

III

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

36% 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; 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 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.

Revised FY 2012 Outcome Goal: 11,200 offenders remain arrest free 1 year following release from aftercare (FY 2007-2012)

FY 2009 Progress: The Department is on target to achieve this long-term goal.

Background/Program Objectives: Residential Substance Abuse Treatment (RSAT) Program formula grant funds are used to implement four types of programs: 1) residential substance abuse treatment programs that provide individual and group treatment activities for offenders in residential facilities operated by state correctional agencies; 2) jail-based substance abuse programs that provide individual and group treatment activities for offenders in jails and local correctional facilities; 3) post-release treatment components that provide treatment following inmates' release from custody; and 4) aftercare components that require states to give preference to subgrant applicants that provide aftercare services to program participants. For all programs, at least 10 percent of the total state allocation is made available to local correctional and detention facilities for either residential substance abuse treatment programs or jail-based substance abuse treatment programs.

Performance Measure: Number of Participants in RSAT

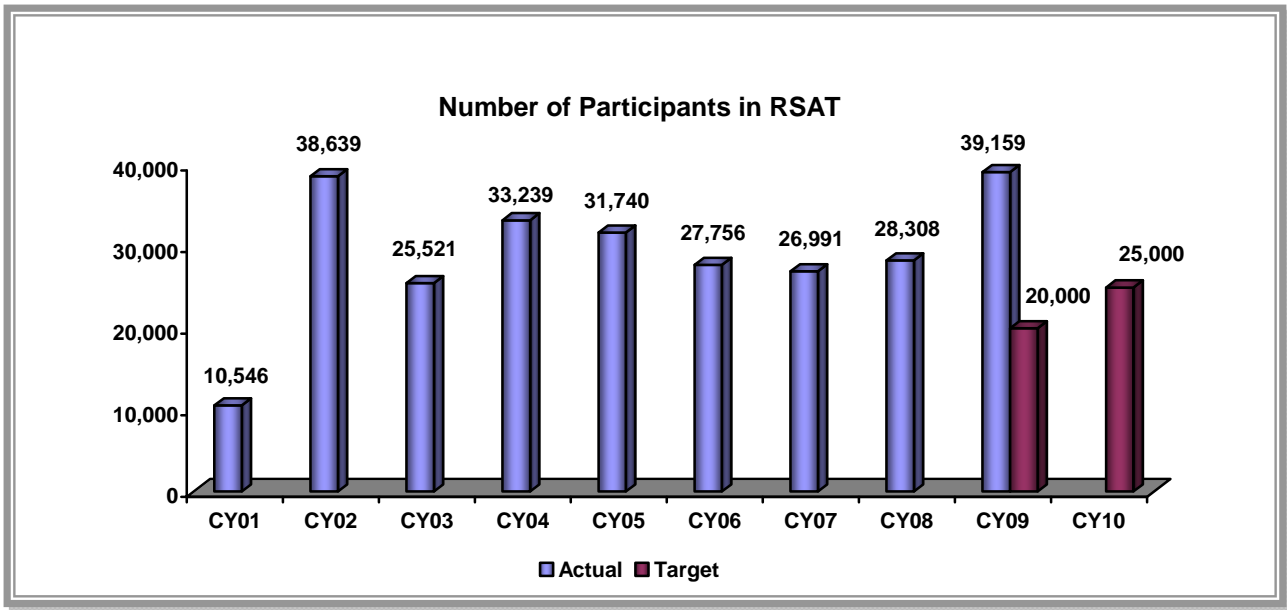
2009 Target: 20,000

2009 Actual: 39,159

2010 Target: 25,000

2010 Actual: Data for this measure is collected on a calendar year basis and will be available in September 2011

Discussion of CY 2009 Results: The target for CY 2009 is to have 20,000 participants in RSAT-funded programs. In CY 2009, there were 39,159 participants in RSAT. In past years, grantees may have undercounted the number of participants, given that they were accustomed to report one entry for all of their open and active awards. In FY 2010, the Bureau of Justice Assistance (BJA) remedied that data collection flaw, and grantees are now reporting on the number of participants for each open and active award. BJA believes these data to be more reliable.



Data Definitions: The number of RSAT Program participants is the count of program participants during the reporting period. The number of participants is collected from grantees.

Data Collection and Storage: Program managers obtain data from reports submitted by grantees into BJA’s Performance Measurement Tool (PMT).

Data Validation and Verification: Data are validated and verified through program managers’ programmatic monitoring. This oversight includes a review of all relevant material to determine grant performance, desk reviews of grantee support documentation, telephone contacts, and on-site grant monitoring.

Data Limitations: Because of previous data collection limitations regarding the variations in reporting period for the grantees, BJA migrated the collection of RSAT performance measures to the PMT, an online data collection tool. The grantees began reporting the RSAT data in the PMT for the reporting period January 1- June 30, 2009 and have reported on a quarterly basis since then. The number of RSAT participants for 2009 reflects the 2009 calendar year, but in the future, because grantees are reporting on a quarterly basis, BJA will be able to report these numbers on a fiscal or calendar year basis. The issue of variations in grantee reporting periods has been resolved.

FY 2012 Outcome Goal: Increase the graduation rate of drug court participants from 21% (FY2005) to 32% by FY 2012

FY 2010 Progress: The Department is on target to achieve this long-term goal.

Background/Program Objectives: OJP's Drug Court Program is administered by BJA and OJJDP. The Drug Court Program was established in 1995 to provide financial and technical assistance to states, state courts, local courts, units of local government, and tribal governments in order to establish drug treatment courts. Drug courts employ an integrated mix of treatment, drug testing, incentives, and sanctions to break the cycle of substance abuse and crime. Since 1989, more than 2,200 jurisdictions have established or are planning to establish a drug court. Currently, every state and two U.S. Territories have one or more drug courts in operation.

