

VI Core function six: Protection of the Federal Judiciary and Improvement of the Justice System

The Department has significant responsibility for ensuring the effective, efficient and secure operations of the Federal justice system. It does so by protecting judicial proceedings; ensuring the safe and secure environment of the Federal courts; apprehending fugitives from justice; promoting the participation of victims at every stage of criminal and juvenile proceedings; administering the Nation's bankruptcy laws; and providing support to state and local governments.

The primary responsibility of the U.S. Marshals Service (USMS) is protecting of the Federal judiciary and ensuring that all Federal court proceedings take place in an environment free and clear of intimidation and violence. In FY 2001, USMS will continue to provide the necessary services and expertise to maintain a high level of security in the Federal judicial environment, to take steps to upgrade physical security at existing courthouses, and to ensure that new courthouses open with appropriate security measures in place. In addition, USMS will continue to monitor, assess, and investigate threats made against judicial personnel, witnesses, and victims in order to ensure their safety. Other responsibilities of the USMS include the management of assets that have been seized and forfeited and the apprehension of Federal fugitives from justice.

In FY 2001, DOJ will continue to give high priority to increasing the participation of victims and witnesses in the judicial process. Specifically, DOJ will take steps to ensure that there is full compliance with the Attorney General's Guidelines for Victim and Witness Assistance through increased training for law enforcement officers and prosecutors in victim/witness responsibilities and notification procedures.

Also, in FY 2001, the U.S. Trustee Program (USTP) will continue to enforce the bankruptcy laws and regulations of the nation. The USTP program will continue efforts to address the bankruptcy systems' overall caseload, particularly older cases, by providing administrative support to help move cases expeditiously through the bankruptcy process. The Program will continue to inform law enforcement agencies of possible violations of bankruptcy laws and to participate in task forces designed to identify and prosecute individuals or organizations engaged in fraud.

MANAGEMENT ISSUES

There are no FY 2001 management issues identified at this time.

PROGRAM EVALUATION

No FY 2001 program evaluations are planned at this time.

Strategic Goal 6.1: Protect the Federal judiciary and ensure the safe and secure operation of the Federal court system.

Annual Goal 6.1: Protect judicial proceedings participants; and Apprehend Federal fugitives

STRATEGIES

- (Provide for the security of all Federal judges and courts.
- (Assure both the short-term and the long-term safety of Federal witnesses.
- (Ensure the timely courtroom appearance of defendants and prisoners in Federal custody.

In FY 2001, DOJ will continue to deter, and to respond to, threats to the safety of Federal judges, other court personnel and witnesses and participants in Federal judicial proceedings. Our primary goal is to ensure that NO judge, other court participant, or witness is the victim of assault stemming from his or her involvement in a Federal court proceeding.

Specifically, we will effectively identify, assess and respond to threats against court personnel and property, enhance the physical security of eight new and thirteen renovated Federal courthouses, and provide for the long-term protection of Federal witnesses and their family members.

MEANS - Annual Goal 6.1

Dollars/FTE

FY 1999	FY 2000		FY 2001		
\$466M	3,782	\$507M	3,868	\$ 549 M	3,936

Skills

U.S. Deputy Marshals and Criminal Investigators must be able to analyze inappropriate communications made against judges/witnesses; investigate threats; cultivate relationships with state and local law enforcement agencies; assess potential risk; devise threat management strategies; and coordinate protective investigations with the FBI.

