



Protection of
the Federal
Judiciary and
Improvement
of the Justice
System

VI

V CORE FUNCTION SIX:

Protection of the Federal Judiciary and Improvement of the Justice System



The Department of Justice has the significant task of ensuring the effective, efficient, and secure operation of the Federal justice system. It fulfills this important role by working to achieve the three Strategic Goals under this Core Function: (1) protect the Federal judiciary and ensure the safe operation of the Federal court system, (2) promote the participation of victims and witnesses in justice proceedings at all levels, and (3) protect and preserve the integrity of the bankruptcy system.

STRATEGIC GOAL 6.1

Protect the Federal judiciary and ensure the safe and secure operation of the Federal court system.

Within the Department, the U.S. Marshals Service (USMS) has the primary mission of ensuring that all Federal court proceedings take place free from intimidation or the threat of violence, and that no judges, court participants, or witnesses are victims of assaults stemming from their involvement in Federal court proceedings. Toward this end, the USMS continued to provide high levels of security, using investigative and telecommunications technologies to identify and investigate threats and prevent and eliminate assaults on judicial personnel, witnesses, and victims. The USMS also closed thousands of fugitive cases this year, including a significant number of major cases. This Strategic Goal includes four Performance Goals that address protection of participants in Federal court proceedings, asset forfeiture, fugitive apprehension, and automated data processing and telecommunications.

PERFORMANCE GOAL 6.1.1

PROTECT JUDICIAL PROCEEDINGS PARTICIPANTS

DOJ will continue to deter and respond to threats to the safety of Federal judges, other court personnel, and witnesses and participants in Federal judicial proceedings. Our primary goal is to ensure that no judge, other court participant, or witness is the victim of an assault stemming from his or her involvement in a Federal court proceeding. Specifically, in FY 1999:

- 1. We will effectively identify, assess, and respond to threats against court personnel and property.*
- 2. We will enhance the physical security of new and renovated Federal courthouses.*
- 3. We will provide for the long-term protection of Federal witnesses and their family members.*

In 1999, Deputy U.S. Marshals provided protective services in the form of personnel and additional security measures for 156 trials. Court security personnel provided state-of-the-art protective techniques and equipment for all phases of court proceedings inside Federal courthouses in all 94 Federal judicial districts and in the District of Columbia Superior Court. Their work ensured quick and safe responses in emergency situations as well as unobtrusive surveillance and protection during routine operations. In 1999, 72 percent of Federal criminal court proceedings met USMS security requirements, exceeding the 1998 actual and meeting the 1999 goal.

In recent years, a dramatic increase has occurred in the number of threats against members of the judiciary, U.S. Attorneys, and other court officers. Court security inspectors assess explicit threats against the judiciary and determine their danger level. In FY 1999, the USMS assessed 345 threats and assaults made against judges and other court personnel, frequently resulting in round-the-clock protective details. The USMS also evaluated 702 inappropriate communications to the judiciary.

Protection of Federal officials and witnesses is a high priority with the Department, reflected in the USMS' goal of ensuring zero threats and assaults against all participants in the witness protection program—a goal it achieved in FY 1999.

Also in FY 1999, 18 courthouses received enhanced physical security through renovations designed to bring them up to USMS security standards. The USMS oversees each aspect of courthouse construction projects, from design through completion, to ensure the safety of Federal judges, court personnel, and the public.

Performance Goal 6.1.1

Protect Judicial Proceedings Participants

Performance Indicator	1997 Actual	1998 Actual	1999 Planned	1999 Actual
(1) Percentage of Federal criminal court proceedings meeting USMS security requirements (USMS)	68%	72%	72%	72%
(2) Number of threats and assaults against judges and other court personnel (USMS)	405	702	413	345*
(3) Number of threats and actual assaults against protected Federal witnesses (USMS)**	0	0	0	0
(4) Number of courthouses receiving enhanced physical security (USMS)	10	16	15	18***

*In FY 1999, the USMS also evaluated 702 inappropriate communications to the judiciary.

