

**FY 2009 Performance Results
As of 31 December 2009**

Performance Measures by Strategic Goal:

STRATEGIC GOAL 1: Prevent Terrorism and Promote the Nation's Security

[] Designates the reporting entity	FY 2009 Revised Actual	FY 2010 Revised Target	FY 2011 Target
Terrorist acts committed by foreign nationals against U.S. interests within U.S. borders [FBI] (To be discontinued FY 2010) ¹	Zero	N/A	N/A
Catastrophic acts of terrorism [FBI] ¹	Zero	Zero	Zero

STRATEGIC GOAL 2: Prevent Crime, Enforce Federal Laws, and Represent the Rights and Interests of the American People

[] Designates the reporting entity	FY 2009 Revised Actual	FY 2010 Revised Target	FY 2011 Target
Number of organized criminal enterprises dismantled [FBI]	43	36	37
Number of Children Depicted in Child Pornography Identified by FBI [FBI] ²	118	110	120
Percentage of firearms investigations resulting in a referral for criminal prosecutions [ATF]	59%	59%	60%
DOJ's reduction in the supply of drugs available for consumption in the U.S. [Associate Deputy Attorney General (ADAG)/Drugs]	Progress towards establishing baseline ³	N/A	N/A
Consolidated Priority Organizations Target-linked drug trafficking organizations			
Disrupted (DEA, FBI [Consolidated data – ADAG/Drugs])	276 Disrupted (revised)	Disrupted: 281	Disrupted: 288
Dismantled (DEA, FBI [Consolidated data – ADAG/Drugs])	143 Dismantled (revised)	Dismantled: 149	Dismantled: 152
Number of high-impact Internet fraud targets neutralized [FBI]	13	13	13
Number of criminal enterprises engaging in white collar crime dismantled [FBI]	250	160	200
Percent of children recovered within 72 hours of issuing an AMBER alert [OJP]	81.7%	75%	76%
Percent of cases favorably resolved: (ATR, CIV, CRM, CRT, ENRD, TAX, USA), [Consolidated data – JMD/BS])			
Percent of Criminal Cases favorably resolved	92%	90%	90%
Percent of Civil Cases favorably resolved	83%	80%	80%
Percent of Assets/Funds returned to creditors: [USTP] Chapter 7	TBD	58%	58%
Percent of Assets/Funds returned to creditors: [USTP] Chapter 13	TBD	84%	84%
Homicides per site (funded under the Weed and Seed Program) [OJP]	TBD	3.7	3.7
Percent reduction in DNA Backlog (casework only) [OJP]	32.5%	48%	48%

STRATEGIC GOAL 3: Ensure the Fair and Efficient Administration of Justice

[] Designates the reporting entity	FY 2009 Revised Actual	FY 2010 Revised Target	FY 2011 Target
Number of participants in the Residential Substance Abuse Treatment (RSAT) Program [OJP]	TBD	20,000	30,000
Graduation rate of program participants in the Drug Courts Program [OJP]	57.3%	71%	73%
Ensure judicial proceedings are not interrupted due to inadequate security [USMS]	2	Zero	Zero
Total primary fugitives apprehended or cleared [USMS]			
Number	32,860	33,000	33,500
Percent	52%	53%	54%
Per day jail cost [OFDT]	\$69.01	\$70.98	\$72.29
Percent of system-wide crowding in Federal prisons [BOP]	37%	40%	43%
Ensure zero escapes from secure BOP facilities [BOP]	Zero	Zero	Zero
Comparative recidivism for Federal Prison Industries (FPI) inmates versus non-FPI inmates [FPI / BOP] Percentage less likely to recidivate: 3 years after release 6 years after release	22% 12%	15% 10%	15% 10%
Rate of serious assaults in federal prisons [BOP]	14/5,000 Assaults/inmates	15/5,000 Assaults/inmates	16/5,000 Assaults/inmates
Inspection Results – Percent of federal facilities with American Correctional Association (ACA) Accreditations [BOP]	99%	99%	99%
Percent of Executive Office for Immigration Review priority cases completed within established timeframes [EOIR] Asylum (to be deleted starting FY 2010) IHP ⁴ Detained Cases – Immigration Court ⁵ Detained Appeals	82% 90% 88% 96%	N/A 85% 85% 90%	N/A 85% 85% 90%

FY 2009 Revised Actual: This data was initially reported in the Department’s FY 2009 Performance and Accountability Report November 15, 2009; however, it has been revised to accurately reflect final FY 2009 accomplishments.

