

# III

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

### ***37% of the Department's Net Costs support this Goal.***

An integral role of the Department of Justice is to help in the administration of our federal justice system. To ensure the goal of the fair and efficient operation of our federal system, the Department must provide for a proper federal court proceeding by protecting judges, witnesses, and other participants in federal proceedings; ensure the appearance of criminal defendants for judicial proceedings or confinement; and ensure the apprehension of fugitives from justice. The Department also provides safe, secure, and humane confinement of defendants awaiting trial and/or sentencing and those convicted and sentenced to prison. In order to improve our society and reduce the burden on our justice system, the Department provides services and programs to facilitate inmates' successful reintegration into society, consistent with community expectations and standards. The Department strives to adjudicate all immigration cases promptly and impartially in accordance with due process. Additionally, the Department works to promote and strengthen innovative strategies in the administration of State and local justice systems and uphold the rights and improve services to victims of crime.

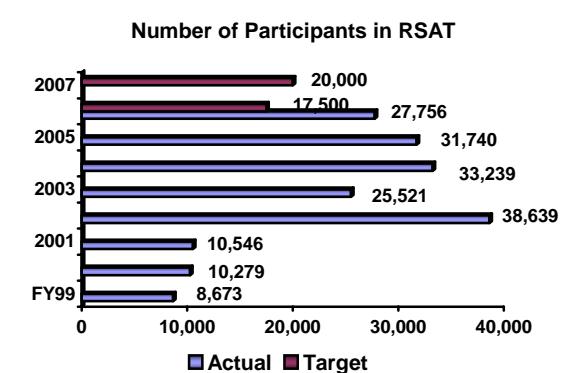
#### ***FY 2012 Outcome Goal: Ensure an additional 120,000 individuals receive the services of the***

**Background/Program Objectives:** The Department's RSAT program formula grant funds may be used to implement four types of programs. For all programs, at least ten percent of the total State allocation is made available to local correctional and detention facilities (provided such facilities exist) for either residential substance abuse treatment programs or jail-based substance abuse treatment programs as defined below.

The four types of programs are: 1) residential substance abuse treatment programs which provide individual and group treatment activities for offenders in residential facilities that are operated by State correctional agencies; 2) jail-based substance abuse programs which provide individual and group treatment activities for offenders in jails and local correctional facilities; 3) post release treatment component which provides treatment following an individual's release from custody; and 4) an aftercare component which requires States to give preference to subgrant applicants who will provide aftercare services to program participants. Aftercare services must involve coordination between the correctional treatment program and other human service and rehabilitation programs, such as education and job training, parole supervision, halfway houses, self-help, and peer group programs that may aid in rehabilitation.

**Performance Measure:** Number of Participants in RSAT

**2005 Revised Actual:** 31,740



**Data Collection and Storage:** Program managers obtain data from reports submitted by grantees, telephone contact, and on-site monitoring of grantee performance.

**Data Validation and Verification:** Data are validated and verified through a review by program managers. In Spring of 2007, the 2005 performance data were reverified by the Bureau of Justice Assistance (BJA). BJA determined that the actual count was 31,740 rather than 35,350 reported in the 2006. The variance in the number previously reported is a result of the OJP's continuing efforts to enhance data collection and data verification processes. In addition, since the OJP last reported, the Office of the Inspector General audited this performance measure. As a result, previously submitted numbers were updated and resubmitted to reflect more accurate numbers and additional reports received from some states.

**Data Limitations:** Data collected and reported for 2007 for the RSAT program is according to the grantee's fiscal year, which is not the same year for all grantees (i.e., some grantees have a fiscal year end as of June 30 and also as of September 30), however, data reported does cover a single consecutive 12-month period.

**2006 Target:** 17,500

**2006 Actual:** 27,756

**2007 Target:** 20,000

**2007 Actual:** Data for this measure is reported on a calendar year basis and will be available in October 2008.

**Discussion of 2006 Results:** The target of 17,500 was exceeded by 10,256. There are many contributing factors that determine the number 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. Our target of 17,500 was based on prior year trends with the knowledge that in FY 2004, federal funding for this program was eliminated. This lack of funding resulted in scaled back programs in certain individual States. With the return of funding in FY 2005, States had to again readjust their RSAT programs, resulting in the fluctuation in the target and actual data.

**FY 2012 Outcome Goal: Increase the graduation rate of drug court participants from 21% (FY 2005) to 32% by FY 2012**  
**2007 Progress: The Department is on target to achieve this long-term goal.**

**Background/Program Objectives:** According to data from the most recent National Crime Victimization Survey published in 2002, there were 5.3 million violent victimizations of residents age 12 or older. Victims of violence were asked to describe whether they perceived the offender to have been drinking or using drugs. About 29 percent of the victims of violence reported that the offender was using drugs, or drugs in combination with alcohol. These facts demonstrate that the need for drug treatment services is tremendous. The 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.

