

DEPARTMENT OF JUSTICE

The President's Proposal:

- Makes fighting terrorism and protecting homeland security the Department's top priority;
- Holds accountable those in corporate America who violate their positions of trust; and
- Protects our children from predators.

The Department's Major Challenge:

- Achieving a smooth transfer of the Immigration and Naturalization Service and the Office for Domestic Preparedness to the new Department of Homeland Security.

Department of Justice

John Ashcroft, Attorney General

www.usdoj.gov 202-514-2000

Number of Employees: 105,953

2003 Spending: \$22.2 billion

Major Assets: The Department is comprised of 39 separate organizations and is headquartered in Washington, D.C., although it conducts much of its work in offices located throughout the country and overseas. The Department owns 31,920 vehicles, 2,953 buildings, and 36,079 acres of land.

The Department of Justice (DOJ) is headed by the Attorney General, and comprises 39 separate organizations. Major bureaus include the U.S. Attorneys who prosecute offenders and represent the U. S. government in court; the major investigative agencies—the Federal Bureau of Investigation (FBI) and the Drug Enforcement Administration (DEA)—which prevent and deter crimes and arrest criminal suspects; the U.S. Marshals Service, which protects the federal judiciary, apprehends fugitives, and places people in federal custody; and the Bureau of Prisons (BOP), which confines federal offenders

and prepares them for reentry into society. Litigating divisions enforce federal criminal and civil laws, including civil rights, tax, antitrust, environmental, and civil justice statutes. State and local assistance programs are administered by the Office of Justice Programs (OJP) and the Office of Community Oriented Policing Services (COPS). Numerous other offices help the Department fulfill its mission. Although headquartered in Washington, D.C., the Department conducts much of its work in offices located throughout the country and overseas. The Immigration and Naturalization Service (INS) and the Office for Domestic Preparedness are now located within the newly created Department of Homeland Security, but cooperation between agencies continues to be strengthened.

Safeguarding the Nation from Terror

Since the horrific attacks of September 11th, DOJ has marshaled its full power and expertise to assist in the recovery and defend our homeland, while safeguarding liberty and freedom. The Department has helped secure the nation's borders from further attack, identified and located suspected terrorists around the world, and has begun to prosecute those who gave aid and support to the enemy. The Department is renewing its commitment to the American people that it will:

- eliminate terrorist networks wherever they exist;
- prevent terrorist attacks before they occur; and
- bring to justice those who would perpetrate terrorist acts against Americans.

Justice will have a new partner in its counterterrorism efforts: the Department of Homeland Security (DHS). In particular, Justice and DHS will collaborate in preventing terrorist attacks, just as Justice now works closely with the Department of Defense and U.S. intelligence agencies. However, the creation of DHS will bring changes and challenges to Justice's counterterrorism organization and programs.

Under legislation signed by the President, INS Enforcement is being transferred from Justice to DHS to become part of the latter's Border and Transportation Security Directorate. INS Services also goes to DHS and will become the new Bureau of Citizenship and Immigration Services. Other DOJ components are also being transferred to DHS. These components' functions previously accounted for almost 19 percent of the Department's budgetary resources. The impact of these transfers is expected to affect virtually all of the Presidential management initiatives.

At the same time, the legislation transferred the Bureau of Alcohol, Tobacco, and Firearms (ATF) from the Department of the Treasury to Justice. This transfer will give Justice additional expertise and personnel to investigate incidents involving explosives and firearms. Together, these changes will provide Justice and the federal government with a stronger response to terrorist threats.

The President's 2004 Budget builds upon existing proposals and further strengthens counterterrorism and counterintelligence efforts; it supports funding increases of \$669 million and 2,170 positions for DOJ, as shown in the accompanying table.

