

# II

## STRATEGIC GOAL 2: Enforce Federal Laws and Represent the Rights and Interests of the American People

*35% of the Department's Net Costs support this Goal.*

The heart of the Department of Justice's mission is to enforce federal laws and represent the rights and interests of the American people. The enforcement of federal laws assists societal safety by combating economic crime, and reducing the threat, trafficking, use, and related violence of illegal drugs. Through the enforcement of our laws, we protect the rights of the vulnerable by reducing the threat, incidence, and prevalence of violent crime, including crimes against children, and upholding the civil and constitutional rights of all Americans. Additionally, the Justice Department enforces federal civil and criminal statutes, including those protecting rights, safeguarding the environment, preserving a competitive market structure, defending the public fisc against unwarranted claims, and preserving the integrity of the Nation's bankruptcy system.

***FY 2008 Outcome Goal: Dismantle a cumulative total (FY 2003-2008) of 139 organized criminal enterprises***

***FY 2005 Progress: The Department is on target to achieve this long-term goal. Baseline was established with the Department's FY 2002 Program Assessment Rating Tool (PART) review of this program. Current cumulative total towards long-term goal is 91 dismantlements.***

***Background/Program Objectives:*** Transnational criminal enterprise investigations, through the use of the Racketeering Influenced Corrupt Organization (RICO) statute, target the entire entity responsible for the crime problem. With respect to groups involved in racketeering activities, the FBI focuses on: the La Cosa Nostra (LCN), Italian and Balkan Organized Crime groups, Russian/Eastern European/Eurasian criminal enterprises, Middle Eastern criminal enterprise and Asian criminal enterprises. Investigative subprograms that focus on criminal enterprises involved in sustained racketeering activities and that are mainly comprised of ethnic groups with ties to Asia, Africa, Middle East and Europe are consolidated into the Transnational Criminal Enterprise Program. Additionally, the FBI investigates Nigerian/West African criminal enterprises that are involved in a myriad of criminal activities.

***Performance Measure:*** Number of Transnational Criminal Enterprise Dismantlements

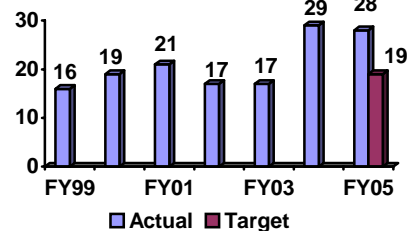
***FY 2004 Revised Actual: 29***

***FY 2005 Target: 19***

***FY 2005 Actual: 28***

***Discussion:*** The Transnational Criminal Enterprise Program achieved its performance target for FY 2005. Notable accomplishments during the year included the culmination of "Operation Bullwinkle," an investigation targeting a Bulgarian criminal enterprise involved in narcotics trafficking and the illicit sales of stolen art. This investigation, which involved the cooperation of Swedish and Danish law enforcement, successfully recovered works by Rembrandt and Renoir that were

**Number of Transnational Criminal Enterprise Dismantlements**



**Data Definition:** Dismantlement means destroying the organization's leadership, financial base, and supply network such that the organization is incapable of operating and/or reconstituting itself.

**Data Collection and Storage:** The data source is the FBI's Integrated Statistical Reporting and Analysis Application (ISRAA) database that tracks accomplishments from inception to closure.

**Data Validation and Verification:** Before data are entered into the system, they are reviewed and approved by an FBI field manager. The data are subsequently verified through the FBI's inspection process. Inspections occur on a two to three year cycle. Using statistical sampling methods, data are traced back to source documents contained in FBI files.

**Data Limitations:** FBI field personnel are required to enter accomplishment data within 30 days of the accomplishment or a change in the status of an accomplishment, such as those resulting from appeals. Data for this report are compiled less than 30 days after the end of the fiscal year, and thus may not fully represent the accomplishments during the reporting period. Previous data subject to this limitation were revised during FY 2005.

stolen from a Swedish art museum in December 2000. Other notable achievements by the TCEP involved linked undercover operations based in Newark and Los Angeles that targeted global criminal enterprises involved in the distribution of highly deceptive counterfeit U.S. currency (a.k.a. “Supernotes”), weapons, and drugs. Sixty-seven indicted subjects were arrested in August 2005 as a result of these investigations.