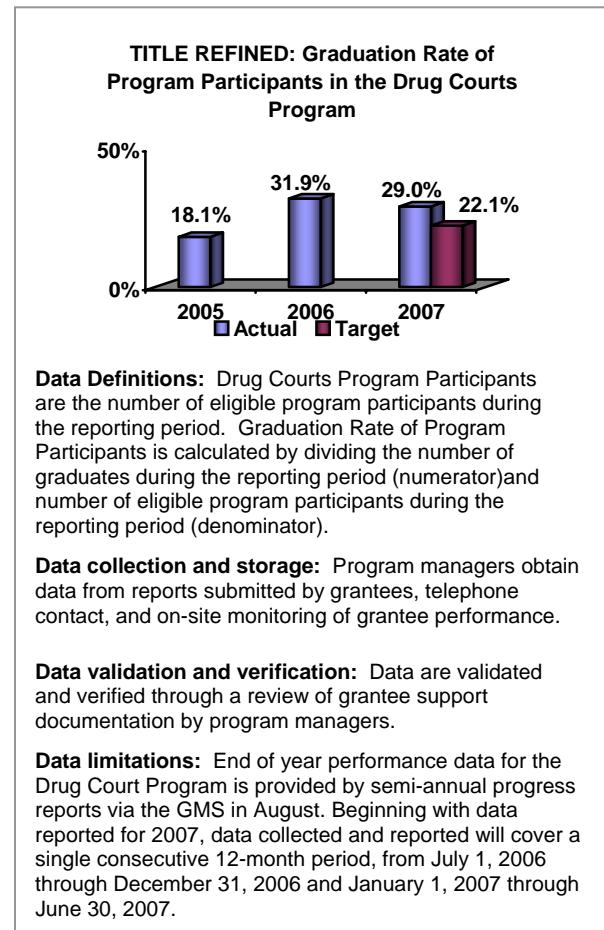
The drug court movement began as a community-level response to reduce crime and substance abuse among criminal justice offenders. This approach integrated substance abuse treatment, sanctions, and incentives with case processing to place non-violent drug-involved defendants in judicially supervised rehabilitation programs. The Department's Drug Courts Program is administered by Bureau of Justice Assistance. The Drug Courts 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 in order 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. Since 1989, more than 1,000 jurisdictions have established or are planning to establish a drug court. Currently, every State either has a drug court or is planning a drug court.

**Performance Measure:** TITLE REFINED: Graduation Rate of Program Participants in the Drug Courts Program

**2007 Target:** 22.1%

**2007 Actual:** 29.0%

**Discussion of 2007 Results:** The target of 22.1 percent was exceeded by 6.9 percent. The data compiled for this reporting period include grants awarded in FY 2004, FY 2005, and FY 2006. The Drug Court Program experienced a dramatic decrease in funding in FY 2006 (\$10 million in FY 2006 versus \$40 million in FY 2005). This success may be derived from an emphasis on training and technical assistance and a refocusing of the Drug Court Program with the reduction in funding. Drug courts across the country have become more effective in their graduate rates due to the additional concentration on training the staff and partners within individual drug courts. This has led to a more efficient drug court program and an increase in the graduation rate.



**FY 2012 Outcome Goal:** Ensure that no judicial proceedings are interrupted due to inadequate security

**FY 2007 Progress:** The Department is on target to achieve this long-term goal. Although this target was missed in FY 2007, the Department is still dedicated to ensuring that no judicial proceedings are interrupted due to inadequate security.

**Background/Program Objectives:** The 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. The number of interrupted judicial proceedings due to inadequate security reflects proceedings that require either removal of the judge from the courtroom, or the addition of the USMS Deputy Marshals to control a situation.

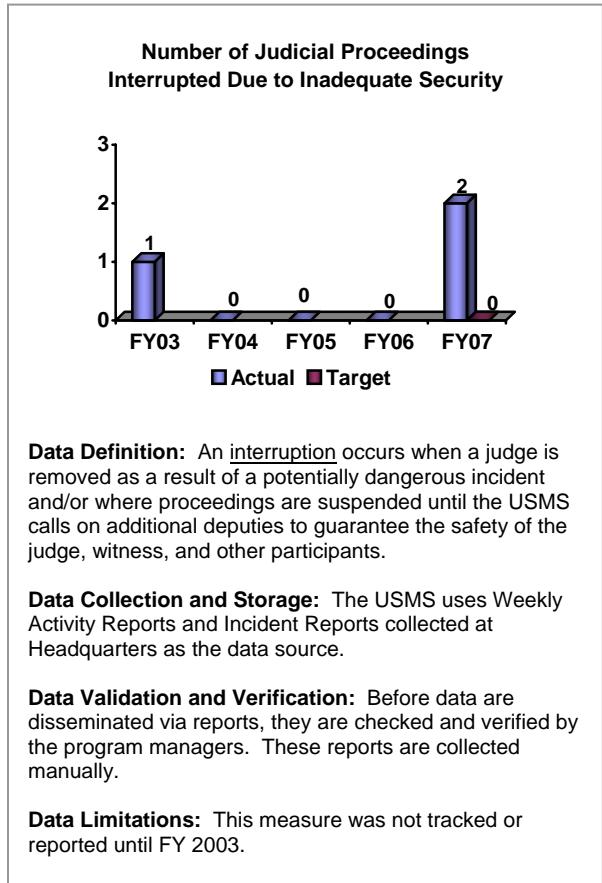
**Performance Measure:** Number of Judicial Proceedings Interrupted Due To Inadequate Security

**FY 2007 Target:** 0

**FY 2007 Actual:** 2

**Discussion:** The USMS was unable to meet its FY 2007 target of zero judicial proceedings interrupted due to inadequate security because of two courtroom incidents. During both of these incidents, Deputy U.S. Marshals (DUSM) were attempting to escort defendants who were recently placed into USMS custody by the presiding judge out of the courtroom when the defendants became non-compliant. In both situations, the DUSM gave several unsuccessful verbal warnings instructing the individuals to comply with the DUSM orders. Brief physical altercations ensued and support from other agency law enforcement personnel in the vicinity was required in order to gain control of the defendants. This need for additional personnel qualifies these two incidents to be reported under this performance measure. At no time during either incident were the public or the courtroom personnel in any physical danger, nor did either judge leave the bench.

