

# Section III

## Evaluations and Additional Information

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### Overview

This section contains a description of major program evaluations completed during FY 2015, a list of acronyms used in this report, and a list of Department websites. A program evaluation, as defined in OMB Circular A-11, is an individual, systematic study to assess how well a program is working to achieve intended results or outcomes. Program evaluations are often conducted by experts external to the program either inside or outside an agency. Evaluations can help policymakers and agency managers strengthen the design and operation of programs and can help determine how best to spend taxpayer dollars effectively and efficiently. Most Department evaluations are conducted either by the Office of the Inspector General or the Government Accountability Office.

### Major Program Evaluations Completed During FY 2015

#### **Office of the Inspector General (OIG) Progress Report on the Department of Justice's Implementation of the Prison Rape Elimination Act (PREA), Evaluation and Inspections Report**

In this report, OIG examined DOJ's early efforts to implement and comply with PREA since DOJ's publication of the *National Standards to Prevent, Detect, and Respond to Prison Rape* in June 2012. The OIG identified several emerging issues with DOJ's implementation of the Standards. One such issue relates to the USMS's use of intergovernmental agreements (IGAs) that allow the USMS to house federal detainees in state and local detention facilities. The Standards require new or renewed USMS IGAs with state and local detention facilities to include language that obligates these facilities to comply with the Standards. However, the USMS's IGAs are typically of an indefinite length, and therefore modifications to the USMS's existing IGAs are typically made only when the state or local detention facility (IGA facility) asks for a rate increase or other modification. Thus, IGA facilities that do not ask for rate increases or other modifications to existing IGAs could therefore continue indefinitely to hold federal detainees without a contractual obligation to comply with the Standards. This issue also affects the BOP and the Department of Homeland Security's (DHS) U.S. Immigration and Customs Enforcement, both of which sometimes adopt the terms of the USMS's IGAs when housing inmates and detainees in state and local facilities. OIG also found that the USMS cannot ensure its compliance with the external investigative standards because it does not have an adequate system to identify all USMS investigations where the requirements apply. Lastly, because of vagueness in the Standards, OIG found that there is uncertainty (for USMS) as to what specific circumstances would cause USMS to deem IGA facilities to be out of compliance with PREA, and therefore out of compliance with the terms of IGAs, in such a way that USMS would be required to remove USMS detainees.

Because DOJ's implementation of PREA is ongoing, OIG did not make recommendations to the DOJ or its components about how to address the areas of concern identified in this report. However, OIG encouraged the DOJ and its relevant components to take appropriate action to address the issues described.

### **OIG Handling of Sexual Harassment and Misconduct Allegations by the Department's Law Enforcement Components**

The OIG released a report in FY 2015 that assessed the Department's handling of sexual harassment and misconduct allegations. The assessment identified how the Department's four law enforcement components respond to sexual misconduct and harassment allegations made against their employees. Although the OIG found relatively few allegations of sexual harassment and sexual misconduct in the Department's law enforcement components for fiscal years 2009 through 2012, the review of the handling of these allegations found some systemic issues with the processes that the OIG believed needed prompt corrective action.

The OIG's report highlighted certain problem areas for one or more of the law enforcement components: coordination between internal affairs offices and security personnel; promptly reporting misconduct allegations to component headquarters; clear guidance on initiating an investigative process; straight-forward adjudication process; component offense tables do not always contain language to address the solicitation of prostitutes in jurisdictions where the conduct is legal or tolerated; and the ability to detect sexually explicit text messages and images.