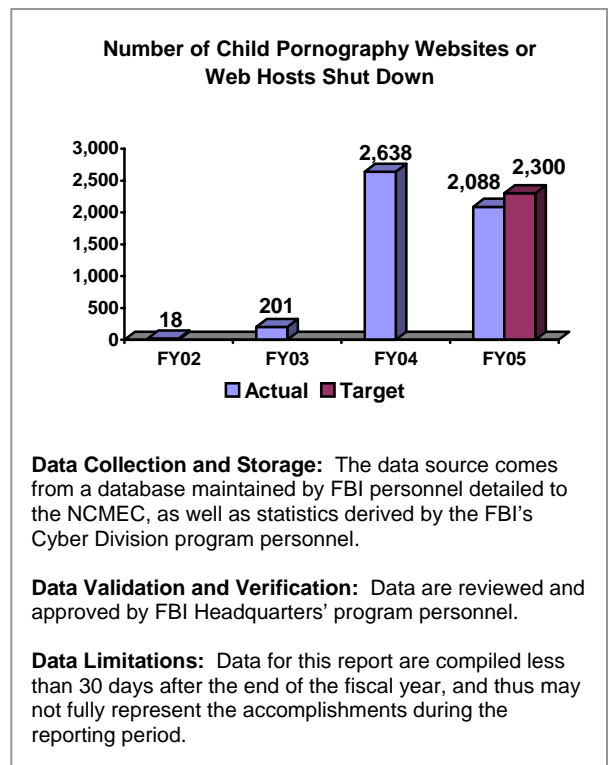
***FY 2008 Outcome Goal: Shut down a cumulative total (FY 2003-2008) of 1,850 child pornography websites or web hosts***  
***FY 2005 Progress: The Department exceeded the target set for this long-term goal in FY 2004.***  
***Revised FY 2008 Outcome Goal: Shut down a cumulative total (FY 2003-2008) of 11,819 websites or web hosts***

***Background/Program Objectives:*** Facilitation of crimes against children through the use of a computer and the Internet is a national crime problem that is growing dramatically. The Innocent Images National Initiative, now part of the FBI’s Cyber Division, uses the following performance measures to track its progress in combating the exploitation of children through the Internet. The FBI will continue to make efforts to apprehend those who commit sexual exploitation offenses against children, including those who traffic in child pornography.

***Performance Measure:*** Number of Child Pornography Websites or Web Hosts Shut Down  
***FY 2005 Target:*** 2,300  
***FY 2005 Actual:*** 2,088

***Discussion:*** The FBI did not meet its target for FY 2005. The FBI has recently formed the Innocent Images International Task Force, where investigators from more than five countries are assigned to the Innocent Images program within the U.S. These international investigators are helping the FBI address this global crime problem. The current focus on several large international cases draws upon extensive resources, thus potentially diminishing the attention to shutting down individual websites.

The Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003 (the “PROTECT Act”), imposed civil penalties on Internet Service Providers who did not report child pornography complaints to the National Center for Missing and Exploited Children (NCMEC). Complaints received by the NCMEC’s CyberTipline that indicate a violation of federal law are referred to the FBI for appropriate action. Often the initial action taken by the FBI is an administrative subpoena, which results in the website or web host being shut down.