2004 Counterterrorism/Counterintelligence Enhancements

DOJ Component	Budget Authority (in millions of dollars)	Positions
Federal Bureau of Investigation	383	1,911
Office of Justice Programs	215	—
Bureau of Prisons	23	2
U.S. Marshals	18	222
U.S. Attorneys	2	21
Other	28	14
Total	669	2,170

Justice has revised its strategic plan and taken other actions to reinforce its counterterrorism priority. The FBI, in particular, has reorganized to focus more attention on prevention efforts, and has shifted resources from other activities to terrorism prevention.

Disrupting and dismantling terrorist networks and preventing terrorist attacks depend on timely and accurate intelligence. The budget supports a number of improvements to intelligence capabilities, including:

- \$63 million for the FBI to hire 811 more analysts and surveillance personnel to increase its ability to gather, interpret, and disseminate intelligence information more quickly and accurately.
- \$89 million to support FBI-led interagency task forces designed to identify and locate terrorists and their supporters. Funding includes \$61 million for the Foreign Terrorist Tracking Task Force (FTTTF), which collects and analyzes information to track and detect foreign terrorists and their supporters; \$12 million to expand Joint Terrorism Task Forces, which are coordinated efforts between FBI field offices and their counterparts in federal, state, and local law enforcement agencies; and \$4 million for analyses and investigation of terrorist financing.
- \$12 million to link information from federal, state, and local law enforcement to outstanding terrorism threats and investigations. This effort will leverage the Regional Information Sharing System's integrated network of regional law enforcement intelligence centers and will give law enforcement agencies better access to data mining and data integration technology.

Responding to Unconventional Threats

The terrorists behind the horrific events of September 11th used commercial aircraft in an unconventional manner, aided by flight training that was easily obtained in the United States. Intelligence gathered since then indicates that other missions involving aircraft—such as the use of crop dusters to spread toxic materials—may have been under consideration by terrorists. As of the end of 2002, the new FTTTF has processed—on an expedited basis—over 27,000 background checks of pilots. The FTTTF identified 194 individuals who were possible absconders (or aliens who have received and ignored final orders of deportation), traveling on stolen passports, or visa violators, for further investigation. Increased scrutiny is already being given to flight school students, and will be critical to preventing future terrorist acts from the illicit use of private aviation.



Crop dusters spraying forest land.

In addition to protecting the nation by preventing terrorist attacks, the Administration is committed to mounting a quick response to any potential terrorist activity. Among the new initiatives are:

- \$28 million for new agents and other staff to enhance the FBI's capacity to investigate and respond to terrorist acts;
- \$60 million to investigate and respond to cybercrime, including attacks against the nation's critical infrastructure, such as transportation systems, financial services, and power supplies;
- \$24 million for FBI response units, such as aviation support, crisis response, and hostage rescue/SWAT teams;
- \$37 million to support improved personnel, facility, and information security in the FBI;
- \$23 million for additional maximum security prison space to house terrorist inmates;
- \$2 million is requested to assist the United States Attorneys in counterterrorism prosecutions; and

- \$2.5 million to increase training for state and local enforcement on the investigation and prosecution of terrorist incidents. DHS will support law enforcement training on incident management and response.

Fighting Corporate Fraud



A corporate executive is led away after pleading guilty to charges related to accounting fraud. In 2002, the rate of corporate criminal probes has gone up, and a record 598 civil enforcement actions were brought against individuals and companies accused of breaking securities laws.

Catching Corporate Crooks

I say as plainly as I can to CEOs: if you break the law, we will hunt you down, we will arrest you, and we'll prosecute you.

President George W. Bush

August 13, 2002

The Administration will aggressively pursue, investigate, and prosecute those in corporate America who violate their positions of trust, whether they are corporate officers, directors, accounting firms, or other advisers, or lending institutions. A multi-agency Corporate Fraud Task Force has been established to lead these investigations—and to prosecute individuals when appropriate. The task force is focusing its efforts on “real-time enforcement” to bring cases to court in a matter of months rather than years. The task force has already used real time enforcement to bring indictments and obtain guilty pleas.