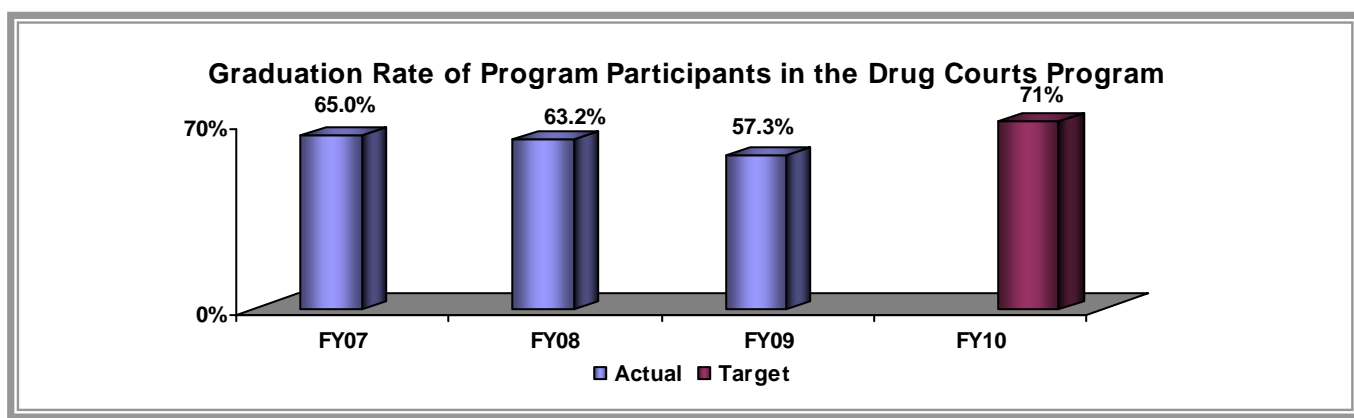
The need for drug treatment services is tremendous and OJP has a long history of providing resources to break the cycle of drugs and violence by reducing the demand, use, and trafficking of illegal drugs. Twenty-seven percent of the 6.1 million people who reported to the 2008 National Crime Victimization Survey that they had been a victim of violence believed that the perpetrator was using drugs, or drugs in combination with alcohol. Further, 54 percent of jail inmates were abusing or dependent on drugs, according to Bureau of Justice Statistics (BJS) 2002 Survey of Inmates in Local Jails. Correspondingly, 53 percent of state inmates, and 45 percent of federal inmates abused or were dependent on drugs in the year before their admission to prison, according to the BJS 2004 Survey of Inmates in State and Federal Correctional Facilities.

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

2010 Target: 71%

2010 Actual: TBD

Discussion of 2010 Results: The target for FY 2010 is a graduation rate for graduation-eligible participants of 71 percent. FY 2010 data will be available at the end of calendar year 2010.



Data Definitions: The graduation rate is calculated by dividing the number of graduates during the reporting period (numerator) by the total number of drug court participants that exit the drug court program during the reporting period due to graduating (completing program requirements) or failing to graduate as a result of noncompliance with program requirements (denominator).

Data Collection and Storage: Program managers obtain data from reports submitted by grantees into BJA's PMT.

Data Validation and Verification: Data are validated and verified through program managers' programmatic monitoring. This oversight includes a review of all relevant material to determine grant performance, desk reviews of grantee support documentation, telephone contacts, and on-site grant monitoring.

Data Limitations: Graduation rates are not reported for years prior to FY 2007 because the formula for calculating the rate was changed that year to make it more accurate. Graduation rates from 2007 forward are calculated by dividing the number of drug court participants that graduate during the reporting period by the total number of drug court participants that exit the program during the reporting period due to graduating or failing to graduate as a result of noncompliance with program requirements. Prior to FY 2007, the formula divided the number of graduates by the total number of drug court participants, regardless of eligibility for graduation and continued program participation and compliance, which resulted in lower graduation rates.

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

FY 2010 Progress: The Department is on target to achieve this long-term goal.

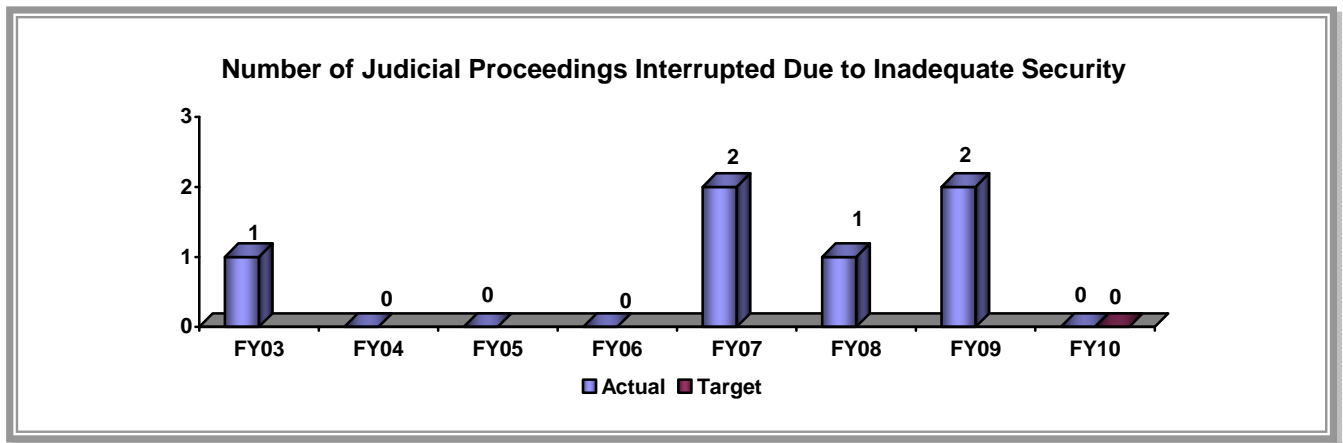
Background/Program Objectives: The USMS maintains the integrity of the Federal judicial process by: 1) ensuring that each Federal judicial facility is physically safe and free from any intrusion intended to subvert court proceedings; 2) guaranteeing that all Federal judges, prosecutors, government witnesses, jurors, and other participants are secure during court proceedings; and 3) maintaining the custody, protection and safety of prisoners brought to court for any type of criminal court proceeding.

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

FY 2010 Target: 0

FY 2010 Actual: 0

Discussion of FY 2010 Results: The USMS met its FY 2010 target of zero interrupted judicial proceedings due to inadequate security. The USMS revised the figure for the FY 2009 performance measure to two interruptions from one interruption reported at the end of last year. The change is a result of a subsequent review of courtroom incidents within the definition of “interruption” as defined below.