The OIG made eight recommendations in the report to improve the law enforcement components' disciplinary and security processes relating to allegations of sexual misconduct and harassment. These recommendations included improving the law enforcement components' disciplinary and security processes as well as developing consistent policies and practices to ensure that sexual misconduct and sexual harassment allegations are handled promptly and appropriately. As noted in the OIG report, the FBI's offense table clearly addresses allegations of sexual misconduct and sexual harassment. In response to the OIG report, ATF updated its table of penalties to include new offense categories for solicitation of prostitutes and inappropriate workplace relationships, as well as a category for sexual misconduct, and also instituted a mandatory Standards of Conduct training. USMS supervisors and managers are required to report all allegations of sexual misconduct and sexual harassment to headquarters, and all employees are required to read and acknowledge their understanding of the Code of Professional Responsibility. Following the OIG report, DEA reviewed its standards of conduct and disciplinary policies, examined and evaluated the offense categories specifically designed to address sexual misconduct and sexual harassment, and revised the table of offenses to coincide with other law enforcement components.

## **OIG Investigative Summary: Findings of Mishandling of Sensitive Information, Misusing Government Resources and Position, and Engaging in Unauthorized Pro Bono Legal Work by an Assistant U.S. Attorney (AUSA)**

The OIG initiated an investigation of a current AUSA based on information that the AUSA mishandled sensitive but unclassified (SBU) information obtained through the AUSA's official position. The OIG concluded that the AUSA mishandled SBU information by transmitting it to a personal email account. The OIG also found that the AUSA had engaged in additional misconduct, including: misusing government time, resources, equipment, and databases to conduct personal business; misusing the AUSA's position, title, and letterhead to provide a letter of recommendation for a relative; and engaging in pro bono legal work without the requisite authorization. The OIG has completed its investigation and has provided a report to the Executive Office for United States Attorneys and to the Department of Justice Office of Professional Responsibility for review and appropriate action.

## **OIG Review of Policies and Training Governing Off-duty Conduct by Department Employees Working in Foreign Countries**

OIG reviewed the policies and training regarding off-duty conduct while abroad. The report made a total of six recommendations to the Department and the law enforcement components. Three of the recommendations were directed at ATF, all of which are open/resolved. In response to a recommendation that ATF disseminate clear, comprehensive policy regarding off-duty conduct, ATF's Acting Deputy Director issued memorandum to all employees in June 2015 instructing them to be mindful of their conduct while traveling abroad. ATF is also in the process of revising their Conduct and Accountability Order to codify the policy regarding off-duty conduct while on foreign travel. The final two recommendations are for ATF to provide periodic training to raise awareness of this policy and to provide pre-deployment training to employees preparing to work in foreign countries. These trainings will be developed and implemented after the revised Conduct and Accountability Order is finalized.

USMS was also responsible for implementing three of the six recommendations. USMS is responsible for disseminating clear, complementary, and comprehensive policy to all personnel regarding off-duty conduct, including provisions for employees representing the government in other countries. Additionally, USMS must reinforce this policy through formal training (new employee orientation, basic law enforcement training, periodic refresher training, and pre-deployment training). In response to OIG's report, the DOJ Office of the Deputy Attorney General (ODAG) recently issued policy guidance for its law enforcement components. USMS is in the process of drafting policy and developing training based on that guidance. All three recommendations to USMS are open pending full implementation.

## **General Accounting Office (GAO) Report on Homeland Security: Actions Needed to Better Manage Security Screening at Federal Buildings and Courthouses**

GAO found that DHS's Federal Protective Service (FPS) and DOJ's USMS experience a range of challenges in their efforts to provide effective security screening, including: 1) Building characteristics and location limiting security options; 2) Balancing security and public access; 3) Operating with limited resources; 4) Working with multiple federal tenants; and 5) Effectively informing the public of prohibited items.

GAO concluded that, while USMS and FPS use the results of their respective covert and intrusion tests to address problems at the individual building, FPS region, or USMS district level, do not use the results to strategically assess performance nationwide. According to GAO, without a more strategic approach to assessing performance, both FPS and USMS are not well positioned to improve security screening nationwide, identify trends and lessons learned, and address the aforementioned challenges related to screening in a complex security environment. GAO recommended that FPS and USMS each develop and implement a strategy for using covert and intrusion testing, and prohibited-items data to improve security screening efforts. Specifically, for USMS, the strategy should, among other things, help determine the appropriate frequency of intrusion testing.