Recently, several large corporations have failed or suffered significant economic losses caused by accounting fraud and other misconduct. Such losses resulted in the pensions and jobs of lifelong employees being wiped out. Stockholders and other investors also have suffered significant losses, as has the general economy. The President’s Budget includes an additional \$25 million for DOJ to expand investigative and prosecutorial capacity to address this crisis of confidence. The FBI will receive \$16 million of this amount to hire additional agents to investigate corporate fraud; the balance will go to the U.S. Attorneys and Legal Divisions to prosecute aggressively those involved in criminal acts of corporate fraud. Complementing the Justice efforts will be those of the Securities and Exchange Commission, whose budget will nearly double over the 2002 level to enhance its role in fighting corporate fraud.

Combating Crime

As DOJ reprioritizes to focus on counterterrorism, state and local law enforcement agencies will bear a larger responsibility in the fight against crime. While the budget reduces overall grant funding, the Department will maintain or expand funding for select high-impact initiatives that can bring closure to unsolved crimes, break the cycle of offenders’ drug abuse, and reduce gun-related violence in our communities.

- The Administration will seek \$190 million to help clear the backlog of unanalyzed DNA samples, invest in the latest crime lab technology, train criminal justice professionals to make better use of DNA evidence, and promote other uses of forensic DNA to prosecute offenders and exonerate the innocent.
- Given the well-established link between drug abuse and crime, the Administration proposes an additional \$16 million to enhance the capacity and effectiveness of the Drug Courts program, which supports state and local court-supervised treatment and testing of low-level, non-violent drug offenders.
- The budget also increases funding for the Youth Gun Crime Interdiction initiative of Project Safe Neighborhoods, a national network of law enforcement and community initiatives set up to enforce existing gun laws and deter gun crime. As a result of the ATF transfer, the entire \$328 million Project Safe Neighborhoods initiative now falls within DOJ.

Protecting Our Children. The President's Budget proposes additional support for programs that have proved effective in safeguarding children.

Computer telecommunications have become one of the most prevalent techniques used by pedophiles and other sexual predators to transmit illegal photographic images of minors and to lure children into illicit sexual relationships. The FBI's Innocent Images initiative identifies and investigates sexual predators who use the Internet to sexually exploit children. Funding has been increased by over 31 percent to add more FBI agents to aid in the fight against these predators.



Do You Know Where Your Children Are? They're on the Internet.

The Internet brings the world faster communication, entertainment, information, and many other benefits. It also can bring risk, particularly to the young who are not able to recognize and avoid potential dangers. The temptation of Internet chat rooms can lead children astray when those at the other end of an electronic connection are not who or what they claim. The FBI's Innocent Images program focuses on identifying and arresting Internet predators trying to lure minors into illegal acts. The FBI reported 646 convictions in 2002 for crimes against children via computer.

The request for the Missing and Exploited Children Program maintains the same strong commitment to the Internet Crimes Against Children Task Forces, which links federal, state and local law enforcement efforts to prevent and prosecute online child predators. For 2004, the budget also proposes a \$2.5 million increase for the AMBER Alert initiative, which alerts the public about child abductions in their area. The AMBER Alert program has already led to the recovery of 41 abducted children.

To help prevent the avoidable deaths and injuries that result when children gain unsupervised access to family firearms, the Administration will continue the Project ChildSafe initiative, which aims to make gun locks available for every gun owner in America. Due to DOJ's ability to obtain cost-effective locks in bulk, the goal can be achieved ahead of schedule and under budget with \$26 million in 2004.

Drug Enforcement. The Department's drug enforcement strategy is aimed at reducing the supply of illegal drugs in the United States. The centerpiece of the strategy calls for strengthening the Organized Crime and Drug Enforcement Task Force (OCDETF) program and restoring its original purpose of targeting the most significant domestic and international drug traffickers. The OCDETF program is charged with leading the Department's effort, in consultation with the DEA and the Office of National Drug Control Policy, to develop the first-ever national list of targeted drug trafficking organizations. This new centralized and coordinated approach is expected to result in a five-percent reduction in 2004 in the availability of drugs on the street and a more efficient and effective use of federal resources.