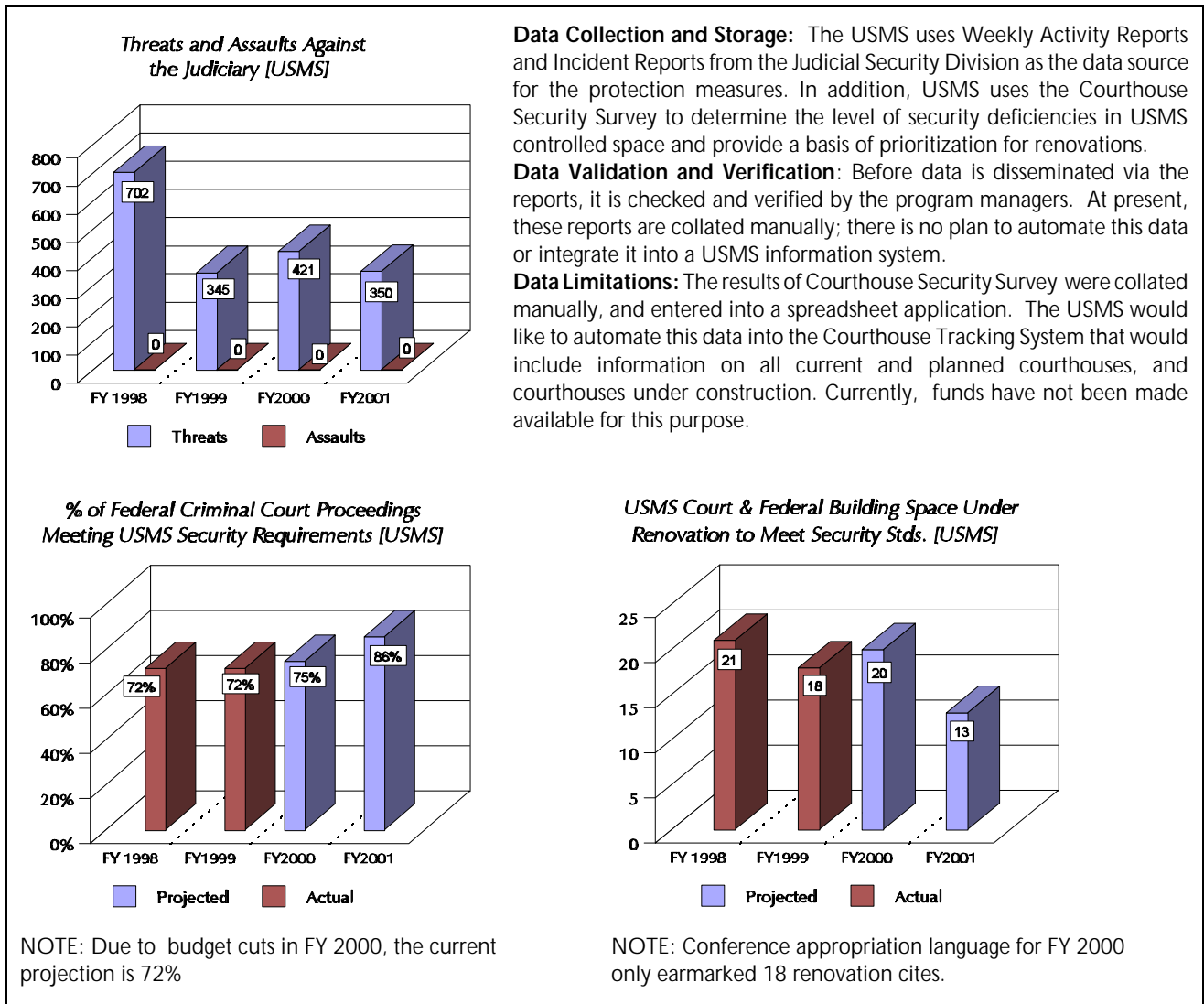
Information Technology

The USMS is in the process of developing one centralized application, the Justice Detainee Information System (JDIS), from its four offender-based applications: the Warrant Information Network, the Prisoner Tracking System, the Automated Prisoner Scheduling System, and the Automated Booking Station. JDIS will allow the USMS to manage prisoners and track them through the entire judicial process.