As a result of this report, USMS is addressing the strategic use of intrusion testing data by providing test results to all districts through an electronic district dashboard. The dashboard will show both the frequency of testing (quarterly, as required by policy) and the testing results, which can then be shared with building security stakeholders.

## **NAPA Assessment of Civil Rights Division Operation and Management**

As part of the Consolidated Appropriations Act, 2014 (P.L. 113-76), Congress directed that the Office of the Inspector General contract with an independent organization to assess the operation and management of the Civil Rights Division. The OIG contracted with the National Academy of Public Administration (NAPA or the Academy) to address a number of issues that had been identified in a 2013 OIG report that examined CRT's Voting Section enforcement; hiring and human resource practices, including unauthorized disclosure of information; and the handling of Freedom of Information (FOIA) requests. The Academy's charge was broadened beyond the Voting Section to include a division-wide review to identify steps CRT could take to improve public confidence that federal civil rights laws are fairly and impartially enforced. In addition, the Academy was asked to assess the efforts CRT had taken to address the work environment and prevent unauthorized disclosure of information and to determine if additional hiring policies and practices were needed to ensure merit-based hiring. NAPA focused on the management and operations of CRT including policies, protocols, and practices related to enforcement actions and decision-making, hiring, and other human resource practices.

The NAPA review included interviewing current and former CRT managers, surveying current employees, and reviewing CRT documents related to Division management and personnel practices. It also included interviews with the Office of Attorney Recruitment and Management

(OARM), the Justice Management Division's Human Resources staff, and experienced managers at several other federal agencies.

NAPA submitted its final report, *Department of Justice Civil Rights Division: A Strategic Management Framework for Building on the Past, Moving to the Future*, (NAPA Report), to Congress on January 6, 2015. NAPA's report concluded that CRT's hiring policies and practices were consistent with merit system principles and addressed prohibited personnel practices. NAPA Report at 75-76. In particular, NAPA found that CRT had acted to ensure that improper criteria, such as political affiliation, do not influence the hiring process for career attorney positions. NAPA made no findings that any improprieties occurred during the hiring processes at issue in the 2013 OIG Report or in any subsequent hiring processes.

In addition to finding that the Division had taken steps to resolve the issues identified in the 2013 OIG report, the NAPA report recommended that CRT take steps to:

- Adopt a comprehensive change management approach to design and implement an integrated management framework and seek Congressional approval to establish a non-political, career Deputy Assistant Attorney General (SES) position dedicated to operational management;
- Publish written policies and procedures related to its enforcement work, engage in strategic planning, engage in more open and transparent communications, and improve its website.
- Routinely evaluate and update its hiring policies, boost its human resource capacity, establish an ombudsperson, initiate a Division-wide engagement effort and expand section-specific efforts, improve communications and information-sharing within the Voting Section, and build a management/leadership corps to ensure future focus on management issues.

### **Evaluation on Impact of Evidence-based Enhancements to the Harlem Parole Reentry Court**

The Center for Court Innovation completed an evaluation on the impact of implementing several evidence-based enhancements to the Harlem Parole Reentry Court. The reentry court serves parolees returning to Upper Manhattan and helps them with the transition from life in prison to life in the community. The work of the Harlem Parole Reentry Court is accomplished through a collaborative team effort involving an administrative law judge, case managers, parole officers, and social service providers. The primary goal is to reduce recidivism and prison return rates.

The evaluation found that the reentry court was successful in achieving its goals of reducing recidivism. In general, at 18-months post-release, all reported recidivism rates trended lower for reentry court participants than control group participants, and many of those were statistically significant differences. Of particular interest, as compared to the control group's recidivism, the reentry court reduced the reconviction rate by 22%, reduced the felony reconviction rate by 60%, and reduced the revocation (and, thus, the re-incarceration) rate by 45%.

