

IV

STRATEGIC GOAL 4: Ensure the Fair and Efficient Operation of the Federal Justice System

24% of the Department's Net Costs support this Goal.

An integral role of the Department of Justice is to help in the administration of our federal justice system. To ensure the goal of the fair and efficient operation of our federal system the Department must provide for a proper federal court proceeding by protecting judges, witnesses, and other participants in federal proceedings, ensure the appearance of criminal defendants for judicial proceedings or confinement, and ensure the apprehension of fugitives from justice. As part of the Department's role of bringing a defendant to trial it also affords a safe, secure, and humane confinement of the defendant awaiting trial and/or sentencing. As a just society it is the Department's objective to provide a safe, secure, humane, and efficient environment to send violators of our justice system. In order to improve our society and reduce the burden on our justice system, the Department puts forth the goal of providing services and programs to facilitate inmates' successful reintegration into society, consistent with community expectation and standards. Additionally, the Department strives to adjudicate all immigration cases promptly and impartially in accordance with due process.

FY 2008 Outcome Goal: Ensure that no judicial proceedings are interrupted due to inadequate security

Background/Program Objectives: The USMS maintains the integrity of the judicial security process by: (1) ensuring that each federal judicial facility is secure – physically safe and free from any intrusion intended to subvert court proceedings; (2) guaranteeing that all federal judges, magistrate judges, bankruptcy judges, prosecutors, witnesses, jurors, and other participants have the ability to conduct uninterrupted proceedings; (3) maintaining the custody, protection, and safety of prisoners brought to court for any type of judicial proceeding; and (4) limiting opportunities for criminals to tamper with evidence or use intimidation, extortion, or bribery to corrupt judicial proceedings.

The number of interrupted judicial proceedings due to inadequate security reflects proceedings that required either removal of the judge from the courtroom, or the addition of USMS Deputy Marshals to control a situation.

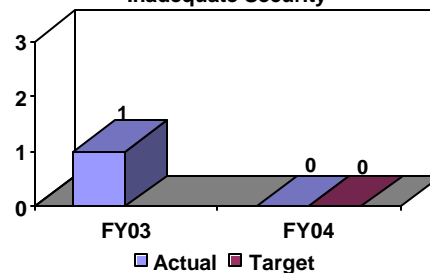
Performance Measure: NEW MEASURE: Number of Judicial Proceedings Interrupted Due To Inadequate Security

FY 2004 Target: 0

FY 2004 Actual: 0

Discussion: The USMS continues to successfully provide security for the Federal judicial system by accomplishing all aspects of our judicial mission, from screening entry into courthouses to continually updating security equipment.

NEW MEASURE: Number of Judicial Proceedings Interrupted Due to Inadequate Security



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 was not tracked or reported until FY 2003.

FY 2008 Outcome Goal: Apprehend or clear 51%, or 105,512 fugitives

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

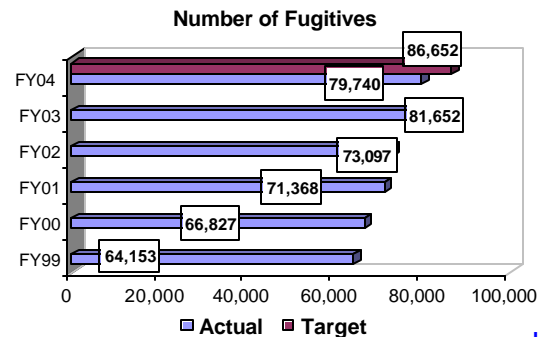
Major Case fugitives are the highest priority fugitives sought by the USMS and consist of all fugitives connected with the USMS 15 Most Wanted and Major Case Programs. Fugitive investigations are designated as major cases according to: a) the seriousness of the offenses charged; b) the danger posed by the fugitive to the community; c) the fugitive's history of violence, career criminal status, or status as a major narcotics distributor; d) the substantial regional, national, or international attention surrounding the fugitive investigation; and/or e) other factors determined by the USMS.

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

In support of its fugitive mission, the USMS provides investigative support such as telephone monitoring, electronic tracking, and audio-video recording. In addition, analysts provide tactical and strategic expertise, and judicial threat analysis. The USMS maintains its own central law enforcement computer system, the Warrant Information Network (WIN), which is instrumental in maintaining its criminal investigative operations nationwide.