PERFORMANCE ASSESSMENT - Annual Goal 6.1 (indicators 6.1A-6.1B)

6.1A Protect Judicial Proceedings Participants

The primary responsibility of the USMS is protection of the Federal judiciary and ensuring that all Federal court proceedings take place in an environment free and clear of intimidation and violence. USMS provides a high level of security in the Federal judicial environment, and will take steps to upgrade physical security at existing courthouses to ensure that new courthouses open with appropriate security measures. In addition, USMS will continue to monitor, assess, and investigate threats made against judicial personnel, witnesses, and victims in order to ensure their safety. Deputy Marshals also will provide protective services at judicial conferences, additional security measures for high risk trials, and provide personal security details to address threats against the Federal judiciary as necessary.

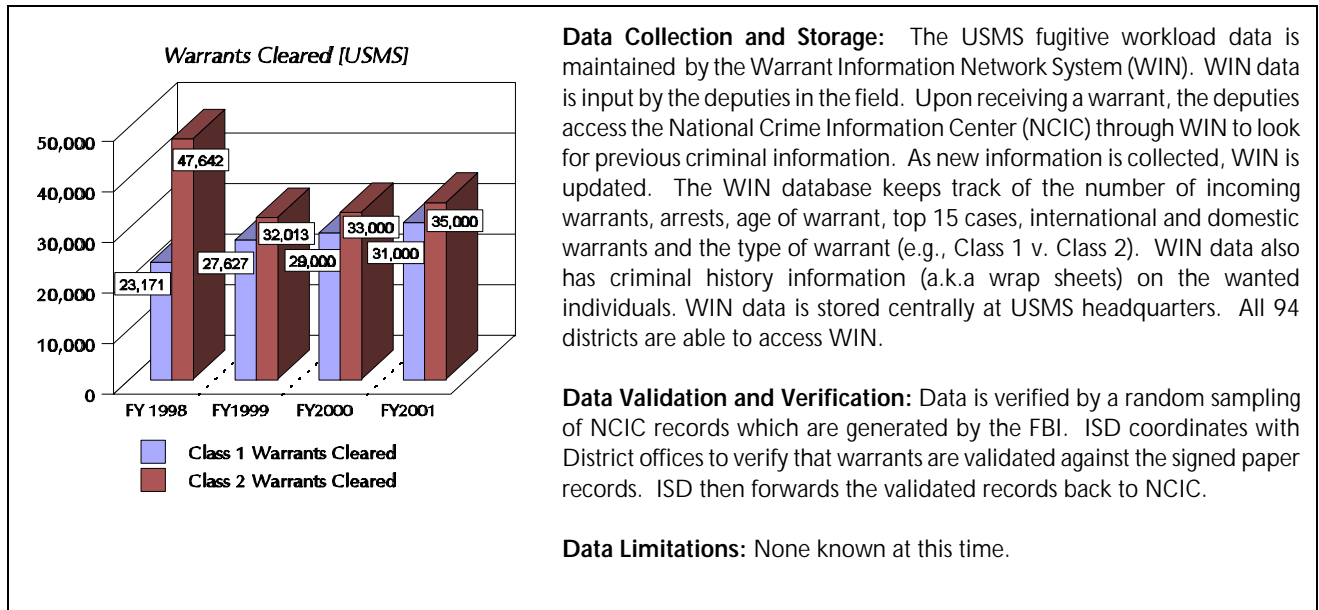


Crosscutting Activities:

The USMS works closely with the U.S. Attorneys, FBI, DEA and INS, and the Bureau of Prisons. In addition, the USMS coordinates and directs the District Court Security Committee (DCSC) meetings to determine the security needs of the judiciary. These conferences are attended by the U.S. Courts (judges, clerks of the court, probation and pretrial services), the U.S. Attorneys Office, General Services Administration, and Federal Protective Services.

6.1B Apprehend Federal Fugitives

In FY 2001, the DOJ will continue to apprehend Class 1 fugitives as quickly as possible and decrease the fugitive caseload. The USMS classifies felony fugitive warrants into three categories (1) fugitives with violent criminal convictions; (2) fugitives wanted on drug-related charges; and (3) all other felony fugitives. The USMS will close 80 percent of the new Class 1 warrants within one year and will reduce the fugitive backlog (warrants over one year old) by five percent per year. Class 2 warrants are felony offenses for which other law enforcement agencies have primary responsibility and misdemeanor offenses for which the USMS is primarily responsible.



