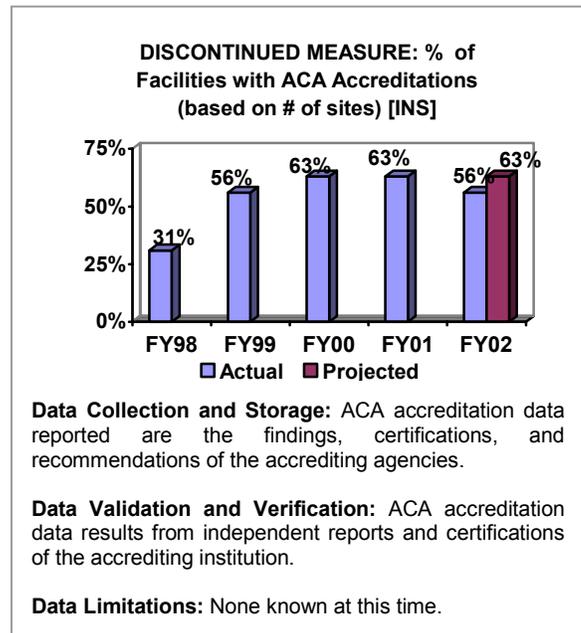
**FY 2002 Target:** 63%

**FY 2002 Actual:** 56%

**Discussion:** INS did not meet this target because one Service Processing Center, Florence, AZ, did not pass the re-accreditation review. This facility will be reviewed again in January 2003.

**Public Benefit:** Accreditation by ACA provides INS with an external assessment of the conditions within its detention facilities with respect to their security, safety and humane

treatment of detainees. In conjunction with the more comprehensive INS Detention Standards (that address the unique needs of INS detainees more directly and completely), these provide indications that facilities and detainee management procedures continue to provide for the detainees' and employees' safety and security.



**Performance Measure:** DISCONTINUED

MEASURE: Reduction in significant events (assaults, escapes, thefts) Involving a Detainee or Employee by 5% (NOTE: This indicator is being discontinued, the program has been transferred to the Department of Homeland Security.)

**FY 2002 Target:** Baseline data

**FY 2002 Actual:** N/A

**Discussion:** A feasibility study related to this measure was conducted in FY 002 and INS was unable to gather accurate baseline data due to the existing reporting process. INS plans to conduct an assessment to determine how best to report such incidents.

**Crosscutting Activities:**

DOJ works cooperatively with the private sector and state and local governments to establish and maintain adequate capacity to detain persons in federal custody in cost effective, safe, secure, and humane facilities.

## STRATEGIC OBJECTIVE & ANNUAL GOAL 6.2: PRISON CAPACITY

Ensure that sufficient cost effective prison capacity exists so that violent and other serious criminal offenders are imprisoned to the fullest extent of the law

### 6.2 A Reduce Prison Crowding

#### Background/ Program Objectives:

BOP facilities are crowded at 33% above rated capacity system-wide. While state and local incarceration growth rates have declined in recent years, BOP has experienced record growth: an increase of 10,027 inmates during FY 1998; over 11,373 in FY 1999; 11,436 in FY 2000; 11,447 in FY 2001; and 6,864 in FY 2002. However, recent data from the Administrative Office of the U.S. Courts have indicated that while the Federal inmate population will continue to increase, the rate of growth will become somewhat slower. BOP should now experience growth in the next few years of approximately 7,000 to 8,000 inmates per year rather than the average of 11,000 that occurred from 1998-2001.

BOP constantly monitors facility capacity, population growth, and prisoner crowding. As federal inmate population levels are projected to increase and continue to exceed the rated capacity of BOP, every possible action is being taken to protect the community, while keeping institutional crowding at manageable proportions to ensure that federal inmates continue to serve their sentences in a safe and humane environment.

#### Performance:

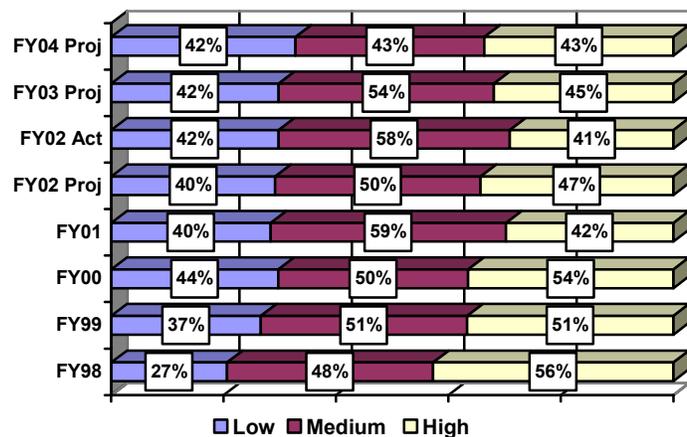
**Performance Measure:** % Crowding by Security Level [BOP]

**FY 2002 Target:** 40% Low; 50% Medium; 47% High

**FY 2002 Actual:** 42% Low; 58% Medium; 41% High

**Discussion:** A contract delay for low security beds resulted in higher than

**% Crowding by Security Level [BOP]**  
**FY 2003 Systemwide Target = 37%**  
**FY 2006 Systemwide Target = 31%**



**Data Definition:** The low, medium and high crowding levels are based on a mathematical ratio of the number of inmates divided by the rated capacity of the institutions at each of the specific security levels. System-wide: represents all inmates in BOP facilities and all rated capacity, including secure and non-secure (minimum security) facilities, low, medium and high security levels, as well as administrative maximum, detention, medical, holdover, and other special housing unit categories. Low security facilities: double-fenced perimeters, mostly dormitory housing, and strong work/program components. Medium security facilities: strengthened perimeters, mostly cell-type housing, work and treatment programs and a higher staff-to-inmate ratio than low security facilities. High security facilities: also known as U.S. Penitentiaries, highly secure perimeters, multiple and single cell housing, highest staff-to-inmate ratio, close control of inmate movement.

**Data Collection and Storage:** Data are gathered from several computer systems. Inmate data is collected on the BOP on-line system (SENTRY); personnel data is collected from the National Finance Center (NFC) database, and financial data is collected on the Financial Management Information System (FMIS) and from field locations reporting on a regular basis. BOP also utilizes population forecast modeling in order to plan for future construction and contracting requirements to meet capacity needs.

**Data Validation and Verification:** Within BOP headquarters, staff in different divisions retrieve and verify data on a daily basis, analyze it, and formulate reports and projections.

**Data Limitations:** Due to the unpredictable environment in prisons and other external factors, there may often be discrepancies between projected and actual numbers contained in the performance graphs. Most plans are developed based on historical data, past experience and joint agency efforts to project for the future.

anticipated crowding at low security BOP institutions; medium security BOP institutions were more crowded due to a delay in the planned mission change for Edgefield from high to medium security, and the new Petersburg FCI (medium security level) was not activated as rapidly as earlier planned; crowding at high security BOP institutions was lower as a result of Edgefield still housing high security inmates.

***FY 2003 Performance Plan Evaluation:***

Based on FY 2002 performance, we have revised our FY 2003 targets accordingly for Low and High from 43% and 44% to 42% and 45% respectively. We have revised the Medium target upward from 46% to 54%.

***FY 2004 Performance Target:*** 42% Low; 43% Medium; 43% High

***Public Benefit:*** Confining offenders in the controlled environments of prisons protects society and community-based facilities that are safe, humane, cost efficient, appropriately secure, and that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens.

**Strategies to Achieve the FY2003/FY 2004 Goal:**

BOP continues to activate new facilities and expand existing facilities to add prison beds. In addition, BOP will continue to explore cooperative agreements and other forms of alternative confinement where appropriate.

**Crosscutting Activities:**

DOJ works cooperatively with the private sector and state and local governments to establish and maintain adequate capacity to detain persons in federal custody in cost-effective, safe, secure and humane facilities.

## STRATEGIC OBJECTIVE & ANNUAL GOAL 6.3: PRISON OPERATIONS

Maintain and operate the federal prison system in a safe, secure, humane and efficient manner

### 6.3A Operate Facilities Efficiently

#### Background/ Program Objectives:

The goal of the BOP Facilities Management Program is to ensure existing facilities are maintained in compliance with security, safety, applicable regulations, building codes, and industry standards. Established in 1994, facility training has been offered to both line staff and managers to develop staff skill levels for present and future facilities operations. The training program has assisted institutions in lowering operating costs by training staff to perform required testing and maintenance procedures in-house and require less contracting with outside resources.

BOP is currently participating in a joint interagency agreement with the General Services Administration National Utilities Management Program (NUMP). The agreement provides authority to NUMP for negotiation and transportation of natural gas for use by BOP at various institutions. Institutions under the NUMP program will continue to receive the best possible price for gas regardless of fluctuations in the gas market.

#### Performance:

**Performance Measure:** Per Capita Costs [BOP]

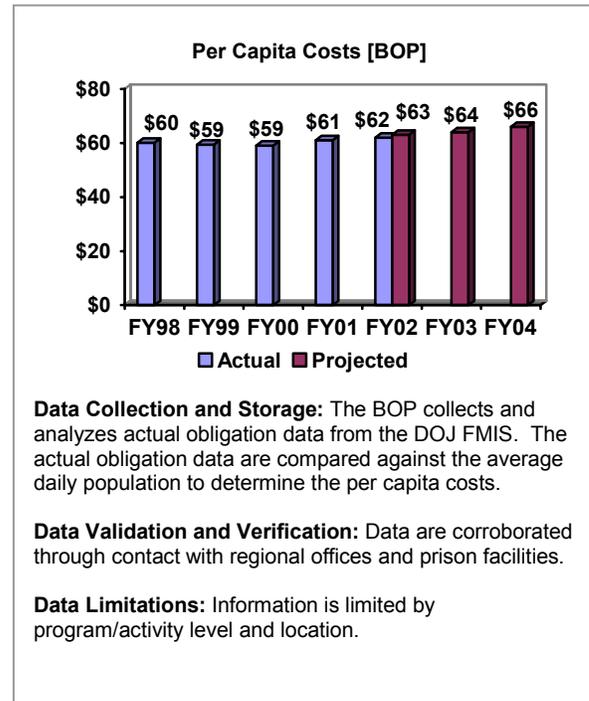
**FY 2002 Target:** \$63

**FY 2002 Actual:** \$62

**Discussion:** The BOP continues to hold per capita costs below the annual rate of inflation by using various cost containment initiatives, such as shared services at prison complexes and reduction of travel and equipment expenses. During FY 2002, a second Federal Correctional Institution was activated at the Petersburg, VA site. In addition, during FY 2002, more inmates were housed in BOP facilities, contributing to lower per capita costs than originally projected.

**FY 2003 Performance Plan Evaluation:**

Based on FY 2002 performance, we have revised



our FY 2003 downward. The Revised Final FY 2003 goal is \$64.

**FY 2004 Performance Target:** \$66

**Public Benefit:** The BOP maintains an efficient and cost effective system by placing inmates in the least restrictive and least expensive correctional environment appropriate to their custody and security level needs.

#### Strategies to Achieve the FY2003/FY 2004 Goal:

The BOP continues to explore new technology in fields such as health care, distance learning, and security, which have the potential to contain correctional expenses. More BOP facilities are being constructed at existing BOP locations to take advantage of the efficiencies afforded by shared services at prison complexes. The use of telehealth within the BOP at the medical referral centers for telepsychiatry and medical consultations has helped avoid additional costs of moving inmates in and out of the institutions for medical care as well

as aided in avoiding costs to have additional medical staff on-site. The BOP has also begun implementation of the Primary Care Provider Team concept where inmates are assigned to a specific team of health care providers. The concept is expected to improve the continuity of care for the inmate population, as well as decrease health care costs within the BOP.

**Crosscutting Activities:**

BOP must work cooperatively with DOJ agencies, U.S. Courts, U.S. Military, other state and local law enforcement, and numerous private, and not for profit organizations to successfully carry out its mission.

## 6.3B Operate Facilities that are Safe and Secure

### Background/ Program Objectives:

One of DOJ's most serious objectives is the safe, secure, and humane treatment of detainees and inmates. The Department has the highest regard for human rights and public safety. Therefore, it strives to maintain facilities that meet the accreditation standards of several professional organizations.

BOP significantly reduces the possibility of escape with long-term emphasis on security enhancements, physical plant improvements, enhanced training, and increased emphasis on staff supervision of inmates.

Inmate idleness is the number one cause of inmate unrest and violence in prison. Federal Prison Industries (FPI) is the most important correctional management inmate program in the Bureau of Prisons. FPI employs and provides skills training and ensures the safe and secure operation of the institutions. Not only does FPI play a vital role in the management of inmates, but it also improves the likelihood that inmates will remain crime-free upon their release from BOP facilities. A comprehensive study conducted by BOP demonstrated that FPI provides inmates with an opportunity to develop work ethics and skills, contributes substantially to lower recidivism, and increases job-related success of inmates upon their release.

### Performance:

**Performance Measure:** % of BOP Facilities with ACA Accreditations [BOP]

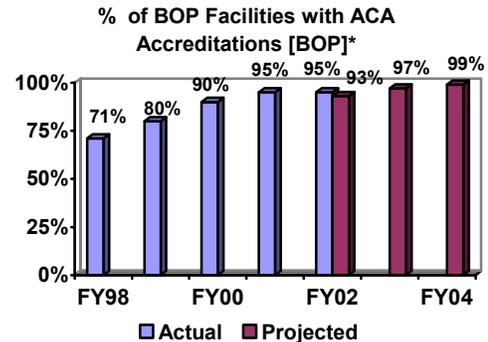
**FY 2002 Target:** 93%

**FY 2002 Actual:** 95%

**Discussion:** During FY 2002, the target was exceeded due to two institutions being accredited ahead of schedule. Additionally, three facilities received initial accreditation. The BOP continues to strive to meet the goal that all facilities will be accredited within two years of activation. Each year new facilities are activating which affects the percentages of facilities that can be reviewed.

### **FY 2003 Performance Plan Evaluation:**

Based on FY 2002 performance, we have revised



**Data Collection and Storage:** The data compiled by the BOP is gathered from three main computer systems: Inmate data are collected on the BOP on-line system (SENTRY); personnel data is collected from the National Finance Center (NFC) database, and financial data is collected on the Financial Management Information System (FMIS), and from field locations reporting on a regular basis. The BOP relies on an in-house database in Microsoft Access to effectively track and manage modernization and repair projects (dates and costs). All financial information is extracted from the FMIS system and entered into the database.

**Data Validation and Verification:** Within BOP headquarters, staff in different divisions retrieve and verify data on a daily basis, analyze it, and formulate reports and projections.

**Data Limitations:** Due to the unpredictable environment in prisons, there may often be discrepancies between projected and actual numbers contained in the performance graphs. Most plans are developed based on historical data and past experience to project for the future.

\* BOP has several correctional complexes that are comprised of two to five individual institutions. In the past, each BOP facility was accredited separately including facilities at correctional complexes. Effective in FY 2000, the BOP's goal is to have facilities that are located together accredited as one. BOP strives to meet the goal that all institutions will be accredited within two years of activation.

our FY 2003 upward. The Revised Final FY 2003 goal is 97%.

**FY 2004 Performance Target:** 99%

**Public Benefit:** Facilities receiving accreditation from ACA provides an external assessment of the BOP's ability to meet basic correctional facility standards and ensure security and safety.

**Performance Measure:** Escapes from Secure Prisons [BOP] (NOTE: The number of secured prisons has been updated to reflect the most current and accurate data available.)

**FY 2002 Target:** 0

**FY 2002 Actual:** 0

**Discussion:** Despite increasingly sophisticated and dangerous inmates, there were no escapes from the BOP's 91 secure prisons during FY 2002. The BOP utilizes strategies to prevent escapes emphasizing enhanced training, intelligence gathering, sanctions, identification, detection, and deterrence.

**FY 2003 Performance Plan Evaluation:**

Based on FY 2002 performance, we plan to meet our original FY 2003 goal of 0 Escapes.

**FY 2004 Performance Target:** 0

**Public Benefit:** Society is protected by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure, and that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens.

**Performance Measure:** Inmate Assaults and Homicides [BOP] (NOTE: While it is the objective of the Department to eliminate all assaults and homicides, the targets reflect predictions based solely on historical data.)

**FY 2002 Target:** 3,074 Assaults;  
5 Homicides

**FY 2002 Actual:** 2,819 Assaults;  
3 Homicides

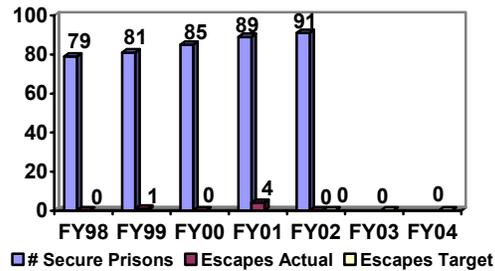
**Discussion:** Every reasonable precaution is taken to ensure that all inmates are provided with a safe and secure environment during incarceration by placing inmates in facilities according to their security needs. The lower number of assaults and homicides than projected during FY 2002 is attributed in part to use of cameras and closed-circuit video recording equipment, which act as deterrents to misconduct, assaults, and homicides within institutions.

**FY 2003 Performance Plan Evaluation:**

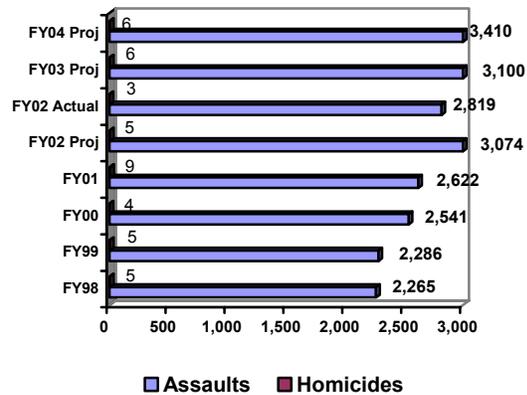
Based on FY 2002 performance, we have revised our FY 2003 downward. The Revised Final FY 2003 goal is 3,100 Assaults; 6 Homicides.

**FY 2004 Performance Target:** 3,410 Assaults; 6 Homicides

**Escapes from Secure Prisons [BOP]**



**Inmate Assaults and Homicides [BOP]**



**Data Definition:** Assaults includes assaults between inmates and inmates and inmates and staff.

**Data Collection and Storage:** Data are gathered from three main computer systems. Inmate data is collected on the BOP on-line system (SENTRY); Personnel data is collected from the National Finance Center (NFC) database, and Financial data is collected on the Financial Management Information System (FMIS) and from field locations reporting on a regular basis. The BOP relies on an in-house database on Microsoft Access to effectively track and manage modernization and repair projects (dates and costs). All financial information is extracted from the FMIS system and entered into the database.

**Data Validation and Verification:** Within BOP headquarters, staff in different divisions retrieve and verify data on a daily basis, analyze it, and formulate reports and projections.

**Data Limitations:** Due to the unpredictable environment in prisons, there may often be discrepancies between projected and actual numbers contained in the performance graphs. Most plans are developed based on historical data and past experience to project for the future.

**Public Benefit:** BOP offers programs for violent offenders that aim to reduce antisocial attitudes and behaviors, emphasize the value of respect for self and others, the responsibility for personal actions, honesty in relationships, and tolerance. These skills are also vital for successful integration into society when offenders are eventually released from prison.

**Strategies to Achieve the FY2003/FY 2004 Goal:**

The BOP ensures institution security through a combination of features, security technology, and careful classification of inmates. Inmates are assigned a custody level, which relates to the degree of supervision needed and ensures that offenders are placed in the least restrictive and least expensive environment appropriate to their custody and security needs. Self-improvement programs designed to change thinking and behaviors have proven to be effective in combating behaviors that threaten the security of staff and inmates. For example, the Challenge, Opportunity, Development, and Ethics treatment program for high security level inmates targets the reduction of antisocial attitudes and behaviors, and emphasizes the values of respect for self and others, responsibility for personal actions, honesty in relationships, and tolerance, and has significantly reduced misconduct among program participants.

**Crosscutting Activities:**

Accreditation by the American Correctional Association (ACA) provides BOP with an external assessment of its ability to meet the basics of corrections. In addition, BOP's National Institute of Corrections works with state, local, and international corrections officials to improve management and conditions in prisons.

## STRATEGIC OBJECTIVE & ANNUAL GOAL 6.4: INMATE SERVICES

Provide services and programs to facilitate inmates' successful reintegration into society, consistent with community expectations and standards

### 6.4A Provide Work and Education Programs

#### Background/ Program Objectives:

BOP plays a vital role in federal law enforcement, not only by incarcerating offenders, but also in helping to break the cycle of crime. First and foremost, BOP protects public safety by ensuring that federal offenders serve their sentences. Through imprisonment, BOP helps deter criminal activity by showing actual and potential offenders the consequences of crime. To help break the cycle of crime, BOP provides a range of educational and vocational training programs and counseling to assist inmates in successful transition to the community upon release.

BOP provides work and education programs and other self-improvement opportunities to assist offenders in becoming law-abiding citizens. The BOP Post-Release Employment Study demonstrated that these programs could lead to lower recidivism and improve institutional security by reducing inmate idleness.

#### Performance:

**Performance Measure:** REFINED MEASURE: % of U.S. Citizen Inmates with a GED/High School Diploma, 7 Months Prior to Release [BOP] (NOTE: Actual data prior to FY 2003 reflects total inmate population, as U.S. Citizen only data could not be separated.)

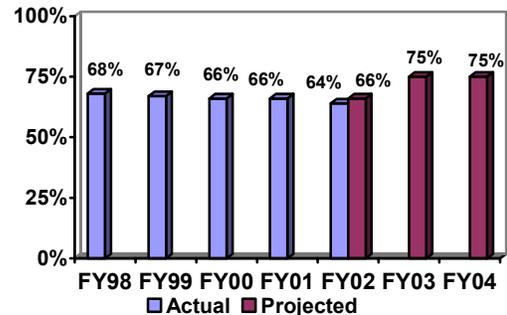
**FY 2002 Target:** 66%

**FY 2002 Actual:** 64%

**Discussion:** Changes to GED tests in FY 2002 resulted in a slightly lower than anticipated rate of completion for all inmates.

**FY 2003 Performance Plan Evaluation:** Beginning in FY 2003, the BOP is revising targets for this indicator to separate percentages for citizens and non-citizens. GED standards require citizens without a verified GED or high school diploma to attend literacy programs. The policy does not require participation on the part of non-citizens. Meeting the educational needs of both

REFINED MEASURE: % of U.S. Citizen Inmates with a GED/HighSchool Diploma- 7 Months Prior to Release [BOP]



**Data Collection and Storage:** Inmate data are collected on the BOP on-line system (SENTRY); personnel data is collected on the National Finance Center (NFC system); and financial data on the Financial Management Information System (FMIS). BOP relies on the BOP inmate tracking system (SENTRY) in order to identify and track inmates in work, education, and recreation programs. Reports on education and other programs are extracted from the SENTRY database, generally on a quarterly basis. One exception to this is the General Education Diploma (GED) program completion reporting that is provided by the American Council on Education, a non-profit agency, through its GED testing services. GED completions are reported to BOP headquarters with copies to institution and regional education personnel.

**Data Validation and Verification:** Within BOP headquarters, staff in different divisions retrieve and verify data on a daily basis, analyze it, and formulate reports and projections.

**Data Limitations:** Due to the unpredictable environment in prisons and other external factors, there may often be discrepancies between projected and actual numbers contained in the performance graphs. Most plans are based on historical data, past experience, and joint agency efforts to project for the future.

groups is important; however, need levels and demand for school for citizens and non-citizens vary. Monitoring the populations separately provides a clear picture of program dynamics, assists in the process of resource allocation, and allows data to highlight our success at meeting required policy requirements. We are transitioning

the chart to U.S Citizen Inmates because historical citizen only data is not available. The FY 2003 Target is 75% of U.S. citizen inmates.

**FY 2004 Performance Target:** 75%

**Public Benefit:** Research has shown that inmates who complete education/vocational training programs while in prison are less likely to return to prison than their counterparts who did not participate in programs.

**Performance Measure:** Number of Inmates Completing at Least One Vocational Program [BOP]

**FY 2002 Target:** 9,491

**FY 2002 Actual:** 10,190

**Discussion:** Beginning in May 2000, new program completion procedures were established for vocational training, advanced occupational training and college programs. New reporting procedures prevent college data from impacting occupational data and establish clear criteria defining when a program (as opposed to individual courses) has been completed, which will ensure accuracy of data reported.

**FY 2003 Performance Plan Evaluation:**

Based on FY 2002 performance, we have revised our FY 2003 upward. The Revised Final FY 2003 goal is 10,200.

**FY 2004 Performance Target:** 10,200

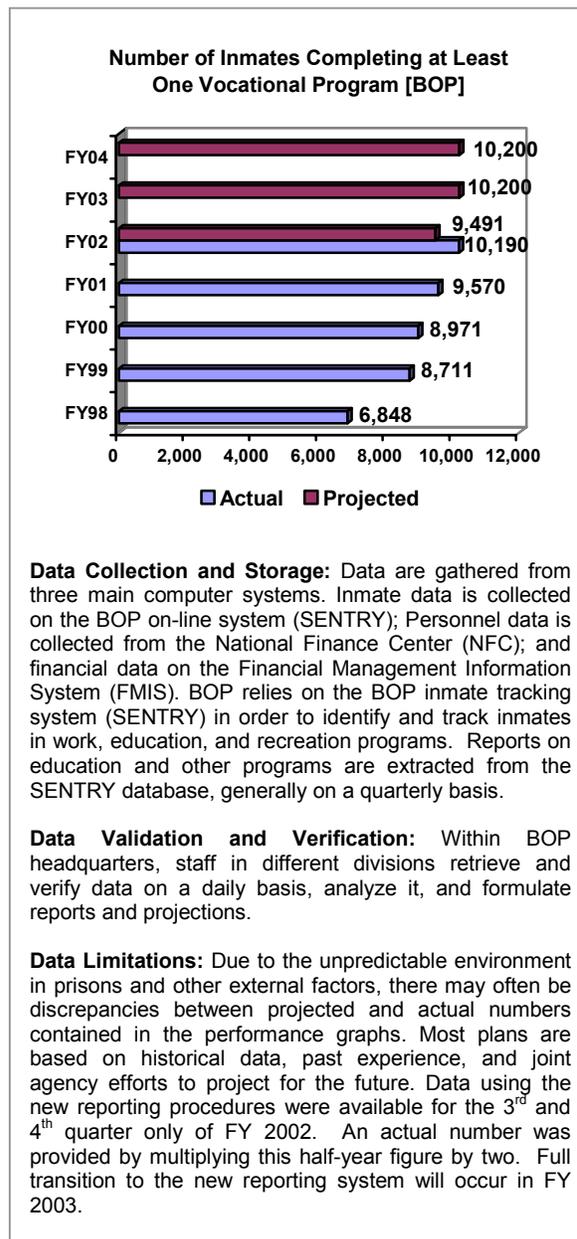
**Public Benefit:** See above.

**Strategies to Achieve the FY2003/FY 2004 Goal:**

BOP will continue to provide services and programs to address inmate needs that contribute to successful reintegration into society.

**Crosscutting Activities:**

BOP actively recruits volunteers to assist with religious and other services, organizes community service projects, and holds mock job fairs through partnerships with community groups, public service organizations, and other agencies in order to raise community awareness, foster community relationships, and prepare inmates for reintegration into the community and family units.



**Data Collection and Storage:** Data are gathered from three main computer systems. Inmate data is collected on the BOP on-line system (SENTRY); Personnel data is collected from the National Finance Center (NFC); and financial data on the Financial Management Information System (FMIS). BOP relies on the BOP inmate tracking system (SENTRY) in order to identify and track inmates in work, education, and recreation programs. Reports on education and other programs are extracted from the SENTRY database, generally on a quarterly basis.

**Data Validation and Verification:** Within BOP headquarters, staff in different divisions retrieve and verify data on a daily basis, analyze it, and formulate reports and projections.

**Data Limitations:** Due to the unpredictable environment in prisons and other external factors, there may often be discrepancies between projected and actual numbers contained in the performance graphs. Most plans are based on historical data, past experience, and joint agency efforts to project for the future. Data using the new reporting procedures were available for the 3<sup>rd</sup> and 4<sup>th</sup> quarter only of FY 2002. An actual number was provided by multiplying this half-year figure by two. Full transition to the new reporting system will occur in FY 2003.

## 6.4B Provide Residential Drug Treatment Programs to Eligible Inmates

### Background/ Program Objectives:

The Violent Crime Control and Law Enforcement Act (VCCLEA) of 1994 requires BOP to provide appropriate substance abuse treatment for 100 % of “eligible” inmates by the end of FY 1997 and each year thereafter. To be eligible for treatment the prisoner must be: sentenced to BOP custody; determined by BOP to have a substance abuse disorder; residing in a BOP institution; and be within 24 to 36 months of release. An estimated 34% of the sentenced federal inmate population has a substance abuse disorder and requires some type of drug abuse treatment.

In response to the rapid growth in the federal inmate population with drug abuse histories, BOP developed a comprehensive drug abuse treatment strategy consisting of four components: drug abuse education; non-residential drug abuse treatment programs; residential drug abuse treatment programs; and transitional drug abuse treatment services.

### Performance:

**Performance Measure:** 100% of Eligible Inmates Enrolled in Residential Drug Treatment [BOP]

**FY 2002 Target:** 16,000 Enrolled

**FY 2002 Actual:** 16,243 Enrolled

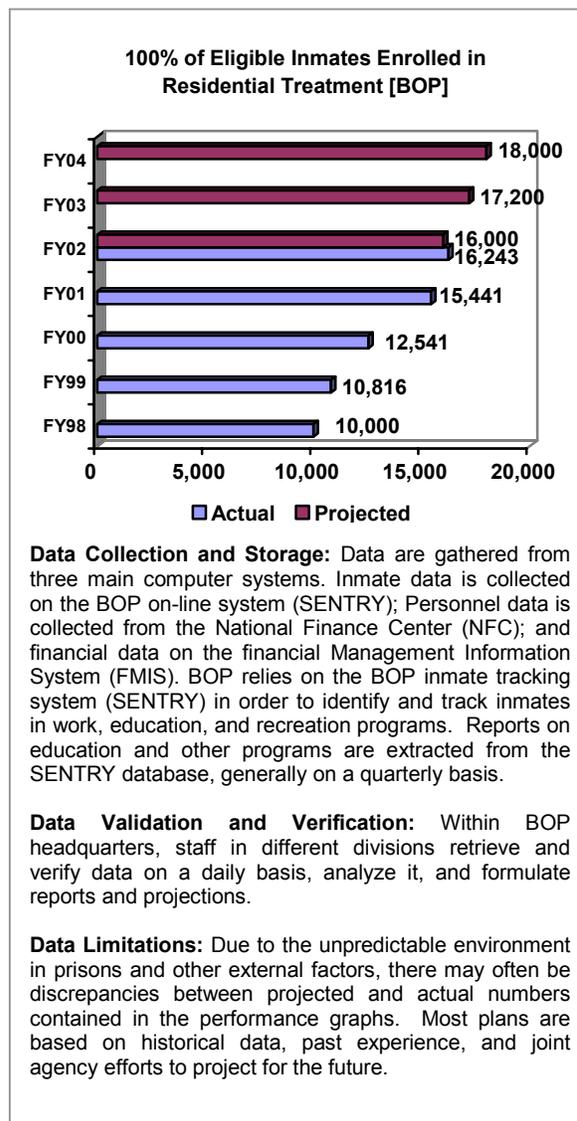
**Discussion:** The VCCLEA requires the BOP to provide residential substance abuse treatment for 100% of eligible inmates. There are 50 residential drug abuse programs throughout the BOP, with a waiting list of more than 6,000 inmates. Typically inmates are selected for the program based on their projected release date.

#### **FY 2003 Performance Plan Evaluation:**

Based on FY 2002 performance, we plan to meet our original FY 2003 goal of 17,200.

**FY 2004 Performance Target:** 18,000

**Public Benefit:** A rigorous three-year outcome study of the residential drug abuse program, published in May 2000, found the program is effective in reducing recidivism and relapse. The evaluation reveals that both men and women who completed the program were 16% less likely to be rearrested or returned to prison than inmates who did not participate in the program.



Further, male inmates were 15% less likely to relapse – and females 18% less likely to relapse – when compared to inmates who did not participate in the program. The research also found that inmates who completed the residential drug abuse program had a lower incidence of misconduct than did a comparison group who did not participate in the residential drug abuse program. The reduction of misconduct was 25% for men and 70% for women.

**Strategies to Achieve the FY2003/FY 2004 Goal:**

BOP will continue to provide services and programs that address inmate needs and contribute to successful reintegration into society. The percentage of inmates with a substance use disorder has risen from 30.5% to 34% over the last decade. Since 1997, BOP has been providing treatment to 100% of all inmates needing and wanting treatment. Based on the anticipated growth in the inmate population, BOP is planning to establish five additional residential treatment programs in FY 2003.

**Crosscutting Activities:**

Inmates who have completed the residential drug abuse treatment program and are eligible for transfer to a Community Corrections Center continue to receive drug abuse treatment through a community-based treatment provider with whom the BOP contracts. Typically, U.S. Probation is involved in this process, ensuring there is a continuity of information and treatment when the inmate is released from BOP custody and moves to the supervision of U.S. Probation.

## 6.4C Provide Cost Effective Quality Inmate Health Care

### Background/ Program Objectives:

In support of the DOJ's objective to provide cost effective quality health care to inmates, the BOP strives to meet the accreditation standards of the Joint Commission on Accreditation of Health Care Organizations (JCAHO), at all correctional facilities. Meeting these standards provides a method of assessing the quality of health care provided at BOP facilities. BOP's goal is to have institutions accredited within two years of activation. By meeting JCAHO accreditation standards, each BOP institution must exhibit substantial compliance with approximately 200 health care standards during a triennial JCAHO accreditation survey. DOJ has the highest regard for Constitutional and human rights; therefore, it strives to maintain correctional facilities that ensure inmates receive humane health care treatment that is not indifferent to their health care needs.

JCAHO standards not only address patient's rights, but also provide BOP the opportunity to assess and improve the overall efficiency of health care programs. The foundation of JCAHO standards is the continuous quality improvement of health care processes and patient outcomes. By improving its health care efficiency, the BOP seeks to improve quality and control costs.

### Performance:

**Performance Measure:** DISCONTINUED MEASURE: Daily Per Capita Medical Costs [BOP]

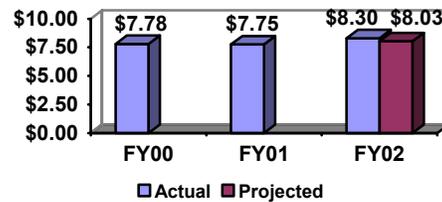
**FY 2002 Target:** \$8.03

**FY 2002 Actual:** \$8.30

**Discussion:** This data is included in overall per-capita reported under 6.3A, Operate Facilities Efficiently.

**Public Benefit:** Containing medical per capita costs benefits the public by ensuring that taxpayer dollars are being used wisely and prudently. Efforts to control costs in health services while providing a community standard of care to the inmate population reflects BOP's commitment to providing a safe and humane

**DISCONTINUED MEASURE: Daily Per Capita Medical Costs [BOP]**

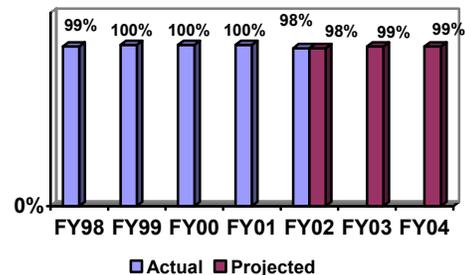


**Data Collection and Storage:** Data are gathered from several computer systems. Inmate data is collected on the BOP on-line system (SENTRY); personnel data is collected from the National Finance Center (NFC) database; financial data is collected on the Financial Management Information System (FMIS), and from field locations reporting on a regular bases. BOP also utilizes population forecast modeling in order to plan for future construction and contracting requirements to meet capacity needs.

**Data Validation and Verification:** Within BOP headquarters, staff in different divisions retrieve and verify data on a daily basis, analyze it, and formulate reports and projections.

**Data Limitations:** While the data is both timely and reliable, there is little data available for comparison in this area. However, costs appear to reflect effective efforts at control escalating health care costs.

**NEW MEASURE: % Eligible BOP Facilities with JCAHO Accreditation [BOP]**



Data are gathered from several computer systems. Inmate data is collected on the BOP on-line system (SENTRY); personnel data is collected from the National Finance Center (NFC) database; financial data is collected on the Financial Management Information System (FMIS), and from field locations reporting on a regular bases. BOP also utilizes population forecast modeling in order to plan for future construction and contracting requirements to meet capacity needs.

**Data Validation and Verification:** Within BOP headquarters, staff in different divisions retrieve and verify data on a daily basis, analyze it, and formulate reports and projections.

**Data Limitations:** Due to the unpredictable environment in prisons, there may often be discrepancies between projected and actual numbers contained in the performance graphs. Most plans are developed based on historical data and past experience to project for the future.

environment while preserving government resources.

**Performance Measure:** NEW MEASURE:  
Percent Eligible BOP Facilities with JCAHO Accreditation [BOP]

**FY 2002 Target:** 98%

**FY 2002 Actual:** 98%

**Discussion:** During fiscal year 2002 the BOP met its accreditation goal of 98%. The BOP continues to strive to meet the goal that all institutions are accredited within two years of activation. Each year new institutions are activating which affects the percentages of facilities that can be reviewed.

**FY 2003 Performance Plan Evaluation:**  
Based on FY 2002 performance, we plan to meet our original FY 2003 goal of 99%.

**FY 2004 Performance Target:** 99%

**Public Benefit:** Providing quality cost effective health care, which has been reviewed and accredited by a nationally recognized organization benefits the public by ensuring that taxpayer dollars are being used prudently and wisely.

**Strategies to Achieve the FY2003/FY 2004 Goal:**

The BOP will seek initial JCAHO accreditation at five facilities that meet eligibility requirements in FY 2003. Assuming accreditation of BOP health care operations continues with the award of a new contract (the current contract expires in FY 2003), the BOP will seek initial JCAHO accreditation at two additional BOP facilities in FY 2004.

**Crosscutting Activities:**

In order to deliver adequate healthcare to inmates, BOP utilizes Public Health Service employees along with contract healthcare workers in BOP facilities, and contracts with physicians and hospitals in local communities to provide care not readily available inside BOP institutions. In addition, BOP has worked cooperatively with the Department of Veterans Affairs and the National Institute of Justice to implement telehealth technology at many BOP locations.

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# VII

## STRATEGIC GOAL SEVEN:

### Protect the Federal Judiciary and Provide Critical Support to the Federal Justice System to Ensure it Operates Effectively

The Department is responsible for ensuring the federal justice system operates in an effective, efficient and secure operation of the federal justice system. It does so by protecting judicial proceedings; ensuring the safe and secure environment of the federal courts; apprehending fugitives from justice; promoting the participation of victims at every stage of criminal and juvenile proceedings; and administering the nation's bankruptcy laws.

- The *United States Marshals Service's (USMS)* primary role and mission is to provide for the security and to obey, execute, and enforce all orders of the United States District Courts, the United States Courts of Appeals, and the Court of International Trade. The USMS provides the necessary services and expertise to maintain a high level of security for the federal judiciary, takes steps to upgrade physical security at federal courthouses, and ensures that new courthouses open with appropriate security measures in place. In addition, the USMS monitors, assesses, and investigates threats made against judicial personnel, witnesses and victims in order to ensure their safety. Other USMS responsibilities include: producing of prisoners for court appearances, serving court ordered process, managing assets that have been seized and forfeited, and apprehending federal fugitives.
- Through the *Executive Office for U.S. Attorneys (EOUSA)*, DOJ has placed high priority on increasing the participation of victims and witnesses in the judicial process. Specifically, DOJ requires training for law enforcement officers and prosecutors in victim/witness responsibilities and notification procedures.
- The *U.S. Trustee Program (USTP)* enforces the nation's bankruptcy laws and regulations. The USTP addresses the bankruptcy systems' overall caseload, particularly older cases, by

providing administrative support to help move cases expeditiously through the bankruptcy process. The agency informs law enforcement agencies of possible violations of bankruptcy laws and participates in task forces designed to identify and prosecute individuals or organizations engaged in fraud.

#### STRATEGIC OBJECTIVE & ANNUAL GOAL 7.1: PROTECTING THE JUDICIARY

Ensure the integrity and the safe and secure operation of the federal judicial system by protecting judges, witnesses, and other participants in federal proceedings

DOJ will continue to deter and investigate threats made against federal judges, court personnel, witnesses and other participants in federal judicial proceedings. The USMS' primary goal is to ensure that no judge, court participant, or witness is assaulted as a result of involvement in a federal court proceeding. Specifically, the USMS will identify, assess, and respond to threats against court personnel and property, enhance the physical security of new and renovated federal courthouse facilities, and provide for the long-term security of protected federal witnesses and their family members.

**STRATEGIC OBJECTIVE &  
ANNUAL GOAL 7.2: VICTIMS' RIGHTS**

Protect the rights of crime victims and assist them in moving through the processes of the federal justice system.

Victims and witnesses play a central role in the federal criminal justice system. Often, their participation makes the difference between a conviction and an acquittal. Yet being a victim or witness can be an overwhelming and traumatic experience. Prior to recent federal and state legislation making improvements in how victims and witnesses are treated, some felt re-victimized by a criminal justice system they perceived as insensitive to their needs.

The Attorney General's Guidelines for Victim and Witness Assistance set forth DOJ requirements and policies regarding the treatment of victims and witnesses. They recognize that federal criminal justice personnel, including investigators, prosecutors and correctional officers, have a special responsibility to treat victims and witnesses of federal crimes fairly by enforcing their rights, properly including them in criminal justice system processes, and referring them to the appropriate services.

DOJ, through the United States Attorneys, employs victim-witness coordinators in each of the 94 federal judicial districts. Victim-witness coordinators play a crucial role in increasing the participation and cooperation of victims and witnesses. They help implement the guidelines, ensure that those involved in working with victims and witnesses are properly trained, and help victims and witnesses from a wide range of socioeconomic backgrounds, cultures, and ethnic groups understand their rights and their role as key participants in the federal criminal justice process.

**STRATEGIC OBJECTIVE &  
ANNUAL GOAL 7.3: DEFENDANTS AND  
FUGITIVES**

Ensure the appearance of criminal defendants for judicial proceedings or confinement through secure transportation, and ensure the apprehension of fugitives from justice

DOJ will continue to focus on the USMS' "15 Most Wanted", Major Case, violent and terrorist-related fugitives. The Presidential Threat Protection Act of 2000 (P.L. 106-544), directed the Attorney General, "upon consultation with appropriate Department of Justice and Department of the Treasury law enforcement components, establish permanent Fugitive Apprehension Task Forces consisting of Federal, State, and local law enforcement authorities in designated regions of the United States, to be directed and coordinated by the United States Marshals Service, for the purpose of locating and apprehending fugitives." The purpose of these Fugitive Apprehension Task Forces is to combine efforts with other federal, state, and local law enforcement agencies to locate and apprehend the most dangerous fugitives.

In FY 2002, the USMS received 24 positions and \$5.882 million to establish task forces in New York and Los Angeles to locate and apprehend the most dangerous fugitives along the Eastern and Western seaboard. These task forces became operational in May 2002. In addition to working with other agencies to locate dangerous fugitives, Deputy U.S. Marshals will assist the U.S. Attorney's Anti-Terrorism Task Forces (ATTF) and the INS locate and apprehend alien absconders to support the Attorney General's Absconder Apprehensive Initiative. Upon request, task force personnel will prioritize, locate and apprehend fugitives of investigative interest to ATTFs and the FBI's Joint Terrorism Task Forces (JTTF), including terrorism suspects, fugitives with ties and/or affiliations with terrorist groups, and fugitives suspected of engaging in narcotics trafficking and money laundering for terrorist groups.