**For FY 2000, the USMS is amending this performance indicator and will no longer provide programmatic data related to the witness protection program; instead, for security reasons, the USMS will report separately on the number of threats and assaults against members of the judiciary.

***This modified number more accurately reflects 1999 security renovation activities in USMS-controlled space in U.S. Courthouses and Federal buildings. In future plans, the indicator will read, "Additional courthouses and Federal buildings being renovated to meet USMS security standards."

Data Source: Surveys, the USMS Form 550, Judicial Security Division weekly activity reports, and Investigative Services Division incident reports.

Explanation For Not Meeting Target

(2) The amount of inappropriate communications and threats received by the USMS cannot be predicted. An estimated annual increase of 3 percent was used for 1999 planning purposes. The 1999 actual amount was 16 percent less.

PERFORMANCE GOAL 6.1.2

ASSET FORFEITURE

DOJ will increase accountability of the asset forfeiture program. The USMS will increase efforts to improve the timeliness of property disposal, the effectiveness and cost efficiency of program support and oversight functions, and the training of personnel responsible for the operation of the Asset Forfeiture Program.

The Department's goal with the sale of real property is to achieve 85 percent of its appraised value. In FY 1999, the USMS achieved this goal on two out of every three sales, which, given program dynamics, is a commendable achievement. A number of mitigating factors can help to explain why some properties sold for less than the 85-percent goal (see "Explanation For Not Meeting Target" below). For better homes in "normal" residential locations, the Department used Fannie Mae for disposition, achieving an average of 95 percent of the appraised value on roughly 50 homes in FY 1999.

To help state and local agencies or their designated not-for-profit organizations, the USMS used a special 1-year authority

to transfer low-value property to these entities, as did other Justice components involved in drug prosecutions (see sidebar under Performance Goal 2.3.2, "Community-Based Approaches to Crime and Justice"). In FY 1999, the USMS transferred seven real properties to community organizations for housing and educational centers—examples of how this special authority can be implemented efficiently and confer positive benefits on the community.

Performance Goal 6.1.2		Asset Forfeiture		
Performance Indicator	1997 Actual	1998 Actual*	1999 Planned	1999 Actual
(1) Percent of real property sold at 85% or more of its market value (USMS)	83%	72%	85%	67%
(2) Percent of real property disposed of within 1 year (USMS)	69%	74%	85%	80%
(3) Disposed seized properties (USMS)	34,356	39,441	36,160	46,021
(4) [Number of] days needed to dispose of property in USMS custody (USMS)	365	363	300	300

*1998 actuals were adjusted in this year's report because the Seized Assets Management System (SAMS) was being converted to the Consolidated Assets Tracking System (CATS) around the time 1998 performance numbers were required; information pulled at the time was to be confirmed later when the data conversion was complete. Unfortunately, the GPRA tables went out before the conversion was complete, and information pulled from the new CATS system showed a change in 1998 actual numbers.

Data Source: CATS.

Explanation For Not Meeting Target

(1) Market forces helped prevent USMS from meeting its goal to sell properties at 85 percent or more of their value. Also, many properties were seized in less than desirable neighborhoods (e.g., inner cities and poor school systems), which drove down the return. Another mitigating factor was the goal to sell properties in less than 1 year, which sometimes compelled acceptance of a lower price in order to move the property. Often, too, title problems narrowed purchasers to those able to close with cash only, thus driving down prices. Admittedly, some appraisals came back reflecting a value if certain repairs were done, rather than "as is," which is often how the properties are sold. In the face of inflated appraisals, a mini-cost-benefit analysis helps to determine whether spending another \$300-\$400 on another appraisal is worthwhile, or if accepting a lower price based on best information available is more prudent. Finally, while the national real estate market was fairly strong, pockets remained soft. Because pockets existed in both strong and weak markets, the USMS had to take lower prices where the market was weak. For the 152 properties that did not sell for 85 percent of appraised value, one of the above reasons was likely a factor. The USMS will continue to set the bar high, knowing that a certain segment of its portfolio will preclude achieving this goal.