**FY 2008 Outcome Goal: Ensure that 80% of high-crime cities with an ATF presence demonstrate a reduction in violent crime (FY 2003-2008)**

**FY 2005 Progress: The Department is on target to achieve this long-term goal.**

**Background/Program Objectives:** The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) enforces the federal firearms laws and regulations, as well as provides support to federal, State, and local law enforcement officials in their fight against crime and violence. The issue of firearms-related violent crime is not a simple problem to combat: it is fueled by a variety of causes that vary from region to region; however, common elements do exist. Chief among these is the close relationship between firearms violence and the unlawful diversion of firearms out of commerce into the hands of prohibited individuals. To break this link, ATF employs the Integrated Violence Reduction Strategy (IVRS), a comprehensive and integrated set of programs involving the vigorous enforcement of the firearms laws, regulation of the firearms industry, and outreach and prevention efforts.

**Performance Measure:** Percent of High-Crime Cities (with an ATF presence) Demonstrating a Reduction in Violent Firearms Crime (when compared to the national average).

**FY 2003 Target:** 49%

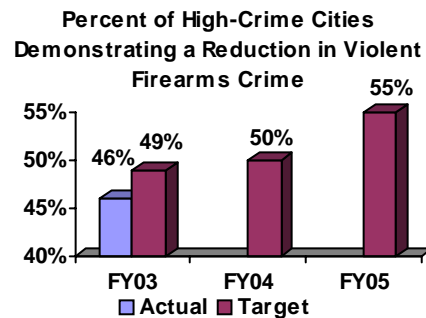
**FY 2003 Actual:** 46%

**FY 2004 Target:** 50%

**FY 2004 Actual:** Data is obtained from the Federal Bureau of Investigation's (FBI) Uniform Crime Report (UCR) database, and it is not available for two years from the end of the calendar year.

**FY 2005 Target:** 55%

**FY 2005 Actual:** Data is obtained from the FBI's UCR database, and it is not available for two years from the end of the calendar year.



**Data Definition:** This measure reflects reductions in violent firearms crime (i.e., murders, assaults, and robberies) in high-crime cities where ATF has a presence. High-crime cities are defined as cities with an ATF presence that have 1,000 or more murders, assaults, or robberies per 100,000 population. ATF presence is defined as the existence of an ATF field or satellite office in the identified city. The measure is intended to show the change in crime resulting from ATF activities over a period of time. In future budget submissions, ATF has modified the language for this measure to, "demonstrating a positive change in violent firearms crime when compared to the national average."

**Data Collection and Storage:** Data are obtained from the Federal Bureau of Investigation's (FBI) Uniform Crime Report (UCR) database.

**Data Validation and Verification:** Data are validated by the FBI. The ATF does not validate the FBI's report since these data are published and widely accepted data. These data are not available for two years from the calendar year cited. The measure is intended to show the change in crime resulting from ATF activities over a period of time. This measure was introduced in FY 2004.

**Data Limitations:** Data are obtained from the FBI UCR database, and are not available for two years from the calendar year cited; therefore, FY 2003 data just became available and FY 2004 data will not be available until FY 2006. Since ATF was a bureau within the Department of the Treasury in FY 2002, ATF is not reporting any measure for FY 2002.

**Discussion:** Using the most recent officially published Uniform Crime Report numbers (reporting 2003 data), ATF narrowly missed its target of 49 percent by achieving 46 percent of the identified high-crime cities are demonstrating a reduction, or positive change, in violent firearms crime. ATF put Violent Crime Impact Teams in place in seven of the cities where violent firearms crime was increasing: Camden, NJ; Hartford, CT; Houston, TX; Los Angeles, CA; Richmond, VA; Tulsa, OK and Washington, DC. Preliminary data from local police departments indicates that the teams have been successful in reducing homicides, and ATF expects that—over the next several years—they will have an effect on overall violent firearms crime.