Both incidents occurred in the District of Columbia (D.C.) Superior Court which is an environment and population that is truly unique within the Marshals Service. The D.C. Superior Court operates in a D.C. Court owned and operated building unlike all other district courthouses which are operated by the General Services Administration. The Office of the Inspector General (OIG) recently concluded that USMS space in the D.C. Superior Court's Moultrie Courthouse fails to meet security standards for detention facilities and occupational health and safety standards for administrative buildings, and that this results in unacceptable working conditions. These conditions have a tremendous impact on the USMS discharging its duties at the D.C. Superior Court. The USMS has been working with the D.C. Courts to try to address the OIG recommendations.



The D.C. Superior Court operates more than a dozen high volume arraignment courts, creating significant staffing challenges. The USMS is examining deputy staffing in the D.C. Superior Court to determine if allocation methods need to be adjusted. Concurrently, this district has received additional slots in the most recent DUSM hiring class in order to fill vacant positions, thereby increasing available on-board staffing.

**Revised FY 2012 Outcome Goal: Apprehend or clear 56% or 33,192 primary fugitives**  
**FY 2007 Progress: The Department is on target to achieve this long-term goal. The Department's FY 2007 Program Assessment Rating Tool (PART) review of this program resulted in a more focused effort to measure its activities that have the greatest impact on public safety.**

**Background/Program Objectives:** The USMS has primary jurisdiction to conduct and investigate fugitive matters involving escaped federal prisoners; probation, parole, bond default violators; warrants generated by DEA referred for USMS investigation, by other federal law enforcement agencies, and State and local agencies through USMS led district and regional fugitive task forces, and certain other related felony cases. The USMS has maintained its own "15 Most Wanted" fugitives list since 1983. Additionally, the USMS sponsors interagency fugitive task forces throughout the United States, focusing its investigative efforts on fugitives wanted for crimes of violence and drug trafficking.

The USMS has changed its fugitive apprehension key indicator measure from "Number of Federal Felony Fugitives Cleared or Apprehended" to "Number and Percent of Primary Federal Felony Fugitives Cleared or Apprehended." This was a result of the Office of Management and Budget's (OMB) PART evaluation of the Fugitive Apprehension Program. The OMB and the USMS agree that this measure more accurately reflects the primary mission of the Fugitive Apprehension Program. The prior key indicator measure included cases in which the USMS was not the primary apprehending agency and also fugitives wanted for less-serious crimes, e.g., traffic violations. The current measure addresses these issues by including cases in which the USMS has primary apprehension authority and cases that have a greater impact on public safety, which are a priority of the Fugitive Apprehension Program.

On the international front, the USMS has become the primary American agency responsible for extraditing fugitives wanted in the United States from foreign countries. The USMS also apprehends fugitives within the United States who are wanted abroad.

Additionally, the USMS is responsible for assisting other law enforcement agencies with the location and apprehension of non-compliant sex offenders, as well as investigating and charging for violations of the Adam Walsh Child Protection and Safety Act of 2006. A non-compliant sex offender is a sex offender that has failed to comply with his or her sex offender registration requirements.

The USMS also provides investigative support such as telephone monitoring, electronic tracking, and audio-video recording, and analytical expertise. The USMS maintains its own central law enforcement computer system, the Warrant Information Network (WIN), which is instrumental in maintaining its criminal investigative operations nationwide.

In addition, the 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 Measure:** NEW MEASURE: Number and Percent of Primary Federal Felony Fugitives Cleared or Apprehended

**FY 2007 Target:** 30,692 or 54%

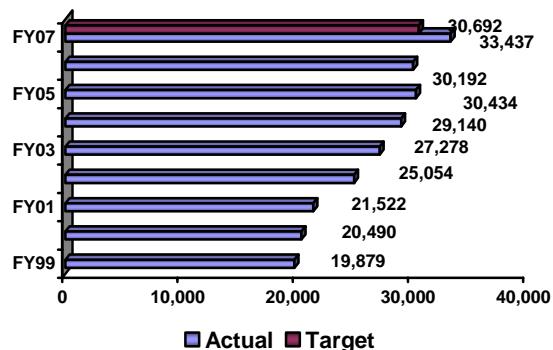
**FY 2007 Actual:** 33,437 or 55%

**Discussion of FY 2007 Results:** The USMS exceeded its targets of 30,692 primary federal felony fugitives cleared or apprehended and 54 percent of total primary federal felony fugitives received or on-hand. The USMS used a combination of fugitive apprehension strategies to obtain these results. These strategies included Regional Fugitive Task Forces and District Fugitive Task Forces, Federal And Local Cops Organized Nationally Operations (a week-long, intense coordination of federal, State, and local law enforcement led by

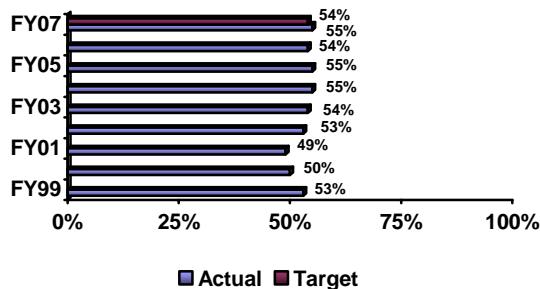
the USMS to apprehend violent fugitives), and technical surveillance (provided by the Technical Operations Group), such as video, audio, and aerial surveillance, through electronic measures. Together, these strategies allowed the USMS to exceed its target of fugitives apprehended or cleared by over 2,700 and its percentage target of total fugitives received or on-hand, by 1 percent.