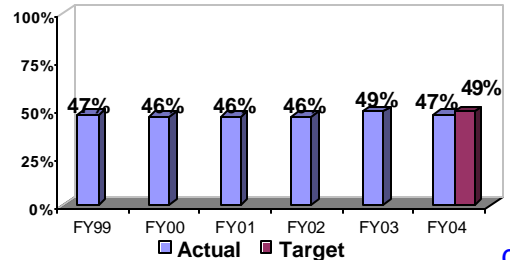
In addition, the USMS is able to enhance fugitive investigative efforts through data exchanges with other agencies, such as the Social Security Administration, the DEA, the Department of Agriculture, the Department of Defense, the Department of State, and a variety of state and local task forces around the country.

Federal Fugitives Apprehended or Cleared



d

Percent of Total Fugitives



d

Data Definition: Fugitives Cleared includes fugitive cases for which the USMS has successfully completed all aspects of closure, and has removed from the active and outstanding records. This definition holds true in cases where we do or do not have primary apprehension responsibility.

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

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

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

Performance Measure: Federal Fugitives Cleared or Apprehended

FY 2004 Target: 49% or 86,652

FY 2004 Actual: 47% or 79,740

Discussion: The combination of the impact of additional workload generated by the USMS' Regional Fugitive Task Forces (RFTF) and the discovery of random spikes of dismissals of federal misdemeanor fugitive cases has caused the USMS to reconsider its performance targets for fugitive apprehension.

Because of the RFTFs, state and local agencies have a way to track down their most violent fugitives across the U.S., territories, and even into foreign countries. As a result of the USMS involvement in state and local cases through the RFTFs and other USMS led task forces, state, and local cases cleared by the USMS has risen by 26% from FY2003 to FY2004. This increase has made it difficult to keep pace with the growing federal fugitive workload.

Additionally, in an analysis of clearance rates of federal misdemeanor fugitive cases, anomalies were discovered that resulted in overly ambitious projected targets. This practice has been occurring over the course of many years and at unpredictable times.

FY 2008 Outcome Goal: Achieve a per-day jail (federal detention) cost of \$66.13

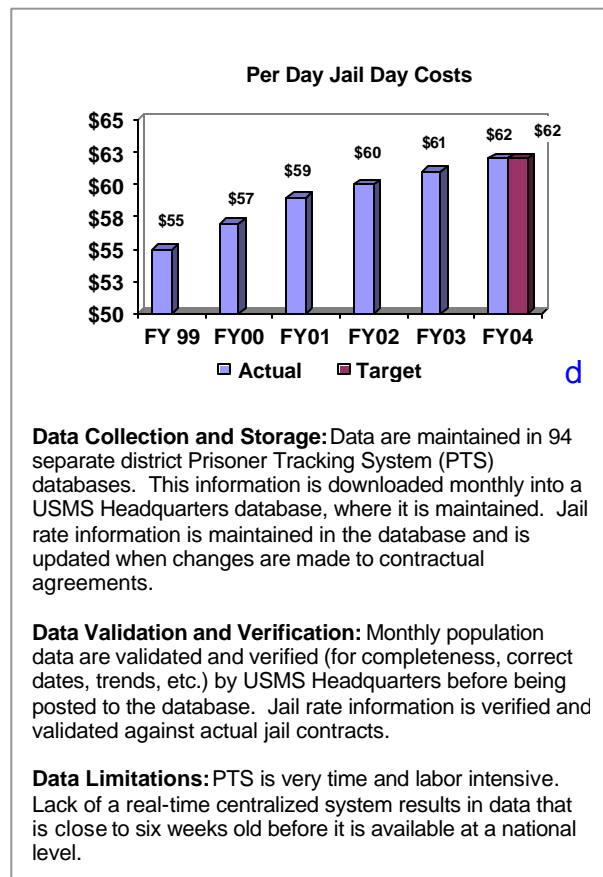
Background/Program Objectives: The Office of Federal Detention Trustees' (OFDT) mission is to provide oversight of detention management, and improvement and coordination of detention activities, including the effective and efficient expenditure of appropriated funds with a consistent approach, to ensure Federal agencies involved in detention provide for the safe, secure and humane confinement of persons in the custody of the United States.

Performance Measure: Per Day Jail Day Costs

FY 2004 Target: \$62

FY 2004 Actual: \$62

Discussion: In FY 2004, OFDT met its target by working with the USMS, BOP, and the Federal Judiciary to contain costs. This was accomplished through renegotiating long-term contracts with private detention providers, ensuring that sufficient funds are available to the federal courts for detention alternatives, such as electronic monitoring, halfway house placement, and drug testing and treatment, and establishing work groups to ensure the efficient exchange of data between member agencies.