The USMS is dedicated to enhancing public safety by locating and apprehending fugitives as quickly and safely as possible. The problems that fugitives pose are numerous, costly, and most importantly,

dangerous. First and foremost, fugitives pose a widespread threat to public safety. Fugitives tend to be mobile and opportunistic, preying on innocent citizens by committing additional crimes in an effort to finance or facilitate their continued flight from justice. By definition, they have been charged and/or convicted of federal crimes and have fled from their sentencing. If fugitives are allowed to remain at large, the integrity of the criminal justice system is challenged. Fugitives become more difficult to locate with the passage of time and crime victims are denied closure and often live in fear and isolation while the criminals who have victimized them remain at large.

**STRATEGIC OBJECTIVE & ANNUAL GOAL**

**7.4: BANKRUPTCY**

Protect the integrity and ensure the effective operation of the Nation's bankruptcy system

Through the United States Trustee Program (USTP), DOJ will continue to shift more attention to combating civil and criminal abuse in the bankruptcy system. To that end, USTP will identify, investigate, and civilly prosecute cases in which debtors, creditors, attorneys, or other parties violate the Bankruptcy Code or Rules, especially violations that may be remedied under U.S.C. Sections 110, 329, 707, and 727. In addition, USTP will continue to refer criminal violations arising in bankruptcy cases to the U.S. Attorney and assist in the prosecution of such cases. Finally, USTP will maintain the level of performance regarding the efficient and effective administration of bankruptcy cases through the system and maximize the return of assets and distributions to creditors.

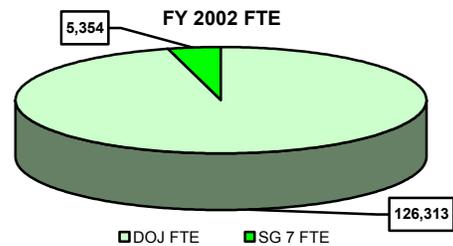
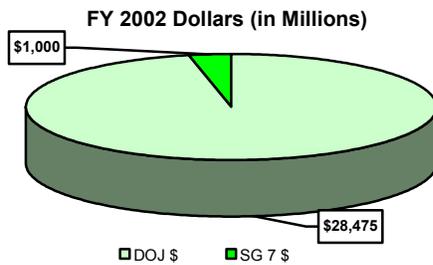
**PERFORMANCE SUMMARY**

Strategic Objective, Page #	Performance Measure/ Indicator	Was the Target Achieved			FY 2002 Performance		
		Yes	No	N/A	Target	Actual	Performance Improvement From FY 2001
7.1 193	Assaults Against the Judiciary	■			0	0	
7.1 193	Security Status of Courthouse Facilities <ul style="list-style-type: none"> <li>• Meeting Security Standards</li> <li>• Failing Security Standards</li> </ul>	■ ■			26 327	26 327	
7.2 195	Victims Receiving Assistance <ul style="list-style-type: none"> <li>• Notification/Referrals</li> <li>• Emergency Assistance</li> </ul>	■ ■			100% 100%	100% 100%	
7.2 195	Witnesses Receiving Emergency Assistance	■			100%	100%	
7.3 198	DISCONTINUED MEASURE: Warrants Cleared <ul style="list-style-type: none"> <li>• Class I</li> <li>• Class II</li> <li>• Backlog</li> </ul>	■ ■	■		32,712 22,565 11,836	34,655 29,022 10,589	
7.3 198	NEW MEASURE: Fugitives Cleared <ul style="list-style-type: none"> <li>• Active</li> <li>• Cleared II Non-felony</li> <li>• Cleared Class II</li> <li>• Cleared Class I</li> </ul>	■ ■ ■ ■			84,495 15,107 25,452 30,342	85,858 15,237 26,348 31,512	
7.3 199	DISCONTINUED MEASURE: Average Number of Days for Fugitive Arrest <ul style="list-style-type: none"> <li>• Non-Violent Fugitives</li> <li>• Violent Fugitives</li> <li>• Major Cases</li> </ul>	■ ■ ■			152 180 153	151 168 120	
7.4 201	REFINED MEASURE: % of Funds to Creditors for Chapter 7 & Chapter 13 <ul style="list-style-type: none"> <li>• Chapter 7</li> <li>• Chapter 13</li> </ul>			■ ■	52% 80%	N/A N/A	Reporting for this measure occurs every other year

## RESOURCES

Appropriation		FY 2002 FTE	FY 2002 Actual \$ (millions)	FY 2003 FTE	FY 2003 Request \$ (millions)	FY 2004 FTE	FY 2004 Request \$ (millions)
7.1	Fees and Expenses Witnesses	--	154	--	156	--	156
7.1	U.S. Marshals Service	2,759	482	3,213	502	3,364	512
	<i>Subtotal 7.1</i>	<i>2,759</i>	<i>\$636</i>	<i>3,213</i>	<i>\$658</i>	<i>3,364</i>	<i>\$668</i>
7.2	U.S. Attorneys	258	31	279	37	279	37
	<i>Subtotal 7.2</i>	<i>258</i>	<i>\$31</i>	<i>279</i>	<i>\$37</i>	<i>279</i>	<i>\$37</i>
7.3	Justice Prisoner & Alien Trans. System	120	--	149	--	149	--
7.3	U.S. Marshals Service	1,181	187	1,312	205	1,374	209
	<i>Subtotal 7.3</i>	<i>1,301</i>	<i>\$187</i>	<i>1,461</i>	<i>\$205</i>	<i>1,523</i>	<i>\$209</i>
7.4	U.S. Trustees	1,036	146	1,201	168	1,211	175
	<i>Subtotal 7.4</i>	<i>1,036</i>	<i>\$146</i>	<i>1,201</i>	<i>\$168</i>	<i>1,211</i>	<i>\$175</i>
	<b>TOTAL SG 7</b>	<b>5,354</b>	<b>\$1,000</b>	<b>6,154</b>	<b>\$1,068</b>	<b>6,377</b>	<b>\$1,089</b>

### RESOURCE COMPARISON: Strategic Goal to Total DOJ \$ and FTE



<p><b>Required Skills</b></p>	<p>USMS Deputy U.S. Marshals must plan and develop prisoner transportation routes; identify and react quickly to incidents; analyze and investigate inappropriate communications made against judges and witnesses; investigate threats; cultivate relationships with state and local law enforcement agencies; assess potential risks; devise threat management strategies; and coordinate protective investigations with the FBI. Victims/Witness Coordinators need to be familiar with the federal litigation process, legislation impacting victims and witnesses, and have a working knowledge of legal terminology. USMS Deputy U.S. Marshals must be able to analyze and evaluate investigative leads developed through an array of techniques including reviewing financial records; interviewing witnesses; contacting informants; and providing physical and electronic surveillance. They must also cultivate mutually beneficial relationships with investigators and prosecutors from other federal, state, and local law enforcement agencies and prepare and execute operational plans in connection with arrest and search warrants. Staff must have legal, financial, analytical, and audit skills. Other key competencies include: expertise in bankruptcy law, criminal statutes, investigative techniques, and strong writing abilities. Support personnel must have automation expertise, management and administrative skills.</p>
<p><b>Information Technology Utilized</b></p>	<p>USMS is in the process of developing one centralized application, the Justice Detainee Information System (JDIS), from its five offender-based applications: the Warrant Information Network, the Prisoner Tracking System, the Automated Prisoner Scheduling System, the Automated Booking Station, and the Prisoner Medical Tracking system. JDIS will allow the USMS to manage prisoners and fugitive investigations electronically, and track them through the entire judicial process. USAs rely on the Victim Notification System in preserving the rights of crime victims by providing them with notice of court events. USMS is in the process of developing one centralized application, the Justice Detainee Information System (JDIS), from its five offender-based applications; the Warrant Information Network (WIN), the Prisoner Tracking System, the Automated Prisoner Scheduling System, the Automated Booking Station, and the Prisoner Medical Tracking system. These systems comprise the essential modules of JDIS. Once implemented, it will allow USMS to manage prisoners and fugitive investigations and track them through the entire criminal judicial process. USMS also utilizes several commercial and other agency databases for fugitive investigations. In January and May 2002, new features and functions, including electronic filing of investigative reports, new query capabilities, and expanded image capabilities were added to WIN for field-testing. Operations rely upon the Justice Consolidated Office Network (JCON), office automation products, various database systems, and a legacy case management system operating on mini-computers, as well as notebook PCs and laptops.</p>

**PROGRAM EVALUATIONS**

There are no program evaluations planned for FY 2003.

## STRATEGIC OBJECTIVE & ANNUAL GOAL 7.1: PROTECTING THE JUDICIARY

Ensure the integrity and the safe and secure operation of the federal judicial system by protecting judges, witnesses, and other participants in federal proceedings

### 7.1A Protect Judicial Proceedings

#### Background/ Program Objectives:

USMS maintains the integrity of the judicial security process by: (1) ensuring that each federal judicial facility is secure – physically safe and free from any intrusion intended to subvert court proceedings; (2) guaranteeing that all federal judges, magistrate judges, bankruptcy judges, prosecutors, witnesses, jurors and other participants have the ability to conduct uninterrupted proceedings; (3) maintaining the custody, protection and safety of prisoners brought to court for any type of judicial proceeding; and (4) limiting opportunities for criminals to tamper with evidence or use intimidation, extortion, or bribery to corrupt judicial proceedings.

#### Performance:

**Performance Measure:** Assaults Against the Judiciary [USMS]

**FY 2002 Target:** 0 Assaults

**FY 2002 Actual:** 0 Assaults

**Discussion:** The USMS met the performance goal for FY 2002.

#### **FY 2003 Performance Plan Evaluation:**

Based on FY 2002 performance, we plan to meet our original FY 2003 goal of 0 Assaults

**FY 2004 Performance Target:** 0

**Public Benefit:** Ensuring the effective operation of the Federal Judicial system is the principal mission of the USMS. The protection of those involved in judicial proceedings is essential to preserving the system's operational integrity.

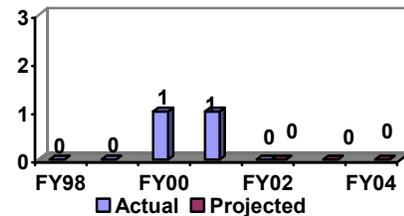
**Performance Measure:** Security Status of Courthouse Facilities [USMS]

**FY 2002 Target:** 327 Not Meeting, 26 Meeting Security Standards

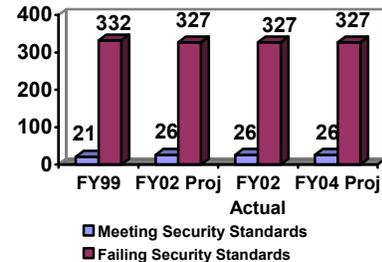
**FY 2002 Actual:** 327 Not Meeting, 26 Meeting Security Standards

**Discussion:** The USMS is in the process of collecting and compiling the FY 2002 National Security Survey Report, and anticipates producing

Assaults Against the Judiciary [USMS]



Security Status of Courthouse Facilities [USMS]



**Data Collection and Storage:** The USMS uses Weekly Activity Reports and Incident Reports collected at Headquarters as the data source. In addition, USMS uses the National Security Survey to determine the level of security deficiencies (construction and equipment) in USMS controlled space and provide a basis for prioritizing renovations.

**Data Validation and Verification:** Before data is disseminated via reports, it is checked and verified by the program managers. These reports are collected manually.

**Data Limitations:** The results of National Security Survey were collated manually and entered into a spreadsheet application. Funds have not been available to automate this data into a database, which would include information on all current and planned courthouses. Due to the nature of construction projects and the increased scope of the survey, USMS plans to conduct the survey every three years (with data and analysis available the following year) assuming funds availability. Although many renovation projects have been initiated, the impact to the national security survey will not be felt for several more years as: (1) a renovation project may take several years to complete; (2) completing a renovation project does not ensure that a courthouse facility will meet security standards since several renovation projects at one facility may be required; and (3) most renovation projects are dependent upon GSA's renovation schedule, meaning that any delay with GSA's schedule will consequently delay the USMS schedule. Finally, every year, new courthouses are built by GSA, either adding to or replacing existing courthouse facilities. The total number of facilities is currently at 353; it will change in the future. At the conclusion of the survey, the USMS will be in a better position to project the number of courthouse facilities meeting requirements.

the updated report in the second quarter of FY 2003. The National Security Survey Report outlines security deficiencies in the 353 courthouse facilities where the USMS pays rent on 250 square feet of space or more and has prisoner movement requirements. Once the report is compiled and analyzed a comprehensive accounting of security issues will be reported.

***FY 2003 Performance Plan Evaluation:***

No FY 2003 target will be set, as data (survey results) are not available annually.

***FY 2004 Performance Target:*** 327 Not Meeting, 26 Meeting Security Standards

***Public Benefit:*** By identifying security deficiencies in courthouses nationwide, the USMS will strive to make these facilities safer for the general public, court family and USMS.

**Strategies to Achieve the FY2003/FY 2004 Goal:**

USMS will continue to provide a high level of security in the federal judicial environment and take steps to update physical security at existing courthouses and ensure that new courthouses open with appropriate security measures. To determine security risk, USMS conducts an assessment of the facility and personnel security requirements. Where a situation is deemed high risk, the USMS district staff or Court Security Inspectors develop an operational plan at least one month before the start of the trial. USMS also manages the Court Security Officer (CSO) program, which provides interior security at federal court facilities.

In addition, USMS will continue to monitor, assess and investigate potential threats to judicial personnel, witnesses, and victims in order to ensure their safety. USMS will also provide protective services at judicial conferences, additional security measures for high-risk trials, and provide personal security details to address potential threats against the federal judiciary.

**Crosscutting Activities:**

USMS works closely with other DOJ components as well as the U.S. Postal Service, Internal Revenue Service, and the Social Security Administration in buildings housing judicial proceedings. In addition, USMS coordinates the Building Security Committee meetings to determine the security needs of the judiciary. These conferences are attended by the U.S. Courts

(judges, clerks of the court, probation and pretrial services), the U.S. Attorneys and the General Service Administration's (GSA) Federal Protective Services.

The USMS is also working closely with GSA to ensure the protection of construction and security-related documents. Recently, the GSA issued an order to all regional offices restricting public access to sensitive floor plans, blueprints and related documents to safeguard USMS construction and security projects.

## STRATEGIC OBJECTIVE & ANNUAL GOAL 7.2: VICTIMS' RIGHTS

Protect the rights of crime victims and assist them in moving through the processes of the federal justice system

### 7.2A Assist Victims and Witnesses in their Participation in the Criminal Justice Process

#### Background/ Program Objectives:

Victim-Witness Coordinators provide referrals to crisis counseling victim compensation programs and victim assistance programs. When no other resources are available, the Victim-Witness Coordinators can provide funding for emergency needs from the Federal Crime Victims Assistance Fund. These emergency needs include transportation costs to and from court, translation services and emergency childcare or shelter.

The Department also provides emergency witness assistance to witnesses where the more formal security programs, administered under the provisions of the Witness Security Reform Act, are not available or are inappropriate. The purpose of this program is not to provide physical protection for witnesses; it is to address a witness' fears about assisting the government and seeks to promote their peace of mind when they have relevant information to contribute, thereby enhancing their ability to testify.

#### Performance:

**Performance Measure:** Victims Receiving Assistance [EOUSA]

**FY 2002 Target:** 100%

**FY 2002 Actual:** 100%

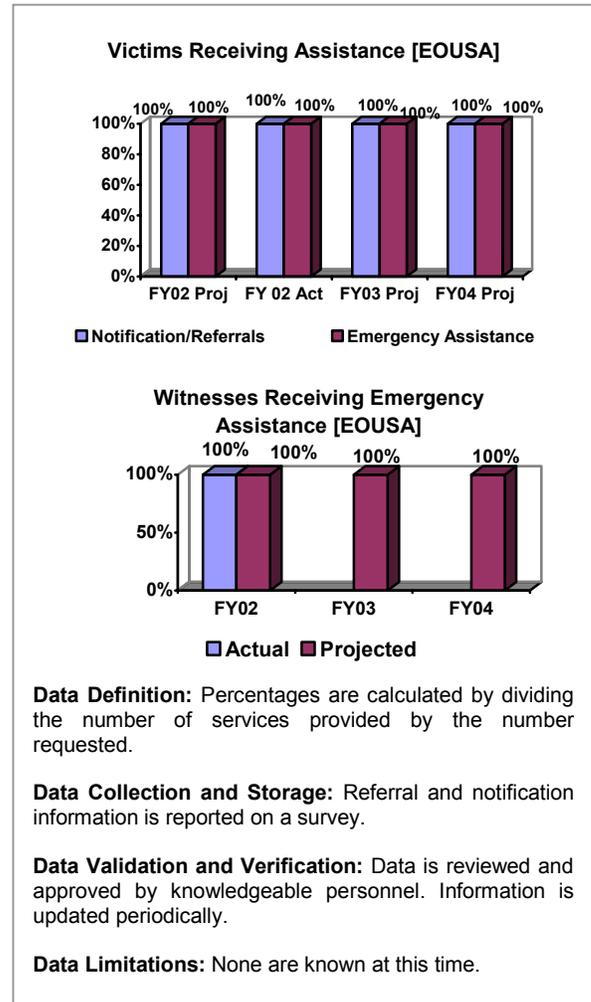
**Discussion:** When a federal crime victim is in need of immediate assistance, and no other state or local resources are available, the Federal Crime Victim Assistance Fund is accessed to meet this need.

**FY 2003 Performance Plan Evaluation:**

Based on FY 2002 performance, we plan to meet our original FY 2003 goal of 100%.

**FY 2004 Performance Target:** 100%

**Public Benefit:** By providing assistance, we ensure the rights of federal crime victims are preserved and victims obtain needed services. This also enables them to participate in federal court proceedings when they otherwise could not.



**Performance Measure:** Witnesses Receiving Emergency Assistance [EOUSA]

**FY 2002 Target:** 100%

**FY 2002 Actual:** 100%

**Discussion:** When a witness is fearful of assisting the federal government, the Emergency Witness Assistance Program will be accessed for emergency needs. These funds are used to provide transportation costs for areas such as school, medical, or counseling needs, as well as housing,

moving and subsistence expenses which enable witnesses to temporarily leave their town, city or state.

***FY 2003 Performance Plan Evaluation:***

Based on FY 2002 performance, we plan to meet our original FY 2003 goal of 100%.

***FY 2004 Performance Target:*** 100%

***Public Benefit:*** The purpose of this program is not to provide physical protection for witnesses; it is to address a witness' fears about assisting the government and seeks to promote their peace of mind when they have relevant information to contribute, thereby enhancing their ability to testify.

**Strategies to Achieve the FY2003/FY 2004 Goal:**

The Department will continue to provide referrals to state and local agencies and victim organizations. When no other resources are available, we will provide funding for emergency needs including: crisis intervention; emergency food, clothing, legal assistance, and medical services; temporary housing; necessary and reasonable transportation and per diem expenses to enable a parent to recover a kidnapped child; and services that assist a victim in participating in judicial proceedings such as necessary and reasonable transportation to court; emergency child care; and interpreters. We will also provide transportation expenses to secondary victims such as spouses and family members for the purpose of providing support when the primary victim is a child, deceased, or where the victim is incompetent or incapacitated.

**Crosscutting Activities:**

Investigative agencies, particularly DEA and the FBI, coordinate with the USAOs throughout the country to ensure that victims and witnesses are served. The USAOs provide training and information to state and locals such as family violence in Indian Country, victim-witness roles and responsibilities, and interviewing child witnesses. We will continue these and other efforts to build relationships and foster cooperation. The Office of Victims of Crime in OJP provides leadership and assistance in victims and witness matters to federal agencies including the Department of Treasury, State, Defense and Interior.

## STRATEGIC OBJECTIVE & ANNUAL GOAL 7.3: DEFENDANTS AND FUGITIVES

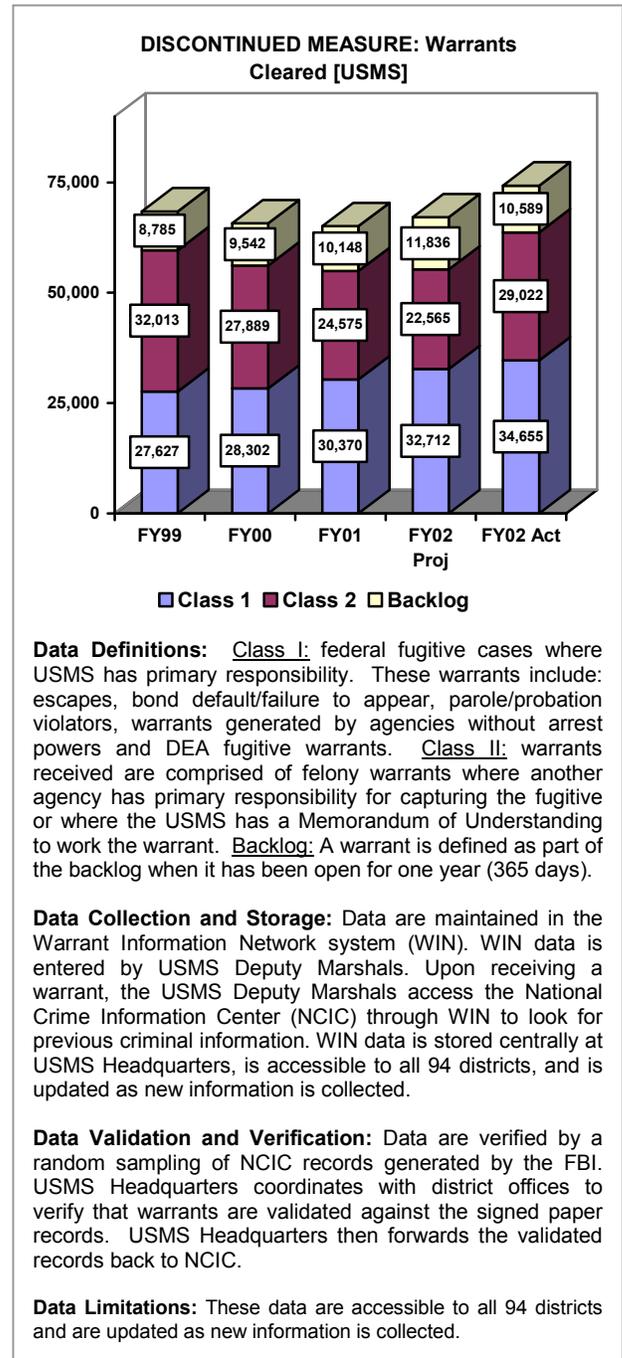
Ensure the appearance of criminal defendants for judicial proceedings or confinement through secure transportation, and ensure the apprehension of fugitives from justice

### 7.3A Apprehend Federal Fugitives

#### Background/ Program Objectives:

USMS has primary jurisdiction to conduct and investigate fugitive matters involving escaped federal prisoners, probation, parole, and bond default violators, and warrants generated by DEA investigations and certain other related felony cases. USMS has maintained its own "15 Most Wanted" fugitives list since 1983. Additionally, USMS sponsors interagency fugitive task forces throughout the United States focusing its investigative efforts on fugitives wanted for crimes of violence and drug trafficking. Major Case fugitives are the highest priority fugitives sought by the USMS and consist of all fugitives connected with the USMS 15 Most Wanted and Major Case Programs. Fugitive investigations are designated as major cases according to: a) the seriousness of the offenses charged; b) the danger posed by the fugitive to the community; c) the fugitive's history of violence, career criminal status, or status as a major narcotics distributor; d) the substantial regional, national, or international attention surrounding the fugitive investigation; and/or e) other factors determined by the USMS. On the international front, USMS has become the primary American agency responsible for extraditing fugitives wanted in the United States from foreign countries. USMS also apprehends fugitives within the United States who are wanted abroad.

In support of its fugitive mission, USMS provides investigative support such as telephone monitoring, electronic tracking and audio-video recording. In addition, analysts provide tactical and strategic expertise and judicial threat analysis. USMS maintains its own central law enforcement computer system, the Warrant Information Network, which is instrumental in maintaining its criminal investigative operations nationwide. In addition, USMS is able to enhance fugitive investigative efforts through data exchanges with other agencies, such as the Social Security Administration, the DEA, the Department of Agriculture, the Department of Defense, the



Department of State, and a variety of state and local task forces around the country.

**Performance:**

**Performance Measure:**

DISCONTINUED

MEASURE: Warrants Cleared [USMS] (NOTE: Because there can be multiple warrants issued for a single fugitive, reporting on the number of fugitives cleared is a better indicator of performance, therefore this measure is being discontinued.)

**FY 2002 Target:**

Class I Warrants Cleared: 32,712; Class II Warrants Cleared: 22,565; Class I Warrants Backlog: 11,836

**FY 2002 Actual:**

Class I Warrants Cleared: 34,655; Class II Warrants Cleared: 29,022; Class I Warrants Backlog: 10,589

**Discussion:**

USMS directed its investigative efforts to reducing violent crime, which includes organized crime, drug and gang related violence. During FY 2002, the USMS cleared 34,655 Class I and cleared 29,022 Class II warrants. Additionally During FY 2002, the USMS cleared four of the most wanted fugitives.

**Public Benefit:** By bringing fugitives to justice, USMS is ensuring that justice is served and the public is not exposed to further risk of crime.

**Performance Measure:** NEW MEASURE:

Fugitives Cleared [USMS]

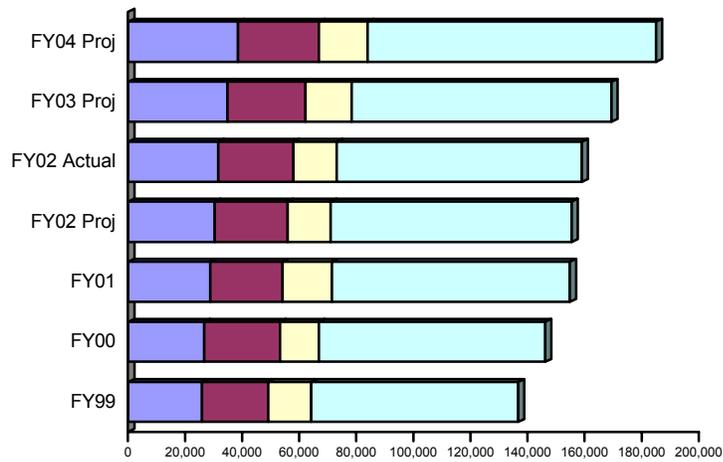
**FY 2002 Target:**

**Cleared:**

Class I: 30,342

Class II: 25,452

**NEW MEASURE: Fugitives Cleared**



	FY99	FY00	FY01	FY02 Proj	FY02 Actual	FY03 Proj	FY04 Proj
Active	72,497	79,315	83,399	84,495	85,858	91,022	101,155
Cleared II Non-felony	15,080	13,706	17,335	15,107	15,237	16,102	17,017
Cleared Class II	23,273	26,521	25,234	25,452	26,348	27,357	28,404
Cleared Class I	25,800	26,600	28,799	30,342	31,512	34,801	38,433

**Data Definition:** Active fugitives are those fugitives that have a warrant for arrest that has not yet been cleared. Class I fugitives consist of all federal felony fugitives for which the USMS has primary apprehension responsibility including warrants for escape, bond default, failure to appear, violation of conditions of release, violation of parole, violation of probation, and Drug Enforcement Administration (DEA) warrants, and other warrants. Class II felony fugitives consist of felony fugitives for which another law enforcement agency has primary apprehension responsibility. Class II non-felony fugitives (misdemeanor and traffic) are those that the USMS has primary apprehension responsibility.

**Data Collection and Storage:** Data are maintained in the Warrant Information Network system (WIN). WIN data is entered by USMS Deputy Marshals. Upon receiving a warrant, the USMS Deputy Marshals access the National Crime Information Center (NCIC) through WIN to look for previous criminal information. WIN data is stored centrally at USMS headquarters, is accessible to all 94 districts, and is updated as new information is collected.

**Data Validation and Verification:** Data are verified by a random sampling of NCIC records generated by the FBI. USMS Headquarters coordinates with district offices to verify that warrants are validated against the signed paper records. USMS Headquarters then forwards the validated records back to NCIC.

**Data Limitations:** These data are accessible to all 94 districts and are updated as new information is collected.

Class II Non-felony: 15,107

**Active:** 84,495 (Class I: 28,269, Class II: 28,817, Class II Non-felony: 27,409)

**FY 2002 Actual:**

**Cleared:**

Class I: 31,512

Class II: 26,348

Class II Non-felony: 15,237

**Active:** 85,858 (Class I: 29,092, Class II: 28,913, Class II Non-felony: 27,853)

**Discussion:** The USMS directed its investigative efforts to reducing the number of violent fugitives as well as the number of drug related and gang related fugitives. During FY 2002 the USMS cleared 31,512 Class I and 26,348 Class II fugitives cases. Through the establishment of the Regional Fugitive Task Forces, the USMS was able to establish a more coordinated effort against violent fugitives.

**FY 2003 Performance Plan Evaluation:**

Based on FY 2002 performance, we plan to meet our original FY 2003 goal of **Cleared:** Class I: 34,801; Class II: 27,357; Class II Non-felony: 16,102 and **Active:** 91,022.

**FY 2004 Performance Target: Cleared:**

Class I: 38,433; Class II: 28,404; Class II Non-felony: 17,017 and **Active:** 101,155.

**Public Benefit:** By bringing fugitives to justice, USMS is ensuring that justice is served and the public is not exposed to further risk of crime.

**Performance Measure:** DISCONTINUED MEASURE: Average Number of Days for Fugitive Arrest [USMS] (NOTE: Because a warrant can become a major case at any point in its investigation, the age of the warrant can dramatically skew the overall average number of days for fugitive arrest in the major case category; this measure is being discontinued.)

**FY 2002 Target:**

Major Case: 153

Violent Fugitive: 180

Non-Violent Fugitive: 152

**FY 2002 Actual:**

Major Case: 120

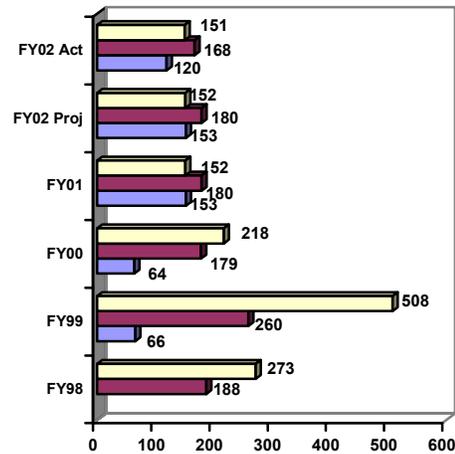
Violent Fugitive: 168

Non-Violent Fugitive: 151

**Discussion:** The USMS exceeded all targets in this category for FY 2002. When this measure was originally established, it was believed to have a direct relationship to the successful capture of fugitives. However, further analysis has proven no value as a predictor of success in this area.

**Public Benefit:** The quicker a fugitive is captured; the less the public is exposed to further risk of crime.

**DISCONTINUED MEASURE: Average Number of Days for Fugitive Arrest [USMS]**



	FY98	FY99	FY00	FY01	FY02 Proj	FY02 Act
Non-Violent Fugitives	273	508	218	152	152	151
Violent Fugitives	188	260	179	180	180	168
Major Case		66	64	153	153	120

**Data Collection and Storage:** Data are maintained in the Warrant Information Network system (WIN). WIN data is entered by USMS Deputy Marshals. Upon receiving a warrant, the USMS Deputy Marshals access the National Crime Information Center (NCIC) through WIN to look for previous criminal information. WIN data is stored centrally at USMS headquarters, is accessible to all 94 districts, and is updated as new information is collected.

**Data Validation and Verification:** Data are verified by a random sampling of NCIC records generated by the FBI. The USMS headquarters coordinates with district offices to verify that warrants are validated against the signed paper records. USMS Headquarters then forwards the validated records back to NCIC.

**Data Limitations:** None known at this time.

**Strategies to Achieve the FY2003/FY 2004 Goal:**

USMS will continue to apprehend Class I fugitives as quickly as possible. The USMS has established information sharing with the U.S. Department of State, the Department of Agriculture, the Department of Housing and Urban Development and the Social Security Administration, in an effort to match data with USMS fugitives. A warrant can be cleared by arrest, a USA dismissal, or a detainer, or purged for reasons such as death of a fugitive.

**Crosscutting Activities:**

USMS works closely with federal, state, local, and foreign law enforcement agencies and prosecutors to locate and apprehend fugitives as quickly and safely as possible in an effort to maintain the integrity of the justice system and enhance public safety. USMS has established liaison positions with DEA, HIDTA, OCDETF, NDIC, INTERPOL, DOJ-OIA, and the Department of State. The USMS also manages more than 70 multi-agency fugitive task forces around the United States. USMS has Memoranda of Understanding to assume administrative and apprehension responsibility for fugitives wanted by: the United States Customs Service; the Internal Revenue Service - Criminal Investigation Division; the Food and Drug Administration - Office of Criminal Investigations; the Naval Criminal Investigative Service; the Defense Criminal Investigative Service; the United States Air Force - Office of Special Investigations; the Department of Agriculture - Office of Inspector General; the Department of Justice - Office of Inspector General; the Social Security Administration - Office of the Inspector General; the United States Fish and Wildlife Service - Office of Law Enforcement; the Federal Emergency Management Agency - Office of Inspector General; the Department of Health and Human Services - Office of Inspector General; the National Aeronautics and Space Administration - Office of Inspector General; the National Oceanic and Atmospheric Administration; and the Department of Education - Office of Inspector General.

**STRATEGIC OBJECTIVE & ANNUAL GOAL 7.4: BANKRUPTCY**

Protect the integrity and ensure the effective operation of the Nation’s bankruptcy system

**7.4A Maximize Dollars Returned to Creditors**

**Background/ Program Objectives:**

The United States Trustees Program (USTP) was established nationwide in 1986 to separate the administrative functions from the judicial responsibilities of the bankruptcy courts and to bring accountability to the bankruptcy system. USTP acts as the “watchdog” of the bankruptcy system and ensures the proper administration of more than \$5 billion in bankruptcy estate assets that are disbursed to creditors in Chapter 7 and 13 cases. In addition, USTP oversees cases that file under Chapter 11, which involve hundreds of billions of dollars in assets. While protecting the rights of the debtors, USTP must maximize the return of estate assets to creditors.

**Performance:**

**Performance Measure:** REFINED MEASURE:  
Percent of Assets/Funds Returned to Creditors

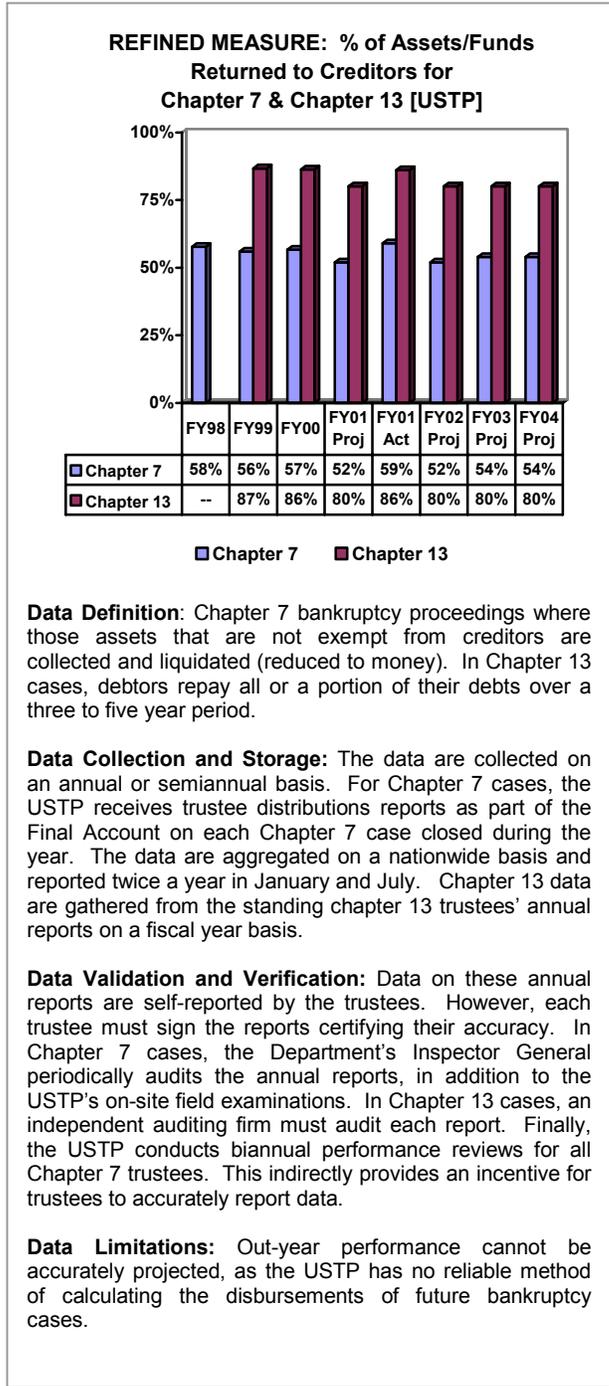
**FY 2001 Target:** 52% Chapter 7  
80% Chapter 13

**FY 2001 Actual:** 59% Chapter 7,  
86% Chapter 13

**FY 2002 Target:** 52% Chapter 7,  
80% Chapter 13

**FY 2002 Actual:** Not Available until  
January 2003.

**Discussion:** USTP has a comprehensive oversight process that ensures cases filed each year are effectively and efficiently moved through the bankruptcy system. USTP audits and evaluates private trustees, follows-up on deficiencies, ensures that old cases are closed promptly, and initiates action when private trustees fail to comply with their obligations. USTP tracks the cost of trustee operations, as well as, distributions to creditors. In particular, the Distribution Report for Closed Asset Cases helps trustees to identify specific distributions in closed asset cases. Finally, USTP’s civil enforcement initiatives, by reducing the amount of fraud and abuse in the system, will increase the amount of funds available for creditors.



***FY 2003 Performance Plan Evaluation:***

Based on FY 2002 performance, we plan to meet our original FY 2003 goal of 54% Chapter 7 and 80% Chapter 13

***FY 2004 Performance Target:*** 54%

Chapter 7; 80% Chapter 13

***Public Benefit:*** Due to USTP oversight and effort, a total of \$886,229,563 in assets was distributed to Chapter 7 creditors in CY 2001 and \$3,153,761,306 in disbursements was distributed to Chapter 13 creditors in FY 2001.

**Strategies to Achieve the FY2003/FY 2004 Goal:**

USTP has a comprehensive oversight process to ensure that the Chapter 7 and 13 cases filed each year are effectively and efficiently moved through the bankruptcy system. USTP audits and evaluates private trustees, follows-up on deficiencies, ensures that old cases are closed promptly, and initiates action when private trustees fail to comply with their obligations. USTP reviews semiannual reports filed by over 1,600 panel and non-panel trustees and trustee final reports for all asset cases. Portions of all trustee operations are closely reviewed each year, through the Office of the Inspector General or private accounting firm audits or on-site examinations by USTP personnel. In addition, the Program's civil enforcement initiatives, by reducing the amount of fraud and abuse in the system, will increase the amount of funds available for creditors.

**Crosscutting Activities:**

USTP works with the trustees and courts as indicated above.

# VIII

## STRATEGIC GOAL EIGHT:

### Ensure Professionalism, Excellence, Accountability, and Integrity in the Management and Conduct of Department of Justice Programs

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Although the Performance Plan's primary focus is on the programmatic goals related to carrying out the Department's mission, achieving these goals depends upon strong and effective management practices. This section addresses the departmental management priorities for the year ahead and displays associated resources for each strategic goal. Due to the fact that this is a companion document to Strategic Plan, Departmentwide priorities cut across all functional and organizational boundaries and address such fundamental issues as integrity and accountability, planning, evaluation, financial management, information technology and human resources. Many of the performance related measures coincide with the goals and objectives within the President's Management Agenda; therefore, when necessary, annual performance for the President's Management items appear in that section.

**STRATEGIC OBJECTIVE & ANNUAL GOAL 8.1: INTEGRITY AND PROFESSIONALISM**

Promote integrity and professionalism to ensure the fair and impartial administration of justice

Through the Office of the Inspector General (OIG) and the Office of Professional Responsibility (OPR), the Department will ensure that Department attorneys and law enforcement personnel meet the highest ethical standards, strengthen program accountability and performance and pursue allegations of fraud, waste, and abuse. These priorities are Department wide.

**STRATEGIC OBJECTIVE & ANNUAL GOAL 8.2: FINANCIAL MANAGEMENT**

Strengthen internal financial systems and promote the efficient and effective use of resources to ensure public trust and confidence

DOJ and its components continue substantive progress in resolving challenges in the areas of financial management and information technology management. As a part of this effort, departmental components will continue to enhance, implement, and maintain financial management systems that substantially comply with federal financial management system requirements, applicable federal accounting standards, and the U.S. Standard General Ledger at the transaction level. Components will continue to focus on ensuring that all financial systems meet federal standards, and that the weaknesses in accounting and reporting practices disclosed in the financial audits are addressed. The Department will also place emphasis on building stronger linkages among planning, budgeting, and resource allocation processes; establishing improved management and performance data systems; and evaluating and assessing priority programs and operations. In early FY 2004, installation of the new Unified Financial Management System will begin.

**STRATEGIC OBJECTIVE & ANNUAL GOAL 8.3: GRANT MANAGEMENT**

Develop and maintain grant management accountability mechanisms to ensure proper dispensation and monitoring of funds

The Office of Justice Programs (OJP) and the Office of Community Oriented Policing Services (COPS) are the primary grant-making components within the Department of Justice. Since the 1990's, the Department has experienced large increases in its grant funding due to the passage of the Violent Crime Control and Law Enforcement Act of 1994

(the Crime Act), the Violence Against Women Acts I & II, and other significant legislation. Comprehensive grant management and monitoring is essential to ensure the proper administration of programs and reduce the opportunity for fraud, waste and abuse of Departmental funds. During FY 2000, OJP began electronically certifying awards through the Grants Management System, consistent with Public Law 106-107, the federal Financial Assistance Management Improvement Act of 1999, to ease public access to Federal grant programs and reduce the flow of paper award packages. The Department will strengthen accountability mechanisms through the continued improvements to the automated Grants Management System and continue to ensure proper disbursement and monitoring of funds through audits, training, site visits, and technical assistance.

**STRATEGIC OBJECTIVE &  
ANNUAL GOAL 8.4: INFORMATION  
TECHNOLOGY**

Improve the integrity and security of computer systems and make more effective use of information technology

The Department has a strong commitment to the Administration's efforts to provide the public with efficient and secure electronic access to government services. Information technology (IT) is a catalyst that will transform the way departmental components perform business functions, interact with other government agencies, and deliver services to the public.

Currently, there are several initiatives underway in the Department to develop and extend e-government services and information. An excellent example is the Office of Justice Programs' (OJP) successful implementation of its electronic grant application and review processes called the Grants Management System. OJP expects to provide state, local, and tribal government agencies the ability to complete all of their transactions with OJP electronically (see Strategic Objective 8.3). Also, the Immigration and Naturalization Service (INS) is assessing all of its business processes and plans, over several

years, to automate a large number of transactions with its customers.

This ongoing commitment to electronic government while maintaining current IT capabilities, without significant growth in resources, places increased importance on capital investment, architecture, and security. Sound IT capital programming processes will help to ensure a clear focus on service and performance in terms of timely investment in new technologies and wise management of legacy systems. The developing enterprise architecture will complement capital programming with a business framework for IT technical infrastructure. Finally, strong commitment to security is necessary to protect information and infrastructure by thwarting computer intrusions, protecting individual privacy, and combating cybercrime.

**STRATEGIC OBJECTIVE &  
ANNUAL GOAL 8.5: HUMAN RESOURCES**

Strengthen human resource recruitment, and retention and performance to ensure a workforce that is skilled, diverse and committed to excellence

Current assessment of recruitment and retention issues in the Department indicates that recent efforts to attract and retain qualified Border Patrol Agents have been successful.

As a result of initiatives implemented in FY 2000, the INS has been able to overcome difficulties in hiring Border Patrol Agents. Through the use of trained Border Patrol Agents, an advertising campaign, hiring bonuses, and reducing the length of the pre-employment process, INS attracted over 91,000 qualified applicants. INS anticipates opening the hiring register three times a year.