#### NEW MEASURE: Primary Federal Felony Fugitives Cleared or Apprehended

##### Number of Fugitives



##### Percent of Total Primary Fugitives



**Data Definition:** A primary federal felony fugitive has a warrant(s) in which the USMS has primary apprehension responsibility. The USMS has primary jurisdiction to conduct and investigate fugitive matters involving escaped federal prisoners, probation, parole, bond default violators, warrants generated by the DEA referred for USMS investigation, warrants referred by other federal law enforcement agencies, warrants referred by state and local agencies through USMS led district and regional fugitive task forces, and certain other related felony cases. A fugitive is considered cleared if the fugitive is arrested, has a detainer issued, or the warrant is dismissed. The percent cleared is calculated by dividing the number of cleared fugitives by the sum of received fugitives (fugitives who had a warrant issued during the fiscal year) and on-hand fugitives (fugitives who had an active warrant at the beginning of the fiscal year).

**Data Collection and Storage:** Data are maintained in the WIN. WIN data are entered by Deputy U.S. Marshals. Upon receiving a warrant, Deputy U.S. Marshals access the National Crime Information Center (NCIC) through WIN to look for previous criminal information. WIN data are stored centrally at USMS headquarters, are accessible to all 94 districts, and are updated as new information is collected.

**Data Validation and Verification:** Warrant and fugitive data are verified by a random sampling of NCIC records generated by the FBI. The USMS coordinates with district offices to verify that warrants are validated against the signed paper records. The USMS then forwards the validated records back to NCIC.

**Data Limitations:** This data are accessible to all 94 districts and are updated as new information is collected. There may be a lag in the reporting of data.

**FY 2012 Outcome Goal:** Hold the average per day jail cost for federal detention at or below inflation.  
**FY 2007 Progress:** The Department is on target to achieve this long-term goal.

**Background/Program Objectives:** The Office of the Federal Detention Trustee's (OFDT) mission is to manage and regulate the federal detention programs and Justice Prisoner and Alien Transportation System (JPATS) by establishing a secure and effective operating environment that drives efficient and fair expenditure of appropriated funds.

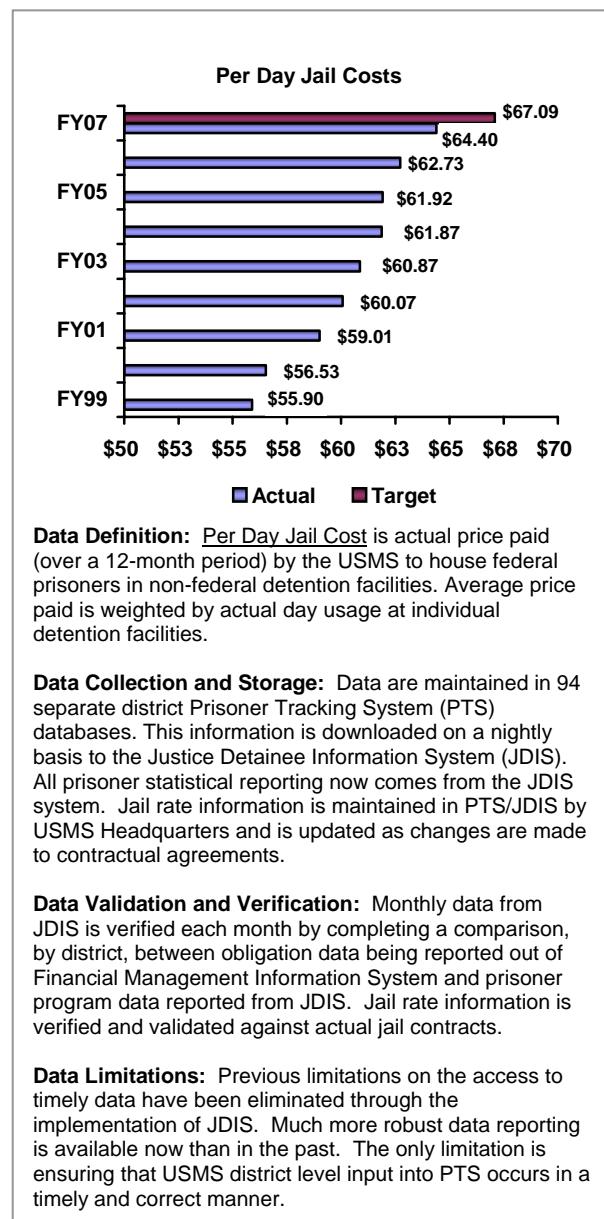
The Department acquires detention bed space to house pretrial detainees through reimbursable Intergovernmental Agreements (IGAs) with State and local governments and contracts with private vendors. The Bureau of Prisons (BOP) supplements these agreements and contracts by providing limited federal detention space for pretrial detainees particularly in large metropolitan areas. As the need for detention space increases for all federal partners, the mix of BOP, IGA, and private facilities changes. In addition, OFDT is ever mindful of the impact of maintaining available detention space in key locations. For example, the decreasing availability of detention bed space, particularly, in or near court cities, seriously impacts the United States Marshals Service's ability to produce prisoners for trial, judicial proceedings, legal hearings, and meetings with attorneys.