***FY 2008 Outcome Goal: Achieve a 10% reduction in the supply of illegal drugs available for consumption in the U.S. (using a 2002 baseline)***

***FY 2005 Progress: The Department is not on target for the achievement of this long-term goal. Delays in the setting of baselines have impacted progress in this area. Final baseline estimates for heroin and marijuana are expected at the end of CY 2005. Baseline estimates for cocaine and methamphetamine may take until the end of CY 2006.***

**Background/Program Objectives:** Measuring reduction in the drug supply is a complex process because supply reduction is a reflection of a number of factors. Drug seizures, eradication efforts, precursor chemical interdictions, cash and asset seizures, increased border/transportation security, international military operations, social and political forces, climatic changes, and even natural disasters all impact the drug supply at any given time. The Department's strategy focuses on incapacitating entire drug networks by targeting their leaders for arrest and prosecution, by disgorging the profits that fund the continuing drug operations, and by eliminating the international supply sources. These efforts ultimately will have a lasting impact upon the flow of drugs in the United States, although the results are not easily measurable in a single year. Accordingly, DOJ is unable to set interim goals; however, we remain focused on achieving a long-term reduction of 10% by FY 2008.

**Discussion:** The Office of National Drug Control Policy (ONDCP), in consultation with the Department, continues to develop baseline estimates for the U.S. Drug supply. Baseline supply estimates have been prepared for heroin and marijuana and are expected to be approved by the law enforcement community by the end of CY 2005. Once baseline data have been established, the Department will be able to report on its performance in reducing the supply of marijuana and heroin by the close of the following quarter. ONDCP has concluded that initial supply estimates for cocaine and methamphetamine were based on methodologies that did not yield sufficiently reliable or precise figures to form the basis for a meaningful performance measure. Therefore, ONDCP continues to work on developing reliable estimates with respect to these drugs. It is anticipated that it will be another year before baseline data is available for the cocaine and methamphetamine supply.

***FY 2008 Outcome Goal: Dismantle 110 CPOT-linked drug trafficking organizations (FY 2003-2008)***

***FY 2008 Outcome Goal: Disrupt 140 CPOT-linked drug trafficking organizations (FY 2003-2008)***

***FY 2005 Progress: The Department exceeded the target set for Dismantlements in FY 2005 and Disruptions in FY 2004.***

***Revised FY 2008 Outcome Goal: Dismantle 540 CPOT-linked drug trafficking organizations (FY 2003-2008)***

***Revised FY 2008 Outcome Goal: Disrupt 1,120 CPOT-linked drug trafficking organizations (FY 2003-2008)***

**Background/Program Objectives:** The DOJ focuses its drug law enforcement efforts on reducing the availability of drugs by disrupting and dismantling the largest drug supply and related money laundering networks operating internationally and domestically, including those on the Attorney General's Consolidated Priority Organization Target (CPOT) List. The first CPOT List was issued in September 2002, and is updated annually. The List identifies the most significant international drug trafficking and money laundering organizations and those primarily responsible for the Nation's drug supply. The Attorney General has designated the Organized Crime Drug Enforcement Task Forces (OCDETF) Program as the centerpiece of DOJ's drug supply reduction strategy. The Program coordinates multi-agency and multi-jurisdictional investigations, targeting the most serious drug trafficking threats. The OCDETF Program functions through the efforts of the United States Attorneys (USA); elements of the Department's Criminal Division; the investigative, intelligence, and support staffs of the Drug Enforcement Administration (DEA); the FBI; the ATF; the United States Marshal Service (USMS); U.S. Immigration and Customs Enforcement (ICE); the U.S. Coast Guard; and the Internal Revenue Service. The OCDETF agencies also partner with numerous State and local law enforcement agencies.

The goal of each OCDETF investigation is to determine connections among related investigations nationwide in order to identify and dismantle the entire structure of the drug trafficking organizations, from international supply and national transportation cells, to regional and local distribution networks. A major emphasis of the Department's drug strategy is to disrupt financial dealings and to dismantle the financial infrastructure that supports these organizations. When OCDETF is successful in incapacitating the entire drug network by targeting and prosecuting its leadership and by disgorging the profits that fund continued operations, OCDETF has the greatest impact upon the flow of drugs to and through this country.

