



Corrective Action Plans

FMFIA SECTION 2 – PROGRAM MATERIAL WEAKNESS – PRISON CROWDING

U.S. DEPARTMENT OF JUSTICE Corrective Action Plan Issue and Milestone Schedule		Date Report Submitted and Corresponding FY and Quarter October 2, 2007; 2007 Fiscal Year End	
Issue Title Prison Crowding		Issue ID 06BOP001	Component Name Bureau of Prisons
Issue Category			
FMFIA, Section 2	<input type="checkbox"/>	Reportable Condition	<input checked="" type="checkbox"/> Material Weakness
FMFIA, Section 4	<input type="checkbox"/>	Non-conformance	
OMB A-123, Appendix A	<input type="checkbox"/>	Reportable Condition	<input type="checkbox"/> Material Weakness
Issue Category – SAT Concurrence or Recategorization			
Concur			
Issue Description			
<p>As of September 30, 2007, the crowding rate at facilities housing federal inmates was 37 percent over the rated capacity. The BOP manages the continually 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. The continued use of these approaches is expected to allow the BOP to keep pace with the growing inmate population and gradually reduce the crowding rate, thereby ensuring safe and secure operations in facilities housing federal inmates.</p> <p>The inmate population housed in BOP owned and operated institutions was 167,323 on September 30, 2007, an increase of 4,809 over the 162,514 inmates housed on September 30, 2006. It should be noted that the BOP also housed another 32,697 inmates in non-BOP owned and operated facilities on September 30, 2007, e.g., in contract jail facilities.</p> <p>Through the construction of new facilities, expansion of existing institutions, and acquisition of additional low-security contract bed space, the BOP Long-Range Capacity Plan projects a rated capacity in BOP owned and operated institutions of 145,485 by September 30, 2014. If new construction plans are resourced as proposed, crowding at that time is projected to be 24 percent over the projected rated capacity.</p>			
Business Process Area (N/A for Section 2 and Section 4 issues)			
Not Applicable			
Date First Identified	Original Target Completion Date	Current Target Completion Date	Actual Completion Date
2006	09/30/2012	09/30/2014	
Issue Identified By		Source Document Title	
Bureau of Prisons		BOP-identified	
Description of Remediation			
<p>Increase the number of federal inmate beds to keep pace with projected increases in the inmate population. Efforts to reach this goal include 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.</p>			

Milestones	Original Target Date	Current Target Date	Actual Completion Date
1. As of September 30, 2006, the inmate population in BOP owned and operated institutions reached 162,514 and was housed in a capacity of 119,510, resulting in a crowding rate of 36 percent.	09/30/2006		09/30/2006
2. As of September 30, 2007, the inmate population in BOP owned and operated institutions reached 167,323 and was housed in a capacity of 122,189, resulting in a crowding rate of 37 percent, an increase of 1 percent for the year.	09/30/2007		09/30/2007
3. Planning estimates call for a rated capacity of 123,853 to be reached by the close of FY 2008. The crowding rate is projected to be 39 percent at that time, an increase of 2 percent for the year.	09/30/2008		
4. Planning estimates call for a rated capacity of 123,853 to be reached by the close of FY 2009. The crowding rate is projected to be 42 percent at that time, an increase of 3 percent for the year.	09/30/2009		
5. Planning estimates call for a rated capacity of 125,117 to be reached by the close of FY 2010. The crowding rate is projected to be 39 percent at that time, a decrease of 3 percent for the year.	09/30/2010		
6. Planning estimates call for a rated capacity of 127,805 to be reached by the close of FY 2011. The crowding rate is projected to be 38 percent at that time, a decrease of 1 percent for the year.	09/30/2011		
7. Planning estimates call for a rated capacity of 130,125 to be reached by the close of FY 2012. The crowding rate is projected to be 37 percent at that time, a decrease of 1 percent for the year.	09/30/2012		
8. Planning estimates call for a rated capacity of 138,287 to be reached by the close of FY 2013. The crowding rate is projected to be 30 percent at that time, a decrease of 7 percent for the year.	09/30/2013		
9. Planning estimates call for a rated capacity of 145,485 to be reached by the close of FY 2014. The crowding rate is projected to be 24 percent at that time, a decrease of 6 percent for the year.	09/30/2014		
Reason for Not Meeting Original Target Completion Date			
Not Applicable			
Status of Funding Available to Achieve Corrective Action			
The FY 2009 and outyear budget request is structured to address the BOP's long-term capacity needs in the most cost effective manner possible. The BOP's proposed multi-year plan is at the Office of Management and Budget. The BOP will continue to structure future budget requests to address the capacity needs in the most cost effective manner possible.			
Planned Measures to Prevent Recurrence			
The BOP will ensure future budget requests reflect population increases.			
Validation Indicator			
Results are measured as a new institution or expansion project is activated and resulting increases in rated capacity are established. A corresponding decrease in the crowding percentage rate will also be a tangible measurement of the results. Progress on construction projects at new and existing facilities will be validated via on-site inspections of each facility or by review of monthly construction progress reports.			
Organization Responsible for Corrective Action			
BOP Program Review Division			