Crosscutting Activities:

The USMS works closely with the U.S. Customs Service, the DEA and the OCADETF in the handling of warrants. In addition, the USMS works with state and local governments to assist in closing their warrants. Through a Memorandum of Understanding (MOU) with the U.S. Customs Service, the USMS was given the responsibility to investigate the majority of their fugitive warrants.

Strategic Goal 6.2: Enhance the level of assistance provided to crime victims and witnesses in an effort to promote increased participation in the prosecution of criminals.

Annual Goal 6.2: Increase participation of crime victims and witnesses in judicial proceedings

STRATEGIES

- (Fully implement the Attorney General's Guidelines for Victim and Witness Assistance.
- (Improve the state of services in the Witness Security, Homicide Violent Crime, Domestic Violence and Grand Jury sections of the U.S. Attorney offices.

As set forth in the Victim and Witness Protection Act of 1982, the Crime Control Act of 1990, the Violent Crime Control and Law Enforcement Act of 1994 and pursuant to the Attorney General's Guidelines, the Federal Government must ensure that innocent victims of all crime have their rights upheld, have their dignity and their privacy respected, and are treated with fairness. During the investigation stage of the process, the investigative agencies are responsible for compliance with the mandates. During the prosecution stage, it is the U.S. Attorney offices that are responsible for compliance with these mandates.

MEANS - Annual Goal 6.2

Dollars/FTE

FY 1999		FY 2000		FY 2001	
\$95M	91	\$107M	94	\$ 169 M	97

Skills

Victim/Witness Coordinators need to be familiar with the Federal ligation process, legislation impacting victims and witnesses, and have a working knowledge of legal terminology.

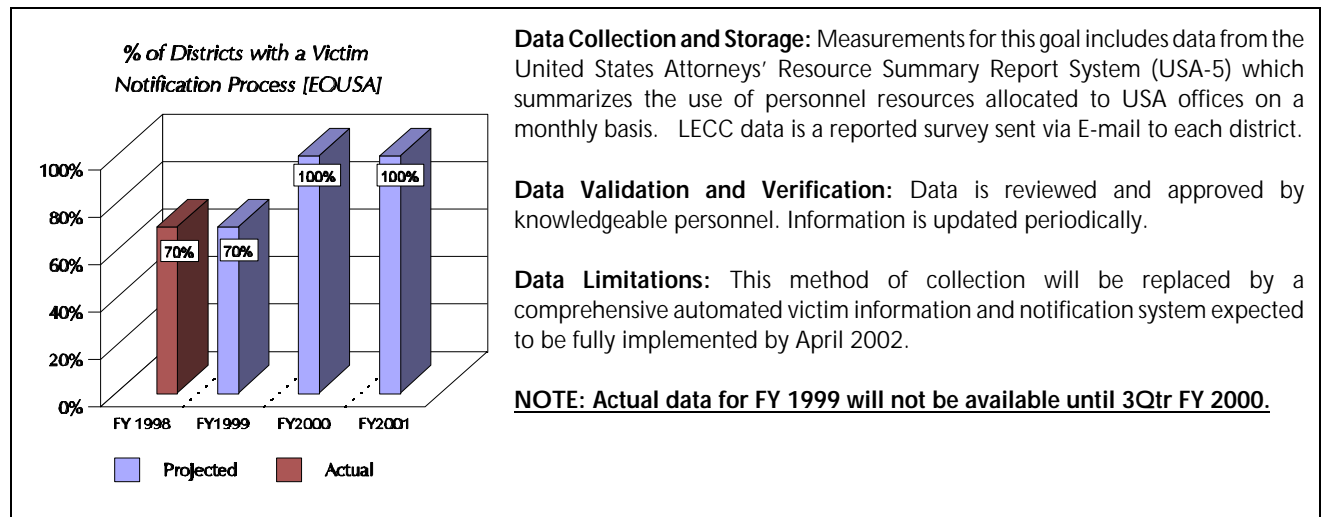
Information Technology

USAs rely on the LIONS case management system. However, a Request for Proposal has been published for design and construction of a National Notification system that will link the USAOs with investigative agencies and state and local victim/witness agencies.