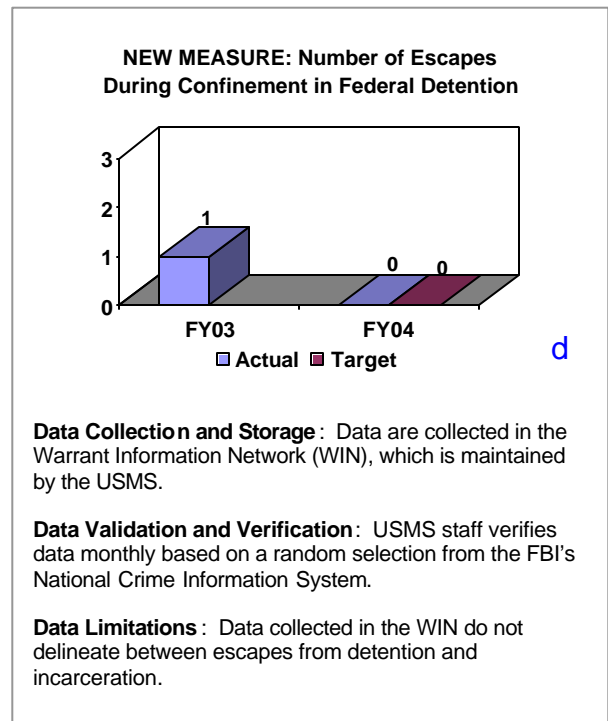


FY 2008 Outcome Goal: Ensure that there are no escapes during confinement in federal detention

Background/Program Objectives: When contracting with private, state, and local facilities, OFDT ensures that detainees be housed in a safe, secure and humane manner. For example, the facility must have a comprehensive inmate accountability program that ensures every inmate is accounted for while in custody. The OFDT evaluates and ensures through quality control mechanisms and checks that these contract facilities have constant and effective security measures and practices in place to minimize escapes and protect the community.

Performance Measure: NEW MEASURE: Number of Escapes During Confinement in Federal Detention
FY 2004 Target: 0
FY 2004 Actual: 0

Discussion: In FY 2004, OFDT met its target by evaluating quality control mechanisms and conducting checks to ensure that private, state and local facilities have effective security practices and measures in place to minimize escapes. In addition, OFDT established a work group, comprised of OFDT, USMS, ICE, and BOP to further refine National Detention Standards to provide a framework for review methodology for non-federal detention facilities under contract with USMS or ICE, to ensure those facilities house detainees in a safe, secure and humane manner.



FY 2008 Outcome Goal: Limit the rate of assaults in federal detention facilities

NOTE: This measure was too new to establish a long-term goal in the Strategic Plan, however, it was identified as key measure for the Department and is reported accordingly.

Background/Program Objectives: In non-federal facilities, federal detainees are frequently intermingled with individuals detained by state and local authorities. This intermingling can cause problems related to detainee handling. For example, "administrative" detainees should not be housed alongside criminals. OFDT is taking every reasonable precaution to ensure that inmates, according to their needs, are provided with a safe and secure environment.

Performance Measure: NEW MEASURE: Rate of Assaults in Federal Detention

FY 2004 Target: Establish data collection

FY 2004 Actual: Established data collection

Discussion: It is OFDT and DOJ's objective to eliminate all assaults. Therefore, a target of zero was established during FY 2004 to reflect both OFDT's objective, as well as a baseline predicated on actual performance reported in FY 2004. Data are reported by the Jail Inspector on the Detention Facility Investigative Report.

NEW MEASURE: Rate of Assaults in Federal Detention

Data Collection and Storage: Data are reported by the Jail Inspector on the Detention Facility Investigative Report (USM 216).

Data Validation and Verification: Jail Inspector verifies data when reported by facility.

Data Limitations: USMS will have to rely on state and local facilities to report assaults. Definition of assault varies by facility.