FY 2010 Revised Target: Targets for FY 2010 were initially set with the submission of the FY 2010 President’s Budget. Following the reporting of FY 2009 actual performance and the FY 2010 enacted budget, the Department is submitting its final (and in some cases revised) FY 2010 targets within this performance plan.

- The measure, “Terrorist acts committed by foreign nationals against U.S. interests within U.S. borders,” will be discontinued and consolidated into the measure, “Catastrophic acts of terrorism,” starting in FY 2010. The measure, “Catastrophic acts of terrorism” (which formerly was called, “Catastrophic acts of domestic terrorism”) includes both domestic and international terrorist acts, and replaces similar measures reporting all acts of international terrorism committed by foreign nationals within U.S. borders and catastrophic acts of domestic terrorism. For the purpose of this performance report, a catastrophic terrorist act is defined as an act resulting in significant loss of life and/or significant property damage.
- The measure, “Number of Children Depicted in Child Pornography **Identified** by FBI,” was formerly called, “Number of Children Depicted in Child Pornography **Rescued** by FBI.” The measure has been renamed to indicate that the data record all children identified through FBI investigations of child pornography, as well as through partnerships with organizations such as the Bureau’s work with NCMEC.
- For DOJ’s performance measure: DOJ’s reduction in the supply of illegal drugs available for consumption in the U.S. (Establish Baseline by end of FY 2010) [OCDETF]: Measuring reduction in the drug supply is a complex process reflecting of a number of factors outside the control of drug enforcement. Moreover, the impact of enforcement efforts on drug supply and the estimated availability are currently not measurable in a single year. DOJ is working to develop a meaningful baseline for the supply of drugs available for consumption in the U.S. during FYs 2007-2010. Once a meaningful baseline is established, the Department expects to achieve a 6% reduction (2% each year) in the supply of illegal drugs from FYs 2010-2012.
- For International Hearing Program (IHP) cases, the targets for FY 2010 and 2011 have changed from previous years to account for the increase in caseload.
- EOIR’s “Detained Cases – Immigration Court” is technically a new measure because the pool of cases has changed from previous years. The pool of cases in previous years was based only on detained cases that did not have applications for relief submitted by the alien and the timeframe was 30 days. Beginning in FY 2010, the new pool of cases is based on all detained cases and the timeframe within 60 days.

Discussion of FY 2009 Performance Results

STRATEGIC GOAL 1: Prevent Terrorism and Promote the Nation's Security

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

FY 2009 Target: 0

FY 2009 Actual: 0

Discussion of FY 2009 Results: No incidents of this kind occurred during FY 2009. One notable arrest of an international terrorism subject identified by the FBI occurred on July 27, 2009. Hysen Sherifi, a native of Kosovo, was arrested along with six other U.S. citizens. Sherifi and his co-conspirators have been charged with conspiracy to provide material support to terrorists, as well as conspiracy to murder, kidnap, maim, and injure persons abroad. Sherifi also faces a charge of possession of a firearm in furtherance of a crime of violence.

Performance Measure: Catastrophic Acts of Domestic Terrorism

FY 2009 Target: 0

FY 2009 Actual: 0

Discussion of FY 2009 Results: No incidents of this kind occurred during FY 2009. A notable case that occurred during the past year pertains involved Scott Monroe, Aaron Scorsone and Jonathan Plunkett pleading guilty on April 15, 2009, to one count of an indictment charging them with an unlawful agreement to manufacture and sell explosive materials in violation of Title 18 USC, §§ 371, 842(a), and 844. The FBI's Joint Terrorism Task Force and the New York State Police Bomb Disposal Unit seized 18 weapons, including rifles, shotguns, and gas guns, and over 80 homemade explosive devices, along with enough chemicals and materials to produce a significant number of additional explosives.

STRATEGIC GOAL 2: Prevent Crime, Enforce Federal Laws, and Represent the Rights and Interests of the American People

Performance Measure: Number of Organized Criminal Enterprises Dismantled

FY 2009 Target: 36

FY 2009 Actual: 43

Discussion of FY 2009 Results: The FBI's Organized Crime Program developed and implemented an enhanced collection and targeting strategy in FY 2009. Coupled with significant task force collaboration with local law enforcement, the strategy enabled the FBI to exceed the dismantlement goals.