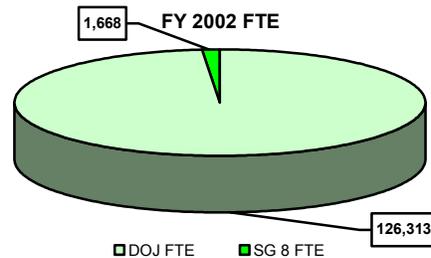
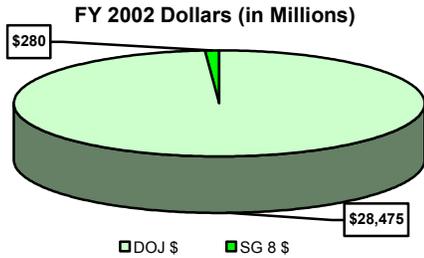
## PERFORMANCE SUMMARY

Strategic Objective, Page #		Performance Measure/ Indicator	Was the Target Achieved			FY 2002 Performance		
			Yes	No	N/A	Target	Actual	Performance Improvement From FY 2001
8.1	208	Investigations Closed <ul style="list-style-type: none"> <li>Actual Cases Closed</li> <li>Projected Cases Closed</li> <li>Closed Cases Substantiated</li> </ul>	■		■	N/A 600 N/A	614	
8.1	210	Investigations of Alleged Professional Misconduct by DOJ Attorneys <ul style="list-style-type: none"> <li>Investigations Completed</li> <li>Professional Misconduct Found</li> </ul>		■	■	80 N/A	76 23	
8.2	212	% of Eligible Service Contract Dollars Using Performance Based Contracting	■			20%	24%	
8.2	213	DISCONTINUED MEASURE: % Contracts \$25,000+ Posted Online <ul style="list-style-type: none"> <li>Synopses</li> <li>Solicitations</li> </ul>	■			100% 100%	100% 100%	
8.2	PMA	Conduct A-76 Program Competitions and Accurate FAIR Act Inventories						
8.2	PMA	Budget and Performance Integration						
8.3	215	# of Financial Reviews Conducted	■			990	1,020	
8.3	215	% of Grants Administered Through a Centralized Paperless System	■			80%	84%	
8.4	216	DOJ IT Investments Managed Through the Approved ITIM Processes	■			50%	89%	
8.4	217	% of Information Systems Certified and Accredited by the Component		■		90%	80%	Comprehensive review of DOJ's IT systems continues
8.4	218	MEASURE REFINED: % of Information System with a Tested Contingency Plan		■		40%	34%	
8.4	220	% of GPEA Information Collections Under the PRA Converted to Electronic Format		■		32%	21%	DOJ's continues to work to meet standards of OMB's fully electronic option
8.5	222	DISCONTINUED MEASURE: Border Patrol Agents On-Board		■		10,377	10,052	Creation of the TSA affected INS' ability to retain border patrol agents
8.5	PMA	Streamline Organizations within the Department						

**RESOURCES**

Appropriation		FY 2002 FTE	FY 2002 Actual \$ (millions)	FY 2003 FTE	FY 2003 Request \$ (millions)	FY 2004 FTE	FY 2004 Request \$ (millions)
8.1	General Administration	188	23	227	24	211	23
8.1	Independent Counsel	--	5	--	10	--	10
8.1	Office of Inspector General	384	50	444	59	448	62
8.1	Office of Pardon Attorney	15	2	15	2	15	2
<i>Subtotal 8.1</i>		<b>587</b>	<b>\$80</b>	<b>686</b>	<b>\$95</b>	<b>674</b>	<b>\$97</b>
8.2	General Administration	40	5	44	15	41	30
8.2	Working Capital Fund	210	--	227	--	227	--
<i>Subtotal 8.2</i>		<b>250</b>	<b>\$5</b>	<b>271</b>	<b>\$15</b>	<b>268</b>	<b>\$30</b>
8.3	<i>Resources shown under SG 3</i>	--	--	--	--	--	--
8.4	General Administration	30	4	35	4	33	4
8.4	Working Capital Fund	288	--	305	--	305	--
8.4	Legal Activities Office Automation	--	16	--	16	--	33
8.4	Identification Systems Integration	4	12	9	24	16	34
8.4	Narrowband Communications	11	117	12	149	12	140
<i>Subtotal 8.4</i>		<b>333</b>	<b>\$149</b>	<b>361</b>	<b>\$193</b>	<b>366</b>	<b>\$211</b>
8.5	General Administration	374	46	438	54	419	60
8.5	Working Capital Fund	124	--	191	--	191	--
<i>Subtotal 8.5</i>		<b>498</b>	<b>\$46</b>	<b>629</b>	<b>\$54</b>	<b>610</b>	<b>\$60</b>
<b>TOTAL SG 8</b>		<b>1,668</b>	<b>\$280</b>	<b>1,947</b>	<b>\$357</b>	<b>1,918</b>	<b>\$398</b>

**RESOURCE COMPARISON: Strategic Goal to Total DOJ \$ and FTE**



**Required Skills**

OPR requires experienced attorneys familiar with the Model Rules of Professional Conduct and State bar rules, Federal Criminal Code and Rules of Procedure, Federal Rules of Civil Procedure, and DOJ procedural and ethical guidelines, as well as paralegals and program analysts. Federal Criminal Code and Rules of Procedure, Federal Rules of Civil Procedure, and DOJ procedural and ethical guidelines, as well as paralegals and program analysts. Skilled investigators, auditors, program analysts, attorneys, and support staff are required for the mission of the OIG. Required skills for both OIG and OPR include interviewing and interrogation techniques, research and analytical skills, report writing, statistical sampling, and computer skills. In addition, criminal investigators require expertise in legal and statutory elements of crime, firearms, and physical training.

DOJ Finance requires the skills of accountants, financial, budget, program, and system analysts. Procurement personnel must be skilled in Performance Based Contracting; the preparation of a Statement of Work and a Quality Assurance Plan; and developing effective positive and negative performance incentives. Personnel involved in coordinating FAIR Act inventories within their components must understand the provisions of the Act and must have an understanding of the nature of positions, functions, and activities in their organizations. Employees responsible for making cost comparisons for decision-makers regarding outsourcing must understand the elements of the work to be performed as well as cost-benefit analysis.

In terms of skills required, to complete its grant-making mission, OJP requires the skills of accountants, financial, budget, program, management, and system analysts.

IT and systems management require skills such as network management, Internet, and security skills in all Department components. IT staff must demonstrate expertise in current and emerging technologies and be capable of preparing business justifications and managing technology development and maintenance.

Personnel skilled in recruitment are needed as well as personnel involved in reviews and studies attempting to identify opportunities for streamlining and delayering should be competent in business process re-engineering principles and practices, organizational theory, work process flow analysis, group dynamics, work teams and existing personnel rules and regulations.

**Information Technology Utilized**

OPR uses the Bibliographic Retrieval System case tracking system. The OIG relies upon the Investigations Data Management System (IDMS), which consists of eight computer-based, and four paper-based systems; through which the OIG Investigations Division records and monitors the status of allegations and the progress of investigations. The OIG Investigations Division Monthly Investigative Activity Report provides information that is not tracked in IDMS, such as types and amount of seizures, integrity briefing activity, etc. The OIG Investigations Division Administrative Database tracks the distribution and receipt of customer surveys on completed investigative reports. The OIG Audit Division Management System consists of information that the regional Audit offices provide to headquarters on the status of assignments and the number of workdays expended monthly. The OIG Evaluation and Inspections Division Management Tracking System tracks all assignments by project and report numbers, and includes employee workhours and other information. Additionally, it consolidates biweekly and monthly reports submitted to senior management.

Modern financial systems are required to meet federal financial systems requirements. Components of the Department are in the process of implementing new financial systems or enhancing existing systems. The Federal Data Procurement System is used to track the volume of contract activity and the Organizational Structure and Manpower Analysis Report is used to determine characteristics of on-board employees.

With respect to information technology, in support of its grant-making mission, OJP's Integrated Financial Management Information System (IFMIS) is the official system of record for all OJP funding, commitments, obligations, expenditures, and payments OJP's Grant Management System (GMS) and IFMIS enable end-to-end Internet based grant application, award, and payment for the Local Law Enforcement Block Grant (LLEBG), State Criminal Alien Assistance Program (SCAAP) and the Bullet Proof Vest (BPV) grant program.

The COPS Office uses its COPS Management System (CMS) to track grants from application receipt to closeout. This system includes the Issue Resolution Module, which tracks compliance issues from discovery to resolution, and the Audit Management System, which tracks audit milestones from inception through closure. In FY 2002, the COPS Office will migrate to the new Financial Management Information Systems 2 (FMIS 2).

Computer laboratories must be funded and maintained to evaluate new technologies and products before wide-scale deployment. Help desk and operations staff will provide support services to ensure availability of office automation technologies to all users. There is increasing use of web technology for information access and dissemination.

**PROGRAM EVALUATIONS**

There are no program evaluations planned for FY 2003.

## STRATEGIC OBJECTIVE & ANNUAL GOAL 8.1: INTEGRITY AND PROFESSIONALISM

Promote integrity and professionalism to ensure the fair and impartial administration of justice

### 8.1A Ensure Departmental Integrity

#### Background/Program Objectives:

In order for its programs and activities to be effective, all Department personnel, contractors, and grantees must conduct themselves in accordance with the highest standards of integrity, accountability, and efficiency. The Office of the Inspector General (OIG) was established to detect and prevent misconduct and mismanagement on the part of the Department's personnel and programs. OIG investigates alleged violations of criminal and civil laws, regulations, and ethical standards arising from the conduct of the Department's employees in their numerous and diverse activities. OIG provides leadership and assists management in promoting integrity, economy, efficiency, and effectiveness within the Department and in its financial, contractual, and grant relationships with others using the coordinated efforts of OIG's investigative, audit, and inspection resources.

#### Performance:

**Performance Measure:** Investigations Closed [OIG]

**FY 2002 Target:**

600 Investigations Closed

**FY 2002 Actual:**

614 Investigations Closed;

181 Closed Cases Substantiated

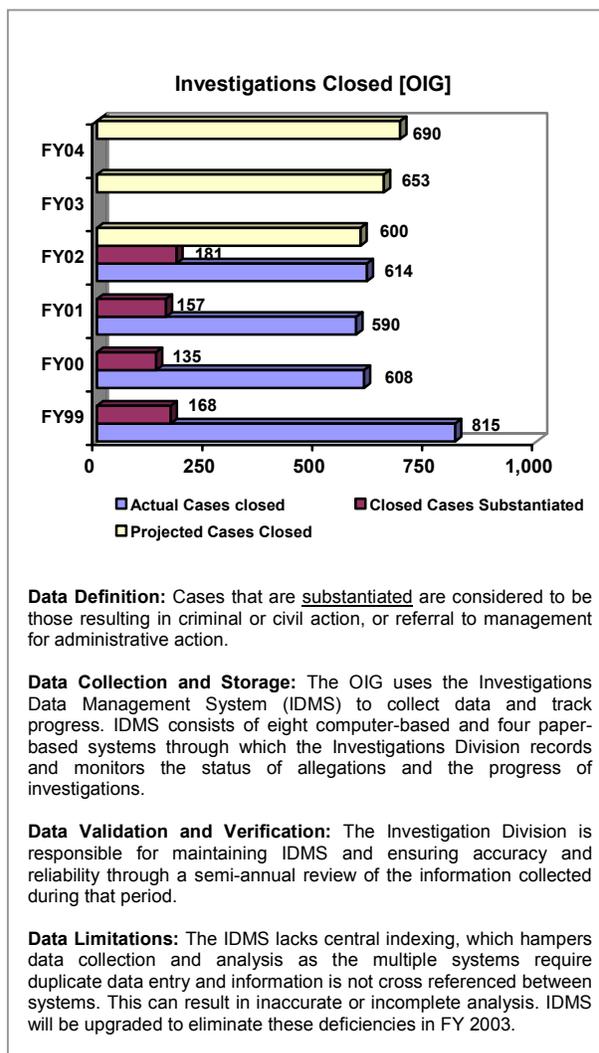
**Discussion:** The OIG exceeded its target, as a result of its focus in this area.

**FY 2003 Performance Plan Evaluation:**

Based on FY 2002 performance, we plan to meet our original FY 2003 goal of 653 Investigations Closed.

**FY 2004 Performance Target:** 690 Investigations closed.

**Public Benefit:** The detection and deterrence of misconduct in programs and operations within or financed by the Department helps ensure the fair and impartial administration of Justice.



#### Strategies to Achieve the FY2003/FY 2004 Goal:

In FY 2003 and 2004, OIG will investigate allegations of bribery, fraud, abuse, civil rights violations, and violations of other laws and procedures that govern Department employees, contractors, and grantees, and will develop cases for criminal prosecution and civil and administrative action. OIG will use its audit and inspections resources to review Department

programs or activities identified as high priority areas in the Department's strategic plan and devote resources to review of the OIG Top Ten management issues.

**Crosscutting Activities:**

These measures are largely internal to DOJ and are administered by the OIG.

## 8.1B Provide Professional Oversight

### Background/Program Objectives:

The Department, through its Office of Professional Responsibility (OPR), will continue to ensure that Department attorneys meet and maintain the high ethical standards expected of the nation's principal law enforcement agency. Specifically, OPR reviews and investigates allegations of professional misconduct by Department attorneys, investigators, or law enforcement personnel where the allegations relate to the exercise of an attorney's authority to investigate, litigate, or provide legal advice. Through the performance of OPR, the Department seeks to ensure that Department attorneys, and investigative and law enforcement personnel working with the attorneys, comply with obligations and standards imposed by law, applicable rules of professional conduct, or Department regulations or policy, and that instances of failure to comply with those standards are identified and attorneys appropriately disciplined.

### Performance:

**Performance Measure:** Investigations of Alleged Professional Misconduct by DOJ Attorneys [OPR]

**FY 2002 Target:** 80 Investigations

**FY 2002 Actual:** 76 Investigations; 23 instances of Professional Misconduct Found

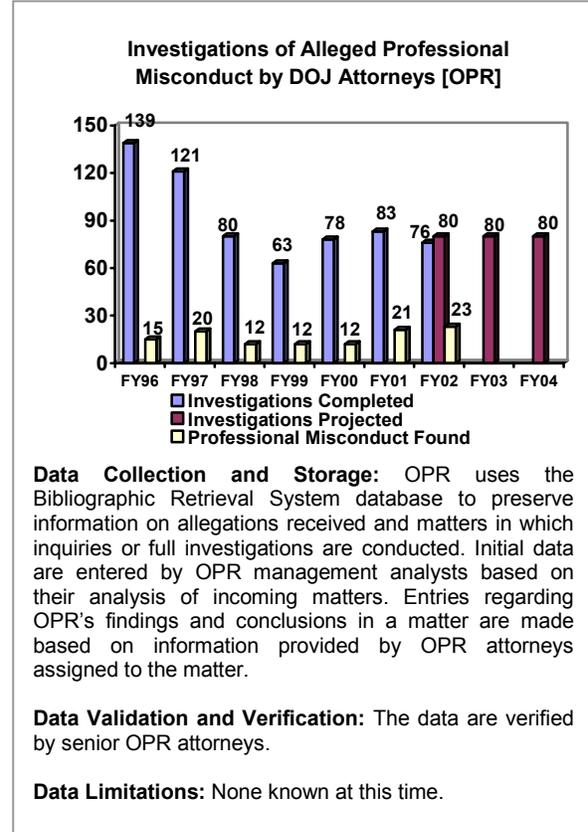
**Discussion:** Despite fluctuations in the level of attorney and non-attorney staffing, OPR was able to achieve 95% of target for FY 2002 performance.

**FY 2003 Performance Plan Evaluation:**

Based on FY 2002 performance, we plan to meet our original FY 2003 goal of 80 investigations.

**FY 2004 Performance Target:** 80

**Public Benefit:** In the successful accomplishment of its mission OPR ensured that Department attorneys performed their duties in accordance with the professional standards expected of the nation's principal law enforcement agency. Allegations of serious misconduct were promptly and thoroughly investigated. Attorneys who were found to have engaged in professional misconduct were disciplined fairly and uniformly, and these matters were referred to the relevant state bar. Trends in misconduct allegations were brought to the attention of Senior Department Executives for appropriate follow-up action. OPR provided training and participated in



presentations on matters of professional responsibility within and outside the Department to increase the public's confidence in the commitment of the Department to the highest professional standards and accountability of its attorneys.

### Strategies to Achieve the FY2003/FY 2004 Goal:

OPR recently modified internal procedures to simplify the process by which investigating attorneys close matters that do not warrant full investigations, thereby enabling OPR to devote more resources to closing full investigations. OPR will continue to review allegations of professional misconduct to determine whether they are within OPR's jurisdiction, and to conduct such investigations as are warranted to determine whether professional misconduct occurred. In addition, OPR will electronically search court decisions published in electronic databases in order to ensure that instances of serious judicial criticism and judicial findings of misconduct are referred to, and reviewed by, OPR. In matters where full

investigations are conducted, OPR will continue to seek to resolve those matters within one year of initiation of the investigation. At the conclusion of the investigation, OPR will provide a report of investigation containing its findings and conclusions to the head of the Department component involved.

While the number of findings of professional misconduct appears likely to remain fairly level, OPR's investigations ensure that matters presenting even the appearance of impropriety receive close review. OPR will periodically review allegations received in order to identify trends and bring such trends to the attention of the Attorney General or the appropriate component head.

**Crosscutting Activities:**

These measures are largely internal to DOJ and are administered by OPR.

## STRATEGIC OBJECTIVE & ANNUAL GOAL 8.2: FINANCIAL MANAGEMENT

Strengthen internal financial systems and promote the efficient and effective use of resources to ensure public trust and confidence

### 8.2A Obtain a Department-wide Unqualified Audit Opinion and Resolve Financial Management Weaknesses

Full discussion of this topic has been moved to the new PMA section on Improved Financial Management.

### 8.2B Achieve Procurement Reform

#### Background/Program Objectives:

DOJ has been participating in two Government-wide procurement initiatives. The first is to encourage the use of performance-based contracts. DOJ will continue to promote the use of performance-based service contracts, where solicitations are structured around the purpose of the work to be performed, rather than the manner in which it is to be performed. Department leadership will encourage contracts that are designed to ensure that: contractors are given freedom to determine how to meet the Government's performance objectives; appropriate performance quality levels are achieved; and payment is made only for services that meet these levels. As a result, the Government should experience fewer cost overruns, schedule delays, and performance problems. The second, the Central Contractor Registration database is an online database serving as the Government-wide single point of vendor registration. It is the single validated source data on vendors doing business with the Government. The Central Contractor Registration database will be established during FY 2003.

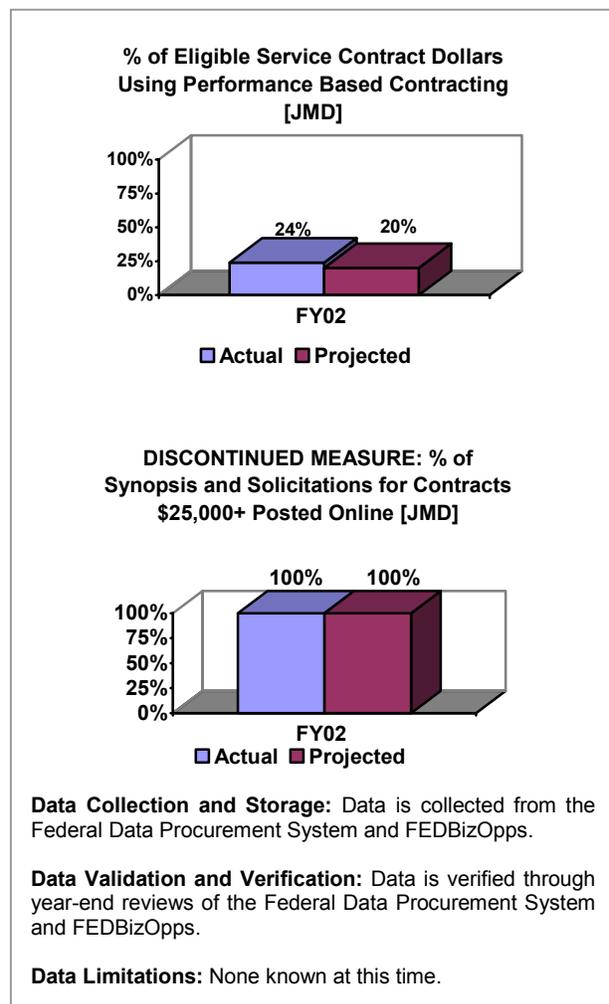
#### Performance:

**Performance Measure:** Percent of Eligible Service Contract Dollars Using Performance-Based Contracting [JMD]

**FY 2002 Target:** 20 %

**FY 2002 Actual:** 24.5%

**Discussion:** DOJ provided information about performance-based contracts to bureau procurement organizations as well as direct



assistance in ongoing procurements. As a result, program and procurement personnel were better able to identify and target the types of contracts most amenable to performance based contracts

techniques and to craft appropriate contract vehicles for these relatively complex types.

***FY 2003 Performance Plan Evaluation:***

The OMB Office of Federal Procurement Policy (OFPP) is re-evaluating performance based contracting. At the time of this plan, there is not an established goal for FY 2003.

***FY 2004 Performance Target:*** OFPP is re-evaluating performance based contracting. At the time of this plan, there is not an established goal for FY 2004.

***Public Benefit:*** See below.

***Performance Measure:*** DISCONTINUED MEASURE: Percent of Synopsis and Solicitations for Contracts \$25,000+ Posted Online [JMD]

***FY 2002 Target:*** 100 %

***FY 2002 Actual:*** 100 %

***Discussion:*** DOJ completed its integration with the governmentwide point-of-

entry, [www.FedBizOpps.gov](http://www.FedBizOpps.gov). This provides the public with electronic access to synopses of proposed contract actions, solicitations, and associated information for Government business opportunities that are greater than \$25,000.

***Public Benefit:*** These methods should lead to more cost-effective acquisitions, better value, and greater competition.

**Strategies to Achieve the FY2003/FY 2004 Goal:**  
N/A

**Crosscutting Activities:**

These measures are largely internal to DOJ.

**8.2C Conduct A-76 Program Competitions and Accurate FAIR Act Inventories**

Full discussion of this topic has been moved to the new PMA section on Competitive Sourcing.

**8.2D Budget and Performance Integration**

Full discussion of this topic has been moved to the new PMA section on Budget and Performance Integration.

## STRATEGIC OBJECTIVE & ANNUAL GOAL 8.3: GRANT MANAGEMENT

Develop and maintain grant management accountability mechanisms to ensure proper dispensation and monitoring of funds

### 8.3A Achieve Effective Grant Management

#### **Background/ Program Objectives:**

In an effort to reduce duplication, improve customer service, and strengthen grant oversight, OJP submitted its two-part plan for internal reorganization to the Hill for review and approval. Within the plan, OJP will be consolidating the functions of several support offices that will result in improved responsiveness, assistance and accountability to all customers; elimination of duplicative efforts and overlaps within OJP Bureaus; development of measurable grant and program outcomes; and enhanced communication, cooperation, coordination, and efficiency. The Department has been moving toward implementation of an automated Grants Management System since FY 1999. When fully operational, the Department will be able to fully administer all grants through a centralized, paperless system and electronically process and track grants from application to closeout. This will allow grantees to receive and submit applications, receive awards electronically, reduce the paperwork required by grantees, and standardize the process within program offices. In addition, GMS will assist in setting priorities for program monitoring and facilitate timely program and financial reports from grantees.

Each year, OJP develops a risk-based monitoring plan that considers inherent programmatic and recipient risks, including the amount of funding at risk, known problems, special requests, and a random sample of active awards. OJP currently initiates financial monitoring (covering both OJP and COPS grant programs) and has achieved a reputation for having few reportable problems. When rare instances of waste, fraud, or abuse are reported, OJP quickly responds with direct technical assistance to the recipients to correct serious problems or to the investigators in bringing about appropriate criminal prosecutions. Financial monitoring provides our financial auditors assurance with regard to safeguarding

agency assets and the accuracy of recipient-reported expenditures and related expenditure accrual, one of the largest components of our audited financial statements. Following financial review, OJP's staff provides technical assistance on the recommendations made until all recommendations have been implemented. Once it has been determined that the grantee has sufficiently addressed all issues, the review is officially closed in writing.

The COPS monitoring program has several elements, which assess how grantees are using federal funds, determine to what extent grantees are implementing community policing, and identify potential compliance issues. COPS develops and then shares its site visit monitoring plan with the Office of the Inspector General (OIG), which also selects a number of COPS grantees for review. Site visits yield detailed documentation of how COPS funds are being used, allow COPS to observe the implementation of COPS grants, and reveal the level to which individual jurisdictions have adopted the community policing philosophy in field activities. The agency complements site visits with office-based grant reviews, which begin with an internal review of grant documentation followed by direct contact with the grantee and the collection of additional and/or supporting documentation demonstrating compliance with grant requirements. The COPS Office has centralized its compliance resolution process and developed the Issue Resolution Module, a COPS-wide automated system that allows for the identification and status tracking of specific grantee issues.

**Performance:**

**Performance Measure:** Number of Financial Reviews Conducted [OJP]

**FY 2002 Target:** 990

**FY 2002 Actual:** 1,020

**Discussion:** OJP exceeded the target conducting a combination of 456 on-site reviews and 564 in-house financial reviews.

**FY 2003 Performance Plan Evaluation:**

Based on FY 2002 performance, we plan to meet our original FY 2003 goal of 990 financial reviews.

**FY 2004 Performance Target:** 990

**Public Benefit:** The risk-based financial monitoring plan provides assurance to our financial auditors, Congress, and the public, that OJP is minimizing the risk of waste, fraud, and abuse.

**Performance Measure:** Percent of Grants Administered Through a Centralized Paperless System (OJP Bureau and Program Offices) [OJP]

**FY 2002 Target:** 80%

**FY 2002 Actual:** 84%

**Discussion:** OJP exceeded the target by 4% administering 12,714 awards through a centralized paperless system. Of the 12,714, a total of 11,756 (4%), were processed through an automated Grants Management System. OJP achieved this goal by requiring that program office solicitations be posted and managed through the system.

**FY 2003 Performance Plan Evaluation:**

Based on FY 2002 performance, we plan to meet our original FY 2003 goal of 84%.

**FY 2004 Performance Target:** 84%

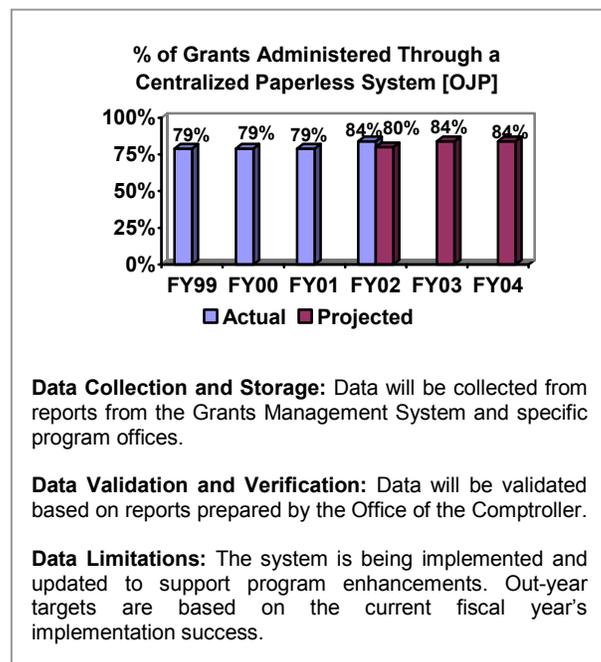
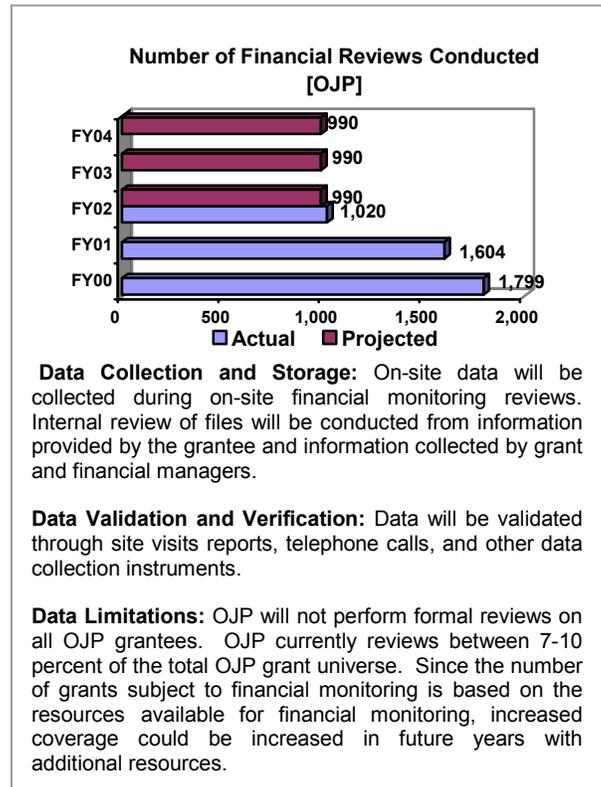
**Public Benefit:** The automated Grants Management System reduces the paperwork burden of grantees and creates a single, auditable, easily accessible, standardized paperless system for grant applications.

**Strategies to Achieve the FY2003/FY 2004 Goal:**

In FY 2004, we will continue to demonstrate continued progress towards full implementation of the Grants Management System as a way of standardizing and streamlining the grant process.

**Crosscutting Activities:**

OJP's Office of the Comptroller works with internal program offices as well as with the GAO and the OIG.



## STRATEGIC OBJECTIVE & ANNUAL GOAL 8.4: INFORMATION TECHNOLOGY

Improve the integrity and security of computer systems and make more effective use of information technology (IT)

### 8.4A Ensure IT Investments are Cost Effective and Meet Programmatic and Customer Needs

#### Background/Program Objectives:

Under the direction of the DOJ Chief Information Officer (CIO), the Department provides leadership and policy direction to IT programs in over 30 component organizations with widely divergent missions and funding. Cost-effective maintenance of current technology and timely adoption of new technology across the Department increasingly require coordinated management of technical, budgetary, and programmatic issues that impact IT investment.

The Department has established a formal IT investment management (ITIM) policy and process to ensure that investment decisions are aligned with the strategic goals of the Department, are well-planned and justified, fit within the Department's overall IT strategy and enterprise architecture, and are managed effectively throughout the lifecycle.

#### Performance:

**Performance Measure:** DOJ IT Investments Managed Through the Approved ITIM (IT Management Investment) Process [JMD]

**FY 2002 Target:** 50%

**FY 2002 Actual:** 89%

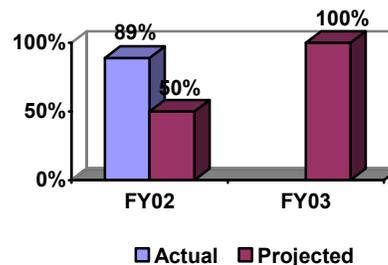
**Discussion:** In FY 2002, 17 of 19 components received approval from the CIO on their initial ITIM process and implementation schedules. These components meet the required criteria to ensure all information technology related projects are aligned with the strategic goals of the Department. The ITIM is designed to ensure disciplined management of IT investments and the involvement of Department and component leadership in the assessment of cost, risk, and return for all proposed expenditures on IT.

**FY 2003 Performance Plan Evaluation:**

Based on FY 2002 performance, we plan to meet our original FY 2003 goal of 100%.

**FY 2004 Performance Target:** N/A

DOJ IT Investments Managed Through the Approved ITIM Processes [JMD]



**Data Collection and Storage:** Performance data for this indicator will be drawn from the A -11 Exhibit 300 B which is submitted to OMB annually as part of the budget.

**Data Validation and Verification:** Component and departmental managers reviews data.

**Data Limitations:** Potential comparability issues across components.

**Public Benefit:** Implementation of an effective, structured ITIM process will ensure that IT investments are coordinated, systematically selected based on their merits in supporting mission accomplishment, and conform to appropriate standards. Overall, ITIM will help maximize the value of IT spending.

**Strategies to Achieve the FY2003/FY 2004 Goal:** We will continue to monitor and assess the ITIM process implementation in DOJ components.

#### Crosscutting Activities:

These measures are largely internal to DOJ.

## 8.4B Ensure IT Security

### Background/Program Objectives:

To identify IT system vulnerabilities throughout the Department, the CIO's staff launched an intensive certification and accreditation initiative in 2000 involving all components. The Department developed the Security Management and Report Tracking (SMART) database to track security weaknesses and planned corrective actions identified through the certification and accreditation process and in other security reviews, such as IG audits and penetration tests. The Department has continued to update, upgrade and fine-tune the system. In addition, a major effort has been made to enter data for all systems not previously identified in earlier system assessments, update existing information on component systems and input the results of various types of system and program reviews. This program is central to assuring the public's trust that information and IT systems in the Department are adequately protected against unauthorized access and use.

### Performance:

**Performance Measure:** Percent of Information Systems Certified and Accredited by the Component [JMD]

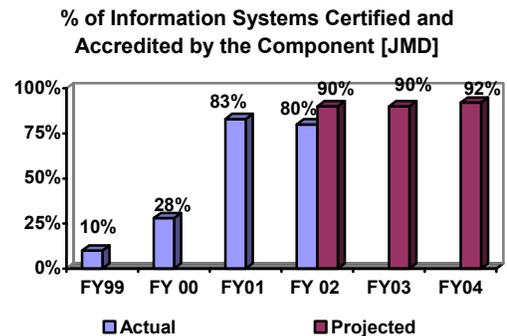
**FY 2002 Target:** 90% (212 of 235)

**FY 2002 Actual:** 80% (209 of 275)

**Discussion:** The Department employed several methods to conduct a more comprehensive and detailed review of its IT security program. To meet the Government Information Security Reform Act (GISRA) requirements for annual system reviews and to identify vulnerabilities for correction, Department components conducted self-assessments on over 168 systems in addition to new certifications and accreditations. The Department's original goal was based on the number of systems previously identified. However, in the past year, additional systems have been identified and new ones developed. As a result, even though the absolute number of systems reviewed increased, the percentage fell short of our target.

In the past year, the Department has made significant progress in meeting its objectives and implementing the requirements of the Security Act. These accomplishments include:

- Appointment of a CIO with a specific mandate



**Data Collection and Storage:** Data for this indicator are based on project oversight statistics. The data is maintained and updated in a central database.

**Data Validation and Verification:** Project oversight statistics are based on component self-reporting. An outside contractor will ensure the certification results through independent verification and validation.

**Data Limitations:** DOJ is revalidating the universe of systems to ensure comprehensive coverage of the certifications and accreditation project. Consequently, the FY 1999 percent reported on the accompanying chart may be based on an overlapping, but slightly different universe of systems.

from the Attorney General to provide Department-wide leadership in the IT arena, including security;

- Development of an Information Technology Strategic Plan that sets forth a vision and specific initiatives for enhancing information security;
- Continued implementation and refinement of a Department system for tracking all IT security weaknesses and corrective actions;
- Full integration of security into other IT management processes, such as capital planning;
- Initiation of a project to define requirements for a Department-wide public key infrastructure program;
- Initiation of a project to define requirements for a Department-wide security architecture.

Also, the CIO increased information technology security program oversight reporting within the FBI. The FBI is reporting progress on a monthly basis to the CIO and the Department's Security Officer.

**FY 2003 Performance Plan Evaluation:**

The Department is updating this performance measure to accurately reflect the various transfers / changes in the Department’s mission and the recently enacted Department of Homeland Security Legislation. The Revised Final FY 2003 goal is 90%.

**FY 2004 Performance Target: 92%**

**Public Benefit:** Through proper certification and accreditation activities and effective implementation of IT security controls, the Department will be able to ensure its IT investments are appropriately secured from both internal and external threats.

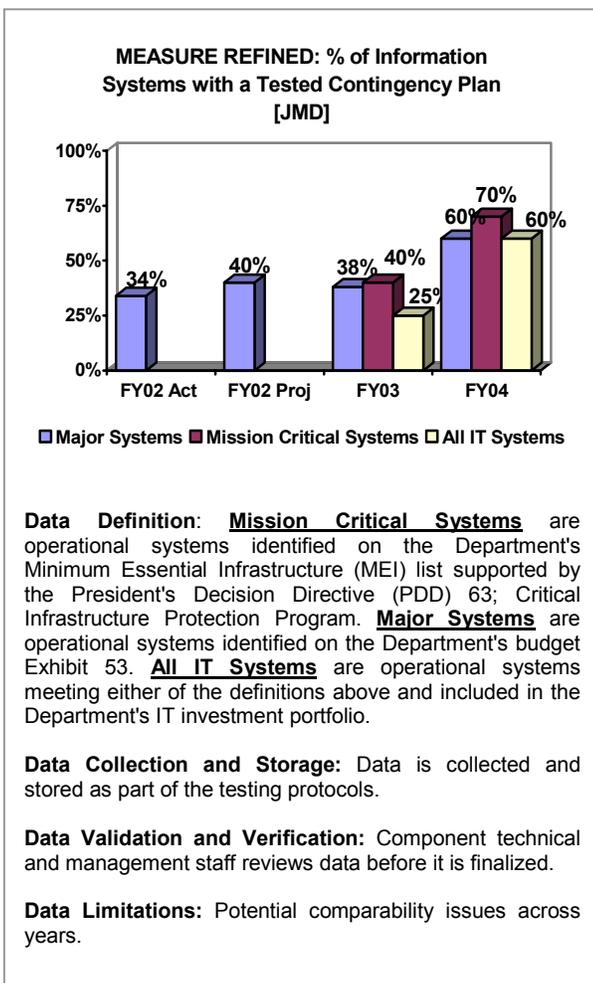
**Discussion:** The Department fell short of its percentage target even though the absolute number of major systems with tested contingency plans increased. This measure is being revised to include the contingency planning activities for all systems throughout the Department.

**FY 2003 Performance Plan Evaluation:**

The Department is updating this performance measure to accurately reflect the priority of mission critical systems and the various transfers / changes in the Department’s mission and the recently enacted Department of Homeland Security Legislation. The FY 2003 goal for contingency planning will be divided into three measures: Mission Critical Systems: 40%; Major Systems: 38% and All Systems: 25%.

**FY 2004 Performance Target:** Mission Critical Systems: 70%; Major Systems: 60%; All Systems: 60%.

**Public Benefit:** This measure assesses not only whether major information systems have contingency plans but also whether those plans have actually been tested. In the current threat environment, it is especially critical that plans be in place that will ensure rapid recovery from any incidents disrupting services and operations.



**Strategies to Achieve the FY2003/FY 2004 Goal:**

The results of the initial certification and accreditation initiative will continue to help identify individual system weaknesses and crosscutting areas for intervention and monitoring throughout the Department during FY 2003 and FY 2004. To further this process, the Department will use the security management and reporting tool (SMART) to develop the foundation for system plan and milestones to ensure component actions are completed to close system security gaps. The reports generated from SMART reveal that most common vulnerabilities in DOJ systems are related to audit, authentication, contingency planning, management controls, documentation, and configuration management.

These revised measures will ensure the Department’s security program performance continues to demonstrate its commitment to meet challenges now and in the future. Furthermore, the Department has been adopting the National Institute for Standards Technology (NIST) performance measures, tools and techniques to further strengthen our IT security program and

**Performance Measure:** MEASURE REFINED: Percent of Information Systems with a Tested Contingency Plan [JMD] (Formerly: % of Major Systems with a Tested Contingency Plan)

**FY 2002 Target:** 40%

**FY 2002 Actual:** 34%

show measurable progress. The ASSET tool, designed to facilitate the required, periodic self-assessment of IT systems, was used throughout the Department to record self assessment activities and combine results into Department-level reports for the FY2002 GISRA reporting cycle. We are discussing ways to make the ASSET tool more responsive and effective with NIST and we expect to continue its use. The Department is following NIST guideline developments closely and incorporating them into Department policy and guidance wherever possible. OMB's GISRA reporting guidance regarding specific reporting measures has been fully implemented, including the development of corrective action plans and quarterly status meetings and updates.

Additional information on the IT security program can be found in the Department of Justice *Information Technology Strategic Plan*, July 2002, and the *Department of Justice Information Security Report for the Government Information Security Reform Act*, September 2002.

**Crosscutting Activities:**

These measures are largely internal to DOJ.

## 8.4C Expand Electronic Access and Dissemination of Department Information

### Background/Program Objectives:

The essence of the Government Paperwork Elimination Act (GPEA) is to provide citizens, businesses, and governmental agencies the option of conducting business with the Federal Government through electronic means. OMB considers that the information collections under the Paperwork Reduction Act (PRA) are the most significant transactions that should offer an electronic option as required by GPEA. Implicit within GPEA is transforming business processes to make them faster, more efficient, and more citizen-centric—key objectives of the “Expanded Electronic Government” initiatives in the President’s Management Agenda. Aggressive implementation of “eGovernment” initiatives is a priority of the Department’s IT Strategic Plan. The Department submitted the *FY 2003 – FY 2004 eGovernment Implementation Plan* to Office of Management and Budget (OMB) in October 2002.

### Performance:

**Performance Measure:** Percent of Information Collections Under the PRA Converted to Electronic Format [JMD]

**FY 2002 Target:** 32%

**FY 2002 Actual:** 21%

**Discussion:** The percentage figure reported for FY 2002 Actual is predicated on the more stringent requirement of a fully electronic option. According to OMB, a fully electronic option for a PRA collection is one that has no compulsory paper-based reporting requirements, signatures, correspondence, or dissemination to or with the respondents. GPEA demands only that an electronic option be available, e.g., fillable and/or downloadable forms accessible on the web. Because of the large number of INS forms available on the Internet, the performance measure for FY 2002 Actual would increase to 47% if this definition were invoked. These two figures clearly bracket the FY 2002 target.

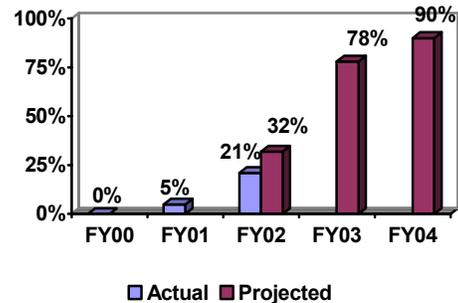
#### **FY 2003 Performance Plan Evaluation:**

Based on FY 2002 performance, we have revised our FY 2003 downward. The Revised Final FY 2003 goal is 78%.

**FY 2004 Performance Target:** 90%

**Public Benefit:** The growing number of information collections with electronic options

**% of GPEA Information Collections Under the PRA converted to Electronic Format [JMD]**



**Data Collection and Storage:** Data are collected and stored centrally and consolidated annually for this report.

**Data Validation and Verification:** Data are reviewed at the component and Department level.

**Data Limitations:** As this tracking requirement is new, there may be initial data limitations, as well as potential comparability issues across components.

provides greater convenience and efficiency for both citizen and business transactions with the Federal government. Two examples of information collections that went electronic in FY 2002:

The Student and Exchange Visitor Information System (SEVIS) enables schools and program sponsors to transmit electronic information and event notifications via the Internet to the INS and the Department of State throughout a student or exchange visitor’s stay in the U.S. The initial operational phase of SEVIS began July 1, 2002.

The Office of Attorney Recruitment Management distributes application booklets for the Attorney General’s Honors Program and the Summer Law Intern Program. The application booklets describe the Programs’ criteria and solicit information from applicants interested in entry-level attorney positions and summer law intern positions within the Department of Justice. This information facilitates interviewing and hiring decisions. As of August 1, 2002, the application booklets have been available on the Internet for fully-transactional use (completion and electronic submission).

**Strategies to Achieve the FY2003/FY 2004 Goal:**

The Department will evaluate completed GPEA projects and draw from these best practices and candidates for solutions that can be applied to other projects as well as seek out best practices and/or solutions from other Federal agency sources. The CIO will require component project plans for each of the DOJ priority GPEA projects, and will monitor these plans monthly thereafter.

**Crosscutting Activities:**

The Department will continue to work across organizational boundaries and collaborate on joint solutions, such as the Administration's eGovernment Initiatives and other e-government initiatives. Examples of these include, the Department's participation in 17 of the 24 eGovernment Initiatives, and its major role in 4 of the project initiatives: Wireless communications inter-operability, Electronic Grants, Electronic Records, and Electronic Authentication. DEA, as part of its Diversion Control Program, will continue the pilot program with the Veterans Administration, and INS will continue collaborating with the Department of State (STATE) in the use of SEVIS.