The parolees who participated in the interviews were generally representative of the larger study sample, with nearly identical statistics on demographics, criminal history, and overall recidivism outcomes. Among those interviewed, reentry court participants had significantly better

outcomes than the control group in the following areas: employment rates at follow-up; average number of months worked since release; average number of hours working per week; likelihood of having employment-based health insurance; likelihood of having paid days off; average income from all sources; quality of family relationships; and select dimensions of criminal thinking. Additionally, reentry court participants reported significantly more in-person meetings with their parole officer in the past year, significantly more in person meetings with their case managers, and a significantly lower likelihood of violating supervision conditions, a finding that is consistent with the revocation results presented earlier. Incentivizing compliance, reentry court participants were also significantly more likely to report having received a positive incentive (“reward”) since their release and were significantly less likely to report having received a sanction. Regarding parolee attitudes, when asked about their most recent experience in court and their attitudes towards the judge and their parole officer, the differences between the reentry court and the control group were significant on every measure of procedural justice. When asked a series of questions about their readiness to change their lives and refrain from a life that involved criminal activity, the reentry court participants also scored significantly higher than the control group.

### **OIG Report on the Impact of an Aging Inmate Population on the Federal Bureau of Prisons Report**

The OIG released a report in May 2015 assessing the impact of an aging inmate population to include issues such health services and programming on BOP’s costs. As costs to operate and maintain the federal prison system continue to grow, less funding will be available for the Department’s other critical law enforcement and national security missions. The BOP budget accounted for more than 25 percent of the Department’s discretionary budget in FY 2015 and BOP must look for ways to contain ballooning costs. In September 2013, BOP incarcerated 164,566 federal inmates in 119 BOP-managed institutions. According to BOP data, inmates age 50 and older were the fastest growing segment of its inmate population, increasing 25 percent from 24,857 in FY 2009 to 30,962 in FY 2013. By contrast, during the same period, the population of inmates 49 and younger decreased approximately one percent, including an even larger decrease of 29 percent in the youngest inmates (age 29 and younger).

Inmate medical costs are a major factor in BOP’s overall rising costs and thus an area that must be monitored closely. In FY 2014, the BOP spent \$1.1 billion on inmate medical care, an increase of almost 30 percent in 5 years. One factor that has significantly contributed to the increase in medical costs is the sustained growth of an aging inmate population –the oldest BOP inmates cost an average of \$30,609 each or 65 percent more than the youngest ones.

OIG determined a growing aging inmate population has an adverse impact on the BOP’s ability to provide a safe, humane, cost-efficient, and appropriately secure environment for aging inmates and to assist aging inmates reentering the community. OIG had eight recommendations with which BOP concurred and is taking steps to implement pending budget requests. BOP has recently implemented numerous policy changes to enhance the care and treatment of patients. The Department and BOP will continue to implement all prudent mechanisms to reduce these healthcare costs without sacrificing an appropriate standard of care.

## Acronyms

### A

ABT	Aryan Brotherhood of Texas
ACTS	Automated Case Tracking System
AFF/SADF	Assets Forfeiture Fund and Seized Asset Deposit Fund
AMBER	America's Missing: Broadcasting Emergency Response
APP	Annual Performance Report
APR	Annual Performance Plan
ATF	Bureau of Alcohol, Tobacco, Firearms and Explosives
ATR	Antitrust Division

### B

BATS	Bomb and Arson Tracking System
BIA	Board of Immigration Appeals
BJA	Bureau of Justice Assistance
BOP	Bureau of Prisons

### C

CASE	Case Access System for EOIR
CEOS	Child Exploitation Obscenity Section
CI	Counterintelligence
CIV	Civil Division
COPS	Office of Community Oriented Policing Services
CPC	Capacity Planning Committee
CPOT	Consolidated Priority Organization Target
CRM	Criminal Division
CRS	Community Relations Service
CRT	Civil Rights Division
CTAS	Coordinated Tribal Assistance Solicitation
CTF	Cyber Task Forces
CSO	Court Security Officers