Performance Measure: Number of children depicted in child pornography identified by the FBI

FY 2009 Target: 150

FY 2009 Actual: 118

Discussion of FY 2009 Results: The FBI did not meet its target for this measure. While the FBI always makes every effort to identify/rescue victimized children, the FBI cannot directly control the number of children identified and/or rescued at any given time through investigative techniques, due to the reactive nature of this measure. The FBI has, however, taken definitive action to negate the limitations through its continued collaboration with the National Center for Missing & Exploited Children/Child Victim Identification Program and successful initiatives such as the Innocent Images International Task Force

and the Endangered Child Alert Program.

Performance Measure: Percentage of firearms investigations resulting in a referral for criminal prosecution.

FY 2009 Target: 59%

FY 2009 Actual: 59%

Discussion of FY 2009 Results: The ATF met its target goal of the percentage of investigations within the firearms programs area that resulted in a defendant being referred for criminal prosecution. Meeting this measure reflects the impact ATF has towards reducing firearms violence in targeted violent cities across America. ATF is the federal law enforcement agency with unique expertise and statutory authority to enforce Federal firearms laws.

Performance Measure: DOJ's Reduction in the Supply of Drugs Available for Consumption in The U.S.

FY 2009 Target: Progress toward establishing baseline

FY 2009 Actual: See Discussion of FY 2009 Results

Discussion of FY 2009 Results: The Department is intent on achieving an interim goal of setting a baseline by the close of 2010. Once the baseline is set, the Department intends to achieve a 6 percent total reduction in the supply of illegal drugs available for consumption in the United States over the next two years.

Performance Measure: CPOT-Linked Drug Trafficking Organizations Disrupted and Dismantled

FY 2009 Target:

Disrupted: 263

Dismantled: 137

FY 2009 Actual:

Disrupted: 276

Dismantled: 143

Discussion of FY 2009 Results: The Department dismantled 143 CPOT-linked organizations in FY 2009, exceeding its target. This is a 38 percent increase over the 104 that were dismantled in FY 2008 and an 18 percent increase over the 121 dismantled in FY 2005, the highest number reported prior to FY 2009. The Department disrupted 276 CPOT-linked organizations in FY 2009, also exceeding its target. The total of 419 CPOT-linked organizations that were either dismantled or disrupted during FY 2009 is over 3 percent higher than the 403 dismantled or disrupted in FY 2008, also the highest number reported prior to FY 2009.

Performance Measure: Number of High-Impact Internet Fraud Targets Neutralized

FY 2009 Target: 12

FY 2009 Actual: 13

Discussion of FY 2009 Results: The FBI exceeded its target for this measure in FY 2009. One notable case of Internet fraud involved a scam of sales of undelivered vehicles for a combined loss of approximately \$2.5 million originated in Romania, with many operatives working out of the Las Vegas area.

Performance Measure: Number of Criminal Enterprises Engaging in White-Collar Crimes (WCC) Dismantled

FY 2009 Target: 160

FY 2009 Actual: 250

Discussion of FY 2009 Results: The FBI surpassed its target due to the redirection of investigative resources, supplemented by FY 2009 enhancements, to priority WCC matters in response to an increase in their threat level. On March 27, 2009, the CEO and co-owner of National Century Financial Enterprises, along with another former co-owner of the company, were sentenced for perpetrating a \$2.34 billion investment scheme. Both were charged with securities, mail, and wire fraud; money laundering, and conspiracy.

Performance Measure: Percent of Cases Favorably Resolved

FY 2009 Target:

Criminal Cases: 90%

Civil Cases: 80 %

FY 2009 Actual:

Criminal Cases: 92%

Civil Cases: 83%

Discussion of FY 2009 Results: The Department exceeded its target for this performance measure. The Department was able to successfully litigate cases involving banking and mortgage fraud, health care fraud, and cases involving antitrust violators, tax evaders, and environmental polluters. Among the DOJ components sharing responsibilities to achieve this goal are the U.S. Attorneys, and the Antitrust, Civil, Civil Rights, Criminal, Environmental and Natural Resources, and Tax Divisions.

Performance Measure: Percent of Assets/Funds Returned to Creditors for Chapter 7 and Chapter 13

FY 2008 Target: Chapter 7: 58%

Chapter 13: 86%

FY 2008 Actual: Chapter 7: 60%

Chapter 13: 84%

FY 2009 Target: Chapter 7: 58%

Chapter 13: 86 %

FY 2009 Actual: Data will not be available until FY 2010 because of the need to audit data submitted by private trustees prior to reporting.