PERFORMANCE ASSESSMENT - Annual Goal 6.2 (indicator 6.2A)

6.2A Increase Participation of Victims and Witnesses in Judicial Proceedings

In FY 2001, DOJ will promote increased participation of victims and witnesses throughout each stage of a judicial proceeding. At the Federal level, we will train law enforcement officers and prosecutors in victim-witness responsibilities. Also, we will develop and deploy a nationwide automated victim notification system. We will take steps to ensure that there is full compliance with the Attorney General's Guidelines for Victim and Witness Assistance.



Crosscutting Activities:

Investigative agencies, particularly DEA and FBI, must coordinate with the US AOs throughout the country to ensure that victims and witnesses are served.

Strategic Goal 6.3: Protect the Integrity of the Bankruptcy System.

Annual Goal 6.3: Ensure bankruptcy cases move effectively and efficiently through the bankruptcy system; Ensure adherence to standards of law, and policy for embezzlement, fraud and other abuses; and Maximize dollars returned to creditors

STRATEGIES

- (Improve the oversight of trustees, provide both trustees and program staff with increased training and enhanced exposure to best practices.
- (Improve the Program's criminal referral database, develop a national civil enforcement database, and work closely with other bankruptcy related organizations and law enforcement groups.
- (Scrutinize the cost of trustee operations as a percent of funds distributed to creditors and when appropriate increase effort to address excessive professional fees and administrative expenses.
- (Systemize the data collection and analysis effort across the spectrum of bankruptcy cases, by coordinating and consolidating the Program's research efforts with the development of an enhanced case management system.

In FY 2001, DOJ, through the United States Trustee Program (USTP), will continue to enforce the bankruptcy laws and regulations of the Nation. The USTP will continue its efforts to provide administrative support to move cases efficiently and expeditiously through the bankruptcy process, emphasizing the particular need to close old cases. The Program will continue to inform law enforcement agencies of possible violations of bankruptcy laws and continue to participate in task forces designed to identify and prosecute individuals or organizations engaged in bankruptcy fraud. The USTP will also work towards maximizing the return of estate assets to creditors by maintaining and promoting uniform fee and expense guidelines relating to the employment of

professionals and others in the bankruptcy system, as well as, continue other forms of oversight. In addition, the Program will continue its efforts to be a resource for accurate information and practical analysis about the operation of the bankruptcy system.

MEANS - Annual Goal 6.3

Dollars/FTE

FY 1999		FY 2000		FY 2001	
\$120 M	1,033	\$122 M	1,059	\$ 127 M	1,059

Skills

Staff must have financial, analytical, and audit skills. Other key competencies include: being well versed in bankruptcy law, criminal statutes, investigative techniques, and strong writing abilities. Support personnel must have automation expertise and management and administrative skills.

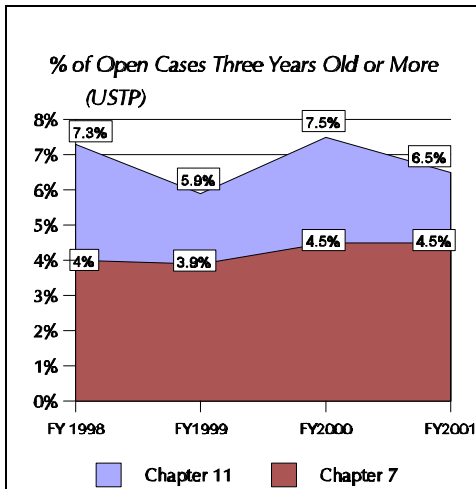
Information Technology

Operations rely upon the Justice Consolidated Office Network (JCON), office automation products, various database systems, and a legacy case management system operating on mini-computers, as well as notebook PCs and laptops.