Breaking the Chain of Drugs and Terror

The OCDETF investigation Operation Mountain Express III resulted in the dismantlement of a massive international trafficking ring involved in the smuggling of pseudoephedrine in tractor trailer loads from Canada via Detroit and Chicago to California, where the drug was used by organizations run from Mexico to produce large quantities of methamphetamine in clandestine laboratories. OCDETF investigators from DEA, Customs, the IRS, and the Royal Canadian Mounted Police uncovered a link between these Canadian and U.S.-based pseudoephedrine traffickers and Middle East terrorist groups. These traffickers were funneling their profits to organizations in the Middle East with connections to known terrorist organizations, including Hezbollah. This OCDETF investigation resulted in the arrests of defendants in 12 cities across the United States and Canada and the seizure of over 35 tons of pseudoephedrine (with a potential production capability of 30,000 pounds of methamphetamine), 179 pounds of finished methamphetamine, six clandestine laboratories, and \$4.5 million in U.S. currency.

In support of this strategy, the budget combines the Treasury, Transportation and Justice OCDETF programs within DOJ and increases the combined funding level by 15 percent over the combined funding level in 2003. Significant increases include:

- \$22 million to expand the FTTTF to include drug investigative information from OCDETF agencies;
- \$26 million to expand drug investigations linked to the Attorney General's Consolidated Priority Organization Target list; and
- \$10 million to expand drug-related financial and money laundering investigations.

Performance Evaluation of Select Programs

Program Assessment Rating Tool (PART) analyses were completed for 10 DOJ programs, including the DEA, BOP, FBI, and various OJP activities. There is wide variance in the effectiveness ratings among the DOJ programs subjected to the PART assessment. A consistent theme throughout the PART analyses, however, is the lack of long-term, outcome-oriented goals. DOJ intends to develop goals that align with its strategic objectives. For further details, see the DOJ chapter in the *Performance and Management Assessments* volume.

Program	Rating	Explanation	Recommendation
Bureau of Prisons (BOP)	Moderately Effective	BOP was established seven decades ago and represents over 15 percent of DOJ's total budget authority. BOP has seen a dramatic increase in funding and inmate population over the past decade. While rated moderately effective, BOP lacks long term, measurable goals with associated targets and timeframes.	The budget requests the activation of newly constructed prison facilities and increased reliance on contract bedspace for low/minimum/special category inmates.
Drug Courts	Results Not Demonstrated	The program has been instrumental to the creation of hundreds of drug courts throughout the country. Independent studies indicate these courts can provide an effective intervention to substance abusers who might not otherwise receive treatment, and generally result in lower re-arrest rates. There is room for improvement in clarifying this program's long-term scope and goals, and in collecting grantee data.	The budget proposes a \$16 million increase, which will support the creation of additional courts, as well as initiatives to lower the program's drop-out rate and improve long-term effectiveness.
Community Oriented Policing Services (COPS)	Results Not Demonstrated	COPS surpassed its original goal of funding 100,000 police officers. Through 2002, almost 117,000 officers have been funded. Yet fewer than 90,000 COPS-funded officers are actually "on the street," and their impact on crime is unclear.	The budget requests no funding for the hiring program, but continues other community policing programs and provides that officer hiring is a permissible use of Justice Assistance Grant funds.
Juvenile Accountability Block Grants	Ineffective	The program lacks clear objectives, performance goals, or measurable results. Application criteria are minimal. Grants can be used for 16 different activities and there is no consistent definition of "accountability." As a result, it is not currently possible to link funding to performance.	The budget requests no funding for this program in 2004.