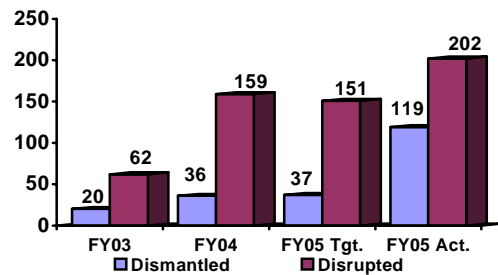
**Performance Measure:** CPOT-Linked Drug Trafficking Organizations Disrupted and Dismantled

**FY 2005 Target:** Disrupted: 151  
Dismantled: 37

**FY 2005 Actual:** Disrupted: 202  
Dismantled: 119

**Discussion:** The Department exceeded its targets for disrupting and dismantling CPOT-linked drug trafficking organizations. In retrospect, the Department underestimated the speed with which investigative and prosecutorial resources could be redeployed, to good effect, against organizations linked to the largest drug trafficking and money laundering networks. The benefits of that redeployment were evident, to some extent, in the FY 2004 actuals and, to a greater extent, in this year's numbers. At the end of FY 2004, a number of the Department's law enforcement agencies began placing the disruption and dismantlement of CPOT organizations on SES-level performance plans, therefore increasing the measures profile and resulting in better-than-expected performance in this area.

**CPOT-Linked Drug Trafficking  
Organizations Disrupted and Dismantled**



**Data Definition:** An organization is considered linked to a CPOT, if credible evidence exists (i.e., from corroborated confidential source information, phone tolls, Title III intercepts, financial records, or other similar investigative means) of a nexus between the primary target of the investigation and a CPOT target. The nexus need not be a direct connection to the CPOT, so long as a valid connection exists to a verified associate or component of the CPOT organization. Disrupting means impeding the normal and effective operation of the targeted organization, as indicated by changes in the organizational leadership and/or changes in methods of operation, including, for example, financing, trafficking patterns, communications or drug production. Dismantling means destroying the organization's leadership, financial base and supply network such that the organization is incapable of operating and/or reconstituting itself.

**Data Collection and Storage:** Investigations are identified as linked to a particular CPOT organization either at the time of initiation or immediately after the connection is discovered. Once the link is verified, a specific code or other identifier is assigned to the investigation. Accordingly, data on this performance measure may lag behind the actual enforcement activity determined by the investigating agency. The investigation then is tracked within the agency's internal case tracking systems, as well as within the OCDETF management information system, as a "CPOT-linked" investigation.

**Data Validation and Verification:** CPOT links are confirmed at a Headquarters level through a review of relevant databases and intelligence information maintained by DEA, FBI and other OCDETF-member law enforcement agencies. The CPOT List itself is reviewed and updated annually by a multi-agency working group, comprised of representatives from all OCDETF-member agencies.

**Data Limitations:** The CPOT List is a relatively new concept. Moreover, investigations of CPOT-level organizations and their related networks are complex and time-consuming, and the impact of disrupting or dismantling such a network may not be immediately apparent. Accordingly, data on this measure may lag behind actual enforcement activity by the investigating agency. It is also possible that a particular CPOT-linked organization may be disrupted in one fiscal year and subsequently dismantled in a later year. For example, a significant number of organizations disrupted during the current fiscal year remain under investigation, as law enforcement seeks to permanently destroy their ability to operate.

**FY 2008 Outcome Goal:** Limit the cumulative value (FY 2003-2008) of stolen intellectual property to \$190 billion

**FY 2005 Progress:** The Department is not on target for the achievement of this long-term goal. Baseline was established with the Department's FY 2003 Program Assessment Rating Tool (PART) review of this program. Current cumulative total towards long-term goal (FY 2003-2004) is \$74.4 billion. Progress towards the target of \$190 billion by 2008 appears unlikely due to the difficulty in gathering reliable data from external sources, as well as the growth of Internet piracy.