Ensuring safe, secure, and humane confinement for federal detainees is critically important. Considering the large number of facilities (over 1,900) in use, as well as the different types of facilities, requires detention standards to address the variance between federal, State, and local government, and privately owned and managed facilities. To ensure compliance, federal contract vehicles will be written or modified to reflect federal Performance-Based Detention Standards, and private contractor performance evaluation and compensation will be based on their ability to demonstrate alignment with the standards. In addition, OFDT's Quality Assurance Review Program ensures that the safe, secure, and humane confinement criteria are met, as well as addressing Congress' concerns for public safety as it relates to violent prisoners (e.g., Interstate Transportation of Dangerous Criminals Act, also known as Jenna's Act).

**Performance Measure:** Per Day Jail Costs

**FY 2007 Target:** \$67.09

**FY 2007 Actual:** \$64.40



***Discussion of FY 2007 Results:*** In FY 2007, OFDT maintained the per day jail (federal detention) costs below the targeted level. This was accomplished through an enterprise approach to securing detention space, well managed contract efforts as well as successful detention alternatives.

**FY 2012 Outcome Goal: Reduce system-wide crowding in federal prisons to 28% by 2012**  
**FY 2007 Progress: The Department is on target to achieve this long-term goal.**

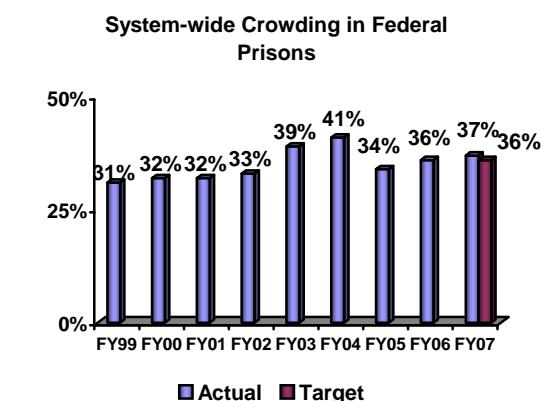
**Background/Program Objectives:** The Bureau of Prisons (BOP) constantly monitors facility capacity, population growth, and prisoner crowding. As federal inmate population levels are projected to increase and continue to exceed the rated capacity of the BOP, every possible action is being taken to protect 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 Measure:** System-wide Crowding in Federal Prisons

**FY 2007 Target:** 36%

**FY 2007 Actual:** 37%

**Discussion of FY 2007 Results:** The FY 2007 target was not met. The actual crowding rate was 37 percent, higher than the target of 36 percent for fiscal year end. At the time the target was established, the overall projected inmate population for FY 2007 was 197,584, with 165,756 of those inmates being housed inside BOP institutions. At the end of the fiscal year, the actual population was 200,020, exceeding the target population by 2,436. The inmate population of BOP institutions was 167,323, exceeding the target population by 1,567 inmates which increased system-wide crowding in BOP institutions to 37 percent.



**Data Definitions:** 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 are collected on the BOP on-line system (SENTRY). The BOP also utilizes a population forecast model to plan for future contracting and construction requirements to meet capacity needs.

**Data Validation and Verification:** Subject matter experts review and analyze population and capacity levels daily, both overall and by security level. BOP institutions print a SENTRY report, which provides the count of inmates within every institution cell house. The report further subdivides the cell houses into counting groups, based on the layout of the institution. Using this report, institution staff conduct an official inmate count five times per day to confirm the inmate count within SENTRY. The BOP Capacity Planning Committee (CPC), comprised of top BOP officials, meets bi-monthly to review, verify, and update population projections and capacity needs for the BOP. Offender data are collected regularly from the Administrative Office of the U.S. Courts by the BOP Office of Research in order to project population trends. The CPC reconciles bed space needs and crowding trends to ensure that adequate prison space is maintained, both in federal prisons and in contract care.

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

**FY 2012 Outcome Goal: Ensure that there will be no escapes from secure Bureau of Prisons facilities**  
**FY 2007 Progress: The Department is on target to achieve this long-term goal.**

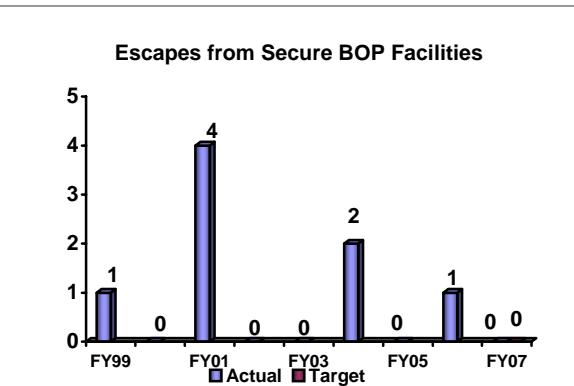
**Background/Program Objectives:** The BOP significantly reduces the possibility of escape with long-term emphasis on security enhancements, physical plant improvements, enhanced training, and increased emphasis on staff supervision of inmates. In the event an escape does occur, the BOP will initiate immediate apprehension activities (escape posts, etc.) within the community, until the outside agency having jurisdiction assumes investigative and apprehension responsibilities.