Program	Rating	Explanation	Recommendation
Drug Enforcement Administration (DEA)	Results Not Demonstrated	<p>Program is unable to demonstrate progress in reducing the availability of illegal drugs in the United States. Strategic goals and objectives lack specificity in targets and time frames.</p> <p>Annual performance measures need further refinement to establish links to an impact on drug availability, baseline data, and ambitious targets.</p> <p>Program managers are not held accountable for achieving results.</p>	<p>DEA will collect appropriate performance information to determine what effect its efforts have on the drug problem. In addition, DEA will: 1) revise its strategic plan to include specific, ambitious goals with clear time-frames, and continue to develop and refine existing performance measures; 2) continue development of more specific measures that could assist in resource allocations, priority shifts, or other management actions; 3) hold managers accountable for performance by identifying specific performance goals and schedules, and implementing periodic reviews to assess results; and 4) contract for a comprehensive, independent evaluation of its program performance.</p>

DOJ has the mission of helping state and local law enforcement win the war on terror and fight crime, while at the same time ensuring that federal dollars are used effectively. Of particular concern are the billions of dollars in state and local law enforcement grants that have been awarded through programs that lack verifiable performance goals or measures, such as the State Criminal Alien Assistance Program, Byrne formula grants, Local Law Enforcement Block Grants, Juvenile Accountability Block Grants, and COPS hiring grants. Some of these programs were eliminated in the 2003 Budget, and others have been assessed using the new PART.

For example, in rating the Juvenile Accountability Block Grant Program (JABG) ineffective, the PART analysis found that it had no long-term objectives or annual performance goals. Funding criteria are minimal, there are competing definitions of "accountability," and there is no clear standard of performance through which the Department can hold grantees accountable. As these flaws appear inherent to JABG's structure, the budget does not fund this program. The PART found similar, though less severe, problems with other grant programs' performance goals and measures. The Administration will continue to use Government Performance and Results Act, the PART analysis, and other evaluations to develop better outcome measures for these programs, and to determine what works and what does not.

COPS—Mission Complete

Through the end of 2002, the COPS program had awarded grants to hire or redeploy 117,000 police officers, over 16 percent more than the original goal of funding 100,000 by the end of 2000. However, despite the expenditure of \$7 billion for such hiring grants since 1994, the program's impact on crime is inconclusive, and grantees cannot account for almost 18,000 of the positions funded through 2000. Given this track record, and the new focus on law enforcement initiatives to prevent and respond to future terrorist attacks, no funding is requested for COPS hiring grants.



The COPS program's impact on crime has been inconclusive.

Shortening the Timeline for Prisons

In 2004, an additional \$252 million is requested to activate seven new prisons: four medium- and three high-level facilities. The prisons are located in various regions and will help maintain system-wide capacity and occupancy at reasonable levels. Funding for opening the new prisons is made available, in part, by using previously appropriated planning and construction resources that are not needed at this time.

Funding for BOP has doubled in the past decade and now accounts for over 28 percent of the Department's total budget. These increases are due exclusively to providing new prison bedspace to keep pace with the rapidly growing number of federal inmates. In the past, BOP received funding for new projects in a piecemeal fashion. First, there was a site selection phase; then an architectural and design phase; then a construction phase; and finally, an activation phase. Further slowing the process, BOP would have to enter into "hard sell" negotiations with potential prison-host communities. Lengthy lead times were required to convince community and business leaders, civic groups, and local and national political representatives to accept having a federal prison facility in their backyard. This prolonged approach to prison construction took years to complete.

Under improved practices currently in use, BOP enters into a two-step process: 1) site/selection/environmental review; and 2) design/build contracts. By using this method, BOP is able to reduce significantly the time it takes to construct and activate prisons. The design/build concept has already been successfully demonstrated at several new BOP prison complexes, saving BOP time and construction dollars. For example, BOP's Petersburg, Virginia medium-security and the Coleman, Florida high-security prisons were completed in just 25 months. This streamlined process also allows the Department to consider alternatives to traditional prison construction projects, including purchasing private facilities and increasing the use of contract facilities to meet future prison bedspace needs. BOP has already acquired a former monastery, an Olympic village, and a community college to help meet its prison bedspace needs. Community resistance to prison facilities is now rare. Local communities nationwide now compete for federal prison projects.