Data Definition: An “interruption” occurs when a judge is removed as a result of a potentially dangerous incident and/or where proceedings are suspended until the USMS calls on additional deputies to guarantee the safety of the judge, witness, and other participants.

Data Collection and Storage: The USMS uses Weekly Activity Reports and Incident Reports collected at Headquarters as the data source.

Data Validation and Verification: Before data are disseminated via reports, they are checked and verified by the program managers. These reports are collected manually.

Data Limitations: This measure has been updated with the changes to be reported in the FY 2011 PAR. Since 2007 when this measure was instituted, the USMS has changed its operating procedures whereby Judges are instructed to leave the courtroom in the face of any security threat. As a result limiting the number of interrupted proceedings is counter to our protection measures. Because protection is by nature a zero-tolerance goal, any measurement above zero is a failure in mission.

Revised FY 2012 Outcome Goal: Apprehend or clear 56% or 33,192 primary fugitives
FY 2010 Progress: The Department is on target to achieve this long-term goal.

Background/Program Objectives: The USMS has seven Regional Fugitive Task Forces (RFTF) and approximately 82 district-based warrant squads that handle the warrant workload. The RFTFs and district warrant squads rely on interagency fugitive task forces involving hundreds of Federal, state, and local law enforcement officers. Combining resources enables the USMS to focus on the most violent fugitives. In addition to domestic activities, the USMS is the lead agency responsible for extraditing U.S. fugitives that have fled to foreign countries back into this country. The USMS is also responsible for apprehending and deporting foreign fugitives within the U.S. who are wanted abroad.

As part of the fugitive apprehension mission, the USMS has been designated by the Attorney General as the lead agency for locating and apprehending non-compliant sex offenders and others who violate the provisions of the Adam Walsh Child Protection and Safety Act. A non-compliant sex offender is any person who fails to comply with Federal registration requirements.

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

Revised 2009 Actual: 32,860 or 52%

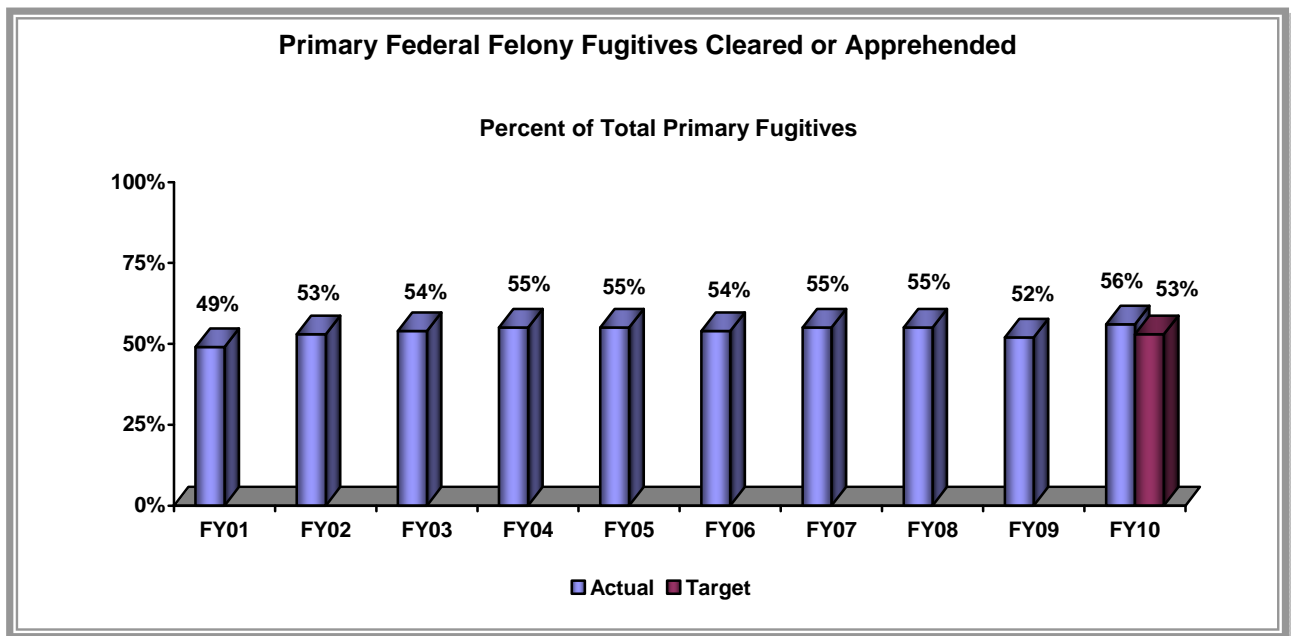
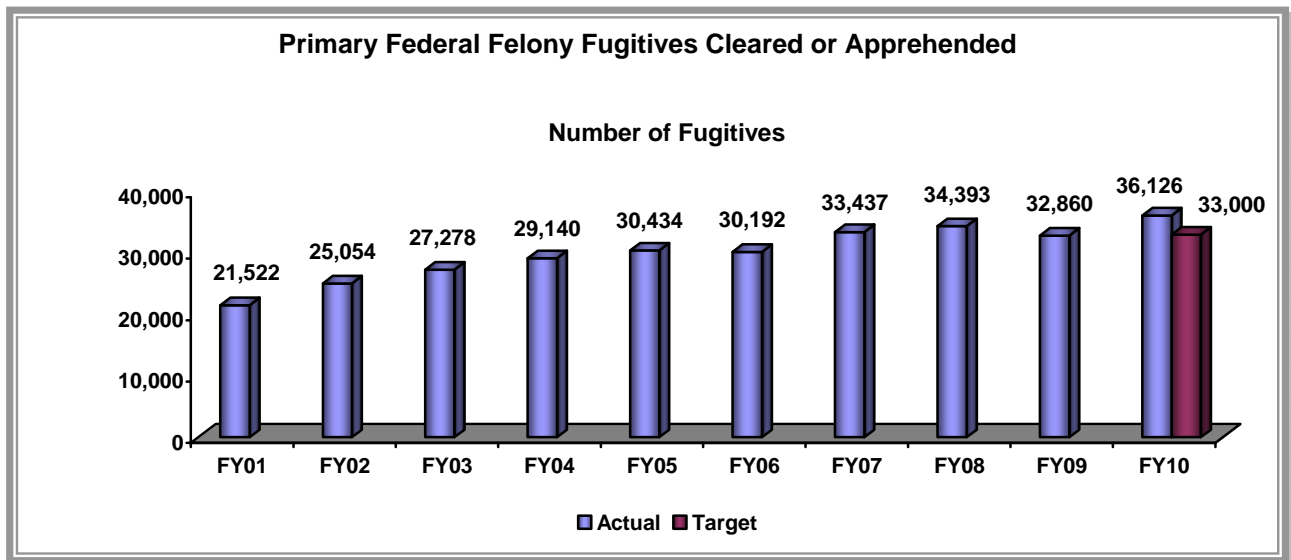
FY 2010 Target: 33,000 or 53%