Discussion of FY 2008 Results: Beginning in FY 2008, the percentage of assets returned to creditors for Chapter 13 bankruptcy filings was increased to 86% to reflect a more aggressive target. The actual percentage of funds returned during FY 2008 was 84%. A detailed analysis revealed that the lower percentage of assets returned is primarily due to a decrease in total disbursements while administrative costs and debtor attorney fees increased as a percentage of total disbursements.

Performance Measure: Reduction in Number of Homicides per Site (funded under the Weed and Seed Program)

CY 2008 Target: Reduction to 3.9 homicides per site

CY 2008 Actual: Reduction to 3.5 homicides per site.

CY 2009 Target: Reduction to 3.7 homicides per site

CY 2009 Actual: Data for this measure are collected on a calendar year basis and will be available in September 2010.

Discussion of Calendar Year (CY) 2008 Results: The target for CY 2008 was to reduce the average number of homicides per site to 3.9. In CY 2008 there was an average of 3.5 homicides per site, which is better than the

target by 10.3 percent. The Weed and Seed program is successful because it develops a strategy tailored individually for each site to target all of the factors that affect a high crime area. The Weed and Seed program works to develop effective community/police cooperation to ensure that the resources and efforts of local police departments and community groups are used more effectively and efficiently.

Performance Measure: Percent Reduction in DNA Backlog

FY 2009 Target: Casework: 26%

FY 2009 Actual: Casework: 32.5%

Discussion of FY 2009 Results: In FY 2009, the Office of Justice Programs/National Institute of Justice (OJP/NIJ) reduced the DNA backlog by 32.5 percent, which exceeded the target of 26 percent. The target was exceeded due to a \$14 million increase in funding for the program and a higher number of requests for casework assistance, compared with previous years. Additionally, accurate targets are difficult to set due to the uncertainty of program funding amounts during target setting.

Performance Measure: Percent of Children Recovered within 72 Hours of an Issuance of an AMBER Alert

FY 2009 Target: 75%

FY 2009 Actual: 81.7%

Discussion of FY 2009 Results: The total recovery rate within 72 hours of the issuance of an AMBER Alert was 81.7 percent, exceeding the target for FY 2009. This is attributable to better coordination and training; increased public awareness of the AMBER program; technological advances; and greater cooperation among law enforcement, transportation officials, and broadcasters.

STRATEGIC GOAL 3: Ensure the Fair and Efficient Administration of Justice

Performance Measure: Number of Participants in Residential Substance Abuse Treatment for State Prisoners (RSAT) Program

2008 Target: 20,000

2008 Actual: 28,308

2009 Target: 20,000

2009 Actual: Data for this measure is collected on a calendar year basis and will be available in September 2010

Discussion of 2008 Results: There were 28,308 participants in the RSAT program for CY 2008, exceeding the target by 42 percent. There are many contributing factors that determine the amount of people who complete the RSAT program, including eligible offenders, available staff and treatment providers, security issues, and the state's ability to provide the required 25 percent matching funds.

Performance Measure: Graduation Rate of Program Participants in the Drug Courts Program (Adult drug court participants only) (see Data Limitations)

2009 Target: 69.0%

2009 Actual: 57.3%

Discussion of 2009 Results: In FY 2009, only 79 percent of Drug Court grantees reported performance measure data while 21 percent did not. OJP is collecting the outstanding data from grantees that have not reported data, including graduation data. This process has been slowed due to efforts associated with the awarding of Recovery Act grants. OJP anticipates collecting all outstanding performance measure data from grantees by the end of first quarter FY 2010 and that those data will increase the percent of drug court graduates.

Performance Measure: Number of Judicial Proceedings Interrupted Due to Inadequate Security

FY 2009 Target: 0

FY 2009 Actual: 2

Discussion of FY 2009 Results: The USMS did not meet its FY 2009 target of zero interrupted judicial proceedings due to inadequate security. During the first and third quarters, incidents occurred causing the judge to suspend proceedings while the USMS personnel secured the courtroom. At no time during the incident was the judge or the public in danger.

Performance Measure: Number and Percent of Primary Federal Felony Fugitives Cleared or Apprehended

FY 2009 Target: 33,000 or 55%

FY 2009 Actual: 32,860 or 52%

Discussion of FY 2009 Results: The USMS was unable to meet its total fugitives and percent cleared targets due to: a shift of investigative full time equivalents to violent fugitive apprehension; a reduction in misdemeanor cases received; and increased state and local fugitive apprehension efforts. While the USMS did not reach its 2009 Federal fugitive performance target, it has continued to increase the overall number of fugitives, including state and local, brought to justice. The 7 operating Regional Fugitive Task Forces, in addition to the 75 district task forces, are directing their investigative efforts toward reducing the number of violent crimes. The Regional Fugitive Task Forces and District Fugitive Task Forces combined led to the arrest of 90,806 state and local fugitive felons in FY 2009.