## STRATEGIC OBJECTIVE & ANNUAL GOAL 8.5: HUMAN RESOURCES

Strengthen human resource recruitment, retention, and performance to ensure a workforce that is skilled, diverse, and committed to excellence

### 8.5A Increase Hiring and Retention in Key Positions

#### Background/ Program Objectives:

We have given priority attention to the recruitment of Border Patrol Agents and have been quite successful. INS will continue improvements in this area through the implementation of the following five initiatives: (1) increase the Internet recruiting system that involves twelve different sites; (2) establish overseas testing involving military bases around the world; (3) develop the capacity to conduct walk-in testing or mobile testing; (4) revise the compressed testing process to allow on-site drug testing; and (5) initiate an integrity interview and full field investigation prior to the oral board. Valuable staff hours and resources will be saved by utilizing the Internet and walk-in testing.

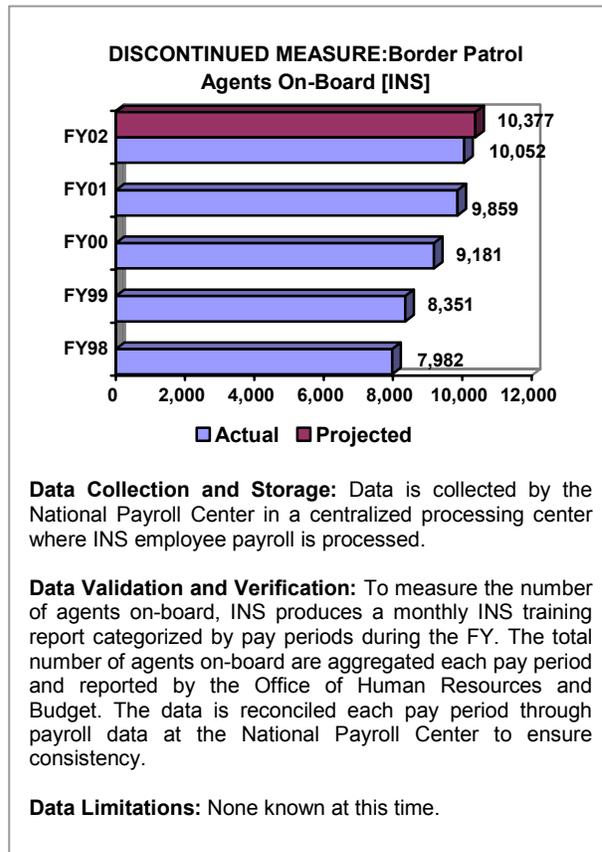
#### Performance:

**Performance Measure:** DISCONTINUED MEASURE: Border Patrol Agents On-Board (NOTE: This indicator is being discontinued - the program has been transferred to the Department of Homeland Security)

**FY 2002 Target:** 10,377/10,551

**FY 2002 Actual:** 10,052

**Discussion:** During the fiscal year, as a result of counterterrorism funding enhancements, the target was raised to 10,551. At the end of FY 2002, INS had 10,052 Border Patrol Agents on board. INS did not meet its hiring goal for one reason – a significant increase in losses, particularly to other federal agencies. In FY 2001, the loss rate for Border Patrol Agents was 10.3%. In FY 2002, it ballooned to 18.3% with the increase primarily occurring after January 2002. This corresponded with the creation of the Transportation Security Agency and the Sky Marshall Program. In FY 2001, INS lost 145 agents to other federal agencies. In FY 2002, that number increased to 806 representing an increase of 556% over FY 2001. INS missed its goal by



499 agents whereas the difference between losses in FY 2001 vs. FY 2002 was 661. During FY 2002, INS attracted over 93,000 applications for Border Patrol positions. This was due to a highly successful national multi-million dollar advertising campaign with radio, newspaper, Internet, and other print ads.

**Public Benefit:** Border Patrol Agents are responsible for the prevention, detection, and apprehension of those illegally entering the United States. Our ability to recruit and hire new Border Patrol Agents helps in this effort while at the same time, maintaining our national homeland security.

### 8.5B Streamline Organizations within DOJ by Delaying Management Levels

Full discussion of this topic has been moved to the new PMA section on Strategic Management of Human Capital.

# PMA

## The President's Management Agenda (PMA)

The President's Management Agenda (PMA) outlines five government-wide goals, and one initiative specific to the Department of Justice, that envision a results-oriented, citizen-centered government and that allow for improving performance and overall effectiveness. The Department of Justice is committed to implementing the strategies of the PMA. Essential to successfully implementing the PMA, and achieving the Attorney General's management goals (see Introduction), is a well-managed organization with highly skilled employees. The Department has made significant progress in supporting the reforms outlined in the PMA, and the following highlights progress made throughout FY 2002 and outlines strategies and milestones for FY 2003 and FY 2004.

**Getting To Green: Status of PMA Implementation**  
In FY 2001, Office of Management and Budget (OMB) established criteria for determining if an

agency was making progress in implementing the objectives outlined in the President's Management Agenda. OMB's criteria help guide the Department towards successful attainment of each agenda item. It may take years for the Department to successfully accomplish many of the PMA items due to extensive planning, analysis, and coordination involved in implementation. OMB has been grading agency progress and providing status reports using a red, yellow, green grading system. A score of red implies that the agency has made little progress in moving towards implementation, yellow means the agency has a defined and approved plan for attainment, and green indicates that an agency has successfully fulfilled each the criteria outlined by OMB. OMB's rating of the Department's progress towards getting to green is displayed in the "progress status" column in the chart below.

<b>President's Management Agenda Goal</b>	<b>OVERALL STATUS</b>	<b>PROGRESS STATUS*</b>
Strategic Management of Human Capital	Red	Green
Competitive Sourcing	Red	Green
Improved Financial Management	Red	Green
Expanded Electronic Government	Red	Green
Budget and Performance Integration	Red	Green
<b>President's Management Agenda Initiative</b>	<b>OVERALL STATUS</b>	<b>PROGRESS STATUS*</b>
Faith-Based and Community Initiative	Red	Yellow

\*As of First Quarter FY 2003

## PMA 1. Strategic Management of Human Capital

President Bush's management agenda seeks to flatten the federal hierarchy and make government more citizen-centered by reducing the number of layers within government. Through workforce planning, agencies can redistribute higher-level positions to aid timely decision-making and more effectively interact with citizens. The Department's main initiatives under the umbrella of strategic management of human capital included: restructuring of the INS, EOIR, FBI, and OJP (including grant management reform) to focus resources on priority mission; streamlining, eliminating, and/or consolidating duplicative functions and focusing resources on front-line positions; and strengthening hiring, training, and diversity policies throughout the Department. Significant progress has been made in each of these areas.

Criteria	FY 2002 Progress
<p>Agency human capital strategy is aligned with the mission, goals, and organizational objectives:</p> <ol style="list-style-type: none"> <li>1) Integrated into Budget and Strategic Plans,</li> <li>2) Consistent with OPM's human capital scorecard; and</li> </ol> <p>Complies with standards for internal accountability systems to ensure effective merit-based HRM.</p>	<p>The Department published its Human Capital (HC) Strategic Plan in September 2002. The Plan addresses each aspect of these criteria. In addition, OPM has developed new criteria in its Human Capital Assessment Framework (HCAF). The Department's HC Strategic Plan has been assessed against this framework and is generally very sound. Some small modifications will be made to the Plan, based on OPM feedback.</p>
<p>Agency has a citizen-centered organizational structure that is delayed and oriented toward performing the mission assigned to it.</p>	<p>The attacks of September 11, 2001 redefined the mission of the Department of Justice. Defending our nation and defending the citizens of America against terrorist attacks has become the first and overriding priority of the Department. In November 2001, the Attorney General outlined ten management goals to further the Department's ability to address terrorism. The reorganization of INS, FBI and OJP were listed as three of the ten goals.</p> <p>With the impending absorption of INS into the Department of Homeland Security, the Department will be challenged to ensure that the vital missions of the INS, such as communication systems, information technology systems, human capital systems, and physical location of people and other assets, are not impeded during the transition period.</p> <p>Additionally, FBI continues to reorganize to more effectively respond to its heightened priority to detect and deter acts of terrorism against U.S. interests, and OJP is reorganizing in an attempt to improve its grant operations, particularly OJP's efforts to create efficiencies and streamline operations.</p>
<p>Agency:</p> <ol style="list-style-type: none"> <li>1) Sustains high performing workforce that is continually improving productivity;</li> <li>2) Strategically uses existing personnel flexibilities, tools, and technology; and</li> <li>3) Implements effective succession plans.</li> </ol>	<p>The Department's Human Capital accomplishments include:</p> <ul style="list-style-type: none"> <li>• DOJ is seen by applicants to have highly desirable job opportunities;</li> <li>• DOJ has well-established, excellent training programs for new law enforcement and legal job entrants;</li> <li>• Workforce average age (40) is significantly lower than Federal Government average (47);</li> <li>• Projected annual retirement rates are low, and actual retirement rate for 2001 was 1/3 less than projected;</li> <li>• DOJ's "recruit and train" model results in a substantially large majority (95-97 percent) of supervisors coming from in-house ranks;</li> </ul>

Criteria	FY 2002 Progress
Agency: (Continued)	<ul style="list-style-type: none"> <li>• DOJ has tested and is implementing an electronic training strategy;</li> <li>• Several components have tested and implemented electronic hiring systems; and</li> <li>• DOJ has an extensive data bank on job competencies needed for all its occupations.</li> </ul> <p>On the HC Strategic Plan, DOJ has identified specific goals and objectives to improve the use of flexibilities and succession planning.</p>
Agency has no skills gaps/deficiencies in mission critical occupations.	In FY 2002, the Department experienced significant problems with retention of Border Patrol Agents and INS inspectors. In addition, there continue to be gaps in foreign language and intelligence analysis expertise. The HC Strategic Plan includes specific steps to reduce skills gaps in the future.
Agency differentiates between high and low performers through appropriate incentive and rewards.	The HC Strategic Plan provides for the development of a new Performance Management model within the Department by FY 2004.
Changes in agency workforce skill mix and organizational structure reflect increased emphasis on e-government and competitive sourcing.	The HC Strategic Plan includes specific provisions for workforce analysis and planning within the context of improved organizational structures, increased competitive sourcing, and new e-government solutions.

**FY 2003/2004 Planned Actions:**

Almost every planned action in the DOJ Human Capital Strategic Plan will be completed by the close of FY 2003. In FY 2003, the Department will also face a significant human capital challenge in supporting the creation of the Department of Homeland Security and in absorbing the former Bureau of Alcohol, Tobacco, and Firearms (ATF) from the Department of Treasury. Specific actions that will take place include identifying issues pertinent to the transfers to DHS and into DOJ, determining and applying solutions, and monitoring the success of the transition in order to modify the implementation strategy to ensure mission success.

**FY 2003\*:**

- DOJ will complete a data-driven workforce analysis and planning model for use by Departmental components by January 2003. This model will be applied by DOJ components, which will report their results to the Department by March 31, 2003. The Department will assemble the reports to determine human capital issues, weaknesses, and opportunities for improved organizational alignment by June 30, 2003.
- DOJ will develop and implement a cross-Departmental recruitment strategy and, within this action, will also assess the extent and value of currently used flexibilities, by March 30, 2003.
- DOJ will develop and implement a cross-Departmental employee development strategy that will ensure that there is a focus on identifying and monitoring employees' developmental needs.
- DOJ will develop and implement a leadership succession program, for use by components, by March 30, 2003.
- DOJ, in conjunction with OPM, will develop and implement specific outcome-based performance measures to ensure that the Department's human capital management efforts are resulting in improvement of mission accomplishment, by March 2003.
- DOJ will develop and implement a Plan to ensure a smooth transition for outgoing DOJ units to the Department of Homeland Security and the incoming Bureau of Alcohol, Tobacco, and Firearms. The plan will be completed by January 15, and monitored throughout FY 2003.

\*DOJ plans to implement most of the actions outlined in the Human Capital Strategic Plan in FY 2003. The actions noted here are significant ones of interest to OPM and OMB.

**FY 2004:**

- DOJ will revamp the current DOJ Human Capital Strategic Plan to address weaknesses with the results from the FY 2003 cycle, including developing and implementing new action items, along with modifying existing action items and deliverables based on the current plan.
- DOJ will collect and analyze the second iteration of the Workforce Analysis and Planning model by November 30, 2003.

## PMA 2. Competitive Sourcing

The President has proposed to increase competition for activities performed by the government as listed on agency FAIR Act inventories. We will use competitive sourcing as a tool for getting departmental commercial-type work done efficiently, considering the full cost of in-house performance.

DOJ will strive to conduct accurate FAIR Act inventories that reflect closer scrutiny of functions performed within the Department to determine those that are commercial in nature. Additionally, as appropriate, the Department will conduct A-76 competitions or direct conversions to achieve economies and enhance productivity.

Criteria	FY 2002 Progress
Completed public-private or direct conversion competition on not less than 50 percent of the full-time equivalent employees listed on the approved FAIR Act inventories.	Due to delays in awarding the contract support for the FBI study, the 153 FBI FTE will be included in the FY 2003 total.
Competitions and direct conversions conducted pursuant to approved competition plan.	Three competitions/A-76 cost comparison studies are underway and are scheduled for completion by the end of FY 2003. Those three include vehicle mechanics in the FBI, grants management in OJP, and immigration information officers in the INS.
Commercial reimbursable support service arrangements between agencies are competed with the private sector on a recurring basis.	The list of Interservice Support Agreements is currently being developed.

### FY 2003/2004 Planned Actions:

#### FY 2003:

- Comment on revised A-76 by December 19, 2002.
- Complete FY 2003 FAIR Act inventory by June 30, 2003.
- Complete the three scheduled competitions by September 30, 2003.
- Develop list of Interservice Support Agreements (ISSAs) by September 30, 2003.

#### FY 2004:

- Continue to seek opportunities for competition with emphasis on activities of 10 or fewer FTE during FY 2004.\*

\* OMB has not yet approved DOJ's FY 2002 inventory that was submitted on June 30, 2002. Because the Department's competitive requirement for FY 2004 will be impacted by its FY 2002 inventory, DOJ does not have a stated goal for FY 2004 at this time.

### PMA 3. Improved Financial Management

Timely and accurate financial reports, combined with key performance information, are critical to improving agency management, program performance, and overall cost effectiveness. It is vital for agencies to have reliable and functionally capable financial and associated performance systems that can provide that critical information. It is equally important that agencies operate with efficient business practices that are compliant with federal financial management and accounting standards. DOJ continues to improve its systems and practices in order to provide management and the public with reliable and timely financial management information.

Criteria	FY 2002 Progress
Financial management systems meet Federal financial management system requirements and applicable federal accounting and transaction standards as reported by the agency head.	As part of the Attorney General's plan to improve financial management performance, DOJ is acquiring a new Department-wide core financial system known as the Unified Financial Management System Project. (DOJ will begin implementing the first component in Oct. 2003, with other components following from FY 2005 to FY 2007.) Award to a Joint Financial Management Improvement Program certified software provider is scheduled for May 2003. During FY 2002 DOJ continued use of formal Corrective Action Plans to remedy weaknesses related to federal accounting standards, and the plans are expected to result in a diminished number of audit report findings at a component level this year.
Accurate and timely financial information.	DOJ met the OMB due dates for the FY 2001 financial statements and the Accountability Report. To ensure DOJ meets the accelerated due dates for the FY 2002 reports, DOJ updated its financial statements guide and issued a new statement preparation timeline to all components. DOJ is prepared to meet the quarterly reporting requirement for financial statements during FY 2003.
Integrated financial and performance management systems supporting day-to-day operations.	This is being addressed through implementation of the Unified Financial Management System described above, and through the development of improved performance measures. For the FY 2002 statements, DOJ issued formal guidance to components to standardize and expand the performance measures reported in the FY 2002 Performance and Accountability Report.
Unqualified and timely audit opinion on the annual financial statements; no material internal control weaknesses reported by independent auditors.	DOJ anticipates earning an Unqualified Opinion on its FY 2002 statements. DOJ's Corrective Action Plan efforts are anticipated to result in a diminished number of internal control weaknesses in this year's audit reports at a component level.

#### FY 2003/2004 Planned Actions:

##### FY 2003:

- Solicitation for commercial Core Financial System software will be released in February 2003.
- Contract award to Joint Financial Management Improvement Program certified Core Financial System software provider scheduled for May 2003.
- Contract award to Core Financial System integration contractor scheduled for Summer 2003.
- FY03 DOJ Financial Statements timeline and preparation guidance for financial statements will be issued by March 2003, accelerating internal DOJ due-dates for statement preparation 30 days in advance of OMB's FY03 due dates.

- DOJ-wide standard appropriation and accounting code schema will be developed and published by March 2003.
- DOJ will complete a product acceptance test of the selected core financial software between June and October.
- DOJ will publish formal Corrective Action Plan to address audit report internal control weaknesses.
- DOJ will diminish material weaknesses from 9 to 2.

**FY 2004:**

- DOJ will complete the re-engineering of standard business practices and publish DOJ-wide standards
- DOJ will issue FY04 financial statement timelines to meet OMB November 15<sup>th</sup> statements due date.
- Feeder system interfaces are developed and tested between current subsidiary systems and new Core software.
- Pilot implementation of Core Financial software begins at FBI.
- Implementation staging proceeds at next DOJ bureaus to implement system after FBI.
- DOJ will update its Corrective Action plan to address remaining internal control weaknesses cited in its audit report.

## PMA 4. Expanding E-government

The Government Paperwork Elimination Act requires agencies to maximize the use of appropriate electronic means to deliver service to the public, while promoting security and privacy, by October 2003. In order to ensure that more government programs will meet this deadline, agencies should prioritize and manage their eGovernment projects infrastructure in and across agencies to effectively identify existing IT investments that could be redirected or restructured.

Criteria	FY 2002 Progress
Strategic Value: all major systems investments have a business case submitted that meets the requirements of OMB Circular A-11 (Exhibit 53, Exhibit 300).	Of the 47 Exhibit 300's (business cases) submitted to OMB, 24 were originally deemed "qualified" by OMB. Those exhibits not originally qualified, were revised and resubmitted to OMB.
IT program performance: on average, all major IT projects operating within 90% of Exhibit 300 cost, schedule, and performance targets.	Progress in attaining the goal will be tracked through the ITIM process implemented by DOJ components. These processes were just beginning implementation during FY 2002.
E-government and GPEA implementation: (must show department-wide progress or participation in multi-agency initiative in three areas.)	<p>DOJ is participating in 17 of the 25 Administration's eGovernment initiatives, and plays a major role in: Wireless Project SAFECOM, E-Grants, E-Records, and E-Authentication.</p> <p><i>Department of Justice eGovernment Implementation Plan FY2003 – FY2004</i> — Final sent to OMB October 2002.</p> <p>DOJ developed an aggressive plan to improve GPEA compliance including the review of component project and transition plans, evaluation of the funding for GPEA action items, tracking component progress and identifying priority projects that may warrant additional funding.</p> <p>GPEA progress in FY 2002 follows;</p> <ul style="list-style-type: none"> <li>-- OJP added capabilities to its <b>Web-based Grants Management System (GMS)</b> that will electronically administer grants from application to closeout through the internet. The GMS also expedites and streamlines the receipt, review, and processing of the grant applications. OJP is now integrating the GMS with OJP's financial management system to allow for electronic disbursement of grant funds.</li> <li>-- DEA began automating its <b>Diversions Control Program</b> so that medical professionals, drug manufacturers, and companies that supply chemicals necessary for manufacturing prescription drugs can register with DEA and report transactions of such drugs and chemicals to DEA electronically. Registration and application forms are available on the web site today.</li> <li>-- EOUSA implemented the <b>Victim Notification System (VNS)</b>, which consolidates information from the U.S. Attorneys, FBI, and the Bureau of Prisons about violent criminals whose victims want to know their status within the criminal justice system. The VNS generates victim notifications (both phone and email) and reduces the duplication of data entry associated with victim information, both within agencies and between agencies.</li> </ul>

Criteria	FY 2002 Progress
<p>E-government and GPEA implementation: (Continued)</p>	<p>-- FBI continued to improve the <b>Integrated Automated Fingerprint Identification System (IAFIS)</b>, which electronically stores, searches, and retrieves fingerprint data and related criminal information in a fraction of the time required to process paper based cards.</p> <p>-- Building on the capabilities of IAFIS, the Department began deployment of the web-based <b>Joint Automated Booking System (JABS)</b>. JABS provides rapid access to IAFIS and the FBI's National Crime Information Center. JABS also allows DOJ law enforcement organizations to share and exchange booking information and to establish a federal offender tracking system.</p> <p>-- FBI's <b>National Instant Criminal Background Check System (NICS)</b> was updated to offer E-check, an option that allows Federal Firearms Licensees to obtain 24-hour NICS background check status through the Internet.</p>
<p>Citizen one-stop service delivery integrated through Firstgov.gov, cross-agency call centers, and offices or service centers.</p>	<p>The Department's e-Government Infrastructure Project, Phase 1, commenced September 2002. This consists of an Internet portal and site redesign effort focusing on improved ability for citizens accessing information from the Department.</p> <p>In February 2002, the Office of Justice Programs' Bureau of Justice Statistics (BJS) launched a web site that provides comprehensive criminal datasets for use by state and local law enforcement, government officials, and the general public. The web site includes data from the FBI's Uniform Crime Reports, the FBI's Supplementary Homicide Reports and BJS' Law Enforcement Management and Administrative Statistics. Users can construct data tables on reported criminal offenses from the Uniform Crime Reports for all 50 states and local agencies with population coverage of 10,000 or more. Users can also access homicide trends and characteristics for all 50 states and localities with populations of more than 250,000.</p> <p>The initial phase of the Student and Exchange Visitor Information System (SEVIS) became operational in July 2002. SEVIS is an Internet-based computer system that enables schools and program sponsors to transmit electronic information and event notifications to INS and the Department of State throughout a foreign student's or exchange visitor's stay in the U.S.</p> <p>INS integrated its on-line customer services by making available a central 1-800 number to access many types of customer service. Also, the INS website continues to grow and add customer information. The website includes downloadable forms for all of the commonly filed applications and petitions. Great effort is made to ensure that the phone centers and the web site offer consistent advice.</p>

Criteria	FY 2002 Progress
<p>Minimize burden on business by re-using data previously collected or using XML or other open standards to receive information.</p>	<p>A key element of the strategy described in the <i>DOJ eGovernment Implementation Plan, FY 2003 – FY 2004</i> that was sent to OMB in October, is the emphasis on e-government projects that make available common re-useable eGovernment solutions. These help to streamline business processes, and integrate collaboration systems to improve the Department's ability to collect, analyze, and use information.</p> <p>To facilitate the processing and use of law enforcement data, the Office of Justice Programs released the Justice XML Data Dictionary Schema, Version 2.1. This dictionary defines law enforcement data that is exchanged throughout the different government levels of the law enforcement community. The development of Version 3.0 is anticipated.</p>
<p>Intergovernmental: Deploying E-grants or geospatial information one-stop.</p>	<p>The Department is a supporting partner for the e-Grants initiative and will integrate its grants administration system into the e-Grants portal to accept incoming electronic applications in a standard format.</p>
<p>Obtaining productivity improvements by implementing customer relationship management, supply chain management, enterprise resource management, or knowledge management best practices.</p>	<p>INS' intranet portal (PowerPort) offers some improvements in knowledge management. PowerPort offers INS employees a mechanism for staying abreast of the changes in immigration laws, policies, procedures, and the organization.</p>

**FY 2003/2004 Planned Actions:**

**FY 2003:**

- Develop and implement a departmental Enterprise ITIM process by March 2003.
- Establish a DOJ Project Management Office as a center of excellence dedicated to project management by September 2003.
- Develop and document the Department's IT Security Architecture for integration into the Department's Enterprise Architecture on schedule by September 2003, Version 1.
- Complete deployment of a new DOJ Internet Portal, redesign of the DOJ Web site, and deployment of a DOJ Web Services infrastructure by September 2003.
- Complete priority GPEA projects in components other than those in INS by September 2003.

**FY 2004:**

- Implement results of Administration's eGovernment initiatives in accordance with milestones of each project scheduled for Fiscal Years 2003 and 2004.
- Achieve use of common, web-based solutions for key mission activities supporting each DOJ strategic goal by September 2004.
- Plan design and begin to deploy a Department-wide Public Key Infrastructure by December 2004.
- Develop and implement an event-driven oversight process for all IT projects in the DOJ component portfolios by December 2004.

## PMA 5. Budget and Performance Integration

Beginning with the FY 2004 budget submission, the Administration plans to formally integrate performance review with budget decisions. In doing so, it will be possible to identify the full program costs associated with individual programs. Over time, agencies will be expected to identify effective outcome measures, monitor their progress, and accurately present the associated costs.

Criteria	FY 2002 Progress
Integrated planning/evaluation and budget staff work with program managers to create an integrated plan/budget and monitor and evaluate its implementation.	In 2002, DOJ made significant progress realigning its decision units, aligning budget and program activities with outputs, explaining the influence of outputs on specific outcomes, and proposing changes to component budget accounts as needed to accommodate the new perspective. This effort was completed Departmentwide 10/02.
Streamlined, clear, integrated agency plan/budget sets forth outcome goals, output targets, and resources requested in context of past results.	To aid in informing managers of performance progress as they relate to past results, a Performance and Resource Table was developed for inclusion in the budget that aligns resources with results. Another feature of this table is a display of budget enhancements and corresponding performance associated with the specific budget request. At the conclusion of FY 2002, planning was underway to establish quarterly monitoring of performance and provide that information to senior leadership.
Budget accounts, staff, and specifically program/activities are aligned to support achieving program targets.	In 2002, DOJ made a significant effort in realigning its decision units, align budget and program activities with outputs, explain the influence of outputs on specific outcomes, and propose changes to component budget accounts as needed to accommodate the new perspective.
Full budgetary cost is charged to mission accounts and activities. Cost of outputs and programs is integrated with performance in budget requests and execution.	DOJ budget programs (decision units) were realigned with primary mission areas and the Strategic Plan. This allows full program costs to be aligned with program accomplishments. The planning phase has begun for these items, based on the changes to the decision units and the alignment of budget and program activities, as mentioned above.
Agency has documented program effectiveness. Analyses show how program outputs and policies affect desired outcomes.	<p>Each year, the Department's Performance Report and Plan, is prepared pursuant to the requirements under GPRA, combining the Department of Justice Annual Performance Report for the previous fiscal year, the Final Revised Annual Performance Plan for the current fiscal year, and the Annual Performance Plan for the budget year. Combining our report on past accomplishments with our plans for the upcoming years provides the reader a useful, complete, and integrated picture of our current performance, a preview of our future goals, and a summary of how our budget is expended. Further, this document addresses the goals outlined in the President's Management Agenda, satisfies the requirements for the Attorney General's Annual Report and serves as a companion document to the Department of Justice Accountability Report.</p> <p>In FY 2001, broad outcome measures were established for drug trafficking and immigration. In FY 2002, a new measure was developed for locally targeted gun crime and USMS transitioned a key performance measure from warrants-based data to fugitives.</p>

Criteria	FY 2002 Progress
Agency systematically applies performance to budget and can demonstrate how program results inform budget decisions.	<p>The internal budget process was structured by Strategic Goal and incorporated performance into the earliest stages of budget development.</p> <p>A Performance and Resource Table was developed for inclusion in the budget that aligns resources with results. Another feature of this table is a display of budget enhancements and corresponding performance associated with the specific budget request.</p>

**FY 2003/2004 Planned Actions:**

**FY 2003:**

- Implement the DOJ plan to expand long-term measurable outcome goals.
- In coordination with OMB develop a comprehensive list of remaining items required for the successful completion of budget and performance integration.
- Develop a plan to address remaining items.
- Begin implementation.

**FY 2004:**

- Complete implementation of all remaining items to achieve full budget and performance integration.

## Faith-Based and Community Initiative

President Bush's Management Agenda seeks to reform federal management and improve program performance through the development of a coordinated strategy. In addition to the five strategies outlined above, the Department is also responsible for the Faith-Based and Community Initiative. Under this initiative, the Department of Justice, in addition to the Departments of Education, Health and Human Services, Housing and Urban Development, and Labor will work to identify and eliminate unwarranted regulatory barriers that exist in providing Faith-Based and Community-Based programs with access to federal programs. Justice is working to provide coordinated training and technical assistance to Faith-Based and Community-Based organizations looking to apply for grant funding.

Criteria	FY 2002 Progress
<p>Agency has a fully implemented and coordinated plan for communication and outreach to FBOs/CBOs.</p> <p>Agency has a coordinated technical assistance plan, which includes efforts to streamline the application process for small and novice applicants, and to provide these groups with assistance in applying for federal funds.</p> <p>Agency has fully implemented efforts to eliminate significant and ongoing barriers to participation identified by Agency audit.</p> <p>Agencies consistently apply appropriate legal requirements for participation by FBO/CBOs, including grant review and application of law by regional offices.</p> <p>Agencies have established a pilot program targeted at FBO/CBOs with special attention to issues of substance abuse, homelessness, elders in need, at-risk youth, welfare to work and prisoner re-entry.</p> <p>Agencies have a fully implemented research agenda assessing the impact of the initiative.</p>	<ul style="list-style-type: none"> <li>• Established DOJ Faith-Based Task Force, which has primary responsibility for advancing this Initiative within the Department.</li> <li>• Office of Justice Programs has addressed regulatory barriers, but legislation has not been submitted to remove existing statutory barriers.</li> <li>• Established a single point of contact for Faith-Based and Community-Based organizations.</li> <li>• Held internal workshops of Faith-Based and Community-Based legal issues for grant managers.</li> <li>• Established 1-800 hotline for religious discrimination complaints.</li> </ul>

### FY 2003/2004 Planned Actions:

- Finalized management agreement and plan, including a timetable for specific actions and goals related the Faith-Based/Community-Based Initiative.

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# APPENDIX A

## FY 2003, FY 2004 PERFORMANCE PLAN: BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES (ATF)

### Mission

Until the passage of the Homeland Security Act of 2002, the Bureau of Alcohol, Tobacco, and Firearms was a law enforcement bureau of the Department of the Treasury dedicated to enforcing federal laws and regulations and collecting revenue relating to alcohol, tobacco products, firearms and explosives. With the passage of the Homeland Security Act of 2002, the regulatory and revenue collecting functions relating to alcohol and tobacco were realigned to the newly created Alcohol and Tobacco Tax and Trade Bureau within the Department of the Treasury, and ATF was realigned as a bureau to the Department of Justice with responsibility for enforcement of the federal laws relating to alcohol, tobacco products, firearms and explosives. The Bureau is undergoing a major restructuring as well as taking on new responsibility for regulating intrastate commerce of explosives and explosives training and research. As ATF is the lead federal agency responsible for regulating the explosives industry, this legislation places significant added responsibility upon ATF to ensure that America's homeland is safe.

The Homeland Security Act amends Title XI of the Organized Crime Control Act of 1970 (known as the Safe Explosives Act). The Safe Explosives Act is intended to reduce the availability of explosives to felons and other prohibited persons, and to require that all persons obtaining explosive materials obtain a federal permit. This is a new statutory mission for the Federal Government, designated by the Act as the responsibility of ATF. The requirements of the Act are regulatory in nature and are not currently being accomplished by any federal entity. In addition, the Act authorizes the establishment, maintenance and operation of an Explosives Training and Research Center at Fort AP Hill. ATF provides advanced and specialized training programs for federal, state, local, international law enforcement agencies and industry, and offers comprehensive training for all aspects of explosives detection, handling, and destruction.

ATF's primary responsibility is the enforcement of federal firearms laws. As such, it relies heavily of

the network of partnerships it has formed with state and local law enforcement agencies as part of the President's Project Safe Neighborhoods (PSN) initiative. PSN is tailored toward the needs of each of the 94 individual judicial districts and communities across the country. ATF's Integrated Violence Reduction Strategy (IVRS) – which combines enforcement efforts, the use of state-of-the-art information and technology, and community outreach and prevention – is a primary element of the PSN initiative. ATF has added nearly 300 new agents to focus on firearms enforcement as part of PSN.

Explosives and firearms are the preferred tools of the terrorist; therefore, ATF plays a key role in the fight against terrorism. ATF is in a unique position of not only being the agency responsible for regulating the explosives industry, but also of having the requisite expertise and authority to investigate explosives-related crimes. The new law will assist ATF in helping to prevent terrorist and criminal access to explosives by requiring background checks for all employees of explosives permittees and licensees who will have possess explosives materials.

Combating terrorist financing is also an essential component of the fight against terrorism. The events of September 11, 2001, have highlighted the importance of ATF's program responsibilities in the areas of firearms trafficking, and explosives accountability. Operations and intelligence data in these areas have shown that criminal elements, including terrorist organizations, are making a shift to tobacco and alcohol commodities to fund their criminal activities. Several ATF cases involving tobacco diversion have been linked to international terrorist organizations such as Hezbollah and al Qaeda.

As team players in the fight against terrorist financing, ATF is engaged in ongoing efforts to reduce the rising trend of illegal diversion of

distilled spirits and tobacco products. “Diversion” schemes generate tremendous cash profits. Teams of ATF auditors, special agents and inspectors perform complex investigations of multi-state criminal violations of the Contraband Cigarette Trafficking Act, Federal Alcohol Administration Act and sections of the Internal Revenue Code. In addition, there has been a marked increase in tobacco diversion by organized criminal groups. Profits from diversion are then laundered to disguise the origin of the money and to further the unlawful schemes. These profits are often used by criminal organizations to further other criminal activities such as smuggling illegal aliens, funding terrorist groups, narcotics and firearms trafficking, and trafficking in stolen properties.

### ATF Strategic Goals

ATF has two strategic goals and a new management goal that support the Bureau’s overall mission. The first of these goals, *Reduce Violent Crime*, is an integrated enforcement strategy with the goal of reducing the future number of violent crimes through the enforcement of Federal firearms, explosives, and arson laws. The second goal, *Protect the Public*, is ATF’s strategy to complement enforcement efforts with training and prevention strategies. Under this goal, ATF assures integrity of products in the marketplace, ensures compliance with laws and regulations by regulated industries, and provides information to the public. This activity uses community, law enforcement, and industry partnerships and ATF programs to reduce public safety risks and potential consumer deception.

## RESOURCES

Appropriation	FY 2003	FY 2003	FY 2004	FY 2004
	FTE	Request \$ (millions)	FTE	Request \$ (millions)
Reduce Violent Crime	4,309	748	4,356	783
Protect the Public	373	66	416	69
<b>TOTAL ATF</b>	<b>4,682</b>	<b>\$814</b>	<b>4,772</b>	<b>\$852</b>

<b>Required Skills</b>	The Bureau requires skilled law enforcement agents, inspectors, intelligence research specialists, canine handlers, explosives enforcement officers, attorneys, certified fire investigators, chemists, forensic analysts and other technical forensics laboratory personnel, and support personnel.
<b>Information Technology Utilized</b>	ATF programs in this area are supported by: the ATF Virtual Private Network (VPN) which provides secure remote access with over 1500 simultaneous connections to the ATF IT resources for mission critical data and business applications from the field; AEXIS, an investigative database system developed to aid in investigating, prosecuting and tracking all fire, arson and explosives incidents including recovered and stolen explosives. AEXIS can also identify and track explosives from manufacturer to dealer to suspect/consumer; N-FOCIS, the National Field Office Case Information System--a secure centralized information repository that serves as the bureaus case management system for investigations and inspections; the National Tracing Center's Firearms Tracing System database used to trace crime guns; and the FBI's National Instant Criminal Background Check System (NICS), from which ATF receives referrals on prohibited persons who attempt to purchase firearms.

## ATF STRATEGIC GOAL: REDUCE VIOLENT CRIME

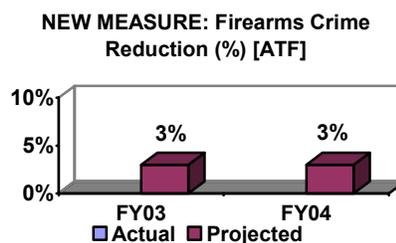
Reduce the future number of violent crimes through the enforcement of Federal firearms, explosives, and arson laws.

### Background/Program Objectives:

There are approximately 6 billion pounds of explosives produced in the U.S. every year. The potential threat to public safety from criminal or terrorist theft and misuse of these explosives cannot be overstated. ATF serves as the nation's expert on the highly regulated consumer products of firearms and explosives and represents a unique federal resource for providing investigative and regulatory functions; and technical, scientific, and legal expertise relating to these products. This unique combination of tools and skills allows ATF to provide a focused, flexible, and balanced approach to protecting the public's legitimate access to these commodities while fighting unlawful use and trafficking.

The function of this program area is to counter violence through an integrated approach of effective enforcement of the Federal firearms, explosives, and arson laws; regulation of the firearms and explosives industries (in conjunction with the "Protect the Public" activity); and prevention efforts. The key to this effort is the PSN initiative to help federal, state, and local law enforcement and communities join together to combat gun crimes. ATF uses its unique jurisdiction, skills, and assets to assist federal, state, local, and foreign law enforcement in the fight against crime and violence, including acts of terrorism. We will measure reductions in instances of violations among Federal firearms licensees to ensure that our regulatory efforts (i.e., inspections and education) are having the desired impact. Where problems are discovered, appropriate action will be taken. In terms of customer service, we will strive to maintain a high satisfaction rate among those who benefit from our fire and explosion investigation capabilities through the National Response Team, as well as improve our ability to provide expeditious firearms tracing results to requesting agencies.

ATF has developed an Integrated Violence Reduction Strategy (IVRS) to address firearms violence nationwide. Using the component programs of IVRS in collaborative partnerships within the nationwide PSN initiative, ATF works to prevent armed offenders from victimizing the American public. One such component of IVRS is the Armed Violent Criminal Apprehension Program. Also through IVRS, ATF works closely with other law enforcement agencies to shut down illegal gun markets, ensure industry compliance with applicable laws and regulations, and aggressively pursue persons who use firearms in the commission of crime or illegally possess firearms. ATF is in the forefront of efforts to keep juveniles from unlawfully acquiring and possessing firearms. Intensified firearms enforcement efforts, such as the Youth Crime Gun Interdiction Initiative (YCGII), are helping increase tracing of recovered crime guns. YCGII is an integral part of ATF's IVRS strategy and PSN initiatives. It utilizes ATF's firearms tracing system and the efforts of ATF special agents, inspectors, and support personnel to follow leads generated by comprehensive crime gun tracing.



**Data Collection and Storage:** Data are obtained from customized runs from the FBI Uniform Crime Report database, captured by the FBI from police departments nationwide.

**Data Validation and Verification:** Data are verified by the FBI when the Uniform Crime Reports are published.

**Data Limitations:** Under development.

**Performance:**

**Performance Measure:** NEW MEASURE: Firearms Crime Reduction [ATF] (NOTE: This measure displays the average percent of violent firearms crime reduction from the previous calendar year in selected metro areas with a substantial ATF presence and a generally higher level of activity as compared to similar areas without substantial ATF presence).

**FY 2003 Performance Target:**

3% reduction

**FY 2004 Performance Target:**

3% reduction

**Strategies to Achieve the FY 2003/FY 2004 Goal:**

ATF's goal to reduce violent crime is accomplished by conducting ATF investigative and regulatory activity, by providing services—such as crime gun tracing and automatic ballistics comparison units—to other law enforcement agencies, and by providing outreach through local school systems.

Because of the extremely high and unacceptable risk, we believe that more comprehensive enforcement and regulatory efforts are essential to public safety. Our responsibilities for public safety make it essential to perform 100 percent investigation of all explosives thefts reported and to strive for 100 percent inspection of all explosives licensees every year. ATF's National Response Teams (NRT) will continue to respond to significant explosives/fire incidents within 24 hours of request. Partnerships established with state and local agencies will assist with counterterrorism measures, such as searches and security sweeps at special events. This expanded program will allow ATF to perform diagnostic field evaluations of ATF-certified teams belonging to other federal, state, and local agencies. ATF's certified fire investigators are requested to provide expert testimony and technical support and analysis in support of investigative and prosecutorial efforts. ATF's certified explosives specialists are requested to assist in post-blast analysis, explosives identification, destruction, and instruction. Investigating explosives-related incidents and offenses safeguards the public from future explosive incidents by facilitating the apprehension of bombers.

ATF's IVRS is a key component of PSN. Through IVRS, ATF works closely with other law enforcement agencies to shut down illegal gun markets, ensure industry compliance with applicable laws and regulations, and aggressively pursue persons who use firearms in the commission of crime or who illegally possess firearms. ATF is also in the forefront of efforts to keep juveniles from unlawfully acquiring and possessing firearms. For example, intensified firearms enforcement efforts, such as the YCGII, are helping increase tracing of recovered crime guns.

ATF's National Tracing Center provides 24-hour assistance to federal, state, local, and foreign enforcement agencies in tracing crime guns and is the only facility of its kind in the world. To further ATF's ability to trace crime guns and identify illegal trafficking schemes, the National Tracing Center is working with firearms manufacturers and wholesalers through electronic linkups to speed trace completion time and reduce costs associated with traces. ATF's National Integrated Ballistic Information Network (NIBIN) program was developed to coordinate federal, state, and local law enforcement ballistics efforts. The NIBIN Program employs the Integrated Ballistics Identification System (IBIS) to compare images of ballistic evidence (projectiles and cartridge casings) obtained from crime scenes and recovered firearms. The system generates and maintains large ballistic image databases. As new images of evidence or test-fires of seized firearms are added to the database, the system searches the expanded database for matching images, making connection of weapons to criminals easier.

ATF helps reduce violent crime by continuing the growth of education programs to promote awareness to the public. ATF also collaborates with schools and other community organizations to encourage, develop, and participate in enforcement and educational efforts to identify and reduce violent behavior. For example, the Gang Resistance Education and Training (G.R.E.A.T.) program trains law enforcement officers to provide instruction in gang awareness and antiviolence techniques by instilling in youths the ability to make responsible decisions, set goals for themselves, and resolve conflicts without resorting to violence.

**Crosscutting Activities:**

ATF assists federal, state, local, and foreign law enforcement in the fight against crime and violence, including acts of terrorism. The bulk of ATF's cooperative activity is in support of PSN. ATF's National Tracing Center provides 24-hour assistance to federal, state, local, and foreign enforcement agencies in tracing crime guns. ATF's NIBIN program was developed to coordinate federal, state, and local law enforcement ballistics efforts. Through the G.R.E.A.T. program ATF provides funding to over 200 law enforcement agencies nationwide to implement the program. In addition, ATF provides training on explosives detection, handling, and destruction to other countries including Poland, Egypt, South Africa, Ukraine, Kazakhstan, Colombia, Bangladesh, Mexico, and others.

## ATF STRATEGIC GOAL: PROTECT THE PUBLIC

Protect the public and prevent consumer deception in ATF's regulated commodities.

### Background/Program Objectives:

ATF complements reducing violent crime with training and prevention strategies through law enforcement, industry regulation, industry partnerships, technology, and reducing public safety risk and consumer deception on regulated commodities. Innovation, partnerships, and open communication are employed to fully achieve this strategic goal. ATF works with industry, state governments, and others to make regulation less burdensome. ATF trains, informs, and assists these industry members and government agencies, as well as the public, with the goal of protecting the public and preventing consumer deception.

Ensuring compliance with laws and regulations through education, inspection, and investigation is an integral part of protecting the public. With existing resources, ATF will continue to inspect at least 50 percent of the explosives industry. Based on experience at this inspection level, we expect to respond to and ensure corrective actions are carried out for about 850 unsafe explosives storage conditions in FY 2003.

### Performance:

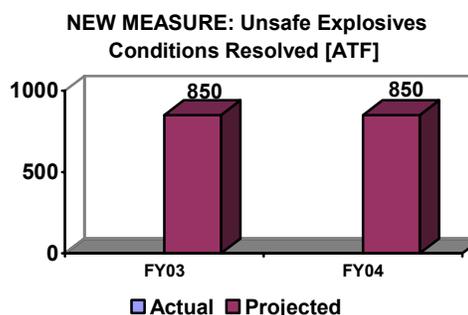
**Performance Measure:** NEW MEASURE: Unsafe Explosives Conditions Discovered and Resolved by Inspections [ATF] (NOTE: This measure reflects the number of corrections made to unsafe conditions found during inspection activities.)

