

## Summary of Material Weaknesses and Corrective Actions

A summary of the two material weaknesses identified in the Department's FY 2007 assessment of the effectiveness of internal control over program operations (FMFIA Section 2) follows, along with details regarding corrective actions. The associated Corrective Action Plans are available in Section IV of this document.

### **Program Material Weakness and Corrective Actions – Prison Crowding**

As of September 30, 2007, the BOP crowding rate at facilities housing federal inmates was 37 percent over the rated capacity. To date, the BOP continues to manage the growing federal inmate population by contracting with the private sector and using State and local facilities for certain groups of low-security inmates, expanding existing institutions (where programmatically appropriate and cost effective to do so), and building new facilities. Effective use of these approaches will allow the BOP to keep pace with the growing inmate population, thereby ensuring safe and secure operations in facilities housing federal inmates.

To address this material weakness, the BOP will continue to increase the amount of federal inmate beds to keep pace with projected increases in the inmate population. A formal corrective action plan has been developed to meet targeted goals that includes expanding existing institutions, acquiring surplus properties for conversion to correctional facilities, constructing new institutions, utilizing contract facilities, and exploring alternative options of confinement for appropriate cases. The BOP plans to validate progress on construction projects at new and existing facilities via on-site inspections or by reviewing monthly construction progress reports.

### **Program Material Weakness and Corrective Actions – Federal Bureau of Investigation Use of National Security Letters**

In March 2007, the Department of Justice OIG reported that the FBI's use of national security letters (NSL) has grown and shifted in focus since the enactment of the Patriot Act in October 2001. While the NSL remains a critical investigative tool, the OIG found significant weaknesses in the FBI's administration of the program. For example, weaknesses were reported involving the completeness and accuracy of the electronic database used for tracking NSL usage, consistent retention of signed copies of NSLs, and the lack of clear guidance on applying Attorney General Guidelines requirements for the use of NSLs.

To address this material weakness, the FBI has completed some corrective actions and is in the process of completing additional actions. For example, in the same month the OIG report was issued, the FBI issued a policy requiring issuing Divisions to retain signed copies of NSLs. Corrective actions in process include improving the tracking database to ensure it captures accurate, timely, and complete data; issuing additional guidance to field offices; and ensuring that Chief Division Counsels and Assistant Division Counsels provide independent reviews of requests to issue NSLs.