Performance Measure: Per Day Jail Costs

FY 2009 Target: \$68.73

FY 2009 Actual: \$69.01

Discussion of FY 2009 Results: The actual Per Day Jail Costs for FY 2009 exceeded the target by less than half a percent. This was due to slightly higher per diem rates than originally projected.

Performance Measure: System-wide Crowding in Federal Prisons

FY 2009 Target: 37%

FY 2009 Actual: 37%

Discussion of FY 2009 Results: During FY 2009, the total BOP inmate population increased by 7,091. Capacity was added as a result of the activation of two new housing units in Arizona and New York and one new institution in Louisiana. By using available contract beds, expanding existing institutions, and adding new capacity, BOP institution crowding remained on target for FY 2009.

Performance Measure: Escapes from Secure BOP Facilities

FY 2009 Target: 0

FY 2009 Actual: 0

Discussion of FY 2009 Results: During FY 2009, the BOP had no escapes from secure BOP facilities.

Performance Measure: Comparative Recidivism for FPI Inmates vs. Non-FPI Inmates (Percentage less likely to recidivate)

FY 2009 Target: 3 years; 15%

6 years; 10%

FY 2009 Actual: 3 years; 22%

6 years; 12%

Discussion of FY 2009 Results: FPI exceeded the FY 2009 targets of 15% less likely to recidivate at 3 years and 10% less likely to recidivate at 6 years with actual results of 22% and 12% respectively. In one important aspect, the analysis performed in FY 2009 differs from that of the one performed in FY 2008. In FY 2009 recidivism rates were analyzed for inmates who had been released for up to 3 years whereas in the past the analysis included inmates who had been released for more than 3 years but less than 4 years. The 2009 methodology allows for a more comprehensive assessment of the program effects.

Performance Measure: Rate of Serious Assaults in Federal Prisons (per 5,000 Inmates)

FY 2009 Target: 15

FY 2009 Actual: 14

Discussion of FY 2009 Results: The FY 2009 target was met. The actual rate of serious assaults was 14 per 5,000 inmates, lower than the target rate of 15 per 5,000 inmates for FY 2009.

Performance Measure: Inspection Results—Percent of Federal Facilities with American Correctional Association (ACA) Accreditations

FY 2009 Target: 99%

FY 2009 Actual: 99%

Discussion of FY 2009 Results: One hundred thirteen of the BOP's one hundred fourteen prisons eligible to participate in the reaccreditation program maintained their accreditation. The Federal Correctional Institution (FCI) Lorretto, PA lost accreditation as a result of failing to meet the mandatory firearms standard. The BOP will seek to have this institution accredited again in FY 2010.

Performance Measure: Percent of EOIR Priority Cases Completed Within Established Time Frames

FY 2009 Target: 90% (all categories)

FY 2009 Actual:

Immigration Court Expedited Asylum Cases Completed Within 180 Days: 82%

Immigration Court Institutional Hearing Program Cases Completed Prior to Release from Incarceration: 90%

Immigration Court Detained Cases (Without Applications for Relief) Completed Within 30 Days: 88%

Immigration Court Detained Appeals Completed Within 150 Days: 96%

Discussion of FY 2009 Results: In FY 2009, EOIR met two of four targets. The Board was able to exceed its target through two techniques: strict time lines for each step within the adjudicatory process and effective management of human resources. The immigration courts were able to meet the goal of completing 90 percent of Institutional Hearing Program cases prior to the aliens' release from incarceration by careful docket management in the locations that hear such cases. The dramatic increase in the detained caseload during FY 2009 was the primary reason for the immigration courts missing their other two goals. The detained caseload has increased by 70 percent in the past five years and now comprises approximately half of the immigration court caseload. EOIR shifted immigration judge resources away from the non-detained dockets to meet the increasing demand of the detained caseload. As a result, the priority shift to quickly completing detained cases severely impacted the courts' ability to complete 90 percent of expedited asylum cases within 180 days. EOIR intends to closely examine all of its priorities to ensure that the agency continues to complete its priority caseload in a timely manner.