PERFORMANCE ASSESSMENT - Annual Goal 6.3 (indicators 6.3A-6.3C)

6.3A Ensure Cases Move Effectively and Efficiently Through the Bankruptcy System

In FY 2001, DOJ will continue to emphasize the timely administration of bankruptcy cases and will meet projected increases in all chapter filings while maintaining the percentage of "old" cases to less than 4.5% and 6.5% for Chapter 7 and 11 cases respectively. The United States Trustee Program works closely with Chapter 7 panel trustees and Chapter 12 and 13 standing trustees to ensure that cases are moved efficiently and effectively through the bankruptcy system. The program looks to identify non-performing trustees, removes them from the panel, and monitors their remaining workload to ensure that cases are closed-out in a timely manner.



Data Collection and Storage: Quarterly, data regarding the age of chapter 7 and 11 cases are transmitted electronically to headquarters from the Program's 21 regional offices. These data are extracted from the original case file data downloaded directly into the Program's Automated Case Management Systems (ACMS) from the Bankruptcy Courts.

Data Validation and Verification: The data are then compiled using an antiquated programming language, RPGII, converted to a database file, and then a hard copy is printed and sent to the field offices for verification.

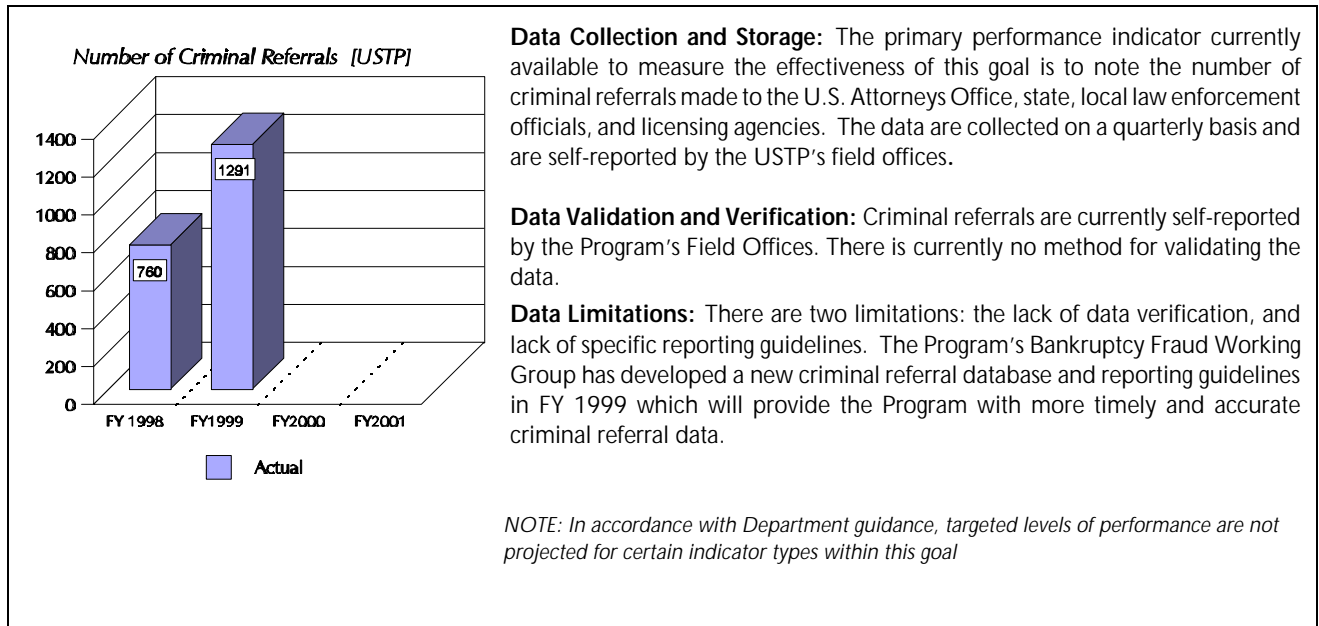
Data Limitations: Since the original data call was written to only age cases on an annual basis, it treats all cases opened in calendar year 1996 as three years old on January 1, 1999, regardless of whether the case was opened January 1, 1996 or December 31, 1996. This data limitation was to be addressed in the new case management system under development until it was canceled due to budgetary constraints in FY 1999. The USTP hopes to resolve this issue by either enhancing the existing ACMS or continuing the development of the new system in FY 2000.