**FY 2003 Performance Target:** 850

**FY 2004 Performance Target:** 850

### Strategies to Achieve the FY 2003/FY 2004 Goal:

Informing the public on ATF policies, federal laws and regulations, product safety, and theft prevention will remain an important element for securing the safety of the public. ATF works with industry, state governments, and others to make regulation less burdensome. ATF trains, informs, and assists these industry members and government agencies, as well as the public, with the goal of protecting the public and preventing consumer deception. Specifically, continued liaison efforts with explosives industry members, explosives licensees/permittees, and public safety



**Data Collection and Storage:** Data is collected via ATF's regulatory management information system and is obtained through inspection reports from ATF field divisions on the results of explosives inspections.

**Data Validation and Verification:** Data are verified through ATF's on-going quality assurance and internal inspection efforts.

**Data Limitations:** Under development.

agencies have become extremely important to mitigate the possibility of terrorists obtaining explosives through the legal explosives industry.

### Crosscutting Activities:

ATF will continue its liaison with other Government agencies working toward a common goal of ensuring safety in the explosives industry. These partnerships include those with the Department of Transportation and the Consumer Product Safety Commission. ATF will maintain our liaison with the National Shooting Sports Foundation and the Firearms and Ammunition Imports Roundtable and will continue our open communication at firearms industry shows and conventions.

# APPENDIX B

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## DEPARTMENTAL MANAGEMENT CHALLENGES AND WEAKNESSES

Each year the Department identifies existing and potential management challenges, weaknesses, and areas in need of improvement. Two primary sources used to identify these issues are the Federal Manager's Financial Integrity Act (FMFIA) reporting process, and the DOJ *Office of the Inspector General (OIG) Top Ten Management Challenges*.

As required under the FMFIA, the Department reports to the President all weaknesses in internal controls that the Attorney General deems material, along with detailed corrective action plans. Additionally, in December of each year, the Inspector General issues a list of management challenges. Although the list is created from an auditor's perspective, there are often areas of overlap between the *OIG's Top Ten Management Challenges* and issues identified by the Attorney General.

In December 2002, the OIG issued two Top Ten Management Challenge memorandums. The first identified existing or potential issues facing the Department. The second addressed issues specific to the Immigration and Naturalization Service (INS). However, due to the transfer of INS to the Department of Homeland Security in FY 2003, only issues within the OIG's first memorandum will be addressed within this Appendix.

Since many of the FMFIA weaknesses are duplicated under the *OIG's Top Ten Management Challenges*, only those not covered by the OIG are included in this Appendix; they are, Prison Crowding, Property and Equipment [FBI], and Management of IT [FBI]. The full FMFIA report is included within Appendix C of the Department's *FY 2002 Performance and Accountability Report*, available at: <http://www.usdoj.gov/ag/annualreports/ar2002/index.html>.

The following table summarizes the management challenges and identified weaknesses for the Department.

<b>Identified Management Issues</b>	<b>FMFIA Material Weaknesses/ Non- conformances</b>	<b>OIG Top Ten Management Challenge Issue #</b>	<b>Location of Management Issue Discussion (within this Document)</b>
Counterterrorism	No	1	Appendix B
Sharing of Intelligence and Law Enforcement Information	No	2	Appendix B
Information Systems Planning and Implementation	No	3	SG 8, Appendix B
Computer Security Implementation	Yes	4	Appendix B
Detention Space and Infrastructure	Yes	5	Appendix B
Financial Statement and Systems	Yes	6	SG 8, PMA Section, Appendix B
Grants Management [OJP, COPS]	No	7	SG 8, Appendix B
Performance-Based Management	No	8	Appendix B
Human Capital	No	9	SG 8, PMA Section, Appendix B
DOJ Reorganizations [FBI, OJP, INS]	No	10	SG 8, Appendix B
Prison Crowding	Yes	---	SG 6 Appendix B
Property and Equipment [FBI]	Yes	---	Appendix B
Management of IT [FBI]	Yes	---	Appendix B

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# OIG LETTER TO THE ATTORNEY GENERAL LISTING THE TOP TEN MANAGEMENT CHALLENGES FACING THE DEPARTMENT OF JUSTICE



U.S. Department of Justice

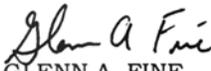
Office of the Inspector General

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Washington, D.C. 20530

November 8, 2002

MEMORANDUM FOR THE ATTORNEY GENERAL  
THE DEPUTY ATTORNEY GENERAL

FROM:   
GLENN A. FINE  
INSPECTOR GENERAL

SUBJECT: Top Management Challenges – 2002 List

Attached to this memorandum is the Office of the Inspector General's (OIG) 2002 list of the Top Management Challenges facing the Department of Justice (Department). We have created this list annually since 1998, initially in response to congressional requests, but in recent years as part of the Department's annual Performance and Accountability Report.

Given the strong likelihood that the Immigration and Naturalization Service (INS) will be transferred from the Department to the proposed Department of Homeland Security, we have not included INS programs in this year's list of top management challenges facing the Department. Instead, we have developed a separate list of top management challenges facing the INS, which also is appended to this memorandum. This separate list was drafted to assist the proposed Department of Homeland Security in managing and assimilating the INS.

As in past years, the top management challenges are not listed in order of seriousness, although it is clear to us that the top challenge facing the Department is its ongoing response to the threat of terrorism. This year, in addition to updating management challenges that have appeared on our list in previous years, we added a new challenge – "Human Capital" – to replace the "INS's Enforcement of Immigration Laws." That issue, along with elements from several other Department challenges, is included in the INS list of top challenges.

We hope that these lists assist managers in developing strategies to address what we consider to be the top management challenges facing the Department and the INS. We look forward to working with the Department to

address these challenges, both by drawing upon findings and recommendations from past OIG reviews and by conducting new reviews in these and other important areas.

Please contact me if you have any questions or if we can assist in any way.

#### Attachments

cc: Robert Diegelman  
Acting Assistant Attorney General for Administration  
Justice Management Division

David T. Ayres  
Chief of Staff to the Attorney General

Susan Richmond  
Assistant to the Attorney General

David H. Laufmann  
Chief of Staff to the Deputy Attorney General

David A. Margolis  
Associate Deputy Attorney General

Daniel J. Bryant  
Assistant Attorney General for Legislative Affairs

## **Top Management Challenges in the Department of Justice: 2002**

The Office of the Inspector General (OIG) has developed an annual list of top management challenges facing the Department of Justice (Department) since 1998. This list of top challenges, originally prepared in response to congressional requests, is now required by the Reports Consolidation Act of 2000 to be included in the Department's annual Performance and Accountability Report.

In light of pending legislation to transfer the Immigration and Naturalization Service (INS) from the Department to the proposed Department of Homeland Security, we have not included INS programs in this year's list of top management challenges facing the Department. Instead, we have developed a separate list of top management challenges in the INS. We believe that this approach will assist the Department of Homeland Security in successfully assimilating the INS, or the Department in managing the INS should it not be transferred.

1. Counterterrorism: In the year since the September 11, 2001, terrorist attacks, the Department has identified preventing, detecting, and deterring future terrorist acts as the agency's highest priority. To this end, the Department and other federal, state, and local government agencies are attempting to increase communication, share intelligence, and increase domestic preparedness. In light of the seriousness of the threat and the significance of the task, counterterrorism is the top management challenge for the Department.

The first objective in the Department's Strategic Plan for 2001-2006 is to "Protect America Against the Threat of Terrorism." The three strategic objectives under this goal emphasize: 1) prevention and disruption of terrorist operations before an incident occurs; 2) investigation of terrorist incidents to bring perpetrators to justice; and 3) prosecution of individuals who have committed or intend to commit terrorist acts against the United States. The Strategic Plan notes the challenges facing the Department as it seeks to effectively manage its counterterrorism program and avoid gaps in coverage or duplicate services provided by other law enforcement or intelligence organizations. In addition, the infusion of billions of dollars to help fund these expanded counterterrorism efforts presents Department managers with challenges to ensure that the funds are spent in an efficient and effective manner.

During the past year, the OIG has continued to review Department programs that relate to the Department's ability to successfully address these challenges. For example, the OIG recently audited the Federal Bureau of Investigation's (FBI) management of aspects of its counterterrorism program from 1995 through April 2002. We found that the FBI had not developed a comprehensive written assessment of the risk of a terrorist threat facing the United States, despite its statement to Congress in 1999 that it would. We concluded that such an assessment would have been useful not only to define the nature, likelihood, and

severity of the threat but also to identify intelligence gaps and determine appropriate levels of resources to effectively combat terrorism. Further, although the FBI has developed an elaborate, multilayered strategic planning system, the system had not established priorities adequately or allocated resources effectively to the counterterrorism program. Specifically, the planning system acknowledged a general terrorist threat to the nation, but the FBI did not perform and incorporate into its planning system a comprehensive assessment of the threat of terrorist attacks on U.S. soil. Similarly, the planning system identified numerous vulnerabilities and weaknesses in the FBI's capabilities to deal with the general terrorist threat, but the FBI did not make the fundamental changes necessary to correct the deficiencies.

The OIG audit also detailed the level of resources that the FBI has dedicated to counterterrorism and related counterintelligence between 1995 and 2002. The report made 14 recommendations to help improve management of the FBI's counterterrorism program, including that the FBI establish a time goal and a process for building a corps of professional, trained, and experienced intelligence analysts for assessing and reporting on threats at both the strategic and tactical levels.

As part of a review of critical infrastructure protection sponsored by the President's Council on Integrity and Efficiency (PCIE), the OIG issued a report entitled, "Departmental Critical Infrastructure Protection Planning for the Protection of Physical Infrastructure" (OIG Report #02-01). The audit found that the Department's ability to perform vital missions is at risk from terrorist attacks or similar threats because the Department had not planned adequately for the protection of its critical physical assets. This is the second phase of a four-part review planned by the PCIE to examine critical infrastructure issues in federal agencies.

The Department cannot respond to the counterterrorism challenge alone, and to this end it provides grants to state and local agencies to enhance their ability to respond to terrorist acts. In fiscal year (FY) 2002, the OIG audited the State and Local Domestic Preparedness Grant Program (OIG Report #02-15) and found that grant funds were not awarded quickly, and grantees were slow to spend available monies. We also found that nearly \$1 million in equipment purchased with grant funds was unavailable for use because grantees did not properly distribute the equipment, could not locate it, or had been trained inadequately on how to operate it.

A somewhat different but critical challenge for Department employees in responding to the terrorism threat is to use its law enforcement and intelligence gathering authorities consistent with the law. The USA PATRIOT Act directed the Inspector General to "receive and review" allegations of civil rights and civil liberties abuses by Department employees. In furtherance of this mandate, the OIG is investigating several specific allegations of abuse against Department employees. In addition, the OIG is completing a review of the treatment of non-citizens detained in the aftermath of the September 11 terrorist attacks. Specifically, the OIG is examining the access to counsel, timeliness of charging decisions, and conditions of confinement for non-citizen detainees at the Metropolitan Detention Center in

Brooklyn, New York, and the INS contract detention facility in Paterson, New Jersey.

In FY 2003, the OIG intends to devote significant resources to reviewing Department programs and operations that affect its ability to respond to the threat of terrorism. Among the planned OIG reviews are examinations of: (1) the Department's counterterrorism fund; (2) the FBI's dissemination of intelligence information to federal, state, and local law enforcement agencies; (3) the effectiveness of multi-component anti-terrorism task forces; and (4) the FBI's language program and efforts to hire linguists. We also will continue to review intelligence-sharing processes within the Department, a key component in the Department's counterterrorism effort and a topic discussed more extensively in the next challenge.

2. Sharing of Intelligence and Law Enforcement Information: One of the key issues arising from the September 11 terrorist attacks is the importance of sharing intelligence and other law enforcement information among federal, state, and local agencies. During the past year, the Attorney General, the FBI Director, and Members of Congress repeatedly have discussed the importance of information sharing, both to the investigation of the terrorist attacks and in the government's efforts to prevent future attacks.

Ten days after the September 11 attacks, the Attorney General directed that information exposing a credible threat to the national security interests of the United States should be shared with appropriate federal, state, and local officials so that any threatened act may be disrupted or prevented. In October 2001, the President signed the USA PATRIOT Act, which permits greater sharing of intelligence and law enforcement information, such as information derived from Title III intercepts, information provided to grand juries, and information contained in criminal history databases.

The Department continues to face significant challenges in ensuring that other federal, state, and local law enforcement agencies have access to information important to their work. The OIG examined several of these issues in its September 2002 review of aspects of the FBI's counterterrorism program (OIG Report #02-38). In addition to the need to develop and disseminate a written assessment of the threat of a terrorist attack, our audit noted a number of impediments to the FBI's effective processing of tactical threat information. The FBI receives a constant flow of information about possible terrorist threats and, consequently, faces an enormous challenge in deciding what information requires what type of response. Among the weaknesses we noted during our audit were the lack of criteria for initially evaluating and prioritizing incoming threat information and a lack of a protocol for when to notify higher levels of FBI management, other units and field offices, and other agencies in the law enforcement and intelligence communities. We also found that the FBI's ability to process intelligence information is hampered by its lack of an experienced, trained corps of professional intelligence analysts for both tactical and strategic threat analysis.

An ongoing OIG review is reviewing the FBI's ability to process and share intelligence information. At the FBI Director's request, the OIG is examining issues related to the FBI's handling of information and intelligence that the FBI had in its

possession prior to the September 11 attacks. Among the issues we are reviewing is how the FBI handled an electronic communication written by its Phoenix Division in July 2001 regarding Islamic extremists attending civil aviation schools in Arizona and issues raised in the May 21, 2002, letter to the FBI Director from the Minneapolis Chief Division Counsel.

In FY 2003, the OIG plans to review the FBI's dissemination of intelligence information to assess whether: (1) the flow of intelligence between the FBI and the broader federal intelligence community is satisfactory to all parties involved; (2) information and services of the FBI's Office of Law Enforcement Coordination and the Office of Intelligence are routinely accessible to federal, state, and local law enforcement agencies; (3) terrorism warnings and advisories are informative, useful, and timely; (4) impediments exist to the sharing of intelligence, warning, and advisories.

The OIG continues to examine efforts by the FBI and the INS to link information in their agency's respective automated fingerprint identification systems. A March 2000 OIG special report ("The Rafael Resendez-Ramirez Case: A Review of the INS's Actions and the Operation of its IDENT Automated Fingerprint Identification System") highlighted the failure of the FBI and INS to share important criminal justice information. We noted the importance of expeditiously integrating the FBI's Integrated Automated Fingerprint Identification System (IAFIS) with the INS's IDENT system to enable the two fingerprint systems to share information.

A fully integrated IDENT/IAFIS system will provide INS employees with immediate information on whether a person they apprehend or detain is wanted by the FBI or has a record in the FBI's Criminal Master File. Similarly, linking IDENT and IAFIS could provide state and local law enforcement agencies with valuable immigration information as part of a response from a single FBI criminal history search request. In December 2001, the OIG issued a follow-up report (OIG Report #I-2002-003) on the status of IDENT/IAFIS integration efforts and concluded that integration has proceeded slowly and remains years away. In FY 2003, the OIG intends to conduct another follow-up review to assess the Department's progress in linking IDENT and IAFIS.

3. Information Systems Planning and Implementation: OIG audits, evaluations, and special reports continue to identify mission-critical computer systems in the Department that were poorly planned, experienced long delays in implementation, or did not provide timely, useful, and reliable data. Given the critical role these systems play in supporting the Department's operational and administrative programs, and the vast sums of money spent on developing and deploying these systems, information systems planning and implementation continues to be a top management challenge in the Department.

In most criminal investigations – and certainly in the aftermath of the September 11 attacks – the FBI must be able to rapidly identify and disseminate pertinent intelligence information to the law enforcement community. Failure to capitalize on leads in its possession can delay or seriously impede an investigation. In a March 2002 review of the belated production of documents in the Oklahoma City bombing case (OKBOMB), we found that widespread failures by the FBI led to the belated disclosure of more than 1,000 documents. We traced the failures to a variety of

causes, including the FBI's cumbersome and complex document-handling procedures and its antiquated and inefficient computer systems. Although we did not find that the FBI's failures in the OKBOMB case were caused by its computer systems, we concluded that these systems cannot handle or retrieve documents in a useful, comprehensive, or efficient way.

This was not the first time the OIG had identified problems in the FBI's ability to access information from its computer systems. In a 1999 OIG review, we examined why classified intelligence information pertaining to the Department's Campaign Finance Task Force investigation was not disseminated appropriately within the FBI and the Department and, subsequently, to congressional oversight committees. The OIG found that a series of problems, including deficiencies in the use and maintenance of the FBI's computer database systems, ultimately contributed to this failure.

The problems encountered in our OKBOMB and Campaign Finance reviews shine light on historical problems in the FBI's information technology systems, including: antiquated and inefficient computer systems; inattention to information management; and inadequate quality control systems. The FBI Director has committed to moving the agency forward in these areas, and the OIG will continue to monitor the FBI's efforts to improve its information systems planning and implementation.

The OIG is finishing an audit of the FBI's management of its information technology projects. The review also examines the FBI's efforts to develop enterprise architecture and effective project management. In FY 2003, we plan to audit the FBI's Trilogy system to determine whether: (1) the FBI complied with federal regulations in selecting primary contractors for Trilogy; (2) the FBI complied with Federal Acquisition Regulations and Justice Acquisition Regulations in procuring Trilogy products; and (3) Trilogy's implementation is on schedule to meet cost, schedule, program management, and performance baselines.

Similarly, we plan to audit the Drug Enforcement Administration's (DEA) IT investment management process to ensure that the DEA is effectively managing its IT investments so that they provide the benefits for which they were designed. In addition, we plan to examine the DEA's strategic planning and performance measurement activities related to IT management.

4. Computer Systems Security: The threat to Department computers, databases, and networks from unauthorized access remains strong as hackers and others employ new technologies in their efforts to compromise Department computer networks and information. Since 1991, the Department has classified computer security as a material weakness.

The OIG regularly performs security assessments and penetration testing using advanced security system software. We have repeatedly found serious problems in the Department's computer security that could lead to the compromise of sensitive systems and data.

The OIG also conducts regular computer security audits mandated by the Government Information Security Reform Act (GISRA), which requires that

Inspectors General audit the security of critical information systems in their agencies. Our audits assess the Department's compliance with GISRA and related information security policies, procedures, standards, and guidelines. In FY 2002, we issued reports on the effectiveness of information security control techniques for nine Department computer systems, including four classified and five sensitive but unclassified (SBU) mission-critical systems.

Our GISRA audits of both classified and SBU systems revealed vulnerabilities with management, operational, and technical controls that protect each system and the data stored on it from unauthorized use, loss, or modification. Because technical controls prevent unauthorized access to system resources by restricting, controlling, and monitoring system access, we concluded that the vulnerabilities noted in those areas were the most significant. Overall, the GISRA audits found common vulnerabilities with security policies and procedures, and password and logon management. We also reported our concerns about account integrity and systems auditing management. To varying degrees, our audits found insufficient or unenforced Department-level and component security policies and procedures.

In several areas of identified vulnerabilities, broadly stated or minimally imposed standards allowed system security managers too much latitude in establishing system settings and, consequently, systems were not fully secured. The vulnerabilities identified were more voluminous and material for the Department's classified compared to its SBU systems. We attributed this to the fact that the Department has performed penetration testing on its SBU systems, but not its classified systems.

To address the deficiencies noted, we offered a series of recommendations, including increased oversight, development of documented procedures, and establishment of proper system settings to help improve computer security. The components generally concurred with our findings and agreed to implement corrective action. If GISRA is reauthorized in FY 2003, the OIG intends to examine pursuant to GISRA additional classified and SBU systems in the Department.

GISRA, however, was not the only computer security-related work performed by the OIG in FY 2002. For example, we audited the BOPNet computer system (OIG Report #02-03) to examine security controls that protect the Federal Bureau of Prison's (BOP) computer systems and the sensitive information stored on them. The review disclosed vulnerabilities in password, login, and system auditing management. These vulnerabilities occurred because of insufficient or unenforced Department-level and BOP security policies and procedures.

We also performed computer security assessments of the FBI's headquarters information systems control environment (OIG Report #01-13) and the Justice Data Centers (OIG Report #01-10) as part of the Department's financial statement audits. The FBI audit identified weaknesses in general and application controls that could compromise the FBI's ability to ensure security over sensitive programmatic or financial data and the reliability of its financial reporting. The Justice Data Centers review found that the Data Centers have improved their internal controls and have remedied all prior year reportable conditions. The OIG will continue to perform computer security assessments as part of its annual review of the Department's financial statements.

5. Detention Space: At the time this list of top management challenges was developed, Congress had not decided whether the INS's detention responsibilities would remain in the Department or be transferred along with the INS to the Department of Homeland Security. For this reason, and because the Detention Trustee is likely to remain in the Department irrespective of the decision about the INS, we cite this issue as a top Department management challenge.

Obtaining detention space at reasonable cost and efficiently managing that space remains a top management challenge for the Department. Both the U.S. Marshals Service (USMS) and the INS have experienced rapid growth in their use of detention space, from an average of approximately 32,000 beds in 1996 to approximately 50,000 beds in 2002. The USMS faces a shortage of detention space near federal courts, resulting in the need to transport detainees to distant facilities. The INS apprehends 1.6 million illegal aliens annually and must detain many of these aliens until their removal.

To obtain additional detention space, the Department has relied on outside contractors, including state and local governments and for-profit entities, to house federal detainees. Over the past several years, OIG audits of contractors for detention space have resulted in significant amounts of questioned and unsupported costs paid to the entities.

For example, in FY 2001, we issued an audit of an intergovernmental agreement (IGA) for detention space with York County, Pennsylvania (OIG report #GR-70-01-005). The audit revealed that in FY 2000, York overcharged the Department in excess of \$6 million due to York's understatement of its average daily population, a key figure used to determine reimbursement from the INS. If York used the daily rate determined by our audit, and if the INS, USMS, and BOP continue to use the same amount of jail days, the Department could realize annual savings of approximately \$6.4 million.

We also audited the IGA for detention space with the DeKalb County, Georgia, Sheriff's Office (OIG Report #GR-40-02-002). The audit revealed that DeKalb County included \$13.4 million of operating costs that were unallowable, unallocable, or unsupported; understated its average total inmate population by more than 29 percent; and over-billed the INS \$5.7 million in FY 2000. As a result, we questioned costs of \$5.6 million and identified funds to better use of \$7.8 million.

A third IGA audit, regarding the Government of Guam's detention of INS and USMS detainees (OIG Report #GR-90-01-006), found that for the period of October 1, 1998, through September 30, 2000, the Department overpaid Guam more than \$3.6 million based on the actual allowable costs and the average daily population. In addition, the OIG found that the Department could realize annual savings of \$3.3 million by using the audited rate for future payments.

There are considerable differences regarding the nature of the agreements used to obtain jail space from state and local governments. In the OIG's view, the Department has not yet settled on a procurement process to obtain detention space in a manner that meets prudent business practices and existing procurement

regulations. Given the number of individuals currently detained by the Department, and the hundreds of millions of dollars involved, it is important that this matter be resolved promptly and that detention space be acquired in a coordinated, cost effective, and legal fashion.

In 2001, the Department appointed a Detention Trustee with broad responsibilities related to many of the issues discussed above. We remain concerned that the Detention Trustee may not have the authority or resources to resolve many of these long-standing issues. In FY 2003, the OIG will continue to monitor the work of the Office of the Detention Trustee to review whether detention space needs are coordinated among the components, bed space is acquired at equitable rates, and the acquired bed space is appropriate for its use.

A recent OIG audit illustrated another facet of the Department's detention challenge. The OIG examined the INS's Institutional Removal Program (IRP) (OIG Report #02-41), which is designed to identify removable aliens in federal, state, and local correctional facilities, ensure that they are not released into the community, and deport them from the United States as soon as they have completed serving their sentences. The OIG found that the INS did not always timely process IRP cases. As a result, the INS has been forced to detain criminal aliens released from state and local correctional facilities after they have served their sentence until deportation proceedings can be completed. In a sample of 151 cases of criminal aliens in INS custody reviewed by the OIG, we identified a total of \$2.3 million in IRP-related detention costs, of which \$1.1 million was attributable to failures in the IRP process within the INS's control. We recommended that the Department devise methods to encourage the full cooperation of state and local governments, which is essential to an effective and efficient IRP.

6. Financial Statements and Systems: In FY 2001, the Department received an unqualified opinion on its consolidated financial statement, the Department's first such "clean" opinion. Each of the Department's components also received unqualified opinions in FY 2001. We believe that the Department and the components deserve credit for removing many of the obstacles that, in the past, have prevented auditors from stating an opinion on the Department's financial statements.

While obtaining an unqualified opinion in FY 2001 is a significant accomplishment, however, important issues continue to exist that could threaten the Department's ability to maintain these improvements.

We reported three material weaknesses in the FY 2001 Consolidated report on Internal Controls. Within the components, we found 13 material weaknesses and 12 reportable conditions. The Department was able to overcome these issues to achieve an unqualified opinion through intense, manual efforts to prepare the financial statements and satisfy the audit requirements. However, given the accelerated reporting deadlines to OMB that begin with the FY 2002 audit, the Department has significant hurdles to overcome in order to meet the due dates because of its continued dependence on these manual efforts.

In addition, we continue to find that component financial and other automated systems are not integrated and do not readily support the production of financial

statements. To succeed within the expedited time frames, the Department must be able to prepare financial statements more timely, and auditors must be able to test and rely upon internal control processes throughout the year. Yet, most Department components still view the preparation of financial statements as primarily a year-end exercise, even though quarterly statements are now required.

In addition to the accelerated deadlines and system implementation issues, the Department also faces issues with staff resources. We have found that several components lack adequate staff to perform many of the tasks needed to produce the financial statements. Consequently, the Department continues to rely heavily on the use of contractors to prepare the statements which, in addition to the expense, contributes to a lack of in-house knowledge and expertise.

7. Grant Management: Over the past 10 years, the Department has become a significant grant-making agency that has disbursed billions of dollars for, among other initiatives, community policing, drug treatment programs, reimbursement to states for incarcerating illegal aliens, and counterterrorism initiatives. For a Department that previously had limited experience in awarding, monitoring, and reporting on grant progress, the infusion of such significant amounts of grant money has resulted in ongoing management challenges.

The OIG continues to audit grants disbursed by the Office of Community Oriented Policing Services (COPS) to examine grantee compliance. In FY 2002, our audits of COPS grant recipients identified more than \$11 million in questioned costs and more than \$3 million in funds to better use.

OIG reviews of this and other Department grant programs have found that many grantees did not submit required program monitoring and financial reports and that program officials' on-site monitoring reviews did not consistently address all grant conditions.

For example, in 2002 the OIG issued an audit of the Office of Justice Programs' (OJP) administration of domestic preparedness grants to state and local agencies to enhance their ability to respond to terrorist acts (OIG Report #02-15). Through January 15, 2002, the OJP awarded grants totaling about \$149 million – \$101.7 million to 257 grantees for equipment and \$47.1 million to 29 grantees for training. The audit found that grant funds were not awarded quickly and grantees were slow to spend available monies. As of January 15, 2002, more than half of the total funds appropriated for the grant program from FY 1998 through FY 2001 – \$141 million out of \$243 million – still had not been awarded. About \$65 million in grant funds awarded was still unspent. In addition, we found that nearly \$1 million in equipment purchased with grant funds was unavailable for use because grantees did not properly distribute the equipment, could not locate it, or had been inadequately trained on how to operate it. Although the grantees we contacted were satisfied with the overall quality of training funded by the grant program, we found that the OJP had not developed performance measures for evaluating whether the program improved grantees' capability to respond to terrorist acts.

The OIG is currently examining administrative grant activities in OJP, and between OJP and COPS, to identify functions that can be streamlined. In FY 2003, the OIG plans to audit grant management in other Department grant programs. In addition,

we also will continue to audit individual grantees to determine whether grants funds are used for their intended purpose.

8. Performance-Based Management: The Department attempts to hold itself accountable by developing performance measures that assess outcomes and results rather than inputs. Similarly, the President's management agenda for FY 2002 requires integration of budget and performance. The President's management agenda stresses performance-based management, stating that over the past few years the Department has seen a "significant expansion in its mission and a rapid growth in resources. Meaningful measures supported by performance data, particularly measures of program outcome, are essential to evaluate this investment and determine future resource requirements."

A significant management challenge for the Department is ensuring, through performance-based management, that its programs are achieving their intended purposes. In a Department that has grown rapidly over the past decade, linking credible performance measures to budget development and allocation of resources has been uneven. As a regular part of OIG program audits, the OIG examines performance measures for the component or program under review and offers recommendations as to whether the reported results are supported by reliable measurement methods or systems. Additionally, as part of the annual financial statement audits, the OIG obtains information about the existence and completeness of performance measurement data.

In recent audits of Department programs, we generally find that the performance measures in these programs are not always well developed or adequately focused on outcomes. For example, in March 2002 the OIG issued a report on the Office of International Affairs' (OIA) Role in the International Extradition of Fugitives (OIG Report #I-2002-008). The report noted that the OIA had established performance measures for treaty negotiations, but had not established measures for processing extradition requests. We also found that the OIA did not have internal policies, procedures, or standards pertaining to extradition cases that identified staff responsibilities, time frames, or priorities to guide employees or communicate management expectations.

Further, in our May 2002 audit of the OJP's Convicted Offender DNA Sample Backlog Reduction Grant Program (OIG Report #02-20), we found that OJP had not developed performance measures that could assess whether the national backlog of DNA samples awaiting analysis was being reduced through its grant program. Without a performance measurement that specifically assesses the Program's impact on the national offender backlog, the OJP cannot measure progress in achieving its mission to reduce and eventually eliminate the convicted offender DNA sample backlog.

In the OIG's audit of the FBI's Counterterrorism Program (OIG Report #02-38), we recommended that the FBI close the gap between planning and operations in its counterterrorism program by establishing an effective system of performance measures. Those measures should, in addition to focusing on program outcomes, identify standards for holding managers at all levels accountable for achieving the goals and objectives delineated in the FBI's strategic plans.

The General Accounting Office (GAO) reviewed the Department's FY 2000 performance report and the FY 2002 performance plan (GAO Report #01-729) to assess Department progress in achieving selected key outcomes identified as important Department mission areas. It reported that the Department's overall progress towards achieving each of the four key outcome measures was difficult to ascertain because the performance report generally lacked measurable targets and lacked clear linkage between performance measures and outcomes.

The OIG also has undertaken a review focusing of the overall use of performance measures by a Department component. We are currently auditing the DEA's implementation of the Government Performance and Results Act to assess whether it has developed quantifiable goals that support its mission and whether the performance data gathered to date are valid and accurate. We also are reviewing whether the DEA has an effective system to collect, analyze, and report data related to its performance measures.

9. Human Capital: The Department continues to experience a management challenge in attracting, training, and retaining sufficient qualified employees in many of its areas of operation. Exacerbating this challenge is the fact that Department employees are leaving to take higher-paying positions in other government agencies (such as the new Transportation Security Agency) and in the private sector. We also are concerned that the Department of Homeland Security, possibly offering higher salaries than Department employees currently earn, will siphon off trained employees in areas such as law enforcement, intelligence analysis, information technology, and linguistics.

Throughout the Department, agencies have difficulty attracting and retaining high quality information technology specialists who are knowledgeable about the latest hardware and software. Employees with specialized skills in this area are in high demand in the marketplace, and the Department has had some difficulty competing with private sector companies and other government agencies who can offer greater monetary rewards. Without greater recruitment and retention of highly qualified information technology employees, the government runs the risk of falling further behind in several of the challenges noted above, such as Information Systems Planning and Implementation, Computer Systems Security, and Financial Statements and Systems.

In other areas, Department components face problems in expeditiously hiring qualified specialists. For example, the FBI must hire and train additional intelligence analysts and investigators to assist in meeting the Bureau's new counterterrorism responsibilities. In addition, because of the lack of investigators experienced in working counterterrorism cases, the FBI is rehiring recently retired FBI agents for temporary assignment. Furthermore, the FBI is seeking to build a corps of experienced translators to address a lack of expertise in certain languages and focus on reducing the backlog of translation requests.

The Department must have the capabilities, resources, and facilities to adequately train the influx of entry-level personnel. For example, training staff at the Federal Law Enforcement Training Center in Glynco, Georgia, is working six days a week in an effort to train the high volume of new employees.

We also believe the Department must focus attention and training resources on new managers who will be needed to replace the significant number of senior Department employees nearing retirement age.

10. Department of Justice Reorganizations: Managing employees through ongoing and impending reorganizations presents a critical management challenge for the Department. While much of the ongoing reorganizations are designed to increase the Department's ability to combat terrorism, some changes are designed to correct long-standing organizational problems. The challenge for Department managers is not only to ensure that the reorganization activities accomplish their intended purposes, but also to see that the Department's interconnected programs and functions are not affected adversely by the changes during what may be prolonged transition periods.

The largest impending reorganization is the creation of the Department of Homeland Security and its absorption of all or part of the INS. Congress and the Administration currently are grappling with the mechanics of how to merge 22 departments and agencies with 170,000 employees into a single agency with a wide-ranging mission. While no definitive decisions have been made as of the date of this document, it is clear that creation of the Department of Homeland Security will have a significant impact on the Justice Department. The Department will be challenged to ensure that the vital missions of the INS are not impeded during the transition period. GAO echoed similar concerns in a recent report (GAO Report #02-957T), stressing the challenges during the transition period relating to communication systems, information technology systems, human capital systems, and the physical location of people and other assets. Similar challenges will result if the Bureau of Alcohol, Tobacco and Firearms is transferred from the Department of the Treasury into the Department of Justice.

The FBI continues its internal reorganization to more effectively respond to its new priority to detect and deter acts of terrorism against United States interests. In December 2001, the FBI Director announced a restructuring plan for FBI Headquarters that he described as the first step in a "phased process of reorganizing assets, modernizing and integrating new technology, and consolidating functions." Additional restructuring measures have been implemented, and the FBI is seeking to reengineer structures and processes throughout its organization.

To aid in these restructuring efforts, the OIG is examining various aspects of the FBI's operations and programs. For example, the OIG's comprehensive review of the Department's performance in preventing, detecting, and investigating the espionage activities of former FBI agent Robert Hanssen will offer recommendations for programmatic and structural reorganization in the FBI's counterintelligence programs.

Additionally, OJP is reorganizing in an attempt to improve its grant operations. As mentioned previously, the OIG is reviewing OJP to assess potential duplication in its grant management and oversight process, both within OJP and between COPS and OJP, in an effort to identify opportunities to create efficiencies and streamline operations.

These restructuring efforts throughout the Department present significant challenges to managers and employees. Importantly, the Department must ensure that its critical missions are effectively met while the reorganizations are taking place – reorganizations that, hopefully, will leave the Department better prepared to address these and other top management challenges in the future. The OIG intends to assist in this effort by reviewing the proposed changes and offering recommendations for improvement.

## **Top Management Challenges in the Immigration and Naturalization Service: 2002**

The Office of the Inspector General (OIG) annually issues a list of top management challenges facing the Department of Justice (Department). This year, in light of pending legislation to transfer the Immigration and Naturalization Service (INS) from the Department to the proposed Department of Homeland Security, we have created separate lists of top management challenges in the Department and in the INS. The following list of top INS challenges is intended to assist the Department of Homeland Security in successfully assimilating the INS, or the Department in managing the INS should it not be transferred.

1. Border Security: The INS's ability to screen individuals seeking to enter the United States remains a key element of homeland security and the INS faces many challenges in this area. For example, we have found that the INS lacks adequate staff and equipment to guard northern land and water borders. The INS's strategy to control the southwest border, while much further deployed than its northern border strategy, needs additional infrastructure support, such as physical facilities and technology, and may take many years to fully implement. When the INS apprehends aliens, it does not have the capability to effectively identify those who are wanted by law enforcement or who may pose a threat to the United States. Also, the INS's capacity to detain aliens prior to their removal is not sufficient.

The OIG has examined many facets of the INS's efforts to control U.S. borders. For example, in two reviews of the INS's Border Patrol deployment and operation along the northern border (OIG Report #I-2000-004, and follow-up report OIG Report #I-2002-004), we found that INS staffing and resource shortages along the northern border continue to be a critical impediment to effective control of illegal immigration. With respect to the southwest border, the General Accounting Office (GAO) reached similar conclusions. The GAO's report, "INS' Southwest Border Strategy: Resource and Impact Issues Remain After Seven Years" (GAO-01-842, August 2, 2001), estimated that it may take the INS up to another decade to fully implement its strategy.

The OIG also has examined other methods of entry into the United States that are important to the border security challenge. "The Potential for Fraud and INS's Efforts to Reduce the Risks of the Visa Waiver Pilot Program" (OIG Report #I-99-10) and our follow-up report (OIG Report #I-2002-002) examined vulnerabilities in the Visa Waiver Program and found that INS inspectors lacked access to full information regarding missing and stolen passports. We also found serious security concerns in the Transit Without Visa Program. In two other reports, "Transit Without Visa (TWOV) Program Inspection" (OIG Report #I-92-27 and our follow-up report, "Improving the Security of the Transit Without Visa Program" (OIG Report #I-2002-005), we determined that airlines failed to supervise passengers at United States airports in the Transit Without Visa program, and that the INS could not verify that such passengers actually left the country. In another examination of

port-of-entry (POE) operations, "Immigration and Naturalization Service Deferred Inspections at Airports" (OIG Report #01-29), we found that 11 percent of entering aliens who were allowed to enter the country upon condition that they agree to appear at an INS office to complete their deferred inspection failed to do so and that the INS's subsequent pursuit of such persons was incomplete and ineffective.

The challenge of securing the nation's borders extends to how the INS processes aliens after they are apprehended. A critical part of this challenge is the integration of the INS's automated biometric fingerprint identification system (IDENT) and the Federal Bureau of Investigation's (FBI's) integrated automated fingerprint identification system (IAFIS). Our most recent examination of the integration efforts, "Status of IDENT/IAFIS Integration" (OIG Report #I-2002-003), followed up on two prior reviews, "Review of the Immigration and Naturalization Service's Automated Biometric Identification System (IDENT)" (OIG Report #I-1998-010), and "The Rafael Resendez-Ramirez Case: A Review of the INS's Actions and the Operation of its IDENT Automated Fingerprint Identification System" (March 2000). In these reports, we recommended that the Department continue to seek linkage of the FBI and INS biometric identification systems and use IDENT while integration of IDENT and IAFIS is proceeding. We also recommended, as an interim measure, adding fingerprint records to the IDENT lookout database for aliens wanted in connection with crimes.

The INS took this step, which according to the INS has resulted in the apprehension of thousands of aliens who had criminal warrants outstanding. We believe that full integration of IDENT and IAFIS will improve the ability of the INS to identify and detain aliens who are wanted for crimes or who may pose a threat to the nation's security. In recognition of the critical importance of integration of these systems, we are initiating another follow-up review in fiscal year (FY) 2003 to assess the progress of the integration efforts.

2. Enforcement and Removal: The INS's ability to find and remove the estimated 7-12 million illegal aliens in the United States is an enormous challenge. Currently, there are many gaps in the INS's ability to identify aliens who are ineligible to remain in this country. The INS's systems for tracking when aliens enter and leave the United States clearly are inadequate. Improving these systems will require persistent efforts and substantial investments of resources. This will be a daunting challenge to an agency that does not have a history of success with large technology initiatives. Moreover, even if the INS succeeds in creating effective tracking systems, it must implement an effective program for removing aliens after they have been identified.

In 1997, the OIG examined the INS's efforts to identify aliens who overstayed the limits prescribed by their visas, a condition that the INS has estimated involves approximately 40-50 percent of the illegal alien population in the United States. Recently, we conducted a follow-up review, "INS Efforts to Improve the Control of Nonimmigrant Overstays" (OIG Report #I-2002-006), which found that the INS has made little progress in effectively dealing with nonimmigrant overstays or in addressing the recommendations we made in 1997. The INS does not have reliable data on overstays or a reliable system to track overstays, and it acknowledges that any effective enforcement strategy depends on the future establishment of a comprehensive entry/exit system.

The GAO reached similar conclusions in its report, “Immigration Enforcement: Challenges to Implementing the INS Interior Enforcement Strategy” (GAO-02-861T, June 19, 2002), which also examined the INS’s efforts to develop an interior enforcement strategy. In 1999, the INS issued its Interior Enforcement Strategy to focus resources on areas that would have the greatest impact on reducing the size and annual growth of the illegal resident population. The GAO concluded that for the INS’s interior enforcement strategy to be effective, the INS needs better data to determine staff needs, reliable information technology systems, clear and consistent guidelines and procedures for INS field staff, effective coordination within the INS and with other agencies, and performance measures that help the INS assess program results.

The OIG recently assessed the INS’s Institutional Removal Program (IRP), an INS program designed to identify deportable criminal aliens incarcerated in federal, state, and local correctional facilities and remove them from the United States upon completion of their sentence. Our review, “Immigration and Naturalization Service’s Institutional Removal Program” (OIG Report #02-41), determined that the INS has not managed the IRP process effectively. We found that the INS has yet to determine the nationwide population of foreign-born inmates, particularly at the county level. Without this information, the INS cannot properly quantify the resources it needs to fully identify and process all deportable inmates. In addition, at the county level we found that IRP interviews of foreign-born inmates to determine deportability were minimal to non-existent. As a result, many potentially deportable foreign-born inmates passed through county jails virtually undetected. We found instances where inmates not identified by the INS as potentially deportable went on to commit additional crimes, including cocaine trafficking, child molestation, and aggravated assault, after being released into the community.

Further, our review found that the INS did not always timely process IRP cases. As a result, it has been forced to detain in INS custody criminal aliens released from state and local correctional facilities – after they have served their sentence – until deportation proceedings can be completed. In the OIG’s sample of 151 cases of criminal aliens in INS custody, we identified a total of \$2.3 million in IRP-related detention costs, of which \$1.1 million was attributable to failures in the IRP process within the INS’s control. We estimated that the total cost of holding IRP inmates in INS detention could run as high as \$200 million annually.

In another OIG report, “The INS Escort of Criminal Aliens” (OIG Report #I-2001-005), we reviewed the INS’s implementation of its policies for escorting criminal aliens who are being removed from the United States. We found that the INS placed the traveling public at potential risk because it did not consistently follow its own escort policy. Some INS supervisory field officials disregarded provisions of the INS escort policy, resulting in the transportation of violent aliens on commercial airlines without escorts. In addition, the INS failed to identify some dangerous aliens during the routine pre-removal alien file review process. We also found that INS field officials often failed to provide the required ratio of escorts to dangerous aliens, and the INS did not always provide escorts during the final segment of multi-flight removal trips.

3. Entry/Exit and Student Tracking Systems: According to INS estimates, in FY 2001 the INS inspected over 35 million nonimmigrants at air POEs, approximately 1 million at sea POEs, and approximately 195 million at land POEs. However, because of inadequate tracking systems, the INS does not know whether these nonimmigrants have overstayed or otherwise violated the conditions of their admittance to the United States.

As we discussed above, a reliable and efficient system of tracking nonimmigrant entries and exits is essential to the INS's enforcement and removal responsibilities. We evaluated the INS's efforts at developing an effective entry/exit system, which was mandated by Congress in both the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 and the Immigration and Naturalization Service Data Management Improvement Act of 2000. In our audit report entitled "The Immigration and Naturalization Service's Automated I-94 System" (OIG Report #01-18), we determined that the INS's I-94 entry/exit system was a failure. At the time of our audit in 2000, the system operated at only four air POEs with the participation of only two airlines. The system had not been deployed at any land or sea POEs. We found that the INS's efforts to track the implementation of the system were inadequate. Despite having spent \$31.2 million on the system from FY 1996 to FY 2000, the INS did not have clear evidence that the system would meet its intended goals, and estimated that an additional \$57 million would be needed for FY 2001 through FY 2005 to complete the system.