**Performance Measure:** Escapes from Secure BOP Facilities

**FY 2007 Target:** 0

**FY 2007 Actual:** 0

**Discussion of FY 2007 Results:** During FY 2007, the BOP had no escapes from secure BOP facilities.



**Data Definition:** All BOP institutions are assigned a security classification level based in part on the physical design of each facility. There are four security levels: minimum; low; medium; and high. Additionally, there is an administrative category for institutions that house a variety of specialized populations such as pre-trial, medical, mental health, sex offenders, and U.S. Department of Homeland Security, Immigration and Customs Enforcement (ICE) detainees. Low, medium, and high security levels and administrative institutions are defined as secure based on increased security features and type of offenders designated. Minimum security are non-secure facilities that generally house non-violent, low risk offenders with shorter sentences. These facilities have limited or no perimeter security fences or armed posts.

**Data Collection and Storage:** Data for this measure are taken from the Significant Incident Reports (recorded on BOP Form 583) submitted by the institution where the incident occurred. The form is submitted to the BOP's Central Office where it is recorded in a log. Copies of the report are also sent to the respective regional office where the information is reviewed. The information from the log is transferred to, and maintained by, the Office of Research and Evaluation, which analyzes the data and makes it available through the Key Indicators Management Information System.

**Data Validation and Verification:** The most senior managers in the agency conduct annual reviews of institution performance including escapes. Additionally, during Program Reviews (which are conducted at least every three years), annual operational reviews, and Institution Character Profiles (which are conducted every three years), reviews of escapes (including attempts) are conducted, along with other inmate misconduct.

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

**FY 2012 Outcome Goal: Comparative recidivism rates for Federal Prison Industry inmates: 15% 3 years following release, and 10% 6 years following release**  
**FY 2007 Progress: The Department is on target to achieve this long-term goal.**

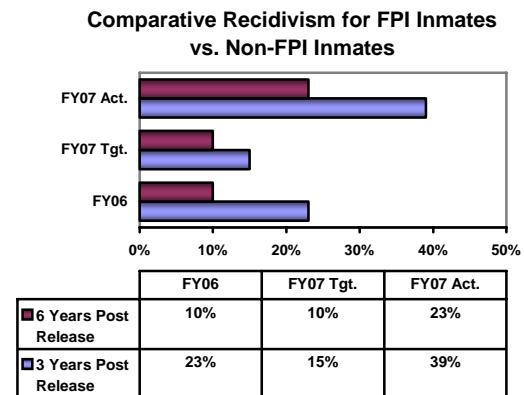
**Background/Program Objectives:** An objective of the Federal Prison Industry's (FPI) is to reduce recidivism by providing job training and helping inmates develop basic work ethics and marketable skills, thereby allowing inmates to become productive law-abiding citizens. A study conducted in FY 2005 was consistent with an earlier well designed evaluation of the effects of the prison industries experience. Both evaluations found that inmates who had participated in FPI were less likely to recidivate after release from prison than similarly situated non-participants. This measure will assess group differences 3 years and 6 years after release for recidivism defined as either: arrest for new charges and return to prison for a new offense. The targets for inmates released in 2000-2003 are: Inmates who participate in FPI will remain 15 percent less likely to recidivate at 3 years, and 10 percent less likely to recidivate at 6 years, after release from a secure facility, compared to similarly situated inmates who did not participate.

**Performance Measure:** Comparative Recidivism for FPI Inmates vs. Non-FPI Inmates

**FY 2007 Target:** 6 years; 10%  
                          3 years; 15%

**FY 2007 Actual:** 6 years; 23%  
                          3 years; 39%

**Discussion of FY 2007 Results:** FPI exceeded the FY 2007 targets of 15 percent less likely to recidivate at 3 years and 10 percent less likely to recidivate at 6 years with actual results of 39 percent and 23 percent, respectively.



**Data Definition:** Recidivism means a tendency to relapse into a previous mode of behavior, such as criminal activity resulting in arrest and incarceration.

**Data Collection and Storage:** Data are gathered from the BOP's operational computer system (SENTRY) and from the FBI's Interstate Identification Index (III). The FBI's system file contains all recorded State and federal arrests through a given period of time. Other information (i.e., age, sex, race, security level, prior record, current offense, and year of release) comes from the BOP's SENTRY system. All data are transferred to and analyzed by the BOP's Office of Research and Evaluation.

**Data Validation and Verification:** The data from the BOP SENTRY system and the FBI III are fluid and thereby subject to verification and validation on a nearly daily basis; field staff modify offenders' status on an on-going basis and update the files as appropriate. The BOP data undergo a number of quality control procedures ensuring its accuracy. The FBI's III file is the primary source of rap sheet information used by courts throughout the land and is also thought to be of high quality.