FY 2010 Actual: 36,126 or 56%

Discussion of FY 2010 Results: The USMS exceeded its target of 33,000 primary Federal felony fugitives apprehended or cleared by apprehending or clearing 36,126 primary Federal felony fugitives in FY 2010. This resulted in 56% of total primary Federal felony fugitives apprehended or cleared which is more than half of all warrants on hand or received during FY 2010. Among those arrested, 3,610 were for crimes of homicide, 4,857 were gang members, and 11,072 were sex offenders. In addition, the USMS extradited or deported 805 fugitives in FY 2010.

The seven operating RFTF, in addition to the 75 district task forces, are directing their investigative efforts toward reducing the number of violent crimes. These crimes include terrorist activities, organized crime, drugs, and gang violence. The RFTF and District Fugitive Task Forces combined led to the arrest of 81,919 state and local fugitive felons in FY 2010. The USMS initiated 3,025 Federal investigations into the failure of sex offenders to meet their registration requirements.

The USMS revised the actual figure for the FY 2009 performance measure to 32,860 from the 31,119 reported at the end of last year. This adjustment is a result of the data lag as district offices continuously review and update new information as it is collected.



Data Definition: A “primary” Federal felony fugitive means that the USMS has the lead apprehension responsibility. The USMS has primary jurisdiction to investigate fugitive matters involving escaped Federal prisoners; probation, parole, and bond default violators; warrants generated by DEA and referred to the USMS; any other Federal warrant referred by another Federal agency without arrest powers; and any warrant referred by state and local agencies. A fugitive is considered “apprehended” or “cleared” if the fugitive is physically arrested or a detainer is lodged against a prisoner in state or local custody. 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: The USMS maintains a centralized Warrant Information Network (WIN) within the Justice Detainee Information System (JDIS) to collect warrant information, investigative leads, and other criminal information. Upon receipt of a warrant from a Federal judge, Deputy U.S. Marshals query the FBI’s National Crime Information Center (NCIC) through WIN to look for previous criminal information.

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 court records. The USMS is able to enhance fugitive investigative efforts by sharing data with other agencies, such as the Social Security Administration, DEA, Department of Agriculture, Department of Defense, Department of State, and a variety of state and local task forces around the country.

Data Limitations: WIN data is accessible to all USMS district offices and is continuously updated as new information is collected, thus there may be a lag in the reporting of data.

Revised FY 2012 Outcome Goal: Hold the average per day jail cost for federal detention at or below inflation.

FY 2010 Progress: The Department is on target to achieve this long-term goal.

Background/Program Objectives: The mandate of the Office of the Federal Detention Trustee (OFDT) is to manage resource allocations, exercise financial supervision of detention operations, and set government-wide detention policy. OFDT has overall management and responsibility for federal detention services relating to the detention of federal prisoners in the custodial jurisdiction of the USMS.

Costs begin at the time a prisoner is brought into USMS custody and extend through termination of the criminal proceeding and/or commitment to the Bureau of Prisons (BOP). Detention bed space for federal detainees is acquired as effectively and efficiently as possible through: (1) federal detention facilities, where the government pays for construction and operation of the facility through the BOP; (2) Intergovernmental Agreements (IGA) with State and local jurisdictions who have excess prison/jail bed capacity and where a daily rate is paid for the use of the bed; and (3) private jail facilities where a daily rate is paid.

In recent years, DOJ has not been able to rely as much on IGAs and federal facilities to meet the surge in the detention population as State and local governments are increasingly using their facilities for their own detention requirements. With space unavailable in areas where more federal bed-space is needed, DOJ has increasingly turned to the private sector.

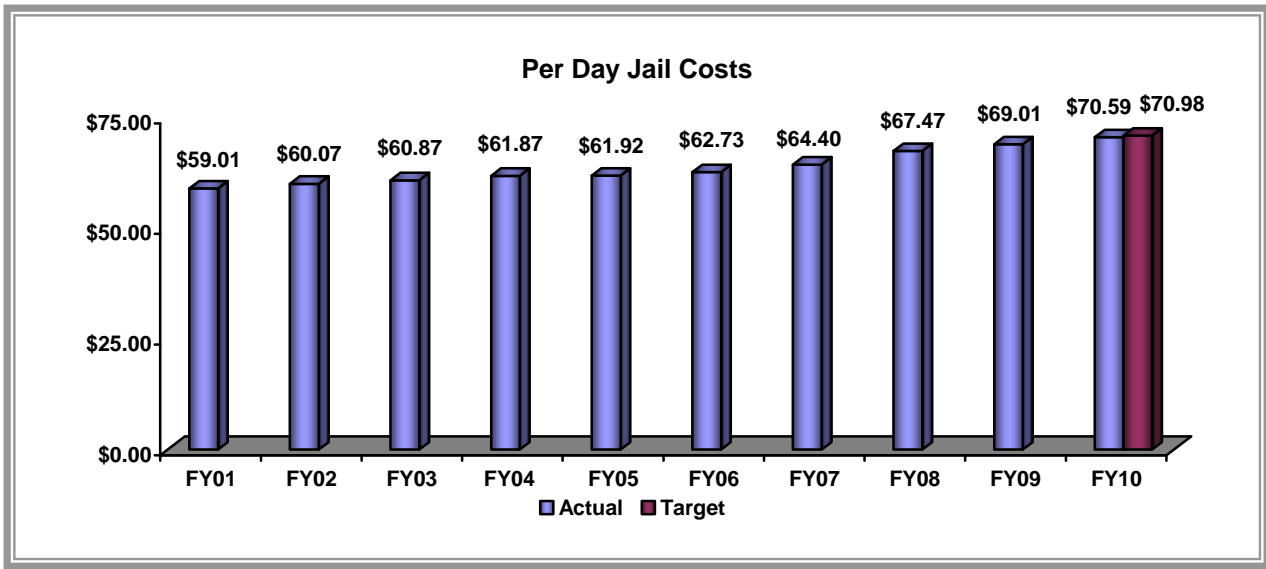
Ensuring safe, secure, and humane confinement for federal detainees is critically important. To address the variance between federal, State and local government, and privately owned and managed facilities, the federal Performance-Based Detention Standards were developed. To ensure compliance, federal contract vehicles are written or modified to reflect federal Performance-Based Detention Standards with private contractor performance compensation based on their ability to demonstrate compliance. The comprehensive Quality Assurance Review Program provides various methodologies for assessing a facility's operations to ensure 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 2010 Target: \$70.98