After the terrorist attacks of September 11, 2001, the effectiveness of monitoring nonimmigrant visitors came under additional scrutiny. The USA Patriot Act, enacted on October 26, 2001, requires that an integrated entry/exit control system be implemented with all deliberate speed and that an Integrated Entry and Exit System Task Force be established to accomplish this task. The exit/entry control system would collect and match arrival and departure records for every alien and provide reports on overstays. On February 18, 2002, the INS officially terminated the Automated I-94 System project. The INS created an Entry-Exit Program Office to explore alternative technical solutions and processes for the entry/exit control system. The INS faces enormous challenges to implement this system in a timely, complete, and cost-effective manner.

In addition to its difficulties in tracking nonimmigrants generally, the INS has been unable to monitor effectively certain categories of nonimmigrants, such as students. In a report issued in May 2002, the OIG examined the INS's efforts to monitor the approximately 500,000 aliens who annually enter the United States under student visas. In our report, we first examined the INS's processing of two September 11 terrorists' applications for a change of status from visitor to student, and the reasons that the notification forms approving the change of status were mailed to a Florida flight school six months after the terrorists had died while perpetrating the September 11 attacks. We found the INS's adjudication and notification process to be untimely and significantly flawed. Even after adjudication, the requisite forms were delayed for months before being mailed to the flight school, which we attributed to the INS's failure to monitor a contractor's performance adequately.

We then examined the INS's paper-based system for monitoring and tracking foreign students in the United States, and found that it was antiquated and inadequate. We concluded that the INS's new Internet-based student tracking

system, the Student and Exchange Visitor Information System (SEVIS), will be a significant advance and will help address many of the failings of the current system. But SEVIS alone will not solve the problems of the INS's tracking of foreign students. For example, the INS must review and properly recertify thousands of schools that currently are certified to enroll foreign students, must ensure that its employees and the schools timely and accurately enter information into SEVIS, and must ensure that the information from SEVIS is analyzed and used adequately. We concluded that the INS was unlikely to meet the January 2003 deadline for full implementation of SEVIS. At the end of the report, we provided 24 recommendations to help address deficiencies in INS practices and procedures that we found in our review and in the INS's proposed implementation of SEVIS.

4. Applications Backlog: The INS handles approximately 50 types of applications for immigration services, including applications for employment authorization, change of status to permanent residence, asylum, and citizenship. Processing the millions of applications in a timely and consistent fashion has been a longstanding challenge for the INS.

This challenge was examined in an OIG special report, "An Investigation of the Immigration and Naturalization Service's Citizenship USA Initiative" (July 31, 2000). At the time the INS initiated Citizenship USA, it projected that an applicant for citizenship would have to wait three years for agency action. The report found that during the time in which the INS focused attention on this poorly planned effort at reducing the citizenship backlog, the backlog of applications for other immigration benefits grew substantially.

The GAO reported similar problems in its report, "Immigration Benefits: Several Factors Impede Timeliness of Application Processing" (GAO-01-488, May 4, 2001). The GAO also found that while the backlog for citizenship had decreased, the backlog for other applications had increased. The GAO concluded that the INS experienced significant problems managing its application workload, despite years of increasing budgets and staff. It found that the INS did not maximize the deployment of staff to process applications in a timely fashion because it lacks a systematically developed staff resource allocation model. The GAO also found that the INS did not know how long it took to process applications because its automated systems contained unreliable data and its districts did not have automated systems for tracking many types of applications.

As noted above, in the OIG report on the INS's contacts with two September 11 terrorists, the OIG found significant backlogs in the processing of I-539 applications for change of status. Mohamed Atta and Marwan Alshehhi had applied to the INS Texas Service Center to change their immigration status from tourist to student in the year before the attacks on the World Trade Center. Both Atta's and Alshehhi's I-539 applications took 10 months for adjudication. This type of delay in adjudicating I-539 applications was typical because I-539s had been a low priority for the INS, resulting in substantial processing backlogs. The average processing times for I-539s have remained consistently high since at least 1998, ranging from 129 to 200 days. For FY 2002, the INS made processing I-539s a priority and set the target processing time at five months. However, we question whether the INS can meet its new processing deadlines unless sufficient resources are consistently devoted to the effort.

Our annual audits of the INS's financial statement continued to find evidence of significant deficiencies in the INS's ability to handle immigration applications and monitor its productivity and progress in addressing backlogs. During FY 2000, INS management had to expend tremendous efforts in conducting a wall-to-wall physical inventory of applications to determine how many it had pending and how many it had processed to completion at the end of the fiscal year. The INS manually counted approximately 2 million applications – first, in several preliminary counts and then a final end-of-year count that shut down production at several sites for more than a week and delayed application processing. We concluded that the INS needs an automated system for recording the status of pending applications and for better managing its backlogs.

5. Financial Statements and Systems: The INS continues to expend tremendous manual efforts and costs in preparing its financial statements and supporting financial statement audits. This is due primarily to the lack of automated systems that readily support ongoing accounting operations, financial statement preparation, and the audit process. For instance, although the INS obtained an unqualified opinion in its FY 2001 financial statement audit, the achievement was tenuous and does not reflect a healthy financial accounting system. The INS has been in the process of replacing its core financial system for over five years. Among other problems, it continues to use a significant feeder system that does not comply with federal financial systems criteria. The INS still processes the majority of its transactions through the Financial Accounting and Control System (FACS), its legacy accounting system, which now serves as a feeder system to its new Federal Financial Management System. However, FACS has many inherent control weaknesses due to its age and design.

While the INS has made progress in its financial statements, it still needs to make further improvement in areas such as identification of deferred revenue, financial management systems controls, general electronic data processing controls, verification of intra-governmental transactions, documentation of accrual estimation, and controls over key performance measures. In our FY 2001 financial statement audit, we identified the first three items as material weaknesses.

In addition, as discussed above, the INS has a critical problem determining how many immigration benefits applications it has processed and, thus, its calculation of earned revenue and management of its examinations fee account. So far, it has been able to meet the end-of-year requirement only by a manual count and shutdown of some processing facilities.

None of these deficiencies is subject to easy solution. We believe the INS's challenge will increase as the government accelerates the completion dates for the financial statements and shifts to quarterly reporting.

6. Information Technology Planning and Implementation: The INS's implementation of technology projects has been a long-term management challenge. The Department recognized the challenge when it identified INS information technology as a material weakness in 1998. In an OIG report issued that year, "Immigration and Naturalization Service Management of Automation Programs" (OIG Report #98-09), we concluded that the INS had not adequately managed its automation

programs. The report warned that the INS was at risk that completed projects would not meet their intended goals, completion of the automation programs would be significantly delayed, and unnecessary costs could occur.

A year later, the OIG issued a follow-up report (OIG Report #99-19) that found continuing problems with INS information technology planning and management. Specifically, we reported that project costs continued to increase without established baselines against which actual costs incurred could be compared and without justifications for the increases. We found that INS managers did not adequately monitor planned project tasks to ensure timely completion and that monthly progress reviews were incomplete, unclear, and untimely. Further, the INS had not developed comprehensive performance measures to ensure that completed projects, once deployed, would meet intended goals. Finally, the report noted serious deficiencies in the INS's compliance with its system development life-cycle process. As a result, the INS had no assurance that systems would meet performance and functional requirements.

We continue to have concerns about the INS's management of its information technology programs. For example, we performed an audit entitled, "The Immigration and Naturalization Service's System Data Pertaining to Secondary Inspections at Selected Preclearance Airports" (OIG Report #01-11), to assess the technology available to INS inspectors at secondary inspection sites. INS inspectors at airports rely on inspection data maintained in the Treasury Enforcement Communications System (TECS). Other federal entities and INS programs rely on TECS data in their law enforcement operations. Our audit found variations in the reliability of INS data entry practices. For example, at one site INS inspectors entered the required referral designation and secondary inspection results in TECS for only 3 percent of the approximately 51,000 secondary inspections performed during the audit period. The lack of reliable data jeopardizes other INS law enforcement efforts, including the INS's ability to provide assistance to other federal entities.

We have discussed above other OIG reports that described vulnerabilities in INS information technology programs, including the status of IDENT/IAFIS integration (OIG Report #I-2002-003), the INS's contacts with two September 11 terrorists, and the Automated I-94 System (OIG Report #01-18). Significant issues that we continue to find in INS information technology projects demonstrate the need for a major dedication of resources and oversight to this critical management challenge.

7. Computer Systems Security: The INS depends on computers to process millions of immigration transactions, to record its dealings with millions of aliens, and to conduct its office automation activities. Protecting these systems from unauthorized access, manipulation, or destruction is vital to the INS's operations. The OIG has examined the security of INS computer systems pursuant to the Government Information Security Reform Act and performed additional testing while conducting the annual financial statement audit. Computer systems security remains a critical challenge that the INS, like other government agencies, must address on a continuing basis.

For example, we reviewed the "backbone" INS system that provides office automation tools to more than 30,000 INS employees and 10,000 contractor

employees worldwide. We also reviewed the automated system that supports INS records management functions. Our review of the management, operational, and technical controls that protect the INS's core network found medium to high vulnerabilities for unauthorized use, loss, or modification in 9 of the 17 control areas that were tested, with 2 reported as high vulnerabilities. We noted a need for improvements or corrective actions with respect to the security evaluation and risk assessment; interconnections with other networks; intrusion detection systems; tape management; and access, password, and encryption practices.

Our review of the INS records management system found deficiencies in 12 of the 17 control areas tested. We found inadequate security evaluation and risk assessment practices, and recommended that these deficiencies may warrant rescinding the system's certification and accreditation in favor of an interim approval to operate until corrective action is completed. We also recommended corrective action regarding system contingency planning and clarification of the responses required in the event of a service disruption. In all, the OIG made 18 recommendations to the INS for corrective actions regarding the 2 systems.

8. Detention Space Management: Obtaining and efficiently managing detention space for INS detainees is a critical management challenge. In 2000, the INS apprehended 1.8 million aliens, many of whom are held temporarily before being voluntarily returned to Mexico. Statutory changes enacted by Congress in 1996, which require the INS to detain certain classifications of aliens until their removal, have increased the number of aliens who must be detained for more than short periods. For example, the number of aliens detained for formal removal or other immigration proceedings has grown, from 72,154 in 1994 to 188,547 during 2001.

To obtain additional detention space, the INS has relied on outside contractors (including state and local governments and for-profit entities) to house INS detainees. For example, the Department's Detention Trustee has estimated that almost 70 percent of the Department's detainees (which also includes those held by the U.S. Marshals Service) are held in state, local, or contractor-operated facilities. OIG audits of contractors for detention space have resulted in significant dollar findings, generally for unsupported costs. For example, in FY 2001 we issued an audit of an intergovernmental agreement (IGA) for detention space with York County, Pennsylvania (OIG Report #GR-70-01-005). The audit revealed that in FY 2000, York overcharged the Department in excess of \$6 million due to York's understatement of its average daily population, a key figure used to determine reimbursement from the INS. Further, our audit estimated that the Department could save an additional \$6.4 million if the rate was lowered to comport with the audited figures and the Department used the same number of jail days during the following year.

Other OIG audits identified significant overpayments that the INS and the Department made under other IGAs. For example, our audit of an IGA with the DeKalb County, Georgia, Sheriff's Office (OIG Report GR-40-02-002) found that the INS was over-billed by \$5.7 million in FY 2001. DeKalb County's understatement of the average total inmate population by more than 29 percent resulted in this over-billing. An audit of the Government of Guam (OIG Report GR-90-01-006) found that for the period of October 1, 1998, through September 30, 2000, the Department overpaid Guam more than \$3.6 million based

on the actual allowable costs and the average daily population. In addition, the OIG found that the Department could realize annual savings of \$3.3 million by using the audited rate for future payments.

The INS has not yet acted to recover these overpayments. At York, the INS has not reduced its payments to conform to the audited rates. Moreover, in our view, the INS and the Department have not yet settled on a procurement process to obtain detention space in a manner that meets existing procurement regulations.

Juvenile illegal aliens present special detention challenges for the INS. In our report entitled "Unaccompanied Juveniles in INS Custody" (OIG Report #I-2001-009), we found that the INS did not always segregate non-delinquent juveniles from delinquent juveniles and that the INS was not always able to promptly place juveniles in a detention facility or shelter due to a shortage of appropriate facilities. In another report, entitled "Juvenile Repatriation Practices at Border Patrol Sectors on the Southwest Border" (OIG Report #I-2001-010), we found that unaccompanied Mexican juveniles sometimes were detained over a weekend at Border Patrol stations in holding cells built for temporary confinement.

9. Organizational Structure: For several years, the INS has considered various reorganization plans. Congress also has proposed restructuring the INS in an effort to address many of its management and programmatic challenges. Recently, the Administration and Congress have proposed to transfer all or part of the INS's functions to the Department of Homeland Security.

A major redesign of the INS's structure and location could affect, at least in the short term, productivity, quality assurance, employee morale, and the quality of the services provided to the public. The challenge for the INS, in whichever organization it is located, will be to ensure that the reorganization accomplishes its intended purposes and that the agency's essential services and functions continue without interruption during the transition. Whichever way the INS is reorganized, fundamental corrections in its business practices, policies, and systems are necessary. We believe it is imperative that any reorganization or transfer of the INS not substitute or delay such corrective actions.

10. Human Capital: To fulfill its mission, the INS must have sufficient trained staff and supervisors. This has been a critical challenge for the INS. For example, the INS has had difficulty filling Border Patrol agent positions because of high attrition rates among agents, delays in recruitment, and limitations in training facilities. These problems have been exacerbated by the recruiting successes of the Transportation Security Administration's (TSA) Sky Marshal program and TSA's ability to offer higher pay than the INS for many of its positions.

Like other parts of the Department, the INS also suffers from difficulties in attracting and retaining employees in information technology and computer security positions. Moreover, the INS's average workforce is less experienced as a result of significant attrition among experienced employees. The INS also is heavily reliant upon contractor support for many functions associated with its information systems, records management, immigration service processing, detention services, guard services, and other functions.

In our examinations of the INS's programs and operations, we frequently have encountered inconsistent and nonconforming business practices and transactions. Field offices use different forms, criteria, and often appear ignorant of agency policy and guidance. In particular, we have found both inconsistent practices among field offices and fundamental deficiencies in common business transactions. These findings suggest that, among other measures, the INS needs to improve its training so that employees perform their duties correctly and in accordance with standard INS policy.

While the INS is not unique in experiencing a human capital challenge, correction of the many difficult systemic problems that we have described in this list of top management challenges requires an adequately trained and qualified INS workforce. To the extent INS does not address human capital challenges, its ability to solve its other management challenges will be undermined.

**RESPONSES TO THE OFFICE OF INSPECTOR GENERAL'S TOP TEN MANAGEMENT CHALLENGES**

<b>U. S. DEPARTMENT OF JUSTICE</b>  <b>Management Challenge Report</b> <b>Issue and Milestone Schedule</b>				
<b>Management Challenge:</b> <b>COUNTERTERRORISM</b>	<b>Date of Submission:</b> 11/12/2002	<b>Component:</b> FBI	<b>Original Target for Completion:</b> 11/30/2002	<b>Current Target for Completion:</b> On-going
<b>Issue and Description:</b> <ul style="list-style-type: none"> <li>• COMPREHENSIVE WRITTEN ASSESSMENT OF THE RISK OF A TERRORIST THREAT- ESTABLISHING PRIORITIES, ALLOCATING RESOURCES, ENHANCING ABILITY TO RESPOND</li> </ul> <p>OIG recently audited the FBI's management of aspects of its counterterrorism program from 1995 through April 2002. OIG found that FBI had not developed a comprehensive written assessment of the risk of a terrorist threat facing the United States, despite its statement to Congress in 1999 that it would. OIG found that the assessment would have been useful to define the nature, likelihood, and severity of the threat and identify intelligence gaps and determine appropriate levels of resources to effectively combat terrorism. Recently FBI developed a multi-layered strategic planning system, but had not established priorities adequately or allocated resources effectively to the counterterrorism program. The planning system acknowledged a general terrorist threat to the Nation, but did not perform and incorporate into the planning system a comprehensive assessment of the threat of terrorist attacks on U.S. soil. The planning system identified numerous vulnerabilities and weaknesses, but FBI did not make the fundamental changes necessary to correct deficiencies.</p>				
<b>What we did in FY 2002 / What are the Current Approaches:</b> The FBI concurs with the recommendation to prepare a comprehensive national-level assessment of the terrorist threat to the U.S. homeland. The terms of reference for the assessment were drafted on August 9, 2002. A draft for coordination was completed by September 30, 2002, and publication is expected by November 30, 2002.				
<b>Milestones FY 2003/FY2004:</b>				
	<b>Original Target Date</b>	<b>Current Target Date</b>	<b>Actual Date of Completion</b>	
Publish comprehensive national-level threat assessment of the terrorist threat to the United States.	11/30/2002	11/30/2002		
Utilize threat assessment to establish CTD program priorities, allocate resources and enhance ability to respond to threats of terrorism.	On-going	On-going		
<b>How We Will Know It Is Fixed:</b> The Threat Assessment will be completed and published.				

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### Management Challenge Report Issue and Milestone Schedule

<b>Management Challenge:</b> COUNTERTERRORISM	<b>Date of Submission:</b> 11/12/2002	<b>Component:</b> FBI	<b>Original Target for Completion:</b> N/A	<b>Current Target for Completion:</b> 9/23/03
<b>Issue and Description:</b> <ul style="list-style-type: none"> <li>TIMEFRAME AND PROCESS FOR BUILDING A CORPS OF INTELLIGENCE ANALYSTS</li> </ul> <p>OIG audit made 14 recommendations to help improve management of FBI's counterterrorism program, including that FBI establish a time goal and a process for building a corps of professional, trained, and experienced intelligence analysts for assessing and reporting on threats at both the strategic and tactical levels.</p>				
<p><b>What we did in FY 2002 / What are the Current Approaches:</b> The FBI concurs that its intelligence capabilities need to be continually updated and improved. Our goal is to have a robust analytical capability by the end of FY 2003. The FBI's training program has been modified to place more emphasis on basic analytical training. The basic analysts' course has been expanded from five weeks to six weeks, with more emphasis on analytical tradecraft. CIA instructors will teach the initial sessions, after which FBI instructors will take over. The first session of the new course will begin on February 22, 2003. In addition, CIA will hold a four-day course on managing analysis, which is mandatory for all FBI managers in the Counterterrorism Division (CTD) Analysis Branch. This course will begin during the first week in December, 2002.</p> <p>The FBI's Terrorism Reports and Requirements Section was recently formed. The Section is responsible for managing the collection and dissemination of raw intelligence information (not analysis) relating to terrorism issues. A senior CIA Collection Management Officer is in place (since June 10, 2002) to design the section, implement procedures, hire and train Intelligence Operations Specialist (IOS) reports officers, disseminate the information, provide feedback to field offices and Legats, and serve as a focal point for the Intelligence, Policy, and Law Enforcement Communities regarding FBI raw intelligence reporting. There are currently Reports Officers working in the section, and additional Officers are currently in the background investigation phase of hiring. Also, CIA has agreed to send an additional Collection Management Officer to help build the section. A professional training program will be designed and implemented for all Reports Officers.</p> <p>The Office of Intelligence, created in August 2002, is responsible for establishing an analytical career service for the FBI. A CIA officer from the Directorate of Intelligence will oversee this effort. This officer reported for duty on August 26, 2002 and will conduct the recommended review. In addition, a working group has been formed to examine how the FBI can make better use of its tactical and strategic analysts.</p>				
<b>Milestones FY 2003/FY2004:</b>		<b>Original Target Date</b>	<b>Current Target Date</b>	<b>Actual Date of Completion</b>
Hire and train professional cadre of analysts and reports officers		01/01/2003	9/30/2003	
<p><b>How We Will Know It Is Fixed:</b> Building a professional analytical cadre will take some time and this should be considered a work in progress. The FBI is committed to building a corps of professional, trained, and experienced Intelligence Analysts and Reports Officers.</p>				

## U. S. DEPARTMENT OF JUSTICE

### Management Challenge Report Issue and Milestone Schedule

<b>Management Challenge:</b> <b>COUNTERTERRORISM</b>	<b>Date of Submission:</b>	<b>Component:</b> Department	<b>Original Target for Completion:</b>	<b>Current Target for Completion:</b> On-going
<b>Issue and Description:</b>				
<ul style="list-style-type: none"> <li>• PLAN FOR THE PROTECTION OF CRITICAL PHYSICAL ASSETS</li> </ul> <p>OIG audit (#02-01) found the Department's ability to perform vital missions is at risk from terrorist attacks or similar threats because the Department had not planned adequately for the protection of its critical physical assets.</p>				
<b>What we did in FY 2002 / What are the Current Approaches:</b>				
<p>The issue of the Department's performance of its responsibilities under Presidential Decision Directive (PDD) 63 to protect its critical infrastructure (which includes critical physical assets) is currently under OIG review. As set forth in a September 27, 2002 memorandum from then Acting Assistant Attorney General for Administration Janis Sposato to Inspector General Glenn Fine, and other related memoranda, it is the position of the Justice Management Division (JMD) that the current Departmental Continuity of Operations Plan and other measures, including submissions relating to protection of cyber infrastructure, satisfy both the requirements of PDD-63 and pertinent OIG recommendations.</p> <p>As part of an August 8, 2001 audit of the Department's critical infrastructure protection plan, the OIG recommended that the Department, conduct a vulnerability study of such assets, and develop remedial and funding plans to address vulnerabilities in order to insure that its minimum essential functions can be performed in an emergency. The Director, Security and Emergency Planning Staff, using the appropriate criteria, had determined that the Department and Federal Bureau of Investigation Headquarters were the only two departmental buildings the unavailability of which would make it impossible to carry out the Department's minimum essential functions. Thus a relocation facility was constructed and a Continuity of Operations (COOP) plan devised to allow critical systems and personnel from these two buildings to operate were either unavailable. The development of the relocation facility and supporting COOP plan, together with earlier U.S. Marshals Service and General Services Administration assessments of departmental physical infrastructure vulnerabilities, have fulfilled the OIG critical physical infrastructure concerns. Thus, subject to continued discussions between OIG and JMD, it is JMD's position that the OIG determination that the Department has not planned adequately to protect its critical infrastructure is incorrect.</p>				
<b>Milestones FY 2003/FY2004:</b>		<b>Original Target Date</b>	<b>Current Target Date</b>	<b>Actual Date of Completion</b>
Negotiations between OIG and JMD on this issue are ongoing.			FY 2003	
<b>How We Will Know It Is Fixed:</b> When resolution between OIG and JMD on this matter is reached.				

**U. S. DEPARTMENT OF JUSTICE**

**Management Challenge Report  
Issue and Milestone Schedule**

<b>Management Challenge:</b> COUNTERTERRORISM	<b>Date of Submission:</b> 11/13/2002	<b>Component:</b> OJP	<b>Original Target for Completion:</b> N/A	<b>Current Target for Completion:</b> Completed 07/18/2002
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**Issue and Description:**

- SLOW AWARDING OF GRANT FUNDS AND SPENDING OF AVAILABLE MONIES-ODP

Throughout FY 2002, IG conducted an audit of the domestic preparedness grants given to state/local entities for training and equipment to respond to acts of terrorism; and if those dollars were being used for their intended purpose (#02-15). OIG found that grant funds were not awarded quickly, and grantees were slow to spend available monies. Also, nearly \$1 million in equipment purchased with grant funds were unavailable for use because grantees did not properly distribute the equipment, could not locate it, or had been trained inadequately on how to operate it.

**What we did in FY 2002 / What are the Current Approaches:**

During FY 2002, ODP received, reviewed and processed the applications for FY 2000 and 2001 funds.

ODP also developed and delivered State Assistance Plans (SAP) that were tailored to the needs identified by each state in their Statewide Strategy. The SAP allocates and describes specific grant funds, training resources, exercise support, and technical assistance available to the state. ODP program managers conducted on-site visits with each State Administrative Agency (SAA) to deliver the SAP and discuss implementation.

ODP exercise managers are currently meeting with SAAs to assist them in developing an exercise plan for the implementation of the exercise funds they received as part of their FY 2002 award as well as exercise contract support.

ODP also set a deadline for receipt of the applications for the FY 2002 formula grant funds, which resulted in a more timely receipt of applications and award of the FY 2002 funds.

<b>Milestones FY 2003/FY2004:</b>	<b>Original Target Date</b>	<b>Current Target Date</b>	<b>Actual Date of Completion</b>
Prepared correspondence to address the issue of the slow awarding of funds recommendation			07/18/2002

**How We Will Know It Is Fixed:**

In 2002, OIG closed finding based on correspondence submitted.

# U. S. DEPARTMENT OF JUSTICE

## Management Challenge Report Issue and Milestone Schedule

<b>Management Challenge:</b> <b>SHARING OF INTELLIGENCE AND LAW ENFORCEMENT</b>	<b>Date of Submission:</b> 11/12/2002	<b>Component:</b> FBI	<b>Original Target for Completion:</b> N/A	<b>Current Target for Completion:</b> On-going
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**Issue and Description:**

- PROTOCOL FOR NOTIFYING HIGHER LEVELS OF MANAGEMENT AND DISSEMINATING THREAT INFORMATION
- CRITERIA FOR EVALUATING AND PRIORITIZING THREAT INFORMATION

A recent OIG report (#02-38) found that in addition to developing and disseminating a written assessment of the threat of a terrorist attack, FBI also needs to more effectively process tactical threat information. The FBI receives a constant follow of information about possible terrorist threats and faces an enormous challenge in deciding what information requires what type of response. OIG audit noted a lack of criteria for initially evaluating and prioritizing incoming threat information and a lack of protocol for when to notify higher levels of FBI management, other units and field offices, and other agencies in the law enforcement and intelligence communities. Additional OIG is concerned that the FBI's ability to process intelligence information is hampered by its lack of an experienced, trained corps of professional intelligence analysts for both tactical and strategic threat analysis.

**What we did in FY 2002 / What are the Current Approaches:** The FBI concurs with the recommendation to develop criteria for evaluating and prioritizing incoming threat information and is working to improve its threat management capabilities. A system now nearing deployment, was designed to ensure that new threat information is properly routed to all analysts, substantive units, executive management, FBI field offices and the law enforcement and Intelligence Community agencies concerned with tracking a particular threat. The FBI's Threat Monitoring Unit (TMU), working closely with the Intelligence Community, tracks all incoming threat information on a 24/7 basis. The criteria for assessing the reliability of threat information are largely predicated on the nature and reliability of the source and our knowledge of how terrorist groups operate. Analytical tools that can quickly enable us to see patterns and relationships between vast amounts of data can help, and will become increasingly important. Ultimately, the ability to predict and prevent future terrorist attacks depends on the expertise of the analysts and close cooperation between the operational and analytical units.

The FBI is taking a number of steps to improve the synergy between its analytical and operational units. It has begun co-locating operational and analytical units to facilitate information sharing and closer collaboration on terrorist targets. Improved communication between FBI field offices and headquarters will facilitate increased information sharing with the Intelligence Community and other law enforcement agencies.

The FBI is undertaking several initiatives to improve the distribution of information. It is establishing the Information and Requirements Group in the Office of Intelligence to serve as the central information clearing house for terrorist threat information and analysis. This group will be the single focal point through which other FBI entities and external agencies communicate with the FBI's CTD. It will handle all incoming FBI communications from field offices, Joint Terrorism Task Forces (JTTFs), and legal attaches on terrorism cases, as well as cables, reports, and other intelligence products from external agencies. Communications will be reviewed by a duty officer and staff, logged, parsed, and routed to appropriate units. An administrative tickler system will affix accountability and ensure that taskings are completed on schedule. The Office of Intelligence will be assisted in this effort by the Foreign Terrorist Tracking Task Force (FTTTF) and the 56 JTTFs throughout the country. The JTTFs in the field and the National JTTF in the FBI's CTD are effective, real time mechanisms for information sharing among the participating federal, state, and local agencies.

Another key element in the effort to improve the flow of terrorist information to other agencies is the creation of an FBI Reports Officer cadre that will function much like the Reports Officer cadre in CIA's Directorate of Operations.

FBI Reports Officers will take raw reporting from the field offices and Operations Branch in Headquarters and put it into a format that can be disseminated to FBI consumers, while at the same time protecting sensitive investigative information. The centerpiece of this effort is the Terrorism Reports and Requirements Section (TRRS) in the Investigative Operations Branch. TRRS, among other things, will be responsible for establishing reports policy and procedures. In addition, the FBI intends to establish a clearance request database, and a 24/7 Reports Watch Office to handle after hours dissemination of urgent reports and clearance requests.

<b>Milestones FY 2003/FY2004:</b>	<b>Original Target Date</b>	<b>Current Target Date</b>	<b>Actual Date of Completion</b>
Disseminate raw intelligence information reports to the Intelligence, Policy and Law Enforcement Communities.	On-going	On-going	
Provide feedback and requirements to FBI Field Offices and Legats to enhance their collection efforts.	On-going	On-going	
Develop an Indications and Warning System which will utilize threats and suspicious activity jointly with Intelligence Community information for analytical review.	On-going	02/28/2003	

**How We Will Know It Is Fixed:** Reports Officers will be assigned to every field office to manage the intelligence collection and dissemination process from the field. Procedures will be developed so that field offices can submit intelligence reports for direct dissemination. The FBI's TMU will become the primary repository for all threats and suspicious activity within the continental United States, and successful trends and analytical reports will be produced by appropriate entities based on the threats and information provided by the TMU.

**U. S. DEPARTMENT OF JUSTICE**

**Management Challenge Report  
Issue and Milestone Schedule**

<b>Management Challenge:</b> <b>SHARING OF INTELLIGENCE AND LAW ENFORCEMENT</b>	<b>Date of Submission:</b> 11/12/02	<b>Component:</b> JMD, INS, FBI	<b>Original Target for Completion:</b>	<b>Current Target for Completion:</b> On-going
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**Issue and Description:**

- INTEGRATION OF AUTOMATED FINGERPRINT SYSTEMS

Since 1998, the IG has been concerned about the inability of INS and FBI to link the information in their automated fingerprint identification systems. Linking IDENT and IAFIS could provide state and local law enforcement agencies with valuable immigration information as a part of a response from a single FBI criminal history search request. A recent follow up report (#I-2002-003) noted that the integration of FBI's Integrated Automated Fingerprint Identification System (IAFIS) and INS' automated fingerprint identification system-IDENT, has proceeded slowly and is still years away from full integration.

**What we did in FY 2002 / What are the Current Approaches:**

The current approach is to deploy to a representative sample of INS field sites (Border Patrol stations and ports of entry) the capability to take 10 rolled fingerprints and submit them electronically to the FBI's IAFIS and receive a rapid response (under 10 minutes). Data will be collected that will:

- 1) Indicate the percentage of aliens attempting to illegally enter the country that have prior records in the FBI's Criminal Master File,
- 2) Assess the operational impact on INS of taking 10 prints, and
- 3) Determine the operational impact of additional alien processing workloads on INS, EOIR, USMS, US Attorneys, BOP and the US Courts.

In addition, to facilitate eventual integration of the two systems, a research program is being initiated to determine if a method for rapidly capturing 10 rolled prints could be developed and to assess potential alternatives for searching IAFIS with fewer than 10 rolled prints ("n-print").

Based on analyses of the data collected, the next phase of system integration will be designed, developed and deployed. Because of potentially significant impacts on INS and other downstream agencies, it may be necessary for the next phase of system integration to include use of other than 10 rolled prints, requiring significant changes to IDENT and/or IAFIS. In addition, Congress may need to consider changes in immigration laws.

It is expected that complete integration of IDENT and IAFIS will take several years to accomplish. In FY 2002, JMD, INS and FBI took steps to avoid further situations like the one involving the Rafael Resendez-Ramirez case while progress toward integration is underway. Specifically, IDENT was enhanced by adding fingerprint records from IAFIS (two index fingers taken from a full set of ten) of individuals with a high probability of being apprehended by INS and who also had active wants and warrants listed in the National Crime Information Center (NCIC) system.

Also during FY 2002, progress was made in deploying the initial IDENT/IAFIS capability to INS field sites:

- Workstations (Version 1.1) allowing rapid IAFIS checks were deployed to the first 10 INS sites from which data will be collected (referred to as metrics sites).
- Workstations (Version 1.1.1) with similar capability but upgradeable to later versions that include IDENT and ENFORCE functionality were developed. These stations are being deployed in early FY 2003 to another 10 INS metrics sites.
- Workstations (Version 1.1+) that allow simultaneous searches of IAFIS and IDENT were designed. They will be developed and deployed to another 10-21 INS metrics sites in mid FY 2003.

Progress in FY 2002 was delayed due to priority given to the development and deployment of the National Security Entry-Exit Registration System, which diverted attention and resources away from the design and development of an upgraded IDENT/IAFIS workstation that is necessary for the collection of the data mentioned above. This delay may, in turn, delay decisions related to the direction to be taken in phase two of this integration project, or cause those decisions to be made on incomplete data.

<b>Milestones FY 2003/FY2004:</b>	<b>Original Target Date</b>	<b>Current Target Date</b>	<b>Actual Date of Completion</b>
Issue Request for Information on Fast Capture of 10 Rolled Prints	11/30/02	11/30/02	
Deploy Version 1.1.1 workstation to 10 new INS metrics sites	12/15/02	12/15/02	
Deploy Version 1.1+ workstation to 10-21 new INS metrics sites	4/30/03	4/30/03	
Upgrade 20 existing INS metrics sites to Version 1.1+ workstations	5/31/03	5/31/03	
Complete testing of "n-print" alternatives (Target date to be determined in consultation with NIST)	TBD	TBD	
Issue report to Congress on potential system and operational costs resulting from IDENT/IAFIS integration	8/15/03	8/15/03	
Design/develop Version 1.2 workstation (includes JABS functionality)	9/30/03	9/30/03	
Develop Version 2 concept of operations and requirements analysis	6/30/04	6/30/04	
Begin Design/development of Version 2	9/30/04	9/30/04	

**How We Will Know It Is Fixed:**

When INS is able to retrieve FBI records, and other federal, state and local agencies can retrieve INS apprehension records, on a timely basis.

# U. S. DEPARTMENT OF JUSTICE

## Management Challenge Report Issue and Milestone Schedule

<b>Management Challenge:</b> <b>INFORMATION SYSTEMS PLANNING AND IMPLEMENTATION</b>	<b>Date of Submission:</b> 11/12/02	<b>Component:</b> Department	<b>Original Target for Completion:</b> 12/04	<b>Current Target for Completion:</b> 12/04
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**Issue and Description:**  
The OIG continues to identify mission-critical computer systems within the Department that have been poorly planned, experienced long delays in implementation, or did not provide timely, useful, and reliable data. Given the critical role of information systems and the vast sums of money spent on developing and deploying these systems, information systems planning and implementation remains a top management challenge at the Department.

**What we did in FY 2002 / What are the Current Approaches:**  
To meet these challenges identified by the OIG, the Chief Information Officer released the Department's Information Technology Strategic Plan in July 2002. The plan outlines how the Department is strengthening and refocusing its information technology program to meet the Department's new counterterrorism mission and support the achievement of its strategic goals. The Department has established a formal IT investment management (ITIM) policy and process to ensure that investment decisions are aligned with the strategic goals of the Department, are well-planned and justified, fit within the Department's overall IT strategy and enterprise architecture, and are managed effectively throughout the life cycle. The ITIM is designed to ensure disciplined management of IT investments and the involvement of Department and component leadership in the assessment of cost, risk and return for all proposed expenditures on IT. In FY 2002, all of the large components (BOP, EOUSA, FBI, DEA, INS, OJP, USMS, JMD) within DOJ established and began implementation of Information Technology Investment Management (ITIM) policies for managing all major information technology programs and projects. These ITIM policies were developed in line with the Chief Information Officer's Information Technology Strategic Plan released in July 2002. The Department's annual IT expenditures for FY 2003 total approximately \$2.1 billion. This represents 8% of the total DOJ budget. The larger components listed above account for 95% of the Department's spending on information technology. In order to meet the goals outlined in the CIO's IT Strategic Plan, the following ITIM activities were accomplished in FY 2002:

- Components implemented an ITIM process
- Each component developed and prioritized its information technology portfolio
- An automated tool was acquired and deployed to facilitate monitoring and reporting of all information technology investments

The ITIM process represents a coordinated and integrated approach that builds on the existing structures and successful practices in order to provide a consistent management approach across the Department. On behalf of the smaller components in the Department, the CIO's organization has designed an ITIM-Lite process. This process is suitable for smaller components that may have more limited staff or those without the IT initiatives of the size and complexity that warrant a more formalized process.

<b>Milestones FY 2003/FY2004:</b>	<b>Original Target Date</b>	<b>Current Target Date</b>	<b>Actual Date of Completion</b>
DOJ IT Investments Managed through an Approved ITIM process	FY 2003	100% for FY 2003	
<b>Project Management Office (PMO)</b> Establishes an organizational office as a center of excellence dedicated to “project management” as a needed management capability and as a resource center for practitioners to manage collaborative projects. Provide project oversight of Department initiatives.	Sept 2003	Sept 2003	
<b>Implement Department ITIM process</b> Develop and implement a periodic or event driven oversight process to perform Department oversight of IT projects in DOJ component portfolios	Develop – Jan 2003 Begin Implementation - Mar 2003 Reassess – Dec 2004	Jan 2003 Mar 2003 Dec 2004	
<b>Unified Infrastructure</b> Plan, design and deploy a Department-wide data network architecture for all DOJ components (* ) this indicates an initial operating capability	Plan – Mar 2003 Design – Sept 2003 Deploy* – Dec 2004	Mar 2003 Sept 2003 Dec 2004	
<b>Enterprise Architecture</b> Establish formal link between enterprise architecture and ITIM.	May - 2003		
<b>System Development Life Cycle</b> Revise the existing SDLC Guide and publish a standardized systems development life cycle approach to help ensure effective planning, management, and commitment to information systems.	Revise - Dec 2002 Publish – June 2003		
<b>Performance Planning &amp; Management</b> Update IT strategic plan annually. Develop and implement standardized methodologies for capturing financial, project, and performance information.	Develop – Jan 2003 Implement - April 2003		
<b>How We Will Know It Is Fixed:</b> By continuing to evolve the information technology investment management process and meeting the CIO’s IT strategic initiatives, we will effectively align all information technology efforts and continue to build a collaborative strategic planning process involving all the Department’s component organizations. These processes will monitor and report on the costs, schedules and technical performance of IT projects. The Department’s process for oversight will provide the governance to ensure the success of mission-critical systems.			

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## Management Challenge Report Issue and Milestone Schedule

<b>Management Challenge:</b> <b>INFORMATION SYSTEMS PLANNING AND IMPLEMENTATION</b>	<b>Date of Submission:</b>	<b>Component:</b> FBI	<b>Original Target for Completion:</b> N/A	<b>Current Target for Completion:</b> CY2003
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**Issue and Description:**

- IMPROVED PROCEDURES FOR DOCUMENT HANDLING
- COMPUTER SYSTEM CAPABILITIES (INCLUDING DATABASE SYSTEMS)
- DISSEMINATION OF INFORMATION, INADEQUATE QUALITY CONTROL SYSTEMS

The FBI must be able to rapidly identify and disseminate pertinent intelligence information to the law enforcement community. In March 2002, OIG reviewed the belated production of documents in the Oklahoma City bombing case (OKBOMB) and found widespread failures, which led to the belated disclosure of more than 1,000 documents. Failures were traced to the FBI's cumbersome and complex document-handling procedures and its antiquated and inefficient computer systems. OIG concluded that the computer systems could not handle or retrieve documents in a useful, comprehensive or efficient way.

Similarly, the OIG review of the Department's Campaign Finance Task Force found that information was not disseminated appropriately within the FBI and the Department and subsequently, to congressional oversight committees. OIG found a series of problems, including deficiencies in the use and maintenance of the FBI's computer database systems. OIG also noted antiquated and inefficient computer systems, inattention to information management, and inadequate quality control systems.

**What we did in FY 2002 / What are the Current Approaches:**

With the re-commissioning of the Records Management Division (RMD), the FBI has reestablished a division to ensure executive direction and full-time oversight on all records and all policies and functions affecting records. RMD, in coordination with the Information Resources Division (IRD), has begun the process to update computer database systems. The mission of RMD is to ensure the accuracy, completeness and proper disclosure of FBI records. RMD has re-engineered its component units to improve workflow and efficiency to better meet work process requirements within the division. RMD is developing systems so that proper quality control is in place throughout the FBI's records systems.

The FBI's RMD is establishing central records management applications (RMAs) for the maintenance and control of records within the central records database. The development of RMAs will aid in ensuring the dissemination of information in an accurate and complete manner with the proper security and quality control systems.

A revamped Executive Secretariat now supervises the FBI's Document Management Program for policy information at the executive level. The Executive Secretariat serves as the central Bureau records control point for all official documents for the Director and the Deputy Director of the FBI. An RMA is being tested in the Executive Secretariat for its practical applications to other records system. A fully operational document conversion laboratory, for the scanning of records to a digitized format, has been created and utilized on such matters as "Operation Enduring Freedom", the "ENRON Matter", and most recently the "Sniper Investigation." The scanned images are transferred currently to DVD or CD-ROM. The FBI employs an Optical Character Recognition process for converting imaging to text and verifying the information. The images, and their associated text, are then loaded into the appropriate database system. This system allows for easy access to and retrieval of information by FBI investigative personnel.

The FBI's RMD is conducting a first-ever Bureau-wide inventory to determine what records are in the FBI's possession and where these records are located. A study is being conducted on the creation of a central records repository wherein all records functions would be managed from one location, fully automated, with all FBI records stored and maintained at this location. Collection of storage requirements and maintenance costs is proceeding to ascertain the most effective and efficient location, facility and method for such an operation.

The FBI has begun to streamline its National Name Check Program (NNCP) to meet the increased demand for this vital function. Through an increase in its manpower complement and the updating of its procedures, the NNCP is disseminating information to other agencies in a more timely and effective manner, fulfilling its vital role in security matters.

The FBI's RMD instituted a Service Request Center where all requests for files and records are channeled. This center pulls together various operations involved in the receipt and preparation of requests. A tracking system will be included so each request can be catalogued and its progress traced. The progress of any request can then be ascertained and any potential problem handled in a timely manner.

The Records Management Center has been established to coordinate and develop Bureau-wide records creation and maintenance standards. The records creation and maintenance services will be provided directly to the customers in other FBI divisions.

A unit designed to study and develop records management policy and procedures has been created so the FBI will have up-to-date policies and procedures to ensure compliance with established government-wide regulations. The Records Policy and Training Unit constantly monitors the record systems of the FBI to ensure those systems are performing their functions within accepted records management procedures.

The FBI is striving to vastly improve its records management systems, capabilities and functionality to meet the future responsibilities of the organization, while ensuring that its present, diverse systems are coordinated to address its current vital records management responsibilities.

<b>Milestones FY 2003/FY2004:</b>	<b>Original Target Date</b>	<b>Current Target Date</b>	<b>Actual Date of Completion</b>
-Establish a mobile scanning operation to handle field office and other off site document scanning projects	July 2003	July 2003	
-Re-engineering of RMD to identify appropriate personnel and distribution of new units to improve records management systems and efforts	November 2002	March 2003	
-Establish a document scanning operation at the FBI's records off site facility	February 2003	February 2003	
-Testing an RMA in Executive Secretariat operations for viability in other RMD units	March 2003	March 2003	

**How We Will Know It Is Fixed:** Upon the implementation of new systems and procedures, the FBI will be able to respond accurately, completely and in a timely manner to the multitude of records requests it receives. While these systems and applications are being developed, the FBI has improved its operations, as exhibited by its support of "Operation Enduring Freedom."

**U. S. DEPARTMENT OF JUSTICE**  
**Management Challenge Report**  
**Issue and Milestone Schedule**

<b>Management Challenge:</b> <b>COMPUTER SYSTEM SECURITY</b>	<b>Date of Submission:</b> 11/12/02	<b>Component:</b> Department	<b>Original Target for Completion:</b> Dec 2004	<b>Current Target for Completion:</b> Dec 2004
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**Issue and Description:**

- **VULNERABILITIES, POTENTIAL COMPROMISE OF SENSITIVE SYSTEMS AND DATA—ACCOUNT INTEGRITY, SYSTEMS AUDITING, AND COMPONENT LEVEL SECURITY POLICIES AND PROCEDURES**

Regular computer security audits are being conducted as a requirement of the Government Information Security Reform Act (GISRA). Weaknesses has been identified in both classified systems and sensitive but non-classified systems. Specific concerns include issues with management, operational, and technical controls that protect each system and the data stored on it from unauthorized use, loss, or modification. Because technical controls prevent unauthorized system access, OIG concluded that the vulnerabilities noted in those areas were most significant. The most common vulnerability was with security policies and procedures, and password and logon management. OIG also noted concern about account integrity and systems auditing management. To varying degrees, the OIG GISRA audits also found insufficient or unenforced Department level and component level security policies and procedures. In several areas, OIG audits identified vulnerabilities such as broadly stated or minimally imposed standards allowed system security managers too much latitude in establishing system settings. Additionally vulnerabilities identified were more voluminous and material for the Department’s classified compared to its SBU systems. To address the deficiencies OIG offered a series of recommendations, including increased oversight, development of documented procedures, and establishment of proper system settings to help improve computer security.