### D

DCM	Debt Collection Management
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DCTAT Data Collection and Technical Assistance Tool  
DEA Drug Enforcement Administration  
DHS Department of Homeland Security  
DOD Department of Defense  
DOJ Department of Justice

**E**

ENRD Environment and Natural Resources Division  
EOIR Executive Office for Immigration Review

**F**

FASAB Federal Accounting Standards Advisory Board  
FBI Federal Bureau of Investigation  
FBWT Fund Balance with U.S. Treasury  
FCSC Foreign Claims Settlement Commission  
FPI Federal Prison Industries, Inc.  
FTE Full-Time Equivalent  
FY Fiscal Year

**G**

GOZ Game Over Zeus  
GPRAMA GPRA Modernization Act of 2010

**I**

IC Intelligence Community  
ICITAP International Criminal Investigative Training Assistance Program  
IHP Institutional Hearing Program  
INTERPOL International Criminal Police Organization  
ISIL Islamic State of Iraq and the Levant

**J**

JMD Justice Management Division

**M**

MAR Monthly Administrative Report

**N**

N/A Not Applicable  
NCIC National Crime Information Center  
NCMEC National Center for Missing and Exploited Children  
NGIC National Gang Intelligence Center  
NIBIN National Integrated Ballistic Information Network  
NICS National Instant Criminal Background Check System  
NIPF National Intelligence Priority Framework  
NSD National Security Division

**O**

OBDs Offices, Boards and Divisions  
OCDETF Organized Crime Drug Enforcement Task Forces  
OCGS Organized Crime Gang Section  
OIG Office of the Inspector General  
OJP Office of Justice Programs  
OJJDP Office of Juvenile Justice and Delinquency Prevention  
OMB Office of Management and Budget  
OPA Office of the Pardon Attorney  
OSG Office of the Solicitor General  
OTJ Office of Tribal Justice  
OVW Office on Violence Against Women

**P**

PDS Psychology Data System  
PPD Presidential Policy Directive

**R**

RDAP Residential Drug Abuse Program

**S**

SCA	Second Chance Act
SENTRY	Bureau of Prisons' primary mission-support database
SOIC	Sex Offender Investigation Coordinator
SSA	Security Sector Assistance

**T**

TAX	Tax Division
TNLC	Tribal Nations Leadership Council

**U**

USA	United States Attorney(s)
USAO	United States Attorneys' Office(s)
USC	United States Code
USMS	United States Marshals Service
UST	United States Trustee

**V**

VAWA	Violence Against Women Act
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## Department Component Websites