FMFIA SECTION 2 – PROGRAM MATERIAL WEAKNESS – FEDERAL BUREAU OF INVESTIGATION USE OF NATIONAL SECURITY LETTERS

U.S. DEPARTMENT OF JUSTICE Corrective Action Plan Issue and Milestone Schedule		Date Report Submitted and Corresponding FY and Quarter August 31, 2007; 2007 Fiscal Year End	
Issue Title Federal Bureau of Investigation Use of National Security Letters		Issue ID 07FBI001	Component Name Federal Bureau of Investigation
Issue Category			
FMFIA, Section 2	<input type="checkbox"/>	Reportable Condition	<input checked="" type="checkbox"/> Material Weakness
FMFIA, Section 4	<input type="checkbox"/>	Non-conformance	
OMB A-123, Appendix A	<input type="checkbox"/>	Reportable Condition	<input type="checkbox"/> Material Weakness
Issue Category – SAT Concurrence or Recategorization			
Concur			
Issue Description			
In March 2007, the OIG reported that the FBI’s use of national security letters (NSL) has grown dramatically and shifted in focus since the enactment of the Patriot Act (10/2001). The OIG found that, although the NSL remains an indispensable investigative tool, the electronic database used for tracking NSL usage was incomplete and inaccurate and did not accurately reflect the status of investigative targets, which impacts the Department’s semiannual reports to Congress on NSL usage. The OIG also reported that the FBI did not consistently retain signed copies of NSLs or examine improper or illegal uses of NSLs. Further, the OIG reported that the FBI had not provided clear guidance on applying the Attorney General Guidelines requirements for the use of NSLs. The OIG did not find indications of misuse of NSL authorities that constituted criminal misconduct; however, it found that the FBI used NSLs in violation of applicable NSL statutes, Attorney General Guidelines, and internal FBI policies.			
Business Process Area (N/A for Section 2 and Section 4 issues)			
Not Applicable			
Date First Identified	Original Target Completion Date	Current Target Completion Date	Actual Completion Date
2006	03/31/2008		
Issue Identified By		Source Document Title	
OIG		March 2007 OIG Report, 06-20	
Description of Remediation			
Compliance with recommendations impacting internal controls (noted under Milestones) is in progress and will be re-evaluated at the conclusion of the OIG’s follow-up review of NSLs, which is in progress.			
Milestones	Original Target Date	Current Target Date	Actual Completion Date
1. Require all personnel authorized to issue NSLs to create a control file to retain signed copies.	03/31/2008		3/9/2007
2. Improve the Office of the General Counsel (OGC) tracking database to ensure it captures accurate, timely, and complete NSL data.	03/31/2008		4/10/2007
3. Improve the OGC tracking database to include NSL requests for individuals who are not investigative subjects.	03/31/2008		4/10/2007
4. Issue additional guidance to field offices that will assist in identifying possible Intelligence Oversight Board violations related to NSL use.	03/31/2008		3/28/2007
5. Take steps to ensure that the FBI does not improperly issue exigent letters.	03/31/2008		3/1/2007
6. Ensure that, where appropriate, the FBI makes requests for information in accordance with the requirements of NSL authorities.	03/31/2008		6/1/2007

7. Implement measures to ensure that the OGC is consulted about activities undertaken by FBI Headquarters National Security Branch, including its operational support activities.	03/31/2008		3/30/2007
8. Ensure Chief Division Counsel and Assistant Division Counsel (field) provide close and independent reviews of requests to issue NSLs.	03/31/2008		6/1/2007
Reason for Not Meeting Original Target Completion Date			
Not Applicable			
Status of Funding Available to Achieve Corrective Action			
Funding to complete database enhancements and other remediation/analytical activities has been approved.			
Planned Measures to Prevent Recurrence			
Closure of OIG recommendations and ongoing oversight of the use of NSLs.			
Validation Indicator			
Results of the OIG follow-up review (in progress) and the FBI's OGC and Inspection Division.			
Organization Responsible for Corrective Action			
FBI Office of the General Counsel			