**What we did in FY 2002 / What are the Current Approaches:** To address repeatable weaknesses in the Department’s implementation of computer security controls and to meet this challenge identified by the OIG, the Chief Information Officer released the Department’s Information Technology Strategic Plan in July 2002. The plan outlines how the Department is strengthening and refocusing its information technology program to meet the Department’s new counterterrorism mission and support the achievement of its strategic goals. Under the auspices of the Department CIO, an Information Security Staff will be created and managed by a senior executive with the responsibility for implementing the Department’s IT security program through the development of standards, procedures, and guidance to ensure compliance with applicable Department, Federal, and National Security policies and directives and industry best-practices. In addition, this Staff will ensure that component classified and sensitive but unclassified systems have implemented the appropriate IT security controls and shall be responsible for ensuring that components identify corrective plans and milestones when the security controls are not met and for monitoring these corrective action plans. In the past year, the Department made significant progress in strengthening the Department’s Information Technology Security Program and in implementing the requirements of the Security Act. These accomplishments include:

- Appointment a Chief Information Officer (CIO) with a broad mandate to provide Department-wide leadership in the information technology (IT) arena, including security;
- Development of an Information Technology Strategic Plan that sets forth a vision and specific initiatives for enhancing information security;
- Continued implementation and refinement of a Departmental system for tracking all IT security weaknesses and corrective actions;
- Full integration of security into other information technology management processes, such as capital planning;
- Development of the Department’s Security Act Report, which included individual assessments of over 150 systems;
- Awarded a contract for independent verification and validation of component IT system security controls and initiated several tasks against the contract;
- Initiation of a project to define requirements for a Department-wide public key infrastructure program; and
- Initiation of a project to define requirements for a Department-wide security architecture.

<b>Milestones FY 2003/FY2004:</b>	<b>Original Target Date</b>	<b>Current Target Date</b>	<b>Actual Date of Completion</b>
<b>Information Security Staff</b> Establish a centralized IT security office reporting directly to the Department CIO with responsibility for ensuring the appropriate security controls are implemented in the Department's classified and sensitive but unclassified systems.	December 2002	January 2003	
<b>Develop IT Security Standards</b> Develop minimum IT standards for implementation of security controls for the Department's classified and SBU systems. 12 standards have been identified.	January 2003	January 2003	
<b>IT Security Architecture</b> Develop and document the Department's IT Security Architecture at a high level that will be integrated into the Department's Enterprise Architecture. The high level IT Security Architecture will provide for increased information sharing and will include boundary protection requirements, network requirements, and PKI architecture.	Version 1.0 September 2003	September 2003	
<b>Public Key Infrastructure</b> Plan, design and deploy a Department-wide Public Key Infrastructure. Establish a PMO to manage the program and to coordinate with component initiatives.	PKI plan, design, and requirements – March 2003 Pilot – December 2003 Deployment – December 2004	March 2003 December 2003 December 2004	
<b>Increased Oversight and Monitoring</b> Enhance and deploy to components the Security Management and Reporting Tool (SMART) that tracks all known vulnerabilities, weaknesses, and corrective actions. Expand oversight activities to include classified systems.	February 2003  March 2003	February 2003  March 2003	
<b>Security Awareness Training</b> Develop and begin implementing a Department – wide (with the exception of the FBI) web-based security awareness training tool.	January 2003	January 2003	
<b>Common Solutions and Automated Tools</b> Identify common solutions and automated tools to monitor security compliance of network and system parameters and identify vulnerabilities.	September 2003 Implement- December 2004	September 2003 December 2004	
<b>How We Will Know It Is Fixed:</b> By continuing to evolve the information technology security program and meet the CIO's IT strategic initiatives, we will be able to effectively implement IT security controls, reduce the number of vulnerabilities and repeat OIG findings and provide for greater trust of the Department's systems and further enable information sharing and collaboration.			

**U. S. DEPARTMENT OF JUSTICE**

**Management Challenge Report  
Issue and Milestone Schedule**

<b>Management Challenge:</b> <b>COMPUTER SYSTEMS SECURITY</b>	<b>Date of Submission:</b> 11/19/2002	<b>Component:</b> FBI	<b>Original Target for Completion:</b> N/A	<b>Current Target for Completion:</b> 12/31/03
<b>Issue and Description:</b> <ul style="list-style-type: none"> <li>SECURITY OVER SENSITIVE PROGRAMMATIC OR FINANCIAL DATA/ RELIABILITY OF FINANCIAL REPORTING</li> </ul> <p>A recent OIG report (#01-13) identified weaknesses in general and application controls that could compromise the FBI's ability to ensure security over sensitive programmatic or financial data and the reliability of its financial reporting.</p>				
<b>What we did in FY 2002 / What are the Current Approaches:</b> Specific information concerning weaknesses in FBI computer systems security is classified at the "Secret" level. However, the FBI provides the following information concerning its efforts to improve computer systems security: In December 2001, the FBI consolidated all security responsibilities – information assurance (IA), facility/industrial, and personnel - under a new Security Division. The FBI's IA Program, established in the Spring of 2002, is being designed to ensure confidentiality, integrity, accountability, and availability of FBI information. Actions are being taken in the areas of policy, personnel, and technology. The content, process, and format of FBI security policy are undergoing major, strategic change. Eighty-seven percent of legacy, classified systems are in the process of certification and accreditation or have already been accredited. A four-phased, Integrated Security Training, Awareness, and Education Program Plan was developed. A comprehensive security knowledge/skills requirement matrix was included in this Plan to ensure that the appropriate type and level of security knowledge are built into training courses and curriculum for each FBI functional role. The IA Program will be inserted into the FBI's Information Technology Investment Management (ITIM) and Enterprise Architecture (EA) Programs to identify security issues, document security requirements and define reporting mechanisms. This will allow full security integration of the IA Program into the FBI's selection, control, and evaluation processes for information resource management.				
<b>Milestones FY 2003/FY2004:</b>		<b>Original Target Date</b>	<b>Current Target Date</b>	<b>Actual Date of Completion</b>
Specific milestones are classified at the "Secret" level.			12/31/2003	
<b>How We Will Know It Is Fixed:</b> All audit findings will be closed after agreed-upon actions are completed.				

# U. S. DEPARTMENT OF JUSTICE

## Management Challenge Report Issue and Milestone Schedule

<b>Management Challenge:</b> <b>DETENTION SPACE AND INFRASTRUCTURE</b>	<b>Date of Submission:</b> 11/08/02	<b>Component:</b> Detention Trustee	<b>Original Target for Completion:</b> N/A	<b>Current Target for Completion:</b> On-going
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**Issue and Description:**

- **PROCUREMENT PROCEDURES TO OBTAIN JAIL SPACE FROM STATE/LOCAL GOVERNMENTS**  
In the OIG’s view, the Department has not yet settled on a procurement process to obtain detention space in a manner that meets prudent business practices and existing procurement regulations. Given the number of individuals currently detained by the Department, and the hundreds of millions of dollars involved, the OIG feels it is important that this matter be resolved promptly and that detention space be acquired in a coordinated, cost effective, and legal fashion.
- **RAPID GROWTH LEADING TO OVERPAYMENTS (INS/USMS/BOP)**  
Over the past several years, OIG audits of detention space contractors have resulted in significant amounts of questions and unsupported costs paid to entities. For example, OIG audits of contractors for detention space have found that an Intergovernmental Agreement (IGA) for detention space resulted in the overcharge of \$6 million (OIG report #GR70-01-005) due to an understatement of the average daily population. Currently INS, USMS and BOP continue to use different amounts to calculate jail day populations, OIG found that by using the same amounts, the Department could realize an annual savings of approximately \$6.4 million. Additionally an audit of DeKalb County, Georgia’s Sheriff’s Office (OIG Report #GR-40-02-002) revealed that DeKalb County included \$13.4 million of operating costs that were unallowable or unsupported; understated its average total inmate population by more than 29 percent; and over-billed the INS \$5.7 million in FY 2000. As a result, the OIG questioned costs of \$5.6 million and identified funds to better use of \$7.8 million. Another IGA was audited revealing an overpayment of \$3.6 million to the government of Guam (OIG report #GR-90-01-006).
- **RESOURCES AND AUTHORITY TO CORRECT DEFICIENCIES**  
OIG is concerned that the Detention Trustee may not have the authority or resources to resolve many of the long-standing issues described above.

**What we did in FY 2002 / What are the Current Approaches:** The Department houses a daily average of approximately 46,000 detainees in state and local facilities. In contrast, approximately 18,000 detainees are housed in federally owned and operated facilities. The relationships established by Intergovernmental Agreements (IGAs) with state and local governments are paramount to carrying out the function of detention. Such arrangements also save on costly capital development of federal facilities. In FY 2002, the Office of the Federal Detention Trustee (OFDT) under took a comprehensive review of the Department’s IGAs and provided a recommendation to the Office of the Deputy Attorney General (ODAG), concerning “overpayments” and future policy for obtaining these services. OFDT recommended the overpayments should be recovered by the component involved, under the authority of the Debt Collection Act. ODAG concurred with the OFDT recommendation, and directed the relevant components involved to work with the Civil Division and appropriate United States Attorneys’ Office to take action to recover the overpayments. The Office of Legal Counsel subsequently determined that the Department does possess statutory authority to enter into fixed-price contracts for detention services. To minimize the potential for abuse and help ensure cost efficiency, the Office of the Attorney General ordered that any such fixed-price contract must be approved by the component head and the OFDT.

<b>Milestones FY 2003/FY2004:</b>	<b>Original Target Date</b>	<b>Current Target Date</b>	<b>Actual Date of Completion</b>
Issue Department-wide policy for entering into Intergovernmental Agreements	10/1/02	1/17/03	1/17/03
Arrangements to collect or forgive the overpayments under the authority of the Debt Collection Act	4/1/02	4/1/02	10/07/02

**How We Will Know It Is Fixed:** When the overpayments are collected or forgiven, and the new policy for future agreements is implemented.

## U. S. DEPARTMENT OF JUSTICE

### Management Challenge Report Issue and Milestone Schedule

<b>Management Challenge:</b> <b>DETENTION SPACE AND INFRASTRUCTURE</b>	<b>Date of Submission:</b> 11/08/02	<b>Component:</b> INS	<b>Original Target for Completion:</b> None	<b>Current Target for Completion:</b> On-going
<b>Issue and Description:</b>				
<ul style="list-style-type: none"> <li>• INSTITUTIONAL REMOVAL PROGRAM</li> </ul> <p>OIG audit (#02-41) found that INS's Institutional Removal Program (IRP) did not always have timely processing of IRP cases. In a sample of 151 cases of criminal aliens in INS custody reviewed, a total of \$2.3 million in IRP-related detention costs were identified. Of which, \$1.1 million was attributable to failures in the IRP process within INS's control.</p>				
<b>What we did in FY 2002 / What are the Current Approaches:</b>				
As the final version of the report was released in September 2002, most of the corresponding initiatives will take place in FY 2003 and beyond. However, in FY 2002, INS created a program element that will provide for the funding and tracking of resources expended for the IRP. This program element officially went into effect October 1, 2002. In June 2002, INS established a position to serve as liaison between INS and the Department of State and to facilitate the timely issuance of travel documents.				
<b>Milestones FY 2003/FY2004:</b>		<b>Original Target Date</b>	<b>Current Target Date</b>	<b>Actual Date of Completion</b>
Completion of a study to determine the total foreign-born inmate population, the resources required to cover the population through IRP, and the risks involved in not providing full coverage.		2 <sup>nd</sup> Quarter, FY 2004	2 <sup>nd</sup> Quarter, FY 2004	
Revision of the Detention and Removal Field Manual to include clear, consistent, and standardized procedures for IRP documentation and A-file organization. The updated Manual will also include streamlined procedures for removal to minimize detention costs.		3 <sup>rd</sup> Quarter, FY 2003	3 <sup>rd</sup> Quarter, FY 2003	
Reclassification of the Detention Enforcement Officer (DEO) position to be the Immigration Enforcement Agent (IEA).		2 <sup>nd</sup> Quarter, FY 2003	2 <sup>nd</sup> Quarter, FY 2003	
<b>How We Will Know It Is Fixed:</b>				
Criminal aliens issued final orders of deportation will be removed from the United States in a manner that minimizes Service detention costs.				

# U. S. DEPARTMENT OF JUSTICE

## Management Challenge Report Issue and Milestone Schedule

<b>Management Challenge:</b> <b>FINANCIAL STATEMENTS AND SYSTEMS</b>	<b>Date of Submission:</b> 11/12/02	<b>Component:</b> Department	<b>Original Target for Completion:</b> N/A	<b>Current Target for Completion:</b> On-going
<p>Issue and Description:</p> <ul style="list-style-type: none"> <li>• IMPROVEMENTS ARE NEEDED TO COMPLY WITH FEDERAL ACCOUNTING PRINCIPLES</li> </ul> <p>IMPROVEMENTS ARE NEEDED IN GENERAL AND APPLICATION SYSTEM CONTROLS ABILITY TO PREPARE TIMELY FINANCIAL STATEMENTS</p> <p>In the FY 2001 Consolidated Report on Internal Controls, OIG found 13 material weaknesses and 12 reportable conditions pertaining to non-compliances with federal accounting and systems standards. Although the Department was able to overcome these issues and achieve an unqualified opinion, an intense, highly manual effort to prepare the financial statements and satisfy audit requirements was required. Outdated financial systems complicate the Department's efforts to meet standards and new due dates. The Department and its components have significant hurdles to overcome in order to meet OMB's accelerated FY 2003 audit due dates. Statements must be prepared in on a quarterly basis and auditors must be able to test and rely upon internal control processes throughout the year.</p> <p>The Department also faces issues with staff resources. Several components lack adequate staff to perform many of the tasks needed to produce the financial statements. Consequently, the Department continues to rely heavily on the use of contractors to prepare the statements limiting in-house knowledge and expertise.</p> <p><b>What we did in FY 2002 / What are the Current Approaches:</b></p> <p>a) The Chief Financial Officer required an audit Corrective Action Plan from each component with internal control weaknesses and/or non-compliances with laws and regulations. The plans were designed to eliminate or diminish the severity of the weaknesses cited in the FY 2001 audit reports. The Finance Staff closely monitors the plans and progress, and quarterly updates are provided to the Office of the Inspector General.</p> <p>b) The Controller and Director, Finance Staff, met personally with component financial officers to review weaknesses cited in the FY 2001 audit and identify specific corrective action targets for each component.</p> <p>c) The Finance Staff issued a Departmental timeline in March 2002, with a list of critical interim task and due dates designed to meet OMB's accelerated due dates; ongoing meetings of a Department-wide Financial Statements Working Group are held to resolve preparation issues, discuss guidance, and review new policies.</p> <p>d) CFO's were directed to enforce compliant policies and procedures for obligation accrual processing, quarterly review of accrual balances, and reconciling accrual data with trading partners on a quarterly basis.</p> <p>Current Approaches: for FY 2003, the CFO Corrective Action Plans will remain in force. New activities include:</p> <ul style="list-style-type: none"> <li>• To assist in meeting new OMB due dates, DOJ will acquire a new financial statement consolidation package for DOJ-wide preparation use, which should reduce consolidation time by 10 to 15 days.</li> <li>• DOJ will move internal FY 2003 statement due dates up by 30 days.</li> <li>• DOJ will acquire a new Department-wide Unified Core Financial System to replace outdated component systems.</li> </ul>				
<b>Milestones FY 2003/FY2004:</b>		<b>Original Target Date</b>	<b>Current Target Date</b>	<b>Actual Date of Completion</b>
Components are hiring additional prep staff, (JMD, USMS, FBI)		6/30/2003	6/30/2003	
DOJ will acquire new financial statement preparation software		9/30/2003	9/30/2003	

DOJ will decrease the number of component level Material Weaknesses and Reportable Conditions in the audit reports	1/15/2003	1/15/2003	
DOJ will acquire a commercial off-the-shelf (COTS) Core Financial System. Acquisition and Implementation planned for FY2003-FY2007. Date shown is for software license acquisition	5/30/2003	5/20/2003	
<p><b>.How We Will Know It Is Fixed:</b></p> <p>a) The Department will continue to earn a clean opinion on its Consolidated Financial Statement each year;</p> <p>b) The Department will meet OMB's accelerated due dates for the quarterly and annual financial statements;</p> <p>c) Component level audit reports will show decreased material weaknesses and reportable conditions each year until they obtain clean reports on internal controls and are compliant with laws and regulations. The Department's material weaknesses are a consolidated level will be eliminated or diminished in severity as underlying component weaknesses are corrected.</p>			

# U. S. DEPARTMENT OF JUSTICE

## Management Challenge Report Issue and Milestone Schedule

<b>Management Challenge:</b> <b>GRANTS MANAGEMENT</b>	<b>Date of Submission:</b>	<b>Component:</b> COPS	<b>Original Target for Completion:</b>	<b>Current Target for Completion:</b> Completed
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**Issue and Description:**

- **TIMELY SUBMISSION OF GRANTEE MONITORING AND FINANCIAL REPORTS, ON-SITE MONITORING REVIEWS ADDRESSING ALL GRANT CONDITIONS**

In 2002, OIG audits of grants disbursed by COPS identified more than \$11 million in questioned costs and more than \$3 million in funds to better use. Additionally, many grantees did not submit required program monitoring and financial reports and that program officials' on-site monitoring reviews did not consistently address all grant conditions.

**What we did in FY 2002 / What are the Current Approaches:**

In FY 2000, COPS established a grant monitoring checklist to assess the grantees' compliance with the regulations, terms and conditions for each COPS grant. This checklist, used during all on-site visits and all office-based grant reviews, includes the following ten compliance areas: 1) Retention planning; 2) Failure to retain; 3) Community policing (Problem-Solving, Community Partnerships, Organizational Commitment); 4) Making Officer Redeployment Effective (MORE); 5) Criminal Intelligence Systems ( 28 CFR Part 23); 6) Programmatic Reporting ( Departmental Initial Report, Annual Report, Progress Reports); 7) Questioned Costs; 8) Non-Supplanting Requirements ( Early Hire, Reduction in Force ); 9) Financial Status Report and; 10) Training Special Conditions (Hiring and MORE grants). COPS established the following policies (in FY 1999) and continues to follow them to ensure grantees submit grant monitoring and financial status reports on time:

- Grantees from Funding Accelerated for Small Towns (FAST), Accelerated Hiring, Education and Deployment (AHEAD) and Universal Hiring Programs (UHP) who fail to submit their required Department Annual Reports by the deadline are subject to the suspension and eventual termination of COPS grant funding. Grantees are sent several delinquency warning letters before being sent a notice of non-compliance, at which point their funds are suspended. If they do not submit the delinquent report(s) following the issuance of this notice, their funds are de-obligated and the grant in question is terminated. For 2001 reports, only two dozen grantees from among more than 6,000 had their grants suspended and only a dozen are subject to having their grants terminated and funds deobligated. To date for the 2001 reporting cycle, the submission rate is greater than 99%.
- At the beginning of each quarter, a preprinted Financial Status Report facsimile is sent to current grantees to encourage timely reporting. Grantees who fail to submit their quarterly Financial Status Reports by the deadline have their funding access automatically frozen within the Phone Activated Paperless Request System (PAPRS) automated drawdown system. Access to funding cannot be restored until any and all delinquent Financial Status Reports are submitted.

The \$11 million in questioned costs and \$3 million in funds to better use, are preliminary recommendations from OIG audits and do not represent actual grantee violations of grant conditions. Currently, COPS is in the process of determining whether the OIG's recommendations are valid and accurate. To do so, COPS obtains relevant information from the grantees concerning their grant expenditures and other compliance with grant terms and conditions. If COPS determines that a grantee has in fact violated the terms of its grant, then COPS fashions an appropriate remedy. That remedy can involve termination of funds, repayment, debarment from future COPS funding or other appropriate sanctions. During 2002, COPS undertook an initiative to identify all grantees, active and inactive, who did not have a current status report on file and then to request the grantee bring their reports up to date. In addition, ten Grants Management Training sessions were provided to grantees across the country emphasizing correct and timely reporting.

<b>Milestones FY 2003/FY2004:</b>	<b>Original Target Date</b>	<b>Current Target Date</b>	<b>Actual Date of Completion</b>
N/A – The grant management issues raised by the OIG have already been addressed. The specific findings from FY 2002 audits of COPS grantees will be addressed over the course of a normal audit resolution process.			
<p><b>How We Will Know It Is Fixed:</b></p> <p>The COPS Office considers these issues fixed. Ninety-nine percent of Department Annual Reports are returned on time, with grantees in noncompliance numbering approximately two dozen, down from several thousand per year previously. Grant monitoring reviews address all grant requirements: programmatic, financial, and administrative.</p>			

**U. S. DEPARTMENT OF JUSTICE**

**Management Challenge Report  
Issue and Milestone Schedule**

<b>Management Challenge:</b> <b>GRANTS MANAGEMENT</b>	<b>Date of Submission:</b> 11/13/2002	<b>Component:</b> OJP	<b>Original Target for Completion:</b> 06/30/2003 and 03/2004	<b>Current Target for Completion:</b> 06/30/2003 and 03/2004
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**Issue and Description:**

- **TIMELY SUBMISSION OF GRANTEE MONITORING AND FINANCIAL REPORTS, ON-SITE MONITORING REVIEWS ADDRESSING ALL GRANT CONDITIONS**  
OIG reviews found that many grantees did not submit required program monitoring and financial reports in a timely fashion and that program officials' on-site monitoring reviews did not consistently address all grant conditions.
- **INADEQUATE COUNTERTERRORISM PERFORMANCE MEASURES TO ASSESS ODP EFFORTS**  
OJP had not developed adequate performance measures for evaluating whether the program improved grantees' capability to respond to terrorist acts.

**What we did in FY 2002 / What are the Current Approaches:**

**TIMELY SUBMISSION OF GRANTEE MONITORING AND FINANCIAL REPORTS, ON-SITE MONITORING REVIEWS ADDRESSING ALL GRANT CONDITIONS**  
OJP implemented procedures to change its business practices to allow for a withholding of funds if progress reports were not filed timely. Additionally, during FY 2002, OJP developed guides for conducting on-site visits, conducted desk reviews of grantee files, and developed systems that better track grantee contacts including grantee follow-up regarding on-site visits. OJP Financial Guide was updated in May 2002 to include procedures stating that a withholding of funds will be instituted if grantees fail to follow grant requirements by untimely filing of progress reports.

**INADEQUATE COUNTERTERRORISM PERFORMANCE MEASURES TO ASSESS ODP EFFORTS**  
ODP's mission is to develop and implement a national program to enhance the capacity of state and local agencies to respond to WMD terrorist incidents through coordinated training, equipment acquisition, technical assistance, and support for state and local exercise planning. In order to measure how well it has achieved its mission, ODP has established performance standards relating to training, equipment, technical assistance, and support for state and local exercise planning. All of these are essential to assessing ODP's ability to enhance the capacity of state and local agencies to respond to WMD terrorist incidents. Performance standards must reflect the nature of these contributions. For example, training enhances the capability of individuals, while equipment and exercises enhance the capability of communities. ODP has established appropriate performance measures for these contributions, and is in the process of implementing a comprehensive evaluation program to assess actual program performance. In December 2002, ODP will complete the development of the evaluation process to update information within the strategies on a continuous basis

<b>Milestones FY 2003/FY2004:</b>	<b>Original Target Date</b>	<b>Current Target Date</b>	<b>Actual Date of Completion</b>
<p>TIMELY SUBMISSION OF GRANTEE MONITORING AND FINANCIAL REPORTS, ON-SITE MONITORING REVIEWS ADDRESSING ALL GRANT CONDITIONS</p> <p>Implemented procedures to withhold funds if progress reports are not filed on a timely basis. Updated OJP Financial Guide to include procedures to be used if grantees do not follow grant requirements for timely filing of progress reports.</p>			05/2002
<p>Beginning in January 2003, the above procedures will be supplemented through electronic withholding of funds if OJP systems support untimely or unsubmitted reports.</p>	01/2003	01/2003	
<p>Phase in the Grants Management System to all Bureaus and Program Offices</p>		06/30/2003	
<p>INADEQUATE COUNTERTERRORISM PERFORMANCE MEASURES TO ASSESS ODP EFFORTS</p> <p>Issued the final draft of the Justice Exercise and Evaluations Manual. This Manual is a four-volume guide provided to ODP's state and local grant recipients. It consists of: an overview volume of the exercises process as part of domestic preparedness; the second volume provides the "how to" information needed to conduct an exercise; the third volume offers sample forms and documents related to, for example, interagency agreements and responsibilities; and the fourth volume provides the information needed to conduct an evaluation of the exercise's effectiveness. OJP has completed the first volume and has draft versions of the remaining volumes.</p>	10/2002		09/2002
<p>First cycle of impact evaluation results complete</p>		03/2004	
<p><b>How We Will Know It Is Fixed:</b></p> <p>TIMELY SUBMISSION OF GRANTEE MONITORING AND FINANCIAL REPORTS, ON-SITE MONITORING REVIEWS ADDRESSING ALL GRANT CONDITIONS</p> <p>In January 2003, the payment system will not allow grantees to access funds if they are not current with financial and programmatic reporting requirements, and performance measures will be evaluated to determine program outcomes.</p> <p>INADEQUATE COUNTERTERRORISM PERFORMANCE MEASURES TO ASSESS ODP EFFORTS</p> <p>To address the counterterrorism performance measures portion, OIG verbally agreed to close the recommendation on September 20, 2002 pending the receipt of the DOJ Exercise and Evaluation Program Manual. Once this condition is met, OIG will close this recommendation.</p> <p>We will know that the evaluation portion is completed when ODP is able to compare the March 2004 impact evaluation results against the performance measures developed through the initial December 2002 evaluation process.</p>			

**U. S. DEPARTMENT OF JUSTICE**

**Management Challenge Report  
Issue and Milestone Schedule**

<b>Management Challenge:</b> <b>PERFORMANCE BASED MANAGEMENT</b>	<b>Date of Submission:</b> 11/12/02	<b>Component:</b> Department	<b>Original Target for Completion:</b> N/A	<b>Current Target for Completion:</b> Completed FY 2002
<b>Issue and Description:</b> <ul style="list-style-type: none"> <li>LINKING OUTCOME MEASURES TO BUDGET DEVELOPMENT AND ALLOCATION OF RESOURCES</li> </ul> <p>A significant management challenge for the Department is ensuring, through performance-based management, that its programs are achieving their intended purposes. Linking credible performance measures to budget development and allocation of resources has been uneven. In recent audits, the OIG has found that programmatic performance measures are not always well developed or adequately focused on outcomes.</p>				
<b>What we did in FY 2002 / What are the Current Approaches:</b> <ul style="list-style-type: none"> <li>The internal budget process was structured by Strategic Goal and incorporated performance into the earliest stages of budget development.</li> <li>DOJ Budget programs (decision units) were realigned with primary mission areas and the Strategic Plan. This allows full program costs to be aligned with program accomplishments.</li> <li>A Performance and Resource Table was developed for inclusion in the budget that aligns resources with results. Another feature of this table is a display of budget enhancements and corresponding performance associated with the specific budget request.</li> <li>In FY 2001, broad outcome measures were established for drug trafficking and immigration. In FY 2002, a new measure was developed for locally targeted gun crime and USMS transitioned a key performance measure from warrants based data to fugitives.</li> </ul>				
<b>Milestones FY 2003/FY2004:</b>	<b>Original Target Date</b>	<b>Current Target Date</b>	<b>Actual Date of Completion</b>	
The pursuit of additional outcome oriented performance measures is a continuous effort for the Department.		On-going		
<b>How We Will Know It Is Fixed:</b> N/A				

## U. S. DEPARTMENT OF JUSTICE

### Management Challenge Report Issue and Milestone Schedule

<b>Management Challenge:</b> <b>PERFORMANCE BASED MANAGEMENT</b>	<b>Date of Submission:</b> 11/12/02	<b>Component:</b> OIA	<b>Original Target for Completion:</b> 6/11/02	<b>Current Target for Completion:</b> On-going
<b>Issue and Description:</b>				
<ul style="list-style-type: none"> <li>• INADEQUATE PERFORMANCE MEASURES, EXTRADITION CASES</li> </ul> <p>A recent OIG report (#I-2002-008) found that the Office of International Affairs (OIA) had established performance measures for treaty negotiations, but had not established measures for processing extradition requests. Also, OIA did not have internal policies, procedures, or standards pertaining to extradition cases that identified staff responsibilities, time frames, or priorities to guide employees or communicate management expectations.</p>				
<b>What we did in FY 2002 / What are the Current Approaches:</b>				
<ul style="list-style-type: none"> <li>• The Section Chief, along with OIA line attorneys, supervisors and paralegals, reviewed every extradition and mutual legal assistance file in the office, with the objective of advancing the cases or, if they are no longer viable, closing them. The process resulted in closing over 5,000 files. Each geographic team in OIA has been directed to undertake its own comprehensive file review on a semi-annual basis.</li> <li>• OIA developed written protocols to establish office-wide guidelines for reviewing case files, including a description of the type of case to be reviewed, specific actions to be taken, and criteria for closing files.</li> <li>• OIA is updating case status information in OIA's Oracle system and adapting existing fields to enhance our ability to capture and retrieve case-related data. All attorneys and paralegals have completed Oracle training.</li> <li>• OIA set up two NCIC computer terminals in OIA to enable the Office to take direct action to quickly determine a fugitive's status, and thereby handle extradition cases more efficiently.</li> <li>• After advertising to fill vacant attorney and support position vacancies, the best-qualified candidates have been interviewed and are completing the final stages of the hiring process.</li> <li>• The file review gave OIA an accurate tally of the number of active files in the office. In order to distribute the cases more equitably, a modified office reorganization was developed, involving OIA's two largest geographic teams, which will result in a reallocation of country assignments between the teams and a reassignment of cases among attorneys.</li> <li>• The Criminal Division does not agree with the OIG's criticism and follow-up recommendation regarding performance measures. The OIG criticized OIA for not establishing performance measures for such things as processing extraditions requests and evidence requests. However, the OIG based this on their review of the Department's Performance Plan – not the Division's Performance Plan that is more comprehensive and does include measures for extradition and mutual legal assistance (evidence) requests.</li> </ul>				
<b>Milestones FY 2003/FY2004:</b>		<b>Original Target Date</b>	<b>Current Target Date</b>	<b>Actual Date of Completion</b>
After discussion with the Evaluation and Inspections Division of the OIG, OIA is very close to closing out any open recommendations with this review.			FY 2003	
<b>How We Will Know It Is Fixed:</b> See milestone section above.				

# U. S. DEPARTMENT OF JUSTICE

## Management Challenge Report Issue and Milestone Schedule

<b>Management Challenge:</b> <b>PERFORMANCE BASED MANAGEMENT</b>	<b>Date of Submission:</b> 11/13/2002	<b>Component:</b> OJP	<b>Original Target for Completion:</b> 03/2002	<b>Current Target for Completion:</b> Completed 04/2002
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**Issue and Description:**

- INADEQUATE PERFORMANCE MEASURES, DNA BACKLOG REDUCTION

In a recent audit of OJP's Convicted Offender DNA Sample Backlog Reduction Grant Program (#02-20), OIG found that OJP had not developed performance measures that could assess whether the national backlog of DNA samples awaiting analysis was being reduced through its grant program. Without an adequate performance measure, OJP cannot measure progress in achieving its mission to reduce and eventually eliminate the convicted offender DNA sample backlog.

**What we did in FY 2002 / What are the Current Approaches:**

Effective April 2002, OJP revised its mission statement and performance measure for the Convicted Offender DNA Sample Backlog Reduction Grant program to better reflect the mission of the program. For comparative purposes the original and revised mission statement and performance measure are listed below:

**Original Mission:** To reduce and ultimately eliminate the convicted offender DNA sample backlog awaiting analysis and entry into the National DNA Index System (NDIS).

**Revised Mission:** To reduce and ultimately eliminate the convicted offender DNA sample backlog awaiting analysis and increase the number of samples available for entry into the National DNA Index System (NDIS).

**Original Performance Measure:** Number of samples analyzed with 13 STR DNA markers entered into the national database.

**Revised Performance Measure:** Number of samples analyzed with 13 STR DNA markers available to the national database.

In light of the revisions to the program's mission and the corresponding performance measures, we believe that the data that we are collecting and monitoring (i.e., number of samples analyzed and number of states experience and increase in the number of samples contributed) appropriately reflect our efforts toward meeting the revised mission. Therefore, we consider this recommendation closed.

<b>Milestones FY 2003/FY2004:</b>	<b>Original Target Date</b>	<b>Current Target Date</b>	<b>Actual Date of Completion</b>
N/A (In April 2002, OJP revised the mission statement to better reflect the efforts of the Convicted Offender DNA Sample Backlog Reduction Grant program.)			

**How We Will Know It Is Fixed:**

The mission statement has been revised to more accurately represent the objective of the program and the data being collected.

# U. S. DEPARTMENT OF JUSTICE

## Management Challenge Report Issue and Milestone Schedule

<b>Management Challenge:</b> <b>PERFORMANCE BASED MANAGEMENT</b>	<b>Date of Submission:</b> 11/12/2002	<b>Component:</b> FBI	<b>Original Target for Completion:</b> N/A	<b>Current Target for Completion:</b> On-going
<p><b>Issue and Description:</b></p> <ul style="list-style-type: none"> <li>ESTABLISHING AN EFFECTIVE SYSTEM OF PERFORMANCE MEASURES, COUNTERTERRORISM (CT) PROGRAM</li> </ul> <p>In a recent audit of FBI's Counterterrorism Program (#02-38), OIG recommended that the FBI close the gap between planning and operations in its counterterrorism program by establishing an effective system of performance measures by focusing on program outcomes, and identifying standards for holding managers at all levels accountable for achieving goals and objectives delineated in the FBI's strategic plans.</p> <p><b>What we did in FY 2002:</b> The FBI developed a program management strategy designed to achieve maximum feasible capacity in the CT program and continues to pursue full implementation of this strategy. Every year, the program measures CT capacity via the Annual Field Office Report (AFOR). The AFOR provides a template to FBI field offices for evaluating their CT capabilities, based on specified criteria in all areas of CT effort. Each field office rates its CT program and the information is analyzed at Headquarters to provide an annual update to FBI executive management regarding the state of the FBI's CT program. The analysis of the AFOR information enables the CT program to identify gaps in capacity and develop targeted strategies to address those gaps.</p> <p>The FBI will finalize and publish its CT program plans during mid-FY 2003. These plans lay out the operational goals, objectives, and strategies against priority threats for the coming fiscal year. These plans serve to focus FBI management on priority initiatives, ensuring a coordinated national effort against the terrorism threat.</p> <p><b>Current Approaches:</b> The FBI is finalizing its CT program plans and will distribute them throughout its Counterterrorism Division (CTD) and field offices. The program will then develop operational performance measures consistent with program plan strategies to track performance against specific operational strategies. The FBI will continue to assess capacity through the AFOR processes and will continue discussion with oversight entities to fully link performance results to the budget. Finally, the FBI will continue to implement ongoing strategies to close capacity gaps identified through the AFOR process. Tracking operational success (operational performance measures) as well as capacity information will provide a comprehensive view of the CT programs' progress towards achieving maximum feasible capacity in counterterrorism efforts.</p>				
<b>Milestones FY 2003/FY2004:</b>				
	<b>Original Target Date</b>	<b>Current Target Date</b>	<b>Actual Date of Completion</b>	
Finalize and publish CTD Program Plans.	10/01/2002	12/01/2002		
Develop operational performance measures consistent with program plans and develop a tracking system to evaluate success on a regular basis.	On-going	On-going		
Publish the Supplemental Director's Report on Counterterrorism and calculate a new PCI.	04/01/2003	04/01/2003		
Conduct 2003 AFOR Process to evaluate capacity, publish Director's Report on Counterterrorism.	09/01/2003	09/01/2003		

**How We Will Know It Is Fixed:**

FBI program managers will have access to continuous feedback on the success of operational strategy through a system of real-time tracking of indicators linked to program plans. These measures will indicate if strategies are successful and should be continued or if strategies need to be revised.

# U. S. DEPARTMENT OF JUSTICE

## Management Challenge Report Issue and Milestone Schedule

<b>Management Challenge:</b> <b>HUMAN CAPITAL</b>	<b>Date of Submission:</b> 11/20/02	<b>Component:</b> Department	<b>Original Target for Completion:</b>	<b>Current Target for Completion:</b> On-going
<b>Issue and Description:</b>				
<ul style="list-style-type: none"> <li>• ATTRACTING, TRAINING AND RETAINING SUFFICIENT QUALIFIED EMPLOYEES</li> </ul> <p>The Department continues to experience a management challenge in attracting, training, and retaining sufficient qualified employees in many areas of operation. Many employees are leaving for positions with the new Transportation Security Agency or the private sector. Additionally, retaining high quality information technology specialists who are knowledgeable about the latest hardware and software is a challenge and the government runs the risk of falling further behind the private sector. In other areas, the Department components face problems in expeditiously hiring qualified specialists. The Department must have the capabilities, resources, and facilities to adequately train the influx of entry-level personnel. Lastly, attention must be paid to training new managers who will be needed to replace the significant number of senior employees nearing retirement age.</p>				
<b>What we did in FY 2002 / What are the Current Approaches:</b>				
<p>We have developed the DOJ Human Capital Strategic Plan to address human capital issues requiring the Department's serious attention; the Plan has four main goals:</p> <p><i>Goal 1: Design an effective organization and workforce that aligns with the overall DOJ mission and Strategic Plan; Goal 2: Reduce skill gaps through recruitment, training, and succession planning; Goal 3: Develop an organizational culture that clearly identifies and communicates performance expectations to employees, reports and assesses results, and provides incentives/penalties/remedial training; Goal 4: Strengthen human capital leadership within DOJ.</i></p> <p>The Plan was designed to make sure that the Department's human capital goals and objectives concentrate on the Human Capital portion of the President's Management Agenda, as explicated on the Scorecard maintained by the Office of Management and Budget. The Plan strongly relates to the Attorney General's ten management goals for the Department, and reflects both findings and recommendations recently generated during the course of several in-depth reviews of human capital management within the Department and its major components. We have already begun to work on action items resulting from the Plan; DOJ will take the lead, and the components will participate, in creating appropriate policies, programs, processes, and frameworks as called for in the Plan. Specific accomplishments cited in the Plan include:</p> <ul style="list-style-type: none"> <li>• DOJ is seen by applicants to have highly desirable job opportunities;</li> <li>• DOJ has well-established, excellent training programs for new law enforcement and legal job entrants;</li> <li>• Workforce average age (40) significantly lower than Federal Government average (47);</li> <li>• Projected annual retirement rates are low, and actual retirement rate for 2001 was 1/3 less than projected;</li> <li>• DOJ's "recruit and train" model results in a substantially large majority (95-97 percent) of supervisors coming from in-house ranks;</li> <li>• DOJ has tested and is implementing an electronic training strategy;</li> <li>• Several components have tested and implemented electronic hiring systems; and</li> <li>• DOJ has an extensive data bank on job competencies needed for all its occupations.</li> </ul>				
<b>Milestones FY 2003/FY2004:</b>				
		<b>Original Target Date</b>	<b>Current Target Date</b>	<b>Actual Date of Completion</b>
A detailed action plan (9 pages) may be obtained by calling Debra Tomchek on 305-4976				
<b>How We Will Know It Is Fixed:</b> Ultimately, the success of human capital initiatives is measured by achievement of Annual Performance Plan goals. Without the proper numbers, skills, and motivation of employees, it will not be possible to achieve the objectives outlined on the Department's Strategic Plan.				

**U. S. DEPARTMENT OF JUSTICE**

**Management Challenge Report  
Issue and Milestone Schedule**

<b>Management Challenge:</b> <b>HUMAN CAPITAL</b>	<b>Date of Submission:</b> 11/12/02	<b>Component:</b> FBI	<b>Original Target for Completion:</b> N/A	<b>Current Target for Completion:</b> 3/2003
<b>Issue and Description:</b>				
<ul style="list-style-type: none"> <li>HIRING AND TRAINING STAFF TO MEET THE BUREAU'S COUNTERTERRORISM MISSION</li> </ul> <p>FBI must hire and train additional intelligence analysts and investigators to assist in meeting the Bureau's new counterterrorism responsibilities.</p>				
<b>What we did in FY 2002 / What are the Current Approaches:</b>				
<p>The FBI is making substantial progress in building a corps of intelligence analysts. Our reorganization includes a total of 367 tactical and strategic analytical personnel. Currently, there are 181 analytical personnel in place and another 118 that are in the background investigation phase for hiring. These numbers do not include the 25 CIA analysts currently detailed to the FBI's Counterterrorism Division (CTD).</p> <p>Additionally, 100 FBI Special Agents were transferred into its CTD in FY 2002, and 13 have been transferred in thus far in FY 2003. There were approximately 30 Special Agents transferred out of the FBI's CTD in FY 2002, and 30 have been transferred out thus far in FY 2003.</p> <p>The FBI has completely revamped its analyst training program. The basic analysis course was expanded from five to six weeks, with more emphasis on analytical tradecraft. The CIA has assisted in designing the tradecraft portion of the course, and CIA instructors will teach the first four sessions, after which FBI instructors will take over. The first session of the new basic course will begin on February 22, 2003. In addition, CIA will hold a four-day course on managing analysis, which is mandatory for all FBI managers in the Terrorism and Prevention Analysis Branch. The course will begin during the first week of December 2002. We are also in the process of staffing the Office of Intelligence, which will be responsible for overseeing the career development of all FBI analysts.</p>				
<b>Milestones FY 2003/FY2004:</b>		<b>Original Target Date</b>	<b>Current Target Date</b>	<b>Actual Date of Completion</b>
Approximately 75 percent of the Intelligence Research Specialists will be on-board by March 2003 (the one-year point).		December 2002	March 2003	
<b>How We Will Know It Is Fixed:</b> The FBI's analytical complement will be fully staffed and funded and analytical products will be disseminated to the Intelligence and Law Enforcement Communities on a routine basis.				

# U. S. DEPARTMENT OF JUSTICE

## Management Challenge Report Issue and Milestone Schedule

<b>Management Challenge:</b> <b>DEPARTMENT OF JUSTICE  REORGANIZATIONS</b>	<b>Date of Submission:</b>	<b>Component:</b> Department FBI, OJP	<b>Original Target for Completion:</b>	<b>Current Target for Completion:</b> On-going
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**Issue and Description:**

- MANAGING DEPARTMENT EMPLOYEES THROUGH ON-GOING REORGANIZATIONS AND/OR TRANSFERS

With the impending absorption of INS into the Department of Homeland Security the Department will be challenged to ensure that the vital missions of the INS, such as communication systems, information technology systems, human capital systems, and physical location of people and other assets, are not impeded during the transition period. Similar challenges will result if the Bureau of Alcohol, Tobacco and Firearms (BATF) is transferred to DOJ from the Department of the Treasury.

Additionally, FBI continues to reorganize to more effectively respond to its new priority to detect and deter acts of terrorism against U.S. interests and OJP is reorganizing in an attempt to improve its grant operations. The OIG is particularly concerned with OJP's efforts to create efficiencies and streamline operations.

**What we did in FY 2002 / What are the Current Approaches:**

**INS:** DOJ anticipates that Congress will pass legislation to create the Department of Homeland Security and is involved in ensuring that the transition of INS to DHS is smooth and accomplishes the President's goal of securing our nation and preventing further terrorist attacks. The expected impacts on Justice operations and human capital are enormous, and are requiring much sorting and negotiation. As plans crystallize, the human capital aspects of the transition must be monitored, reported, and addressed to ensure continuation of optimum service in key DOJ mission areas.