Component	Website
American Indian and Alaska Native Affairs Desk (OJP)	<a href="http://www.ojp.gov/programs/aiana.htm">www.ojp.gov/programs/aiana.htm</a>
Antitrust Division	<a href="http://www.justice.gov/atr">www.justice.gov/atr</a>
Bureau of Alcohol, Tobacco, Firearms and Explosives	<a href="http://www.atf.gov">www.atf.gov</a>
Bureau of Justice Assistance (OJP)	<a href="http://www.bja.gov">www.bja.gov</a>
Bureau of Justice Statistics (OJP)	<a href="http://www.bjs.gov">www.bjs.gov</a>
Civil Division	<a href="http://www.justice.gov/civil">www.justice.gov/civil</a>
Civil Rights Division	<a href="http://www.justice.gov/crt">www.justice.gov/crt</a>
Community Oriented Policing Services - COPS	<a href="http://www.cops.usdoj.gov">www.cops.usdoj.gov</a>
Community Relations Service	<a href="http://www.justice.gov/crs">www.justice.gov/crs</a>
Criminal Division	<a href="http://www.justice.gov/criminal">www.justice.gov/criminal</a>
Diversion Control Program	<a href="http://www.deadiversion.usdoj.gov/">www.deadiversion.usdoj.gov/</a>
Drug Enforcement Administration	<a href="http://www.justice.gov/dea">www.justice.gov/dea</a>
Environment and Natural Resources Division	<a href="http://www.justice.gov/enrd">www.justice.gov/enrd</a>
Executive Office for Immigration Review	<a href="http://www.justice.gov/eoir">www.justice.gov/eoir</a>
Executive Office for U.S. Attorneys	<a href="http://www.justice.gov/usao/eousa">www.justice.gov/usao/eousa</a>
Executive Office for U.S. Trustees	<a href="http://www.justice.gov/ust">www.justice.gov/ust</a>
Federal Bureau of Investigation	<a href="http://www.fbi.gov">www.fbi.gov</a>
Federal Bureau of Prisons	<a href="http://www.bop.gov">www.bop.gov</a>
Foreign Claims Settlement Commission of the United States	<a href="http://www.justice.gov/fcsc">www.justice.gov/fcsc</a>
INTERPOL Washington	<a href="http://www.justice.gov/interpol-washington">www.justice.gov/interpol-washington</a>
Justice Management Division	<a href="http://www.justice.gov/jmd">www.justice.gov/jmd</a>
National Criminal Justice Reference Service (OJP)	<a href="http://www.ncjrs.gov">www.ncjrs.gov</a>
National Institute of Corrections	<a href="http://www.nicic.gov">www.nicic.gov</a>
National Institute of Justice (OJP)	<a href="http://www.nij.gov/Pages/welcome.aspx">http://www.nij.gov/Pages/welcome.aspx</a>
National Security Division	<a href="http://www.justice.gov/nsd">www.justice.gov/nsd</a>
Office of the Associate Attorney General	<a href="http://www.justice.gov/asg">www.justice.gov/asg</a>
Office of the Attorney General	<a href="http://www.justice.gov/ag">www.justice.gov/ag</a>
Office of the Deputy Attorney General	<a href="http://www.justice.gov/dag">www.justice.gov/dag</a>
Office of Information Policy	<a href="http://www.justice.gov/oip">www.justice.gov/oip</a>
Office of the Inspector General	<a href="http://www.justice.gov/oig">www.justice.gov/oig</a>
Office of Justice Programs	<a href="http://www.ojp.gov">www.ojp.gov</a>
Office of Juvenile Justice and Delinquency Prevention (OJP)	<a href="http://www.ojjdp.gov">www.ojjdp.gov</a>
Office of Legal Counsel	<a href="http://www.justice.gov/olc">www.justice.gov/olc</a>
Office of Legal Policy	<a href="http://www.justice.gov/olp">www.justice.gov/olp</a>
Office of Legislative Affairs	<a href="http://www.justice.gov/ola">www.justice.gov/ola</a>
Office of the Pardon Attorney	<a href="http://www.justice.gov/pardon">www.justice.gov/pardon</a>
Office of Professional Responsibility	<a href="http://www.justice.gov/opr">www.justice.gov/opr</a>
Office of Public Affairs	<a href="http://www.justice.gov/opa">www.justice.gov/opa</a>
Office of the Solicitor General	<a href="http://www.justice.gov/osg">www.justice.gov/osg</a>
Office of Tribal Justice	<a href="http://www.justice.gov/otj">www.justice.gov/otj</a>
Office for Victims of Crime (OJP)	<a href="http://www.ojp.gov/ovc/">www.ojp.gov/ovc/</a>
Office on Violence Against Women	<a href="http://www.justice.gov/ovw">www.justice.gov/ovw</a>
Tax Division	<a href="http://www.justice.gov/tax">www.justice.gov/tax</a>
U.S. Attorneys	<a href="http://www.justice.gov/usao">www.justice.gov/usao</a>
U.S. Marshals Service	<a href="http://www.usmarshals.gov">www.usmarshals.gov</a>
U.S. Parole Commission	<a href="http://www.justice.gov/uspc">www.justice.gov/uspc</a>

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