Private Prisons—No Vacancy

Today, 16 percent of federal inmates are housed in non-BOP prisons, approximately 13,000 are in privately managed prisons, and another 13,000 are in state and local correctional facilities. Just 1.5 percent of federal inmates were housed in non-BOP facilities 20 years ago.

Some years ago, BOP committed to contracting out bedspace for certain low/minimum-security inmates. Currently, BOP has contracted bedspace for its criminal alien and juvenile inmate populations—as these groups fall outside the normal classification of federal inmates. This year, BOP also developed a separate classification for female inmates. Female offenders are mostly non-violent and generally do not require the same degree of security as male offenders. Therefore, contracting out for this population is appropriate and can save millions in construction dollars and reduce female inmate crowding, currently estimated at 60 percent above the number of inmates that facilities were built to house. Funding requested in the President's 2003 Budget for construction of a secure female facility to be activated in 2005 is being proposed for rescission, so that funding to contract out for new female inmate bedspace is being requested in 2004.

All for One and One for All

For 2004, law enforcement asset forfeiture fund responsibility is proposed for transfer from the Department of the Treasury to DOJ. Seized assets consist mainly of real property, cash, vehicles, jewelry, and commercial businesses. These assets are forfeited by convicted criminals and then sold with the proceeds deposited into the asset forfeiture fund. A single government-wide asset forfeiture fund, which is crucial to information and resource sharing among federal, state, and local governments, will end the confusion and complexity that arises among various law enforcement agencies in compensating informants, sharing forfeited proceeds, and reporting requirements.

Update on the President's Management Agenda

	Human Capital	Competitive Sourcing	Financial Performance	E-Government	Budget and Performance Integration
Status	●	●	●	●	●
Progress	●	●	●	●	●

DOJ is reducing or eliminating lower priority programs, curtailing inflationary increases, and redirecting personnel and resources to those programs and initiatives that are critical to the fight against terrorism and ensuring our nation's homeland is secure. Justice's 2004 budget is presented in a new format which allows the identification of programs which are performing and those that are not. In short, if programs are not meeting their goals, are duplicative or are underperforming, they will be reduced, terminated, or redirected. Overall, Justice has made good progress in the implementation of the President's Management Agenda initiatives, but remains a long way from reaching the goals.

Department of Justice
(In millions of dollars)

	2002 Actual	Estimate	
		2003	2004
Spending			
Discretionary Budget Authority:			
Federal Bureau of Investigation.....	4,294	4,241	4,640
Drug Enforcement Administration	1,499	1,546	1,559
Bureau of Alcohol, Tobacco, Firearms, and Explosives	781	802	852
Federal Prison System	4,617	4,480	4,492
U.S. Marshals Service	670	706	721
U.S. Attorneys	1,405	1,506	1,557
Organized Crime and Drug Enforcement Task Forces.....	338	362	542
State and Local Assistance	4,344	2,668	2,282
All other programs	1,729	1,998	2,133
Subtotal, gross discretionary budget authority.....	19,677	18,309	18,778
Less Crime Victims Fund delay ¹	—	—	-1,081
Total, net discretionary budget authority ²	19,677	18,309	17,697
Mandatory Outlays:			
September 11 th Victims Compensation	20	2,740	2,361
Asset Forfeiture Fund			
Existing law	419	467	471
Legislative proposal	—	—	221
All other programs	1,069	955	1,632
Total, Mandatory outlays	1,508	4,162	4,685

¹ Savings from the Crime Victims Fund were \$1,033 million in 2002 and \$1,261 million in 2003.

² Includes \$1.1 billion in 2002 supplemental funding.