**BATF:** The proposed legislation to create the DHS includes a proposed amendment to transfer the enforcement (not revenue) functions of BATF to DOJ. This legislation is supported by the President, the Secretary of the Treasury, and the Attorney General. DOJ staff are working with Treasury and Congress to develop the specific elements and implications of the legislation, such as administrative management impacts and funding.

**FBI:** The FBI has completed several major steps in its ongoing reorganization. First, it established the positions of four Executive Assistant Directors (EADs) and organized Headquarters divisions and offices into branches headed by each of these EADs. These branches are Criminal Investigations, Counterterrorism/ Counterintelligence, Law Enforcement Services, and Administration. Second, the FBI created and fully staffed several new divisions: the Investigative Technologies Division and the Records Management Division. Other new divisions, as listed below, are still in the process of being fully staffed. Third, the FBI has dissolved the Investigative Services Division and reassigned its work to other entities. Finally, the FBI reallocated 518 field agents from criminal programs to counterterrorism training and security.

**OJP:** OJP is in the process of implementing the Department, OMB, and Congressionally-approved two-phase reorganization plan. The intent of this plan is to begin the process of transforming OJP into a centralized, more transparent organization accountable for managing a federal justice assistance program that rapidly responds to the field, focuses resources more effectively, and reduces confusion, overlap, and duplication. Furthermore, BJA began implementation of its reorganization, which included the realignment of DCPO and CPO staff/functions, along with other changes to streamline BJA operations and improve services to its customers. DCPO and CPO staff have been reassigned to BJA and all BJA staff completed a robust training program to assist them in the transition to new positions. Additionally, the Office of the Chief Information Officer (OCIO) was created as a separate administrative support office within OJP. The new Chief Information Officer is on board and staff/functions have been reassigned to OCIO.

<b>Milestones FY 2003/FY2004:</b>	<b>Original Target Date</b>	<b>Current Target Date</b>	<b>Actual Date of Completion</b>
<b>INS:</b> No milestones at this time.	N/A	N/A	N/A
<b>BATF:</b> No milestones at this time.	N/A	N/A	N/A
<b>FBI:</b>	--	--	--
-Establish and fully staff the Security Division	Continuing through 2003/2004		
-Establish and fully staff the Cyber Division	Continuing through 2003/2004		
-Reallocate field criminal agents to Counterintelligence (exact number is classified)	Pending review/approval by Congress FY 2003		
-Establish and fully staff the Office of Intelligence	Continuing through 2003/2004		
-Restructure the Counterterrorism Division	Continuing through 2003/2004		
<b>OJP:</b>	--	--	--
-Office of Communication created by restructuring and renaming the Office of Congressional and Public Affairs. (Director of the Office of Communication selected)			8/16/02
-Tentative selection for Director of the Office of Communications submitted to the Department of Justice for review			9/2002
-Community Capacity Development Office (CCDO) reorganization will be established by realigning functions of the American Indian and Alaskan Native Desk and the Executive Office for Weed and Seed.		3/2003 (tentative)	
-Consolidate the Office of the Comptroller, Office of Budget and Management Services, Equal Employment Office, and Office of Administration		3/2003 (tentative)	
<b>How We Will Know It Is Fixed:</b>			
Departmental reorganization will be complete.			

**RESPONSES TO FMFIA MATERIAL WEAKNESSES (NOT COVERED BY OIG TOP TEN MANAGEMENT CHALLENGES)**

<b>U. S. DEPARTMENT OF JUSTICE</b>  <b>Corrective Action Report</b>  Issue and Milestone Schedule				<b>Date of Submission</b>	
				First Quarter Update:	
				Second Quarter Update:	
				Third Quarter Update:	
				End of Year Report: 10/21/02	
Issue Title			Issue ID	Organization	
Prison Crowding			1985-6201	Bureau of Prisons	
Date First Initiated	Original Target for Completion	Current Target for Completion	Actual Date of Completion	Issue Type (Organization Rating)	
1985	09/95	09/07		Material Weakness	
Source Title			Date of Source Report	Issue Type (DOJ Rating)	
BOP			1985	Material Weakness	
<b>Issue Description</b>					
<p>In 1985 the Bureau's Executive Staff recognized crowding as a material weakness. The crowding rate grew through 1990 to a high of 69% over the Bureau's rated capacity. As of September 30, 2002, the crowding rate was 33% over rated capacity. The Bureau continues to rely on funding for contract beds and the construction of additional federal facilities to keep pace with a growing inmate population and to gradually reduce our crowding rate, thereby ensuring the manageable operation of the system.</p> <p>The total Federal Prison Population was 163,436 as of September 30, 2002, reflecting an increase of 6,864 for FY 2002.</p> <p>We project the total Bureau population will continue to grow and should reach 192,941 by September 30, 2007. Through the construction of new facilities and expansion projects at existing institutions, our Long Range Capacity Plan projects a rated capacity of 127,920 beds by September 30, 2007. Should new construction and expansion plans continue through FY 2007 as planned, crowding is projected to be 33% over the projected rated capacity.</p>					
<b>What We Will Do About It</b>					
<p>Increase the number of beds in the Bureau to keep pace with the projected increases in the federal inmate population. Efforts to reach this goal include expanding existing institutions, acquiring surplus properties for conversion to correctional facilities, constructing new institutions, utilizing contract facilities and expanding the use of contract beds, and exploring alternative options of confinement for appropriate cases.</p>					
<p>Milestone C: The projections have changed since publication of the FY 2001 Federal Managers' Financial Integrity Act Corrective Action Reports (included as Appendix G in the FY 2001 Accountability Report). This is due to updated data from the Administrative Office of the U.S. Courts, which has indicated that, while the federal inmate population will continue to increase, the rate of growth will be somewhat slower. The decline in projected inmate population is a result of a reduction in both immigration and drug cases, as well as final absorption into the BOP of the District of Columbia sentenced felon population as mandated by the National Capital Revitalization Act of 1997.</p>					

Milestones	Original Target Date	Current Target Date	Actual Date of Completion
<p>A. Completed Actions/Events</p> <p>As of September 30, 2002, the Bureau's population reached 137,527 and was being housed in capacity of 103,262, resulting in a crowding rate of 33%.</p>	09/02		09/02
<p>B. Short Term (10/02 - 10/03)</p> <p>Planning estimates call for a rated capacity of 107,463 to be reached by close of FY 2003. The crowding rate is projected to be 34% at that time, an increase of 1% for the year.</p>	09/03		
<p>C. Longer Term (10/03 and beyond)</p> <p>Focus the use of limited Community Corrections Center resources to provide relief, as appropriate, to facilities housing low and medium security inmates.</p> <p>The information below represents inmates housed in Bureau operated facilities.</p> <p>September 30, 2004  Inmate Population: 151,775  Rated Capacity: 115,941  Crowding Rate: 31%</p> <p>September 30, 2005  Inmate Population: 160,038  Rated Capacity: 121,294  Crowding Rate: 32%</p> <p>September 30, 2006  Inmate Population: 165,279  Rated Capacity: 124,624  Crowding Rate: 33%</p> <p>September 30, 2007  Inmate Population: 170,478  Rated Capacity: 127,920  Crowding Rate: 33%</p>	<p>09/93</p> <p>09/04</p> <p>09/05</p> <p>09/06</p> <p>09/07</p>	09/03	
<p><b>How We Will Know It Is Fixed</b></p> <p>Results are measured as a new institution or expansion project is activated or contract beds are obtained and resulting increases in rated capacity are established. A corresponding decrease in the crowding percentage rate will also be a tangible measurement of the results. Progress on construction projects at new and existing facilities can be validated via on-site inspections of each facility or by review of monthly construction progress reports.</p>			

<b>U. S. DEPARTMENT OF JUSTICE</b>  <b>Corrective Action Report</b>  Issue and Milestone Schedule				<b>Date of Submission</b>	
				First Quarter Update:	
				Second Quarter Update:	
				Third Quarter Update:	
				End of Year Report: 12/23/02	
Issue Title				Issue ID	Organization
FBI Property and Equipment					Federal Bureau of Investigation
Date First Initiated	Original Target for Completion	Current Target for Completion	Actual Date of Completion	Issue Type (Organization Rating)	
08/02	03/03	03/03		Material Weakness	
Source Title			Date of Source Report	Issue Type (DOJ Rating)	
OIG Audit Report # 02-27			08/02	Material Weakness	
<b>Issue Description</b>					
<p>Office of the Inspector General (OIG) Report # 02-27, "The Federal Bureau of Investigation's (FBI) Control Over Weapons and Laptop Computers," released in August 2002, revealed significant problems with the FBI's management of weapons and laptop computers. Although the number of functional weapons reported missing during the review period amounted to less than one-half of one percent of the FBI's inventory, the significance of these losses is measured in the sensitive nature of the missing property, not in numbers. Similarly, the number of laptops reported missing during this same period equated to only approximately two percent of the FBI's inventory. However, because the security level of 70 percent of the lost or stolen laptops was "unknown," the loss is potentially significant as the information contained on these laptops could compromise national security or jeopardize ongoing investigations.</p>					
<b>What We Will Do About It</b>					
<p>The FBI has been aware of this problem for some time and has, prior to the issuance of this report, taken the following actions to address the concern:</p> <ul style="list-style-type: none"> <li>• The FBI created and implemented a new policy mandating the timely reporting of loss or theft of property to all appropriate entities; the policy was officially issued in August 2002.</li> <li>• Form FD-500, Report of Lost or Stolen Property, has been revised to include the date of loss or theft, the date of entry to NCIC, and the name of the Property Custodian responsible for property oversight.</li> <li>• The FBI implemented a new policy that all weapons and laptops will be inventoried annually using barcode technology.</li> <li>• A new regulation has been implemented requiring all divisions to generate a monthly On-Order report to review new property that should be placed on the Property Management Application (PMA); all divisions have been reminded of the requirement to place all property on the PMA in a timely manner.</li> <li>• A new Schedule of Delegated Disciplinary Offenses and a policy statement addressing property losses have been promulgated.</li> <li>• A policy has been established regarding safeguarding property outside of FBI office space and has been included in the appropriate manuals.</li> </ul> <p>In addition and in response to recommendations received from the OIG, the FBI will take further actions to address this problem, as indicated below.</p>					

<b>Milestones</b>	<b>Original Target Date</b>	<b>Current Target Date</b>	<b>Actual Date of Completion</b>
1. Implementation of Boards of Survey to review cases of employee negligence leading to loss or theft of property.	11/02	11/03	
2. Issuance of policy regarding employees' personal financial responsibility for lost or stolen property.	11/02	11/02	11/01/02
3. Completion of biennial inventory of accountable property.	03/03	03/03	
4. Revision of the Manual of Administrative Operations and Procedures (MAOP) to clarify processes for separating employees, including establishment of procedures for reimbursement for lost property.	10/02	12/02	10/25/02
5. Institution of policies and procedures on the acquisition, inventory, audit, turn-in, maintenance, decommission, sanitization, and destruction of information technology resources.	02/03	02/03	
<p><b>How We Will Know It Is Fixed</b></p> <p>The problem will be corrected when all of the above milestones have been completed and when the FBI is able to fully account for its recorded property, particularly sensitive property such as weapons and laptop computers.</p>			

<b>U. S. DEPARTMENT OF JUSTICE</b>  <b>Corrective Action Report</b>  Issue and Milestone Schedule				<b>Date of Submission</b>		
				First Quarter Update:		
				Second Quarter Update:		
				Third Quarter Update:		
				End of Year Report: 01/14/03		
Issue Title				Issue ID	Organization	
FBI Management of Information Technology					Federal Bureau of Investigation	
Date First Initiated	Original Target for Completion	Current Target for Completion	Actual Date of Completion	Issue Type (Organization Rating)		
2002	TBD			Material Weakness		
Source Title			Date of Source Report	Issue Type (DOJ Rating)		
OIG Audit Report 03-09: FBI's Management of Information Technology Investments			12/02	Material Weakness		
<b>Issue Description</b>						
<p>A December 2002 Office of Inspector General (OIG) audit report entitled, "Federal Bureau of Investigation's (FBI) Management of Information Technology (IT) Investments," stated that in the past the FBI has not given sufficient management attention to IT investments. As a result, the FBI has not fully implemented critical processes necessary for such management and has invested large sums of money on IT projects without assurance that these projects would meet intended goals.</p>						
<b>What We Will Do About It</b>						
<p>FBI management has recognized that its past methods to manage IT projects have been deficient, and recently has committed to changing those practices. In January 2002, the FBI developed a conceptual model for selecting, controlling, and evaluating IT investments. The model seeks to define a process that will promote a Bureau-wide perspective on IT investment management, so that only IT projects with the best probability of improving mission performance are selected. Further, the process is intended to provide the methods, structures, disciplines, and management framework that governs the way IT projects are controlled and evaluated.</p>						
<b>Milestones</b>				Original Target Date	Current Target Date	Actual Date of Completion
1. Develop full plan and implementation schedule to address and meet the weaknesses described in the OIG report.				TBD		
<b>How We Will Know It Is Fixed</b>						
FBI IT projects will stay within budget and on schedule and result in successful program operations.						

# APPENDIX C

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## INTELLECTUAL PROPERTY CASES - UNITED STATES ATTORNEYS' OFFICES – FISCAL YEAR 2002

### Title 18, United States Code, Section 2318\* – Trafficking in Counterfeit Labels for Phono Records and Copies of Motion Pictures or Other Audiovisual Works.

Offense: knowingly trafficking in a counterfeit label affixed or designated to be affixed to a phono record or a copy of a motion picture or other audiovisual work.

FY 2002 - TOTALS (All Districts)

#### Referrals and Cases:

Number of Investigative Matters Received by U.S. Attorneys:	18
Number of Defendants:	20
Number of Cases Filed:	13
Number of Defendants:	15
Number of Cases Resolved/Terminated:	7
Number of Defendants:	11

#### Disposition of Defendants in Concluded Cases:

Number of Defendants Who Pleaded Guilty:	8
Number of Defendants Who Were Tried and Found Guilty:	0
Number of Defendants Against Whom Charges Were Dismissed:	1
Number of Defendants Acquitted:	0
Other Terminated Defendants:	2

#### Prison Sentencing for Convicted Defendants (# represents defendants):

No Imprisonment:	5
1 to 12 Months Imprisonment:	3
13 to 24 Months:	0
25 to 36 Months:	0
37 to 60 Months:	0
61 + Months:	0

Total Dollar value of All Criminal Fines Imposed: Not Available  
(fines can be assessed in lieu of or in addition to prison sentences)

\*This chart includes data on any and all criminal cases/defendants where 18 U.S.C. 2318 was brought as any charge against a defendant.

**Title 18, United States Code, Section 2319\*- Criminal Infringement of a Copyright.**

Offense: willful infringement of a copyright for purposes of commercial advantage or private financial gain, or through large-scale, unlawful reproduction or distribution of a protected, regardless of whether there was a profit motive.

FY 2002 - TOTALS (All Districts)

Referrals and Cases:

Number of Investigative Matters Received by U.S. Attorneys:	75
Number of Defendants:	144
Number of Cases Filed:	25
Number of Defendants:	73
Number of Cases Resolved/Terminated:	28
Number of Defendants:	56

Disposition of Defendants in Concluded Cases:

Number of Defendants Who Pleaded Guilty:	46
Number of Defendants Who Were Tried and Found Guilty:	1
Number of Defendants Against Whom Charges Were Dismissed:	8
Number of Defendants Acquitted:	0
Other Terminated Defendants:	1

Prison Sentencing for Convicted Defendants (# represents defendants):

No Imprisonment:	30
1 to 12 Months Imprisonment:	6
13 to 24 Months:	5
25 to 36 Months:	3
37 to 60 Months:	3
61 + Months:	0

Total Dollar value of All Criminal Fines Imposed: Not Available  
(fines can be assessed in lieu of or in addition to prison sentences)

\*This chart includes data on any and all criminal cases/defendants where 18 U.S.C. 2319 was brought as any charge against a defendant.

**Title 18, United States Code, Section 2319A\* - Unauthorized Fixation of and Trafficking in Sound Recordings and Music Videos of Live Musical Performances.**

Offense: without the consent of the performer, knowingly and for purposes of commercial advantage or private financial gain, fixing the sounds or sound and images of a live musical performance, reproducing copies of such a performance from an authorized fixation; transmitting the sounds or sounds and images to the public, or distributing, renting, selling, or trafficking (or attempting the preceding) in any copy of an unauthorized fixation.

FY 2002 - TOTALS (All Districts)

Referrals and Cases:

Number of Investigative Matters Received by U.S. Attorneys:	7
Number of Defendants:	9
Number of Cases Filed:	5
Number of Defendants:	7
Number of Cases Resolved/Terminated:	7
Number of Defendants:	9

Disposition of Defendants in Concluded Cases:

Number of Defendants Who Pleaded Guilty:	5
Number of Defendants Who Were Tried and Found Guilty:	0
Number of Defendants Against Whom Charges Were Dismissed:	4
Number of Defendants Acquitted:	0
Other Terminated Defendants:	0

Prison Sentencing for Convicted Defendants (#represents defendants):

No Imprisonment:	3
1 to 12 Months Imprisonment:	1
13 to 24 Months:	1
25 to 36 Months:	0
37 to 60 Months:	0
60 + Months:	0

Total Dollar value of All Criminal Fines Imposed: Not Available  
(fines can be assessed in lieu of or in addition to prison sentences)

\*This chart includes data on any and all criminal cases/defendants where 18 U.S.C. 2319A was brought as any charge against a defendant.

**TITLE 18 UNITED STATES CODE, SECTIONS 2320\* - Trafficking in Counterfeit Goods or Services.**

Offense: intentionally trafficking or attempting to traffic in goods or services and knowingly using a counterfeit mark on or in connection with such goods or services.

FY 2002 - TOTALS (All Districts)

Referrals and Cases:

Number of Investigative Matters Received by U.S. Attorneys:	81
Number of Defendants:	135
Number of Cases Filed:	52
Number of Defendants:	79
Number of Cases Resolved/Terminated:	56
Number of Defendants:	88

Disposition of Defendants in Concluded Cases:

Number of Defendants Who Pleaded Guilty:	59
Number of Defendants Who Were Tried and Found Guilty:	2
Number of Defendants Against Whom Charges Were Dismissed:	27
Number of Defendants Acquitted:	0
Other Terminated Defendants:	0

Prison Sentencing for Convicted Defendants (# represents defendants):

No Imprisonment:	33
1 to 12 Months Imprisonment:	16
13 to 24 Months:	9
25 to 36 Months:	2
37 to 60 Months:	1
61 + Months:	0

Total Dollar value of All Criminal Fines Imposed: Not Available  
(fines can be assessed in lieu of or in addition to prison sentences)

\*This chart includes data on any and all criminal cases/defendants where 18 U.S.C. 2320 was brought as any charge against a defendant.

**TITLE 18 UNITED STATES CODE, SECTIONS 2318, 2319, 2319A, AND 2320\***  
**Comparison All Districts - All Statutes**

Referrals and Cases

	<u>FY 00</u>	<u>FY 01</u>	<u>FY 02</u>
Number of Investigative Matters Received by U.S. Attorneys:	197	191	169
Number of Defendants:	314	283	289
Number of Cases Filed:	106	84	78
Number of Defendants:	162	121	149
Number of Cases Resolved/Terminated:	79	81	82
Number of Defendants:	99	106	135

Disposition of Defendants in Concluded Cases

Number of Defendants Who Pled Guilty:	71	83	103
Number of Defendants Who Were Tried and Found Guilty:	5	3	3
Number of Defendants Against Whom Charges Were Dismissed:	19	17	26
Number of Defendants Acquitted:	1	0	0
Other Disposition:	3	3	3

Prison Sentencing for Convicted Defendants (# represents defendants)

No Imprisonment:	51	46	58
1 to 12 Month:	10	23	25
13 to 24 Months:	9	8	14
25 to 36 Months:	6	3	5
37 to 60 Months:	0	2	4
61 + Months:	0	4	0

**Statistics on Matters/Cases Originating with the United States Customs Service**

Number of Investigative Matters Referred by U.S. Customs Service:	64	60	57
Number of Defendants:	101	91	84
Number of Customs Matters Pending Resolution:	77	74	83
Number of Defendants:	120	111	126
Number of Customs Matters Terminated:	23	26	22
Number of Defendants:	40	46	35
Number of Cases Originating with U.S. Customs Service:	31	35	26
Number of Defendants	49	49	34
Number of Customs Cases Pending Resolution:	70	72	59
Number of Defendants:	113	109	85
Number of Customs Cases Resolved/Terminated:	29	21	37
Number of Defendants:	3	30	54

\*This chart includes data on any and all criminal cases/defendants where 18 U.S.C. 2318, 18 U.S.C. 2319, 18 U.S.C. 2319A, or 18 U.S.C. 2320 was brought as any charge against a defendant. However, the statutes were run together to eliminate any double counting of cases/defendants where more than one of the statutes were charged against the same defendant.

# APPENDIX D

## INDEX OF JUSTICE COMPONENT WEBSITES

American Indian and Alaska Native Affairs Desk (OJP)	<a href="http://www.ojp.usdoj.gov/americanative/whats_new.htm">http://www.ojp.usdoj.gov/americanative/whats_new.htm</a>
Antitrust Division	<a href="http://www.usdoj.gov/atr/index.html">http://www.usdoj.gov/atr/index.html</a>
Attorney General	<a href="http://www.usdoj.gov/ag/index.html">http://www.usdoj.gov/ag/index.html</a>
Bureau of Justice Assistance (OJP)	<a href="http://www.ojp.usdoj.gov/BJA/">http://www.ojp.usdoj.gov/BJA/</a>
Bureau of Justice Statistics (OJP)	<a href="http://www.ojp.usdoj.gov/bjs/">http://www.ojp.usdoj.gov/bjs/</a>
Civil Division	<a href="http://www.usdoj.gov/civil/home.html">http://www.usdoj.gov/civil/home.html</a>
Civil Rights Division	<a href="http://www.usdoj.gov/crt/crt-home.html">http://www.usdoj.gov/crt/crt-home.html</a>
Community Dispute Resolution (OJP)	<a href="http://www.ojp.usdoj.gov/eows/cdr/">http://www.ojp.usdoj.gov/eows/cdr/</a>
Community Oriented Policing Services - COPS	<a href="http://www.cops.usdoj.gov">http://www.cops.usdoj.gov</a>
Community Relations Service	<a href="http://www.usdoj.gov/crs/index.html">http://www.usdoj.gov/crs/index.html</a>
Criminal Division	<a href="http://www.usdoj.gov/criminal/criminal-home.html">http://www.usdoj.gov/criminal/criminal-home.html</a>
Diversion Control Program (DEA)	<a href="http://www.deadiversion.usdoj.gov/">http://www.deadiversion.usdoj.gov/</a>
Drug Enforcement Administration	<a href="http://www.usdoj.gov/dea/">http://www.usdoj.gov/dea/</a>
Environment and Natural Resources Division	<a href="http://www.usdoj.gov/enrd/">http://www.usdoj.gov/enrd/</a>
Executive Office for Immigration Review	<a href="http://www.usdoj.gov/eoir/">http://www.usdoj.gov/eoir/</a>
Executive Office for U.S. Attorneys	<a href="http://www.usdoj.gov/usao/eousa/">http://www.usdoj.gov/usao/eousa/</a>
Executive Office for U.S. Trustees	<a href="http://www.usdoj.gov/ust/">http://www.usdoj.gov/ust/</a>
Executive Office for Weed and Seed (OJP)	<a href="http://www.ojp.usdoj.gov/eows/">http://www.ojp.usdoj.gov/eows/</a>
Federal Bureau of Investigation	<a href="http://www.fbi.gov/">http://www.fbi.gov/</a>
Federal Bureau of Prisons	<a href="http://www.bop.gov">http://www.bop.gov</a>
Foreign Claims Settlement Commission of the United States	<a href="http://www.usdoj.gov/fcsc/">http://www.usdoj.gov/fcsc/</a>
Immigration and Naturalization Service	<a href="http://www.ins.usdoj.gov/graphics/index.htm">http://www.ins.usdoj.gov/graphics/index.htm</a>

INTERPOL – U.S. National Central Bureau	<a href="http://www.usdoj.gov/usncb/">http://www.usdoj.gov/usncb/</a>
Justice Management Division	<a href="http://www.usdoj.gov/jmd/">http://www.usdoj.gov/jmd/</a>
National Criminal Justice Reference Service (OJP)	<a href="http://www.ncjrs.gov/">http://www.ncjrs.gov/</a>
National Drug Intelligence Center	<a href="http://www.usdoj.gov/ndic/">http://www.usdoj.gov/ndic/</a>
National Institute of Corrections (FBOP)	<a href="http://www.nicic.org/">http://www.nicic.org/</a>
National Institute of Justice (OJP)	<a href="http://www.ojp.usdoj.gov/nij/">http://www.ojp.usdoj.gov/nij/</a>
Office of the Associate Attorney General	<a href="http://www.usdoj.gov/aag/index.htm">http://www.usdoj.gov/aag/index.htm</a>
Office of the Attorney General	<a href="http://www.usdoj.gov/ag/">http://www.usdoj.gov/ag/</a>
Office of the Deputy Attorney General	<a href="http://www.usdoj.gov/dag/">http://www.usdoj.gov/dag/</a>
Office of Dispute Resolution	<a href="http://www.usdoj.gov/odr/">http://www.usdoj.gov/odr/</a>
Office for Domestic Preparedness (OJP)	<a href="http://www.ojp.usdoj.gov/odp/">http://www.ojp.usdoj.gov/odp/</a>
Office of the Federal Detention Trustee	<a href="http://www.usdoj.gov/ofdt/index.html">http://www.usdoj.gov/ofdt/index.html</a>
Office of Information and Privacy	<a href="http://www.usdoj.gov/oip/oip.html">http://www.usdoj.gov/oip/oip.html</a>
Office of the Inspector General	<a href="http://www.usdoj.gov/oig/">http://www.usdoj.gov/oig/</a>
Office of Intelligence Policy and Review	<a href="http://www.usdoj.gov/oipr/">http://www.usdoj.gov/oipr/</a>
Office of Intergovernmental and Public Liaison	<a href="http://www.usdoj.gov/oipl/oipl.htm">http://www.usdoj.gov/oipl/oipl.htm</a>
Office of Justice Programs	<a href="http://www.ojp.usdoj.gov/">http://www.ojp.usdoj.gov/</a>
Office of Juvenile Justice and Delinquency Prevention (OJP)	<a href="http://www.ojjdp.gov/">http://www.ojjdp.gov/</a>
Office of Legal Counsel	<a href="http://www.usdoj.gov/olc/index.html">http://www.usdoj.gov/olc/index.html</a>
Office of Legal Policy	<a href="http://www.usdoj.gov/olp/">http://www.usdoj.gov/olp/</a>
Office of Legislative Affairs	<a href="http://www.usdoj.gov/ola/">http://www.usdoj.gov/ola/</a>
Office of the Pardon Attorney	<a href="http://www.usdoj.gov/pardon/">http://www.usdoj.gov/pardon/</a>
Office of the Police Corps and Law Enforcement Education (OJP)	<a href="http://www.ojp.usdoj.gov/opclee/">http://www.ojp.usdoj.gov/opclee/</a>
Office of Professional Responsibility	<a href="http://www.usdoj.gov/opr/index.html">http://www.usdoj.gov/opr/index.html</a>

Office of Public Affairs	<a href="http://www.usdoj.gov/opa/index.html">http://www.usdoj.gov/opa/index.html</a>
Office of the Solicitor General	<a href="http://www.usdoj.gov/osg/">http://www.usdoj.gov/osg/</a>
Office of Tribal Justice	<a href="http://www.usdoj.gov/otj/index.html">http://www.usdoj.gov/otj/index.html</a>
Office for Victims of Crime (OJP)	<a href="http://www.ojp.usdoj.gov/ovc/">http://www.ojp.usdoj.gov/ovc/</a>
Tax Division	<a href="http://www.usdoj.gov/tax/">http://www.usdoj.gov/tax/</a>
U.S. Attorneys	<a href="http://www.usdoj.gov/usao/eousa/usaos.html">http://www.usdoj.gov/usao/eousa/usaos.html</a>
U.S. Marshals Service	<a href="http://www.usdoj.gov/marshals/">http://www.usdoj.gov/marshals/</a>
U.S. Parole Commission	<a href="http://www.usdoj.gov/uspc/">http://www.usdoj.gov/uspc/</a>
U.S. Trustee Program	<a href="http://www.usdoj.gov/ust/">http://www.usdoj.gov/ust/</a>
Office of Violence Against Women (OJP)	<a href="http://www.ojp.usdoj.gov/vawo/">http://www.ojp.usdoj.gov/vawo/</a>

# APPENDIX E

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## GLOSSARY OF ABBREVIATIONS AND ACRONYMS

<b>ACA</b>	American Correctional Association
<b>ACE</b>	Asian Criminal Enterprise
<b>ACS</b>	Automated Case Support System
<b>ACTS</b>	DOJ Criminal Division Automated Case Tracking System
<b>ADA</b>	American with Disabilities Act
<b>ADAM</b>	Arrestee Drug Abuse Monitoring Program
<b>ADR</b>	Alternative Dispute Resolution
<b>A-Files</b>	Alien Files
<b>AFIS</b>	Automated Fingerprint Identification System
<b>ALS</b>	Automated Litigation Support
<b>ANSIR</b>	Automated Nationwide System for Immigration Review
<b>AOC</b>	Asian Organized Crime
<b>APIS</b>	Advance Passenger Information System
<b>APSS</b>	Asylum Pre-Screening System
<b>ATF</b>	Bureau of Alcohol, Tobacco, Firearms and Explosives
<b>ATTF</b>	U.S. Attorney's Anti-terrorism Task Force
<b>ATR</b>	Antitrust Division
<b>BCI</b>	Border Coordination Initiative
<b>BESS</b>	FBI (Part) B Extract Summary System
<b>BIA</b>	Bureau of Indian Affairs
<b>BJA</b>	Bureau of Justice Assistance
<b>BJS</b>	Bureau of Justice Statistics
<b>BOP</b>	Bureau of Prisons
<b>BPETS</b>	INS Border Patrol Enforcement Tracking System
<b>BPV</b>	Bulletproof Vest Program
<b>BSST</b>	Bridgeport Safe Street Task Force
<b>CAC</b>	Crimes Against Children
<b>CAIS</b>	Criminal Alien Information System
<b>CAP</b>	Cooperative Agreement Program
<b>CASA</b>	Court Appointed Special Advocate
<b>CASES</b>	Automated Case Management System
<b>CCDO</b>	Community Capacity Development Office
<b>CCIPS</b>	Computer Crime and Intellectual Property Section
<b>CDF</b>	Contract Detention Facilities
<b>CEO</b>	DOJ Criminal Division Child Exploitation and Obscenity Section
<b>CERCLA</b>	Comprehensive Environmental Response, Compensation and Liability Act
<b>CFCs</b>	Chlorofluorocarbons
<b>CIA</b>	Central Intelligence Agency
<b>CIO</b>	Chief Information Officer
<b>CIRCLE</b>	Comprehensive Indian Resources for Community and Law Enforcement
<b>CIRG</b>	FBI Critical Incident Response Group
<b>CIS</b>	Central Index System
<b>CIS</b>	COPS In Schools Program
<b>CIV</b>	Civil Division

<b>CLAIMS</b>	Computer Linked Application Information Management System (INS)
<b>CLIP</b>	Crime Lab Improvement Program
<b>CMS</b>	Case Management System
<b>CODIS</b>	Combined DNA Information System
<b>COPS</b>	Community Oriented Policing Services
<b>CRM</b>	Criminal Division
<b>CRS</b>	Community Relations Service
<b>CRT</b>	Civil Rights Division
<b>CT</b>	Counterterrorism
<b>CTD</b>	FBI's Counterterrorism Division
<b>CY</b>	Calendar Year
<b>DACS</b>	Deportable Alien Control System
<b>DC</b>	District of Columbia
<b>DCPO</b>	Drug Courts Program Office
<b>DEA</b>	Drug Enforcement Administration
<b>DME</b>	Durable Medical Equipment
<b>DOD</b>	Department of Defense
<b>DOE</b>	Department of Energy
<b>DOI</b>	Department of the Interior
<b>DOJ</b>	Department of Justice
<b>DOL</b>	Department of Labor
<b>DOT</b>	Department of Transportation
<b>DTO</b>	Drug Trafficking Organization
<b>ECE</b>	Eurasian Criminal Enterprise
<b>eGov</b>	Electronic Government
<b>EID</b>	INS Enforcement Integrated Database
<b>EICMIM</b>	ENFORCE Investigation Case Management and Intelligence Module
<b>ENFORCE</b>	INS Enforcement Case Tracking System
<b>ENRD</b>	Environment and Natural Resources Division
<b>EOIR</b>	Executive Office for Immigration Review
<b>EOUSA</b>	Executive Office for United States Attorneys
<b>EOWS</b>	Executive Office Weed and Seed
<b>EPA</b>	Environmental Protection Agency
<b>EPIC</b>	El Paso Intelligence Center
<b>EREM</b>	INS ENFORCE Removal Module
<b>FAA</b>	Federal Aviation Administration
<b>FAIR Act</b>	Federal Activities and Inventory Reform Act
<b>FBI</b>	Federal Bureau of Investigation
<b>FBI HQ</b>	FBI Headquarters, Washington, DC
<b>FCI</b>	Federal Correctional Institution
<b>FCOD</b>	Federal Convicted Offender Database
<b>FDA</b>	Food and Drug Administration
<b>FDSS</b>	Federal-wide Drug Seizure System
<b>FEDBizOpps</b>	Federal Data Procurement System Component
<b>FEMA</b>	Federal Emergency Management Agency
<b>FinCen</b>	Financial Crimes Intelligence Center
<b>FIOA</b>	Freedom of Information Act
<b>FIPS</b>	FOIA Information Processing System
<b>FIREBIRD</b>	DEA's primary office automation infrastructure
<b>FISA</b>	Foreign Intelligence Surveillance Act
<b>FFL</b>	Federal Firearm Licensees

<b>FFMS</b>	Federal Financial Management System
<b>FMIS</b>	Federal Management Information System
<b>FPD</b>	Federal Prisoner Detention
<b>FPI</b>	Federal Prison Industries
<b>FTE</b>	Full Time Equivalent (of one work year)
<b>FY</b>	Fiscal Year
<b>G-8</b>	Eight major industrialized countries
<b>GAO</b>	General Accounting Office
<b>GED</b>	General Education Diploma
<b>GIS</b>	Geographic Information System
<b>GISRA</b>	Government Information Security Reform Act
<b>GPEA</b>	Government Paperwork Elimination Act
<b>GPRA</b>	Government Performance and Results Act
<b>GREAT</b>	Gang Resistance Education and Training
<b>GSA</b>	General Services Administration
<b>HCFA</b>	Health Care Fraud Act
<b>HCIS</b>	HCFA Customer Information System
<b>HDS</b>	Hazardous Devices School
<b>HHS</b>	Department of Health and Human Services
<b>HIDTA</b>	High Intensity Drug Trafficking Area
<b>HMRU</b>	FBI Hazardous Materials Response Unit
<b>HQ</b>	Headquarters
<b>HRMIS</b>	Human Resource Information System
<b>HUD</b>	Department of Housing and Urban Development
<b>IAFIS</b>	Integrated Automated Fingerprint Identification System
<b>IBET</b>	Integrated Border Enforcement Team
<b>IBIS</b>	INS Interagency Border Inspection System
<b>IBIS</b>	ATF Integrated Ballistics Identification System
<b>ICAC</b>	Internet Crimes Against Children
<b>ICAD</b>	Intelligent Computer Assisted Detection
<b>ICLAD</b>	INS Intelligence Computer Assisted Detection
<b>ICM</b>	Interactive Case Management System
<b>IDENT-AIFIS</b>	FBI Integrated Automated Fingerprint Identification System
<b>IDMS</b>	Integrated Data Management System
<b>IFCC</b>	FBI Internet Fraud Complaint Center
<b>IFMIS</b>	OJP's Integrated Financial Management Information System
<b>IGA</b>	Intergovernmental Agreement
<b>IHP</b>	Institutional Hearing Program
<b>IIA</b>	Intelligence Information Application
<b>III</b>	Interstate Identification Index
<b>IIRIRA</b>	Immigration Reform and Immigrant Responsibility Act of 1996
<b>INI</b>	Innocent Images National Initiative
<b>IMSS</b>	DOJ Information Management & Security Staff
<b>INS</b>	Immigration and Naturalization Service
<b>INTERPOL</b>	International Criminal Police Organization
<b>IRM</b>	INS Information Resource Management Staff
<b>IRP</b>	Institutional Removal Program
<b>IRS</b>	Internal Revenue Service
<b>ISIS</b>	INS Surveillance Intelligence System
<b>ISRAA</b>	Integrated Statistical Reporting and Analysis Application

<b>IT</b>	Information Technology
<b>ITIM</b>	Information Technology Information Management
<b>IVRS</b>	ATF's Integrated Violence Reduction Strategy
<b>JCAHO</b>	Joint Commission on Accreditation of Healthcare Organizations
<b>JCN</b>	Justice Communications Network
<b>JCON (II)</b>	Justice Consolidated Office Network (II)
<b>JDIS</b>	Justice Detainee Information System
<b>JFK</b>	John F. Kennedy (International Airport Code, NY, NY)
<b>JMD</b>	Justice Management Division
<b>JPATS</b>	Justice Prisoner and Alien Transportation System
<b>JTTF</b>	FBI's Joint Terrorism Task Force
<b>JUMP</b>	Juvenile Mentoring Program
<b>KI/SSS</b>	Key Indicator/Strategic Support System
<b>LCN</b>	La Cosa Nostra
<b>LESC</b>	Law Enforcement Support Center
<b>LIONS</b>	U.S. Attorneys Case Management System
<b>LLEBG</b>	Local Law Enforcement Block Grant
<b>M&amp;R</b>	Modernization and Repair
<b>MAR</b>	FBI's Monthly Administrative Report
<b>MECP</b>	Missing and Exploited Children's Program
<b>MERLIN</b>	DEA's Intelligence Database
<b>MET</b>	Mobile Enforcement Team
<b>MJTF</b>	Multi-jurisdictional Task Forces
<b>MLAT</b>	Multilateral Legal Assistance Treaty
<b>MORE</b>	Making Officer Redeployment Effective
<b>MOU</b>	Memorandum of Understanding
<b>N-FOCIS</b>	ATF National Filed Office Case Management System
<b>NAC</b>	National Advocacy Center
<b>NACARA 203</b>	Nicaraguan and Central American Relief Act, Section 203
<b>NAVAA</b>	National Association of VOCA Assistance Administrators
<b>NCIC</b>	National Crime Information Center
<b>NCIS</b>	National Criminal Investigation Service
<b>NCHIP</b>	National Criminal History Improvement Program
<b>NCJRS</b>	National Criminal Justice Reference Service
<b>NCMEC</b>	National Center for Missing and Exploited Children
<b>NDIC</b>	National Drug Intelligence Center
<b>NDIS</b>	National DNA Index System
<b>NFC</b>	National Finance Center
<b>NFTS</b>	National Files Tracking System
<b>NGO</b>	Non-Governmental Organization
<b>NIBIN</b>	ATF's National Integrated Ballistic Information Network
<b>NICS</b>	National Instant Criminal Background Check System
<b>NIIS</b>	Non-Immigrant Information System
<b>NIJ</b>	National Institute of Justice
<b>NIPC</b>	National Infrastructure Protection Center
<b>NIST</b>	National Institute for Standards Technology
<b>NPT</b>	National Priority Target
<b>NPTL</b>	National Priority Target List
<b>NPTO</b>	National Priority Target Organization
<b>NRC</b>	National Records Center
<b>NRT</b>	National Response Teams

<b>NSA</b>	National Security Agency
<b>NUMP</b>	National Utilities Management Program
<b>NWCC</b>	National White Collar Crime Center
<b>OCDETF</b>	Organized Crime Drug Enforcement Task Force
<b>ODP</b>	Office for Domestic Preparedness
<b>OFDT</b>	Office of the Federal Detention Trustee
<b>OFPP</b>	OMB's Office of Federal Procurement Policy
<b>OIA</b>	Criminal Division's Office of International Affairs
<b>OIG</b>	Office of the Inspector General
<b>OJJDP</b>	Office of Juvenile Justice and Delinquency Prevention
<b>OJP</b>	Office of Justice Programs
<b>OMB</b>	Office of Management and Budget
<b>OMB PART</b>	OMB's Program Assessment Rating Tool
<b>ONDCP</b>	Office of National Drug Control Policy
<b>OPCLEE</b>	Office of the Police Corps and Law Enforcement Education
<b>OPM</b>	Office of Personnel Management
<b>OPR</b>	Office of Professional Responsibility
<b>OSC</b>	Office of Special Counsel
<b>OSG</b>	Office of the Solicitor General
<b>OVC</b>	Office for Victims of Crime
<b>OVW</b>	Office for Violence Against Women
<b>PAL</b>	Program Accountability Library
<b>PAS</b>	Performance Analysis System
<b>PMA</b>	President's Management Agenda
<b>POC</b>	Point of Contact
<b>POE</b>	Ports-of-entry
<b>PRA</b>	Paperwork Reduction Act
<b>PRIDE</b>	DEA Priority Drug Enforcement Initiative
<b>PSN</b>	Project Safe Neighborhood
<b>PTARRS</b>	DEA Priority Target Activity Resource Reporting System
<b>PTDO</b>	Priority Targeted Drug-trafficking Organization
<b>PTS</b>	BOP Prisoner Tracking System
<b>QRT</b>	Quick Response Team
<b>QSIS</b>	FBI Database tracking training in Quantico, VA
<b>RAFACS</b>	Receipt and Alien File Accountability and Control System
<b>RAPS</b>	Refugees, Asylum and Parole System
<b>RCRA</b>	Resource Conservation Recovery Act
<b>RICO</b>	Racketeer Influenced and Corrupt Organizations
<b>RSAT</b>	Residential Substance Abuse Treatment
<b>SAC</b>	Special Agent in Charge
<b>SCAAP</b>	State Criminal Alien Assistance Program
<b>SEC</b>	Securities and Exchange Commission
<b>SENTRY</b>	BOP on-line system
<b>SEVIS</b>	Student Exchange Visitor Information System
<b>SG</b>	Strategic Goal
<b>SMART</b>	Security Management and Report Tracking
<b>SOD</b>	Special Operations Division
<b>SRO</b>	School Resource Officer
<b>SSA</b>	Social Security Administration
<b>STATE</b>	United States Department of State

<b>STOP</b>	Services, Training, Officers and Prosecutors formula grants
<b>TAP</b>	TAP Pharmaceuticals
<b>TAX</b>	Tax Division
<b>TaxDoc</b>	Tax Division Database
<b>TOP-OFF</b>	Top Officials WMD Training
<b>UHP</b>	Universal Hiring Program
<b>USA-5</b>	U.S. Attorney Data Collection System
<b>USA/USAs</b>	United States Attorneys
<b>USA</b>	
<b>PATRIOT Act</b>	Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001(HR 3162)
<b>USAF</b>	United States Air Force
<b>USCG</b>	United States Coast Guard
<b>USCS</b>	United States Customs Service
<b>USMS</b>	United States Marshals Service
<b>USNCB</b>	United States National Central Bureau (INTERPOL)
<b>USPC</b>	United States Parole Commission
<b>USTP</b>	United States Trustees Program
<b>VA</b>	Veteran's Administration
<b>VAWA</b>	Violence Against Women Act
<b>VCCLEA</b>	Violent Crime Control and Law Enforcement Act of 1994
<b>VOCA</b>	Victims of Crime Act
<b>VOI/TIS</b>	Violent Offender Incarceration/Truth in Sentencing
<b>VPN</b>	Virtual Private Network
<b>WAN</b>	Wide Area Network
<b>WCC</b>	White Collar Crime
<b>WIN</b>	Warrant Information Network
<b>WMD</b>	Weapons of Mass Destruction
<b>WTC</b>	World Trade Center
<b>YCGII</b>	Youth Crime Gun Interdiction Initiative