FY 2010 Actual: \$70.59

Discussion of FY 2010 Results: Performance was in line with expectation. There were no anomalies that caused increases in the per diem rate.



Data Definition: Per Day Jail Cost is actual price paid (over a 12-month period) by the USMS to house federal prisoners in non-federal detention facilities. Average price paid is weighted by actual day usage at individual detention facilities.

Data Collection and Storage: Data describing the actual price charged by State, local, and private detention facility operators is maintained by the USMS in their Prisoner Tracking System (PTS) and it is updated on an as-needed, case-by-case basis when rate changes are implemented. Rate information for specific facilities is maintained by USMS headquarters staff. For those private facilities where OFDT has a direct contract for bed space, the effective per diem is calculated using information obtained from OFDT’s Procurement Division. In conjunction with daily reports to OFDT of prisoners housed, OFDT compiles reports describing the price paid for non-federal detention space on a weekly and monthly basis. Data are reported on both district and national levels.

Data Validation and Verification: Data reported to OFDT are validated and verified against monthly reports describing district-level jail utilization and housing costs prepared by the USMS. For direct contracts, contract terms are verified by OFDT Procurement staff.

Data Limitations: The limitation is ensuring that USMS district level input into PTS occurs in a timely and correct manner.

Revised FY 2012 Outcome Goal: Reduce system-wide crowding in federal prisons to 28% by 2012.
FY 2010 Progress: The Department will not meet this long-term goal target by FY 2012.

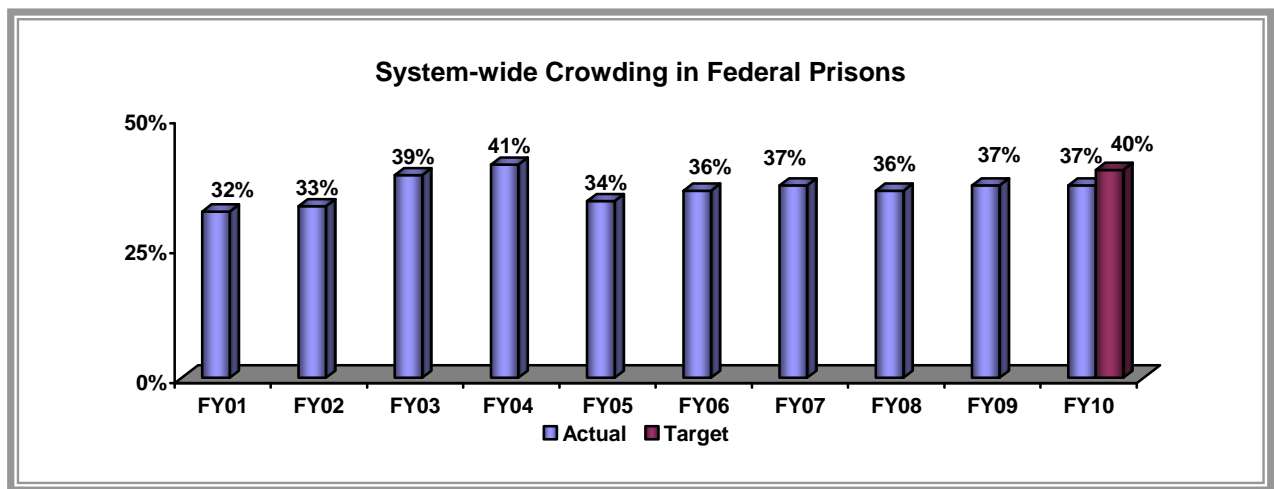
Background/Program Objectives: The BOP constantly monitors and reports weekly on facility capacity, population growth, and prisoner crowding. As Federal inmate population levels are projected to increase and continue to exceed the rated capacity of the BOP, every possible action is being taken to protect 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 2010 Target: 40%

FY 2010 Actual: 37%

Discussion of FY 2010 Results: During FY 2010, the BOP population increased by a net of 1,468 inmates. Capacity was added as a result of the final phase of activation at Federal Correctional Institution (FCI) Pollock, LA and the start of the activation at FCI McDowell, WV. As a result, the BOP was able to reach the target for rated capacity and system-wide crowding.



Data Definitions: The 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. The percent of crowding represents the rate of crowding that is over rated capacity. For example, if an institution had a number of inmates that equaled the rated capacity, this would represent 100% occupancy, which equals 0% crowding. Any occupancy above 100% represents a percentage of crowding. System-wide: represents all inmates in BOP facilities and all rated capacity, including secure and non-secure facilities, low, medium, and high security levels, as well as administrative maximum, detention, medical, holdover, and other special housing unit categories. Minimum security facilities: 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. 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 lower inmate-to-staff ratio than low security facilities. High security facilities: also known as U.S. Penitentiaries, highly secure perimeters, multiple and single cell housing, lowest inmate-to-staff 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 and Evaluation in order to project population trends. The CPC reconciles bed space needs and crowding trends to ensure that all available prison space is fully utilized, both in Federal prisons and in contract care.

Data Limitations: None known at this time.

Revised FY 2012 Outcome Goal: Ensure that there will be no escapes from secure Bureau of Prison facilities

FY 2010 Progress: The Department is on target to achieve this long-term goal.