Crosscutting Activities:

The USTP will look for insight from trustees, the American Bankruptcy Institute (ABI), and the National Association of Bankruptcy Trustees (NABT) as to what constitutes effective case administration, and as resources for providing effective bankruptcy related training for both Program employees and trustees.

6.3B Ensure Adherence to Standards of the Law and Police for Embezzlement, Fraud and Other Abuses

In FY 2001, the U.S. Trustee Program will increase the number of civil enforcement actions filed and criminal referrals made in response to misconduct and fraud, and will continue to work closely with federal, state and local law enforcement agencies to assist in policing for embezzlement, fraud, and other abuses of the bankruptcy system. Referrals about bankruptcy fraud, embezzlements, and other abuses may come from outside entities like the courts, trustees, debtors, and creditors. Upon receipt, program employees perform an initial review of all referrals and, if warranted, the Program refers the complaint and supporting documentation to the FBI and/or the U.S. Attorneys office for further action. In addition, all criminal violations identified by Program staff are referred to the FBI and/or the U.S. Attorneys.



Crosscutting Activities:

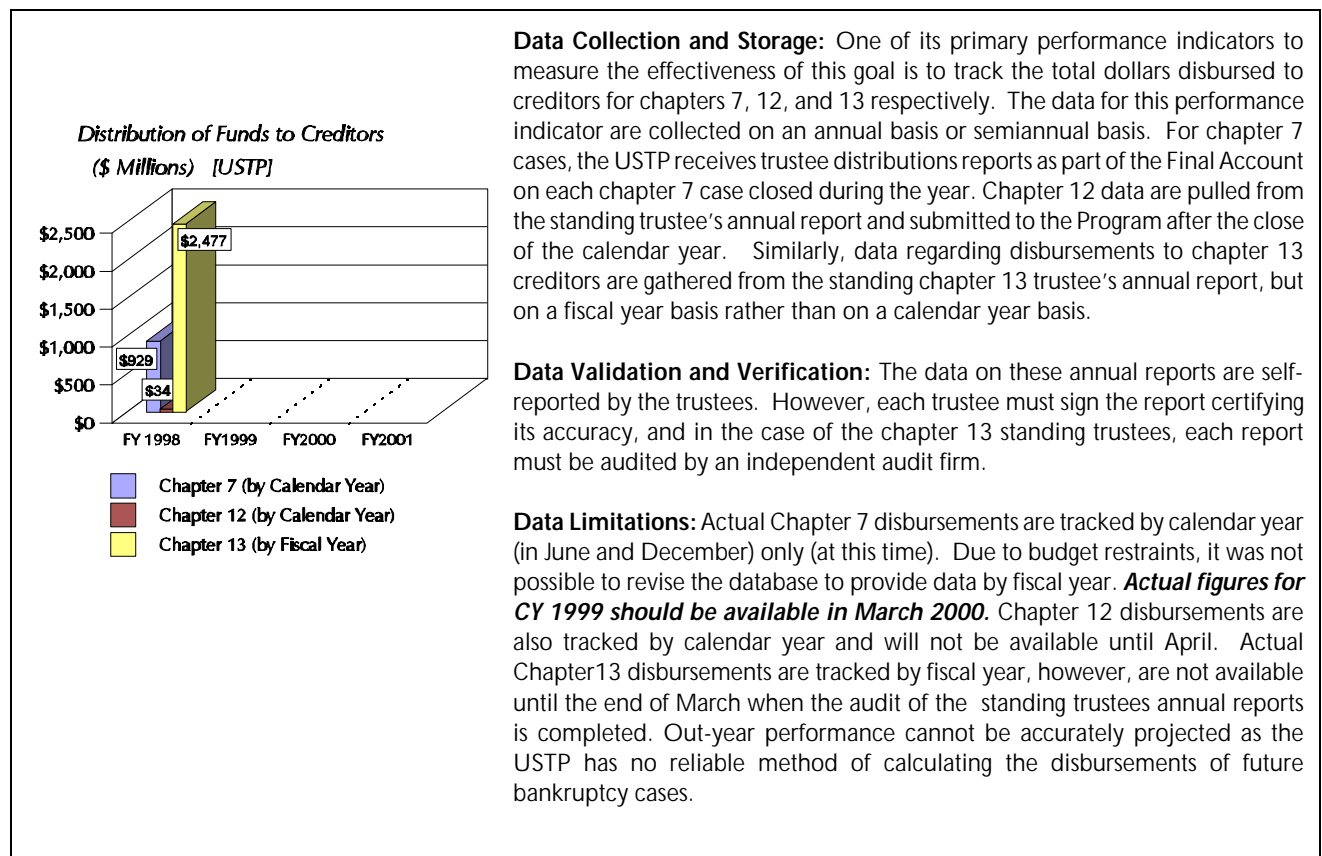
The USTP works with participants from within and outside the system to foster a dialogue on what constitutes bankruptcy fraud, the extent of such fraud, and what can be done to curtail fraud and abuse. The Program's efforts to date include its pivotal role in the formation of a National Bankruptcy Fraud Working Group (NBFWG) comprised of members from the U.S. Attorneys' Offices, DOJ Criminal Division, FBI, IRS-CID, Postal Inspection Service, U.S. Trustees' Offices, and the Executive Office for U. S. Attorneys. The NBFWG will be instrumental in developing training programs, coordinating national fraud issues, and providing assistance to districts that have not established a local BFWG. The Group has helped organize local working groups in approximately 70 judicial districts and plans to ensure that all judicial districts have a local working group by the close of FY 2001.