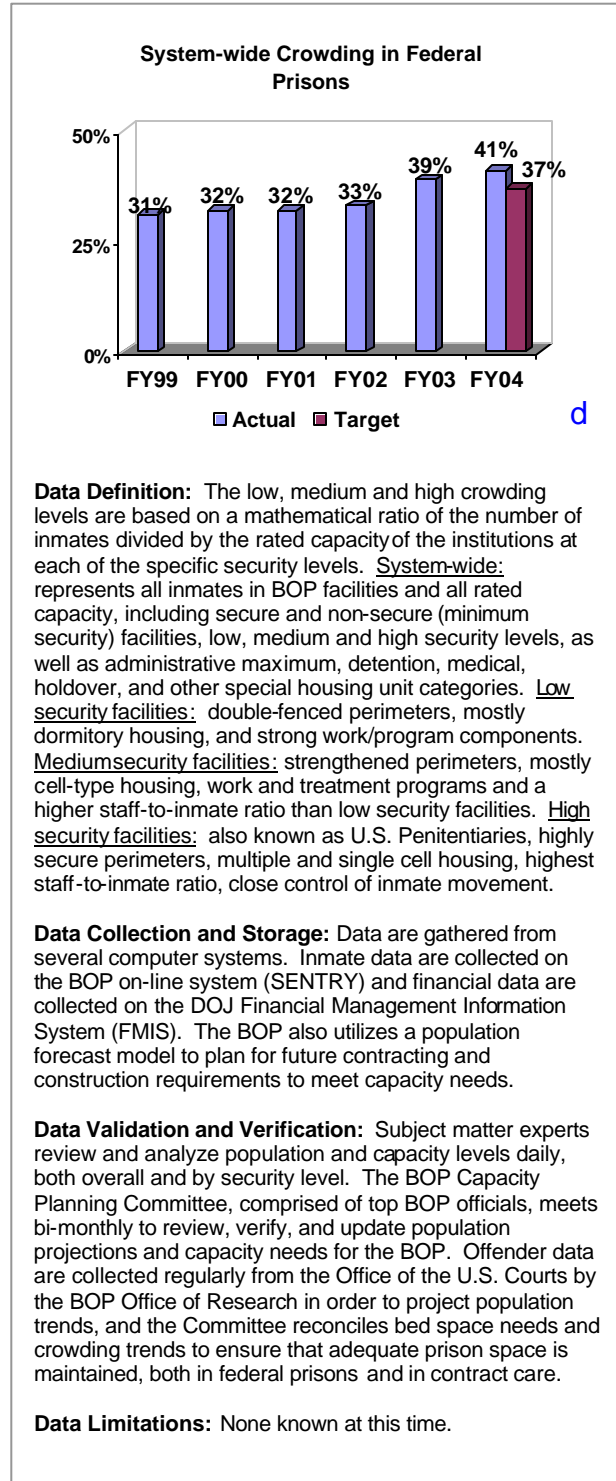
FY 2008 Outcome Goal: Reduce system-wide crowding in federal prisons to 34%

Background/Program Objectives: The BOP constantly monitors facility capacity, population growth, and prisoner crowding. As federal inmate population levels are projected to increase and continue to exceed the rated capacity of the BOP, every possible action is being taken to protect the community, while keeping institutional crowding at manageable proportions to ensure that federal inmates continue to serve their sentences in a safe and humane environment. In FY 2004, the BOP activated two new facilities: U.S. Penitentiary (USP) Big Sandy, Kentucky and USP McCreary, Kentucky.

Performance Measure: System-wide Crowding in Federal Prisons

FY 2004 Target: 37%
FY 2004 Actual: 41%

Discussion: The FY 2004 crowding target was 37 percent system-wide, however, system-wide crowding is currently at 41 percent due to budget delays and reductions to the FY 2004 appropriation, which resulted in new activation delays.



FY 2008 Outcome Goal: Ensure that there will be no escapes from secure BOP facilities

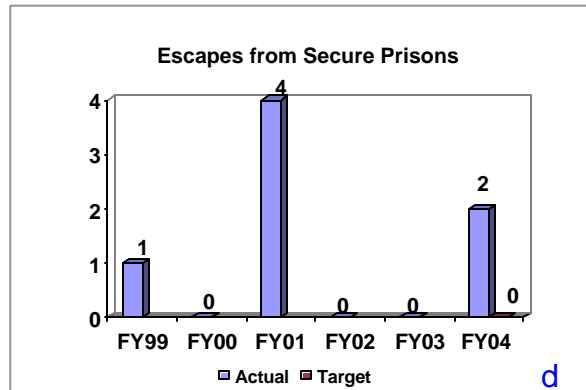
Background/Program Objectives: The BOP significantly reduces the possibility of escape with long-term emphasis on security enhancements, physical plant improvements, enhanced training, and increased emphasis on staff supervision of inmates.