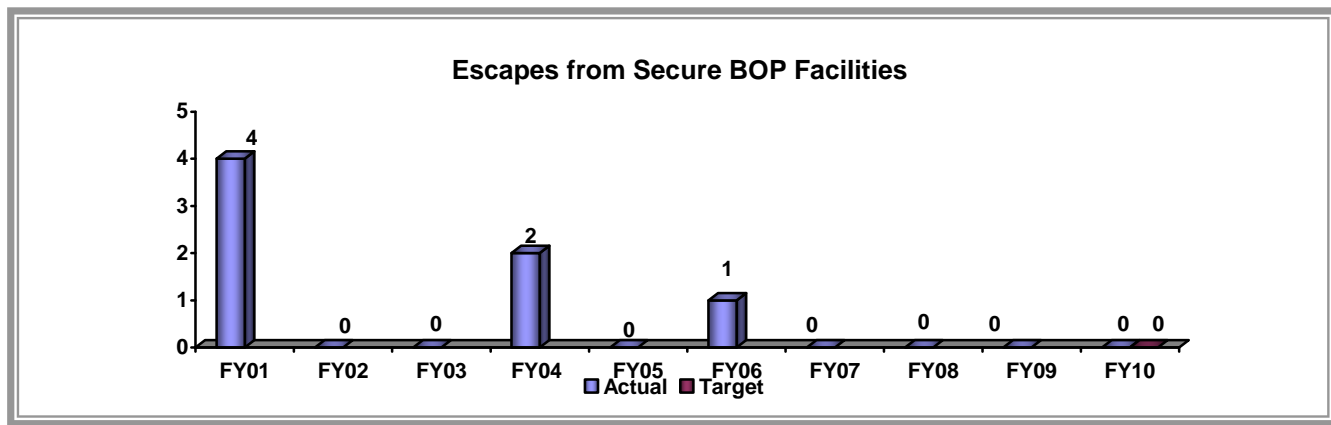
Background/Program Objectives: The BOP significantly reduces the possibility of escape with long-term emphasis on security enhancements, physical plant improvements, enhanced training, and increased emphasis on staff supervision of inmates. In the event an escape does occur, the BOP will initiate immediate 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 2010 Target: 0

FY 2010 Actual: 0

Discussion of FY 2010 Results: During FY 2010, the BOP had no escapes from secure BOP facilities.



Data Definitions: 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, 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.

Data Collection and Storage: Data for this measure are taken from the Significant Incident Reports submitted by the institution where the incident occurred. This has become an automated process, which went nationwide in August of 2009, known as the TruIntel system. The data is captured in data sets and made available to the Office of Research and Evaluation, which analyzes the data and makes the escape information available through the Management Analysis Portal, specifically the Institution Management Dashboard.

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.

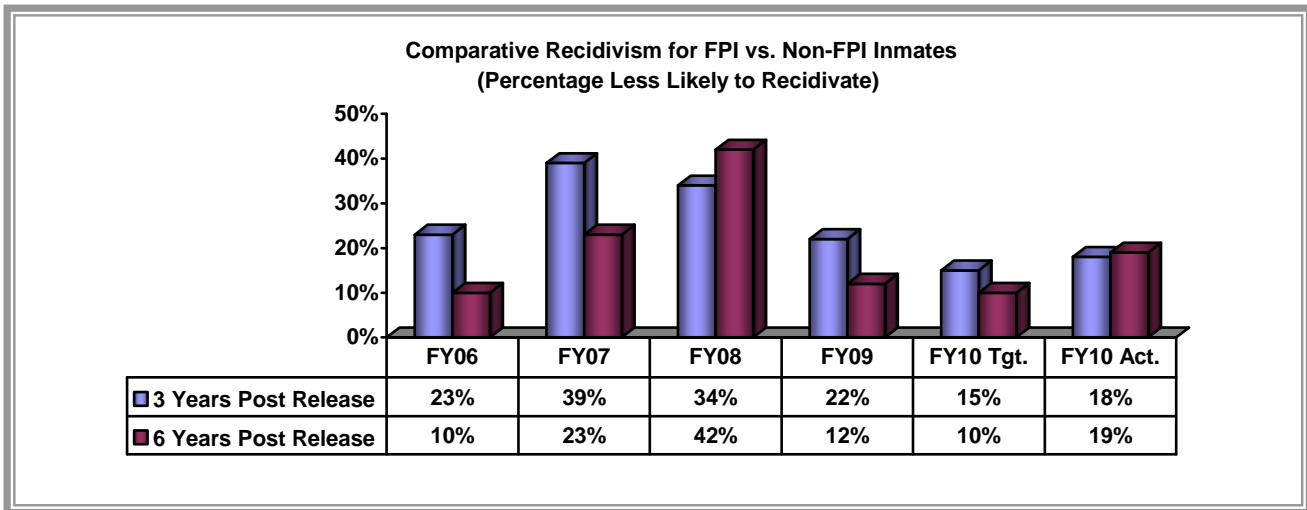
Revised FY 2012 Outcome Goal: Comparative recidivism rates for Federal Prison Industry (FPI) inmates: 15% 3 years following release, and 10% 6 years following release
FY 2010 Progress: The Department is on target to achieve this long-term goal.

Background/Program Objectives: An objective of FPI is to reduce recidivism by providing job training and helping inmates develop a basic work ethic and marketable skills, thereby allowing them to become productive law-abiding citizens. The finding of the initial performance measurement 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 replication will assess group differences 3 years and 6 years after release for recidivism defined as return to federal prison for a new offense. The targets for inmates released in FY 2004-2007 are: Inmates who participate in FPI will remain 15% less likely to recidivate at 3 years, and 10% 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 (Percentage less likely to recidivate)

FY 2010 Target: 3 years: 15%
6 years: 10%
FY 2010 Actual: 3 years: 18%
6 years: 19%

Discussion of FY 2010 Results: FPI exceeded the FY 2010 targets of 15% less likely to recidivate at 3 years and 10% less likely to recidivate at 6 years with actual results of 18% and 19% respectively.