(2) While the actual percentage of real property disposed within 1 year fell short of the target, the deviation was slight and did not adversely affect the program or its related activities.

PERFORMANCE GOAL 6.1.3

FUGITIVE APPREHENSION

DOJ will continue to identify and target for apprehension the most violent fugitives that are charged with serious Federal criminal offenses. In support of this goal, the USMS will close 80 percent of its felony warrants (Class I warrants) within 1 year.

In FY 1999, the USMS opened approximately 25,000 fugitive cases and closed approximately 25,200—more than 40 percent of these by physical arrest. This is the first time that the USMS closed more cases than it opened. Increased closures were due to three factors: (1) use of automated information databases that provided financial information on wanted persons, (2) upgraded electronic surveillance equipment that led to increased arrests, and (3) a 1-year concentrated effort to reduce the warrant backlog to meet the Attorney General's violent crime initiative. Three Class I warrants were for USMS "Most Wanted Fugitive" cases, and 219 closed cases were major cases, a significant increase over the 132 major cases closed in FY 1998. These closures included the arrests of suspected railway serial killer Rafael Resendez-Ramirez and cop killer Jeffrey McGee.

Performance Goal 6.1.3		Fugitive Apprehension		
Performance Indicator	1997 Actual	1998 Actual	1999 Planned	1999 Actual
(1) Percent of Class I warrants closed within 1 year (USMS)	81%	86%	80%	80%

Data Source: WIN.

PERFORMANCE GOAL 6.1.4

AUTOMATED DATA PROCESSING AND TELECOMMUNICATIONS

DOJ will integrate and connect all major computer systems in the USMS. In addition, the USMS will increase its ability to manage personnel and financial resources and detainee information, and improve safeguards against unauthorized access or use of the systems by investing in the ADP infrastructure.

Even absent requested funding for computer security in FY 1999, the USMS contracted for commercial database services for all its districts, providing the agency with several resources for locating fugitives. The USMS also began implementing 50 Automated Booking Stations (ABS) in district offices. Two pilot district offices successfully submitted fingerprints electronically to the Federal Bureau of Investigation's (FBI's) Integrated Automated Fingerprint Identification System (IAFIS). Electronic submission and response of fingerprint information is dramatically reducing the time it takes to

confirm a detainee's identity, owing to the rapid response available from the IAFIS system. The USMS plans on using IAFIS-related submissions as an indicator on future performance reports relating to the ABS.

Performance Goal 6.1.4	Automated Data Processing and Telecommunications			
Performance Indicator	1997 Actual	1998 Actual	1999 Planned	1999 Actual
(1) Time saved in rating and ranking resumes (USMS)	NA	7 days	14 days	7 days
(2) Time saved per site booking prisoners (USMS)	NA	TBD	20%	20%
(3) Time saved scheduling each prisoner (USMS)	NA	20 min.	20 min.	20 min.
(4) Percent of Joint Financial Management Improvement Project (JFMIP) criteria met using STARS (USMS)	77%	77%	77%	97%
(5) Number of USMS systems meeting DOJ 2640.2C (AIS security requirements for operations systems) (USMS)	0 of 6	0 of 6	2 of 6	0

Data Source: (1) Comparison of MAPS and manual system. (2) Comparison of ABS and manual system. (3) Comparison of APSS and manual system. (4) JFMIP evaluation report. (5) Biannual briefing report to the Assistant Attorney General for Administration.

Explanation For Not Meeting Target

(1) Lack of funding prevented the USMS from acquiring the resume module of the human resources system. No further progress has been made on this indicator and, until funding is secured, the USMS will remove it from future reports.

(5) One reason that FY 1999 planned targets were unmet for the number of USMS systems meeting Department security requirements is that the requested enhancement for computer security funds was not a part of the final appropriation.

STRATEGIC GOAL 6.2

Promote the participation of victims and witnesses throughout each stage of criminal and juvenile justice proceedings at the Federal, state, and local levels and in Indian Country.