Performance Measure: Escapes from Secure Prisons

FY 2004 Target: 0

FY 2004 Actual: 2

Discussion: Two escapes (one in February and one in July) from secure BOP facilities occurred during FY 2004, despite continuous efforts to implement security enhancement strategies. "After Action Teams" were appointed to review the circumstances that led to the incidents. The review teams made a number of recommendations, many of which have already been implemented at the affected facilities, to prevent recurrence. Additionally, the summary report on the first incident has been forwarded as an educational tool to all regional and field location Chief Executive Officers to use when assessing and/or reviewing institution procedures; and the second summary report has been completed.



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

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

Data Limitations: None known at this time.

FY 2008 Outcome Goal: Realize a 24% reduction in the rate of comparative recidivism for Federal Prison Industries (FPI) inmates versus non-FPI inmates

Background/Program Objectives: The FPI's goal of reducing recidivism is to provide inmates, through the development of basic work ethics and job skills training, the opportunity to become productive, law-abiding citizens after release.

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

FY 2004 Target: Establish Baseline

FY 2004 Actual: N/A

Discussion: Baseline data are expected for this measure in FY 2005. The long term and annual targets, contained in the FY 2004 and FY 2005 Program Assessment Rating Tool (PART), are: Inmates who participated in FPI will remain 24% less likely to recidivate 3 to 7 years after release from a secure facility, compared to similarly situated inmates who did not participate; and inmates who participated in FPI will be 35% less likely to recidivate 1 year after release from a secure facility, compared to similarly situated inmates who did not participate.

NEW MEASURE: Comparative Recidivism for FPI vs. Non-FPI Inmates

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

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

Data Limitations: Although non-citizens make up a large minority of the BOP population, they are excluded from analyses because many of them are deported following release from prison, and it is not known if they recidivate. Projected targets are based on earlier studies done on recidivism of FPI participating inmates and their non-participating counterparts. The results of ongoing research may differ as inmate population demographics have changed in recent years.

FY 2008 Outcome Goal: Limit the rate of assaults in federal prisons to 130 assaults per 5,000 inmates

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 BOP and DOJ to eliminate all assaults, the targets reflect projections based on historical data and observed trends. These data represent the number of assaults over a twelve month period per 5,000 inmates and data represents all adjudicated assaults and combines both "inmate on inmate" and "inmate on staff" assaults. Due to the time required to adjudicate allegations of assault, there is a lag between the occurrence and reporting guilty findings. Accordingly, the figure reported represents incidents that were reported for the preceding twelve months ending several months before the end of the FY. In prior years, the BOP had reported assaults based on administrative data from significant incident reports. These reports portray the number of serious events, each of which could involve multiple inmates and multiple assaults. The adjudication process can take many months for serious assault charges. Therefore, a delay in data availability is inevitable under the new methodology. However, this is a far more accurate and specific measure of assaults than the previous method. All years displayed in the chart are based upon the Chronological Disciplinary Record data.

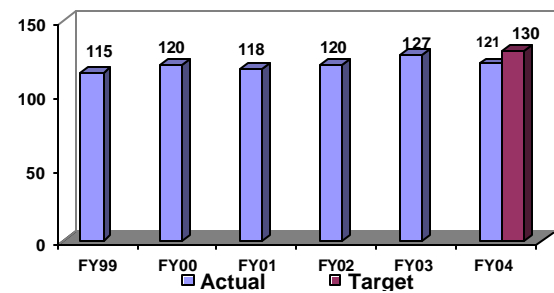
Performance Measure: NEW MEASURE: Rate of Assaults in Federal Prisons

FY 2004 Target: 130

FY 2004 Actual: 121

Discussion: From FY 2003 to FY 2004, the BOP experienced a decrease in the rate of serious assaults per 5,000 inmates. An increase in rate of assaults occurred at administrative and high security institutions and only with respect to less serious assaults; there was no increase in serious assaults. The "less serious assaults" include a wide range of behavior from sliding a food tray too forcefully through the food slot and hitting an officer's hand; to spitting on an officer; to pushing or slapping an inmate or staff member. Given the subjective nature of this type of behavior (less serious assaults), it is difficult to determine whether the slight increase in rate in terms of actual number of occurrences (given the number of institutions, staff and inmates), actually reflects a change in inmate behavior, as opposed to a change in approach taken by staff who may have been more observant and/or more inclined to employ the disciplinary process to address inmate behavior, rather than resolving the matter informally.