Data Definition: Recidivism means a tendency to relapse into a previous mode of behavior, such as criminal activity resulting in arrest and incarceration. For the FY 2010 analysis, recidivism over the 6-years following release from federal prison is defined as return to BOP custody due to a conviction for a new offense and recidivism over the 3 years following release is defined as return to BOP custody for a supervised release violation or a new arrest. Adoption of the more inclusive 3-year definition for the 6-year measure would require extensive resources for obtaining and coding FBI NCIC Criminal History Records. Resources are unavailable to allow the more resource intensive recidivism definition for both the 3- and 6-year follow-up periods. The BOP will only report on the 3-year measure beginning in FY 2011.

Data Collection and Storage: Data are gathered from the BOP's operational computer system (SENTRY), and is analyzed by the BOP's Office of Research and Evaluation.

Data Validation and Verification: The data from the BOP SENTRY system is subject to verification and validation on a nearly daily basis; field staff modifies offenders' status on an on-going basis and updates the files as appropriate. The BOP data undergoes a number of quality control procedures ensuring its accuracy.

Data Limitations: Although non-citizens make up a large minority of the BOP population, they are excluded from analyses because many of them are deported following release from prison, and it is not known if they recidivate. Projected targets are based on an earlier study of recidivism by FPI participating inmates and their similarly situated non-participating counterparts. The results of this ongoing research may differ from earlier findings 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.

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

FY 2010 Progress: The Department is on target to achieve this long-term goal.

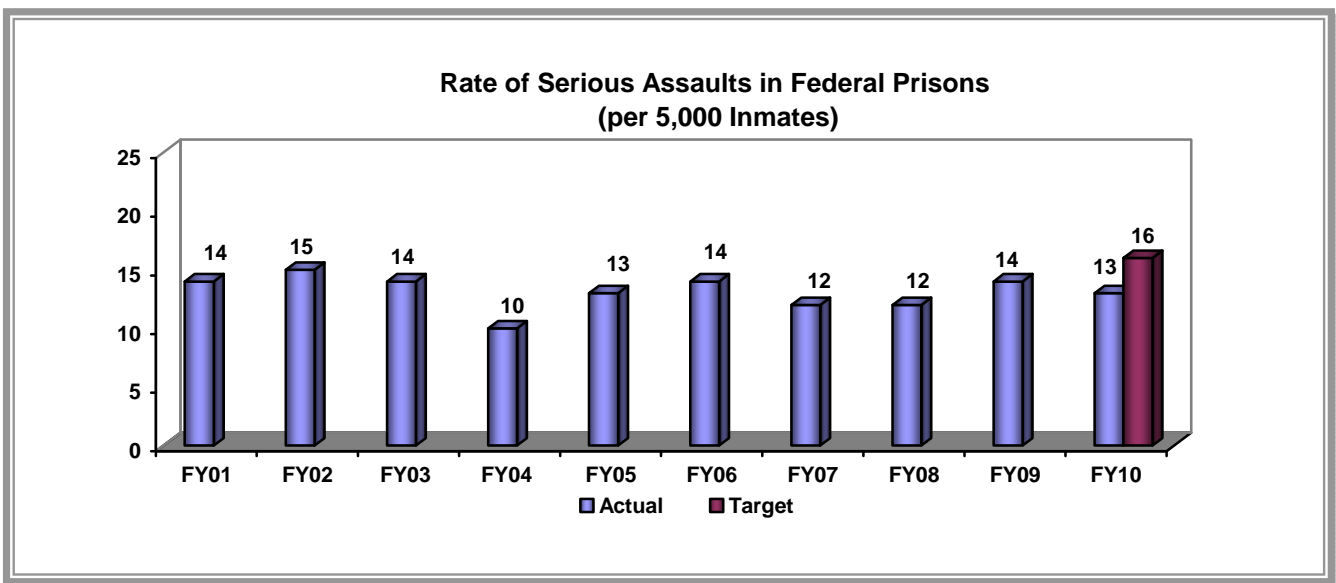
Background/Program Objectives: Every reasonable precaution is taken to ensure that inmates are provided with a safe and secure environment in facilities according to their needs. While it is the objective of the DOJ and BOP to eliminate all assaults, the target reflects projections based on historical data and observed trends. This data represents the rate of adjudicated, inmate on inmate 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 incident and reporting guilty findings. Accordingly, the figure reported represents guilty findings for incidents that occurred during the twelve month period ending the last month of the previous quarter.

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

FY 2010 Target: 16

FY 2010 Actual: 13

Discussion of FY 2010 Results: The FY 2010 target was met. The actual rate of serious assaults was 13 per 5,000 inmates, lower than the target rate of 16 per 5,000 inmates for FY 2010.



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

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 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 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.

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

FY 2010 Progress: The Department is on target to achieve this long-term goal.

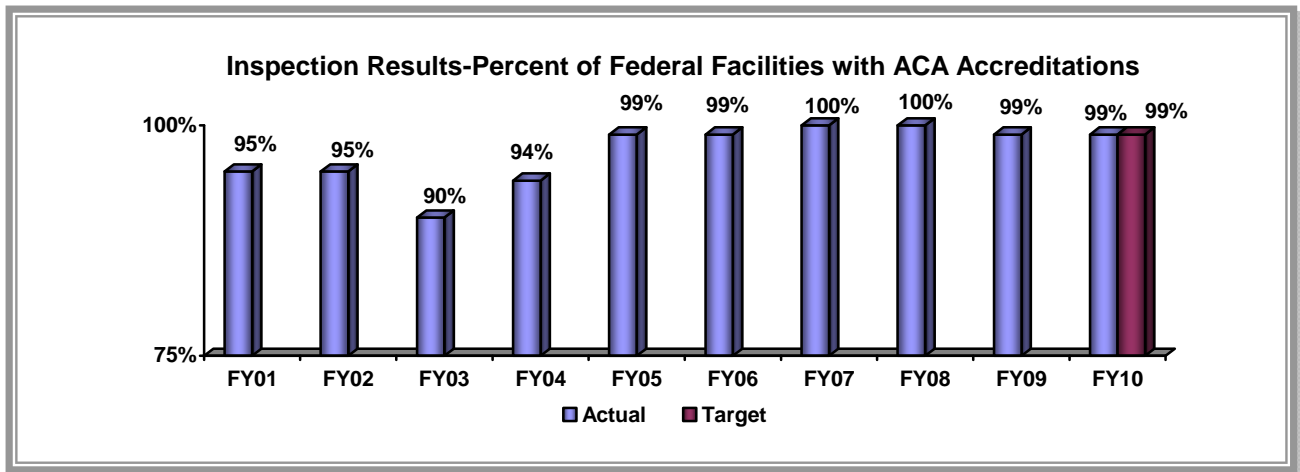
Background/Program Objectives: The BOP has the highest regard for human rights and public safety. Therefore, it strives to maintain facilities that meet the accreditation standards of several professional organizations including the American Correctional Association (ACA). ACA auditors conduct on-site 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 2010 Target: 99%