**Data Limitations:** Although non-citizens make up a large minority of the BOP population, they are excluded from analysis because many of them are deported following release from prison, and it is not known if they recidivate. Projected targets are based on earlier studies done on recidivism of the FPI participating inmates and their non-participating counterparts. The results of this ongoing research may differ due to changes in the program, improved research methods, changes in the composition of the inmate population, and changes in the quality and comprehensiveness of data, especially automated data on recidivism.

**FY 2012 Outcome Goal:** Limit the rate of serious assaults in Federal prisons to 14 assaults per 5,000 inmates

**FY 2007 Progress:** The Department is on target to achieve this long-term goal.

**Background/Program Objectives:** Every reasonable precaution is taken to ensure that inmates are provided with a safe and secure environment in facilities according to their needs. While it is the objective of the Department and BOP to eliminate all assaults, the target reflects projections based on historical data and observed trends. These data represent the number of assaults over a 12 month period per 5,000 inmates of all adjudicated assaults and combines both "inmate on inmate" and "inmate on staff" assaults. Due to the time required to adjudicate allegations of assault, there is a lag between the occurrence and reporting guilty findings. Accordingly, the figure reported represents incidents that were reported for the preceding 12 months ending several months before the end of the fiscal year.

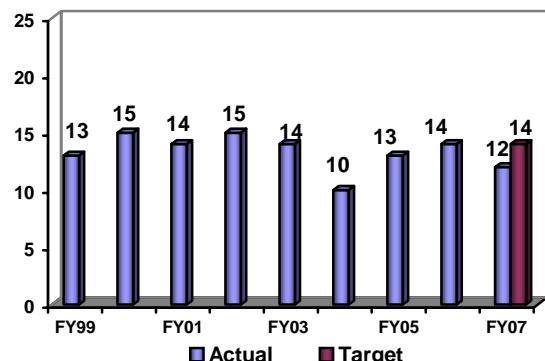
**Performance Measure:** MEASURE REFINED: Rate of Serious Assaults in Federal Prisons (per 5,000 Inmates) [Formerly: Rate of Assaults in Federal Prisons (per 5,000 Inmates)]

**FY 2007 Target:** 14

**FY 2007 Actual:** 12

**Discussion of FY 2007 Results:** The FY 2007 target was met. The rate of serious assaults was 12 per 5,000 inmates, lower than the target rate of 14 per 5,000 inmates for FY 2007.

**MEASURE REFINED: Rate of Serious Assaults in Federal Prisons (per 5,000 Inmates)**



**Data Definition:** Reported assault rate is based on guilty findings of serious assaults. Serious assaults involve serious physical injury being attempted or carried out by an inmate. They include sexual assaults as well as armed assaults on the institution's secure perimeter.

**Data Collection and Storage:** Data are collected from the BOP's operational computer system (SENTRY), specifically the Chronological Disciplinary Record (CDR) module, which records all disciplinary measures taken with respect to individual inmates. The data are maintained and stored in the BOP's management information system (Key Indicators), which permits retrieval of data in an aggregated manner. The data represents guilty findings of serious assaults on inmates.

**Data Validation and Verification:** The most senior managers in the agency conduct annual reviews of institution performance including assaults and other misconduct. Additionally, during Program Reviews (which are conducted at least every three years), annual operational reviews, and Institution Character Profiles (which are conducted every three years), reviews of assaults and other misconduct patterns are accomplished. The SENTRY system is the BOP's operational data system, whereas Key Indicators aggregates the Sentry data and provides an historical perspective.

**Data Limitations:** The data represents the number of guilty findings for serious assaults over a twelve-month period per 5,000 inmates. Due to the time required to adjudicate allegations of assault, there is a lag between the occurrence of the assault and reporting of guilty findings. Due to accelerated reporting requirements (within 15 days of quarter and fiscal year end) and to provide a more accurate assault rate, the BOP is using 12 months of completed/adjudicated CDR data for each quarter and end of fiscal year reporting, showing 12 month periods ending the last month of the previous quarter.

**FY 2012 Outcome Goal: Achieve a 99% positive rate in inspection/accreditation results for Federal prison facilities (FY 2007-2012)**

**FY 2007 Progress: The Department is on target to achieve this long-term goal.**

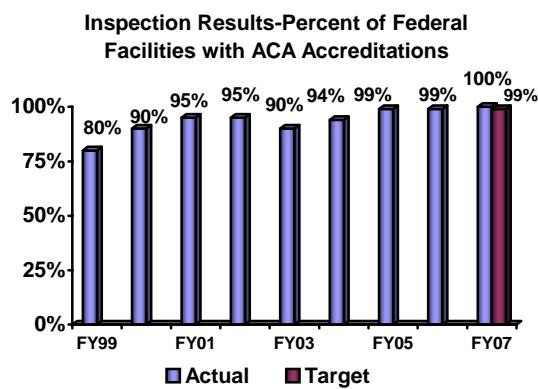
**Background/Program Objectives:** The BOP has the highest regard for human rights and public safety. Therefore, it strives to maintain facilities that meet the accreditation standards of several professional organizations including the American Correctional Association (ACA). ACA auditors conduct on-site visits to BOP institutions during initial accreditation and re-accreditations. Institutions' ACA accreditation must be renewed tri-annually.