The NBFWG will be responsible for tracking all bankruptcy fraud convictions, and has spent substantial time over the past year developing a method to effectively capture this information. These data are not only important to the Department, but also assist the Program in answering inquiries from the private bar and the media. Lastly, Program members have written extensive materials to educate DOJ staff and the public about bankruptcy fraud. These materials have been used by the U.S. Attorney's Office of Legal Education (OLE), the American Bankruptcy Institute (ABI) and the National Association of Bankruptcy Trustees (NABT).

6.3C Maximize Dollars Returned to Creditors

In FY 2001, the U.S. Trustee Program will continue its efforts to maximize the return of estate assets to creditors by maintaining and promoting uniform fee and expense guidelines relating to the employment of professionals and others in the bankruptcy system, as well as, perform audits of trustee reports and other forms of oversight. Program staff review trustee distribution reports, analyze trends and deviations from the norm with regards to professional fees and administrative expenses. These trends, or deviations, are discussed with the trustees on a case by case basis, and, if necessary, the Program will then address any excessive professional fees and administrative expenses that persist by filing objections to compensation and motions to surcharge.

In order to ensure that the return of estate assets to creditors is maximized, the United States Trustees Programs must work closely with Chapter 7 panel trustees and Chapter 12 and 13 standing trustees. During the course of reviewing a Chapter 7 final account, or a Chapter 12 or 13 annual report, excessive fees and expenses appear to have been filed, the Program's staff will work with the trustee to verify that the amount is justified or seek that it be reduced appropriately. If the trustee and the Program cannot resolve the issue, the Program will then work with the courts to address the problem. USTP employees also work closely with Chapter 7 trustees to identify debtors who appear to be abusing the system and could in fact repay a portion if not all of their debt. If that is the case, a 707(b) action is filed with the courts to either dismiss the case or convert it to a Chapter 13.



Crosscutting Activities:

Working with the trustees and courts as indicated above.