NEW MEASURE: Rate of Assaults in Federal Prisons (Assaults per 5,000 Inmates)



Data Definition: Assaults include assaults between inmates and inmates, and inmates and staff.

Data Collection and Storage: Data are collected from the BOP's on-line computer system (SENTRY), specifically the CDR module, which records all disciplinary measures taken with respect to individual inmates. This data are maintained and stored in the BOP's management information system (Key Indicators), which permits retrievals of data in an aggregated manner. The data represents all adjudicated assaults and combines both "inmate on inmate" and "inmate on staff" 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 3 years), annual operational reviews, and Institution Character Profiles (which are conducted every three years), reviews of assaults and other misconduct patterns are accomplished.

Data Limitations: The data represents the number of 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 and reporting of guilty findings. Accordingly, the figure reported for each quarter represents incidents that were reported for the preceding twelve months ending several months before the end of the quarter. The figure shown above for FY 2004 Actual is data for the period July 2003 to June 2004. Methodology for calculating assault rates was changed in January 2004 to reflect only adjudicated guilty findings from the Chronological Disciplinary Report (CDR) recorded in SENTRY. In prior years, the BOP had reported assaults based on administrative data from significant incident reports which portray the number of serious events, each of which could involve multiple inmates and multiple assaults. The adjudication process can take many months for serious assault charges. Therefore, a delay in data availability is inevitable under the new methodology. However, this is a far more accurate and specific measure of assaults than the previous method. All years displayed in the chart are based upon the CDR data. Due to accelerated reporting requirements (within fifteen days of quarter and fiscal year end) and to provide an accurate assault rate, the BOP will begin using twelve months of completed/adjudicated CDR data for each quarter and end of fiscal year reporting beginning for FY 2004.

FY 2008 Outcome Goal: Achieve a 99% positive rate in inspection results (accreditations)

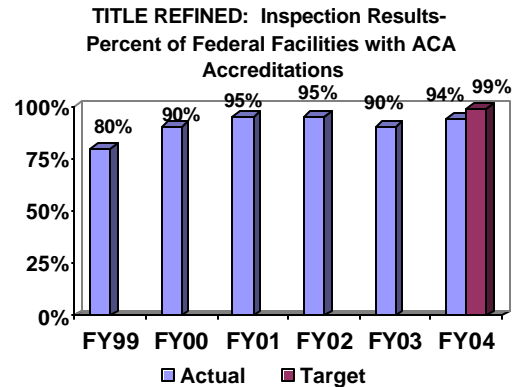
Background/Program Objectives: The BOP has the highest regard for human rights and public safety. Therefore, it strives to maintain facilities that meet the accreditation standards of several professional organizations. The BOP's comprehensive audit process exceeds the standards set by the American Correctional Association (ACA). Independent teams, led by the BOP staff with specific program expertise and staffed with field experts using published guidelines to direct them, conduct reviews that enable them to get a comprehensive view of the program being evaluated. Each program area must be evaluated once every 3 years. Also, institutions' ACA accreditation must be renewed tri-annually.

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

FY 2004 Target: 99%

FY 2004 Actual: 94%

Discussion: Ninety-four percent of BOP facilities are currently accredited. Additionally, BOP had 2 institutions that completed accreditation audits in FY 2004, however, they will not receive accreditation status until January 2005. Six other institutions are currently in the process and these institutions are scheduled to receive accreditation status in August 2005.



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

Data Validation and Verification: On an annual basis, Program Review personnel develop a schedule for initial accreditation and reaccreditation of all eligible BOP facilities to ensure reviews are conducted on a regular and consistent basis. Subject matter experts review report findings to verify accuracy and develop any necessary corrective measures. ACA Accreditation meeting minutes, identifying the institutions receiving accreditation and reaccreditation, are now on file and maintained by the BOP Accreditation Manager.

Data Limitations: None known at this time.