**Performance Measure:** Inspection Results—Percent of Federal Facilities with ACA Accreditations

**FY 2007 Target:** 99%

**FY 2007 Actual:** 100%

**Discussion of FY 2007 Results:** In August 2007, the BOP reached 100 percent accreditation by the ACA. For the first time in history, the BOP has achieved 100 percent accreditation, which is a major milestone and accomplishment for the agency. The ACA recognizes agencies that have reached this milestone with its prestigious Golden Eagle award, the highest honor bestowed by ACA.



**Data Collection and Storage:** Once an audit is completed, an electronic report is received from ACA. These reports are maintained in GroupWise shared folders by institution, in WordPerfect files, and a hard copy is filed in an institution folder.

**Data Validation and Verification:** On an annual basis, Program Review personnel develop a schedule for initial accreditation and re-accreditation of all eligible BOP facilities to ensure reviews are conducted on a regular and consistent basis. BOP policy requires institutions to initially be ACA accredited within two years of activation. Therefore, non-accredited institutions that have been activated for less than two years are excluded from calculations regarding this performance measure.

Subject matter experts review report findings to verify accuracy and develop any necessary corrective measures. The ACA accreditation meeting minutes, identifying the institutions receiving accreditation and re-accreditation, are now on file and maintained by the BOP Accreditation Manager.

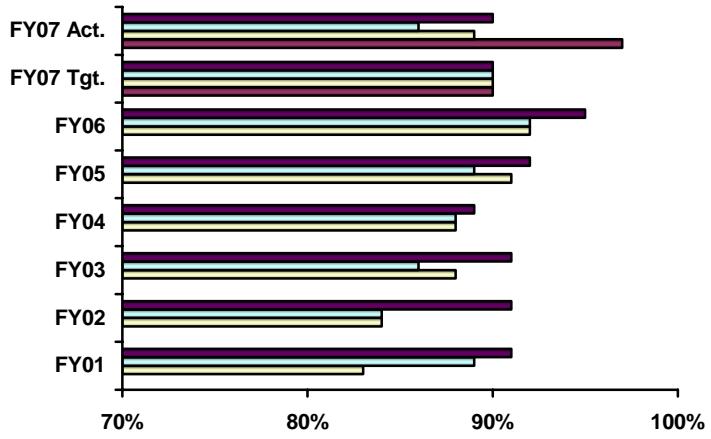
**Data Limitations:** None known at this time.

**FY 2012 Outcome Goal: Complete 90% of Executive Office for Immigration Review priority cases within established time frames**

**FY 2007 Progress: The Department is on target to achieve this long-term goal.**

**Background/Program Objectives:** The Executive Office for Immigration Review (EOIR) is an independent agency with jurisdiction over various immigration matters relating to the Department of Homeland Security (DHS), aliens, and other parties. EOIR comprises three adjudicating components: the Board of Immigration Appeals (BIA), the Immigration Courts, and the Office of the Chief Administrative Hearing Officer. EOIR's mission is to be the best administrative tribunal possible, rendering timely, fair, and well-considered decisions in the cases brought before it. EOIR's ability to achieve its mission is critical to the guarantee of justice and due process in immigration proceedings, and public confidence in the timeliness and quality of EOIR adjudications. Included in this context are the timely grants of relief from removal in meritorious cases, the expeditious removal of criminal and other inadmissible aliens, and the effective utilization of limited detention resources. To assure mission focus, EOIR has identified adjudication priorities and set specific time frames for most of its proceedings. These priorities include court cases involving criminal aliens, other detained aliens, and those seeking asylum as a form of relief from removal; and adjudicative time frames for all appeals filed with the BIA. These targets are related to percentages of cases actually completed.

**Percent of EOIR Priority Cases Completed Within Established Time Frames**



**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:** All data entered by courts nationwide are instantaneously transmitted and stored at EOIR headquarters, which allows for timely and complete data. Data are 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. A 2002 data validation study conducted by an independent contractor found an observed error rate of 2.8 percent, which is considered within an acceptable range given the complexity and high volume of records for the system. Data validation is also performed on a routine basis through data comparisons between EOIR and DHS databases.

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

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

**FY 2007 Target:** 90% (all categories)

**FY 2007 Actual:**

Immigration Court Expedited Asylum Cases Completed Within 180 Days: 90%

Immigration Court Institutional Hearing Program Cases Completed Prior to Release from Incarceration: 86%

Immigration Court Detained Cases (Without Applications for Relief) Completed Within 30 Days: 89%

Immigration Court Detained Appeals Completed Within 150 Days: 97 %

**Discussion of FY 2007 Results:** In FY 2007, EOIR exceeded one of its targets, met another target, and missed two targets by small percentages. The target for the BIA was new this year; it reflects the highest priority

cases that the Board adjudicates. The Board was able to exceed its target through two techniques: implementation of strict time lines for each step within the adjudicatory process and effective management of human resources. The immigration courts met their target of completing 90 percent of expedited asylum cases within 180 days through the careful monitoring of caseloads within each immigration court. However, the immigration courts fell short of meeting their other two goals in FY 2007, in large part due to the number of vacant immigration judge positions. With regard to the Institutional Hearing Program cases, the DHS often did not file the Notice to Appear in a timely manner, causing EOIR to be unable to ensure that its judges could be present in the various detained locations to conduct hearings prior to the alien's earliest possible release date. Within the detained without applications for relief category, there was a 33 percent increase in receipts of this case type in FY 2007. This large increase in caseload, coupled with the number of immigration judge vacancies nationwide, caused EOIR to miss this goal by one percent.

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