The cooperation of victims and witnesses is essential to the prosecution of Federal cases. Victims and witnesses, however, are often traumatized by the criminal event that brings them into the criminal justice process, are apprehensive about appearing as witnesses, or are in need of emergency or other assistance. In FY 1999, the Department continued to carry out the Federal Government's mandate to uphold the rights of innocent victims of crime, respect their dignity and privacy, and treat them with fairness. The Department seeks to raise the awareness of both victims for their rights and offenders for the impact their crimes have on victims and communities. Services

available to victims and witnesses continue to expand, as the Department continues to create processes to increase victim participation in proceedings and to make its procedures more "victim-friendly." This Strategic Goal's one Performance Goal addresses the issues associated with victims and witnesses.

PERFORMANCE GOAL 6.2.1

VICTIMS AND WITNESSES

DOJ will promote increased participation of victims and witnesses throughout each stage of a judicial proceeding. At the Federal level, we will train Federal law enforcement officers and prosecutors in victim-witness responsibilities. We will also further develop and deploy a nationwide automated victim notification system. We will take steps to ensure full compliance with the Attorney General's Guidelines for Victim and Witness Assistance.

Recognizing the concerns and needs of victims and witnesses and responding appropriately is a high Department priority. In FY 1999, the Department continued to promote the increased participation of victims and witnesses throughout each stage of a judicial proceeding. U.S. Attorneys met their goal for complying with notification requirements in 1999, and victim-witness coordinators in U.S. Attorneys' offices played a pivotal role in making sure victims and witnesses got the support they needed. Quarterly sessions with the FBI's Community Specialists for Outreach and Victim-Witness Unit provided victim-witness coordinators with information on upcoming events, training, and conferences. These sessions enhanced the relationship between the FBI and U.S. Attorneys' offices and strengthened Federal victim and witness assistance and community outreach initiatives. The Department will continue efforts to ensure full compliance with the Attorney General's Guidelines for Victim and Witness Assistance, which centers on enhancing assistance given to victims and witnesses and promoting their increased participation in prosecuting criminals.

Performance Goal 6.2.1		Victims and Witnesses		
Performance Indicator	1997 Actual	1998 Actual	1999 Planned	1999 Actual
(1) Percentage of USAs' districts complying with notification requirements (USAs)	70%	70%	70%*	70% (projected)**
(2) Number of victims and witnesses receiving assistance*** (USAs)	NA	NA	NA	NA
(3) Satisfaction level of victims and witnesses receiving assistance*** (USAs)	NA	NA	NA	NA
*The former 1999 planned figure of 88% was a clerical error in the FY 1999 Summary Performance Plan.				
**FY 1999 actuals will not be available until the 2nd quarter of FY 2000.				
***These two indicators are being revised and consolidated, beginning with the FY 2001 plan. The new indicator will measure the percentage of positive responses to client surveys.				
Data Source: (1) EOUSA survey of Law Enforcement Coordinating Committees' points of contact.				

STRATEGIC GOAL 6.3

Protect and preserve the integrity of the bankruptcy system, maximize the dollar return to creditors, and monitor the cost of bankruptcy administration.

To reduce bankruptcy fraud throughout the Nation, the Attorney General's Council on White Collar Crime endorsed the Department's Bankruptcy Fraud Training and Identification program. A major goal of the program was met in February 1999, when the National Bankruptcy Training Institute opened its doors in Columbia, South Carolina, thereby providing a permanent site for a comprehensive employee training program as well as a national center for bankruptcy scholarship. The Institute will foster the professional development of program personnel and the integrity of the bankruptcy system. Bankruptcy fraud convictions in 1999 included a \$60-million criminal penalty paid by Sears Roebuck—the largest ever paid in a bankruptcy fraud case. This Strategic Goal includes only one major Performance Goal, which addresses the bankruptcy caseload.