FY 2010 Actual: 99%

Discussion of FY 2010 Results: One hundred fourteen of the BOP's 115 prisons eligible to participate in the reaccreditation program maintained their accreditation. FCI Loretto, PA participated in an accreditation audit in September 2010, and is expected to be granted re-accreditation at ACA's January 2011 Winter Conference. In the latter part of September 2010, FCI McDowell, WV began activating but is not yet eligible for initial accreditation. New institutions are not considered eligible for accreditation status until approximately two years after initial activation.



Data Definitions: Initial ACA Accreditation is awarded when an institution demonstrates 100% compliance with mandatory ACA standards and substantial compliance with nonmandatory ACA standards. The BOP's policy requires all institutions to maintain ACA Accreditation.

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 institutions, and in WordPerfect files.

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.

Revised FY 2012 Outcome Goal: Complete 90% of Executive Office for Immigration Review priority cases within established timeframes.

FY 2010 Progress: The Department is on target to achieve this long-term goal.

Background/Program Objectives: The Executive Office for Immigration Review (EOIR) has 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 and other detained aliens, and adjudicative time frames for all detained appeals filed with the BIA. These targets are related to percentages of cases actually completed.

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

FY 2010 Target: 85% for International Hearing Program (IHP) and detained immigration court cases and 90% for detained appeals

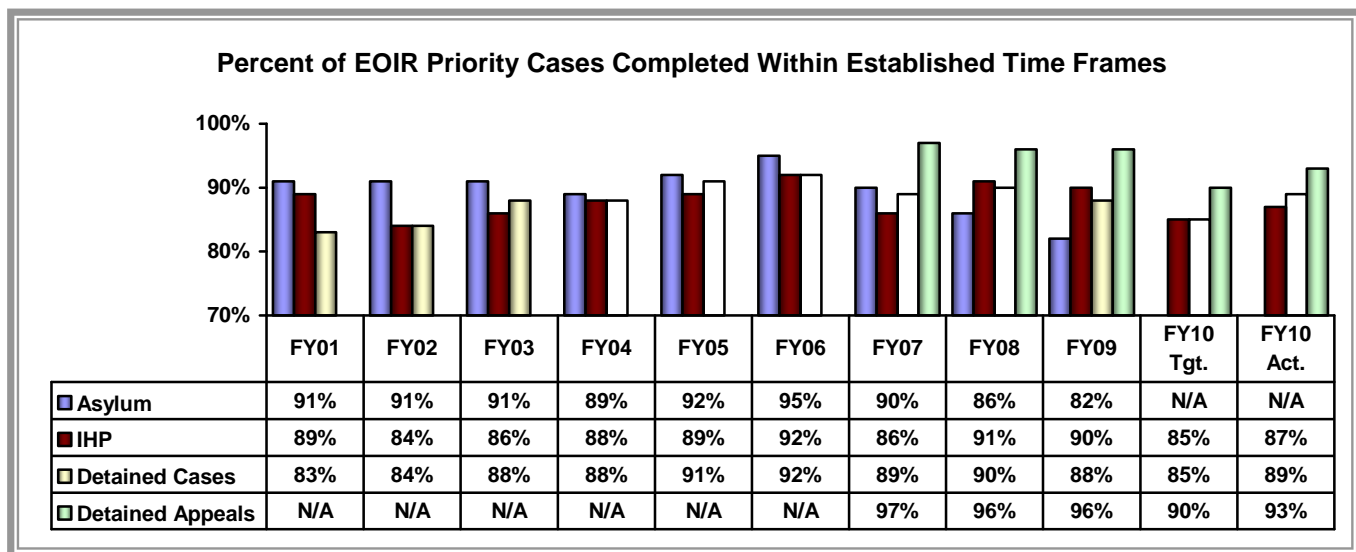
FY 2010 Actual:

Immigration Court IHP Cases Completed Prior to Release from Incarceration: 87%

Immigration Court Detained Cases Completed Within 60 Days: 89%

Immigration Court Detained Appeals Completed Within 150 Days: 93%

Discussion of FY 2010 Results: Through careful management of EOIR's resources, the agency exceeded all three of its goals for FY 2010. As part of the Department's high priority performance goal initiative, EOIR has placed its focus on hiring immigration judges so that the agency is able to continue to meet its large detained caseload. EOIR also used video teleconferencing when appropriate to handle the detained immigration court docket, including Institutional Hearing Program cases. The BIA also continued to manage its resources carefully to ensure that it exceeded its goal of completing 90 percent of detained appeals within 150 days. EOIR will continue to look at innovative ways to manage its detained docket, including close coordination with DHS.



Data Definition: The EOIR has defined its priority caseload as two types of immigration court cases (Institutional Hearing Program, and detained cases) and one type of Board of Immigration Appeals case (detained appeals). The Institutional Hearing Program (IHP) is a collaborative effort between EOIR, DHS and various federal, State, and local corrections agencies. The program permits immigration judges to hold removal hearings inside correctional institutions prior to the alien completing his or her criminal sentence. Detained aliens are those in the custody of DHS or other entities.

Data Collection and Storage: Data are collected from the Case Access System for EOIR (CASE), 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. 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: Discontinued Measure: Immigration Court Expedited Asylum Cases Completed Within 180 Days

FY 2010 Target: N/A

FY 2010 Actual: N/A

Discussion for FY 2010 Results: At the end of FY 2009, EOIR discontinued this measure. The agency shifted its highest priority to the detained caseload. These cases are the highest priority for EOIR because individuals involved in these proceedings are being detained at the expense of the United States government.

This page intentionally left blank.