FY 2008 Outcome Goal: Complete 90% of EOIR priority cases within established time frames

Background/Program Objectives: The mission of the Executive Office for Immigration Review (EOIR) is to provide separate and independent fora for the objective, unbiased adjudication of disputes between the Department of Homeland Security (DHS) and aliens or other individuals regarding immigration status, removal, or the availability of relief under the law. In the conduct of this mission, EOIR and its components (the Board of Immigration Appeals (BIA), the Immigration Courts, and the Office of the Chief Administrative Hearing Officer) seek to render fair and proper decisions in a timely and efficient manner. The EOIR's ability to meet its goal of fair and timely adjudication of immigration cases is critical to: the guarantee of justice and due process; the timely grant of relief from removal in meritorious cases; the timely removal of criminal and other inadmissible aliens; and the effective utilization of limited detention resources. The EOIR has identified adjudication priorities and set specific time frames for each. These priorities include court cases involving criminal aliens, other detained aliens, and those seeking asylum as a form of relief from removal; and adjudicative time frames for appeals filed with the BIA.

Performance Measure: MEASURE REFINED: Percent of EOIR Cases Completed Within Target Time Frames

FY 2004 Target: 90% (all cases)

FY 2004 Actual:

Immigration Court Expedited Asylum Cases Completed Within 180 Days: 89%

Immigration Court Institutional Hearing Program (IHP) Cases Completed Prior to Release from Incarceration: 88%

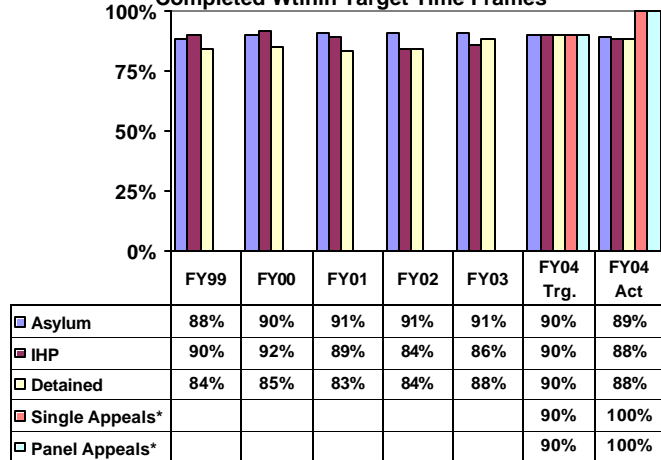
Immigration Court Detained Cases (Without Applications for Relief) Completed Within 30 Days: 88%

Appeals Assigned to a Single Board Member Adjudicated within 90 Days: 100%

Appeals Assigned to a Three Board Member Panel Adjudicated within 180 Days: 100%

Discussion: EOIR came within 1 percent of meeting its goal for expedited asylum cases. Although this is the first year since FY 2000 that EOIR has not met this goal, the increase in expedited asylum receipts in recent years likely contributed to the lower percentage completed within the goal. These cases include cases filed affirmatively with DHS and referred to EOIR for a decision, and cases filed with EOIR by aliens in proceedings.

MEASURE REFINED: Percent of EOIR Cases Completed Within Target Time Frames



*Beginning in FY 2004, Appeals has been broken down into two categories.

Data Collection and Storage: Data are collected from the Automated Nationwide System for Immigration Review (ANSIR) a nationwide case tracking system at the trial and appellate levels.

Data Validation and Verification: All data entered by courts nationwide are instantaneously transmitted and stored at EOIR headquarters, which allows for timely and complete data. Data are verified by on-line edits of data fields. Headquarters and field office staff have manuals that list the routine daily, weekly and monthly reports that verify data. A 2002 data validation study conducted by an independent contractor found an observed error rate of 2.8 percent, which is considered within an acceptable range given the complexity and high volume of records for the system. Data validation is also performed on a routine basis through data comparisons between EOIR and Department of Homeland Security databases.

Data Limitations: None known at this time.

EOIR fell slightly short of its goal of 90 percent IHP cases completed prior to release from incarceration, but improved performance over the FY 2003 actual of 86 percent. EOIR will continue to work with other agencies, such as the DHS, the Bureau of Prisons, and state corrections agencies, to ensure that a high percentage of these cases are complete prior to the alien's release from incarceration.

EOIR came within 2 percent of meeting its goal of completing immigration court detained cases (without applications for relief) within 30 days. Although still short of the FY 2004 target of 90 percent, this year's performance remained stable with the FY 2003 actual of 88 percent. In some of these cases, the respondent contests the removability charge and/or indicates an intention to file an application for relief, which can slow the process. EOIR will continue to manage resources to ensure both due process and speedy adjudication of detained cases.

EOIR exceeded both goals for Appeals with a perfect completion rate of 100 percent.

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