PERFORMANCE GOAL 6.3.1

BANKRUPTCY CASELOAD

DOJ will emphasize the timely administration of bankruptcy cases and will meet projected increases in all chapter filings while maintaining or reducing existing chapter 7 and chapter 11 case backlogs. The U.S. Trustee Program (USTP) will also increase the number of civil enforcement actions filed in response to misconduct and fraud, and increase contacts with Federal, state, and local law enforcement agencies to assist in reducing such fraud.

Coordination among law enforcement agencies led to successful targeting of bankruptcy system abuse in FY 1999. The National Bankruptcy Fraud Working Group, a multiagency forum created in 1999 to address enforcement problems and interagency coordination, reflected this cooperative approach. With representatives from a dozen agencies, the working group's job is to coordinate investigations and develop a national response to bankruptcy fraud issues, as well as assist districts in establishing local bankruptcy fraud task forces.

The U.S. Trustees report that criminal referrals far exceeded 1999 targets. Two reasons were the completion and implementation of the new criminal referral database and the issuance of new criminal referral reporting guidelines. Completion of the database allowed field offices to report all criminal referrals made during the year in a much more timely manner. The reporting guidelines expanded types of criminal referrals that should be reported. Consequently, the new criminal referrals database reflects a much greater number than originally anticipated—1,291 instead of 604.

Performance Goal 6.3.1

Bankruptcy Caseload

Performance Indicator	1997 Actual	1998 Actual	1999 Planned	1999 Actual
(1) Number of old (3 years or more) bankruptcy cases as a percentage of total caseload (Chapters 7 and 11) (USTP)				
Chapter 7	4.3%	4.0%	4.0%	3.9%
Chapter 11	6.2%	7.3%	7.3%	5.9%
(2) Distribution of funds to creditors (USTP)				
Chapter 7 (Calendar Year)	\$ 864,931,897	\$ 929,323,775*	NA	NA**
Chapter 12 (Calendar Year)	\$ 37,898,908	\$ 34,350,539	NA	NA
Chapter 13 (Fiscal Year)	\$ 2,092,665,303	\$ 2,477,057,924	NA	NA
(3) Number of civil enforcement actions and criminal referrals (USTP)	774	760*	604***	1,291

*The 1998 actual figure for the distribution of funds to creditors was revised to reflect the final figure. The original figure was submitted to the Department's Budget Staff on March 2, 1999, even though a few final accounts on closed cases from panel trustees were outstanding. The 1998 actual figure for number of civil enforcement actions and criminal referrals was revised as a result of implementing the new criminal referral database. Because criminal referrals are currently self-reported by the program's field offices and no specific guidelines were issued as to when they had to be reported, a number of FY 1998 referrals were not reported until later in FY 1999. Consequently, those referrals were picked up by the new criminal referral database. The new 1998 actual figure includes the FY 1998 criminal referrals received in FY 1999, after the program submitted final edits to the Department's FY 2000 Summary Performance Plan on March 3, 1999.

**Actual chapter 7 disbursements are tracked only by calendar year at this time. The program was revising its database system in hopes of providing disbursement data by FY 1999; however, budgetary constraints suspended all work on the new database system in FY 1999. Actual figures for calendar year 1999 should be available in March. Chapter 12 disbursements are tracked by calendar year as well. The data come from the annual reports submitted by the standing trustees at the end of each calendar year. These are not received by the Executive Office until the beginning of April. Actual chapter 13 disbursements are tracked by fiscal year. However, actual figures are pulled from the standing trustees' annual reports and are not available to the Executive Office until after the reports have been audited. The audited reports are typically received at the end of March. Outyear figures cannot be accurately projected since the USTP has no reliable method of calculating the disbursements of future bankruptcy cases.

***Starting with the FY 2001 budget submission, the USTP will no longer estimate the number of criminal referrals and civil enforcement actions for future years. This decision mitigates against the perception of "bounty hunting" and prevents other unintended and possibly adverse consequences.

Data Source: (1) ACMS. (2) Chapter 7 panel trustees' final accounts and chapters 12 and 13 standing trustees' annual reports. (3) USTP's criminal referral database.