**Background/Program Objectives:** Intellectual Property Rights (IPR) violations affect U.S. competitiveness and economic viability. The combined U.S. copyright industries and derivative businesses account for more than \$433 billion, or nearly 6% of the total U.S. economy. Theft of trade secrets violations are the most significant intellectual property crime because secrets can be compromised and entire sectors of the U.S. economy can be affected. Software piracy, including both computer and entertainment industry software, is the second most significant intellectual property crime, causing an estimated loss of 118,000 jobs in the computer software industry alone in 2001.

The FBI focuses its resources on IPR violations that have the most impact on national security, namely the theft of trade secrets. Because IPR violations perpetrated in an organized manner have the largest impact on security and industry, the FBI uses the enterprise theory of investigation to build intelligence on enterprises in order to map, and then dismantle, operations related to theft of trade secrets and software piracy. The FBI centralizes some IPR undercover operations to allow headquarters-driven management of multi-jurisdictional international and domestic cases.

**Performance Measure:** Value of Stolen Intellectual Property

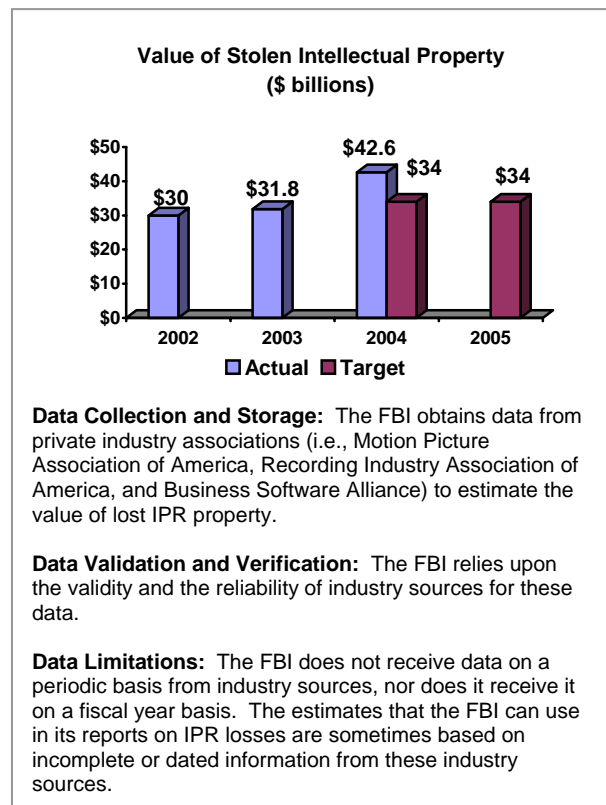
**CY 2004 Target:** \$34 billion

**CY 2004 Actual:** \$42.6 billion

**CY 2005 Target:** \$34 billion

**CY 2005 Actual:** Data not available until after 12/31/05.

**Discussion:** The FBI did not meet its 2004 target, based on private industry data available in the past year. In 2005, there are several ongoing FBI undercover operations that target the piracy crime problem. Although many of these investigations have an international nexus, domestic FBI Field Offices are coordinating their investigations with the Legal Attaches and the foreign police within the countries that are designated as having subjects. A notable example was Operation Fastlink, initiated in FY 2004, which involved over 100 search warrants in 11 countries that targeted some of the most notorious and well-known on-line piracy "warez" groups.



***FY 2008 Outcome Goal: Neutralize a cumulative total (FY 2003-2008) of 35 top-ten Internet fraud targets***  
***FY 2005 Progress: The Department is on target to achieve this long-term goal. Baseline was established with the Department's FY 2003 Program Assessment Rating Tool (PART) review of this program. Current cumulative total towards long-term goal is 22 top-ten Internet fraud targets neutralized.***

***Background/Program Objectives:*** Internet fraud includes any scam that uses one or more components of the Internet to present fraudulent solicitations to prospective victims, conduct fraudulent transactions, or transmit the proceeds of fraud to financial institutions or others that are connected with the scheme. Identity theft and Internet auction fraud are problems that plague millions of U.S. victims, and the threat of illegitimate on-line pharmacies exposes the American public to unregulated, often dangerous, drugs.

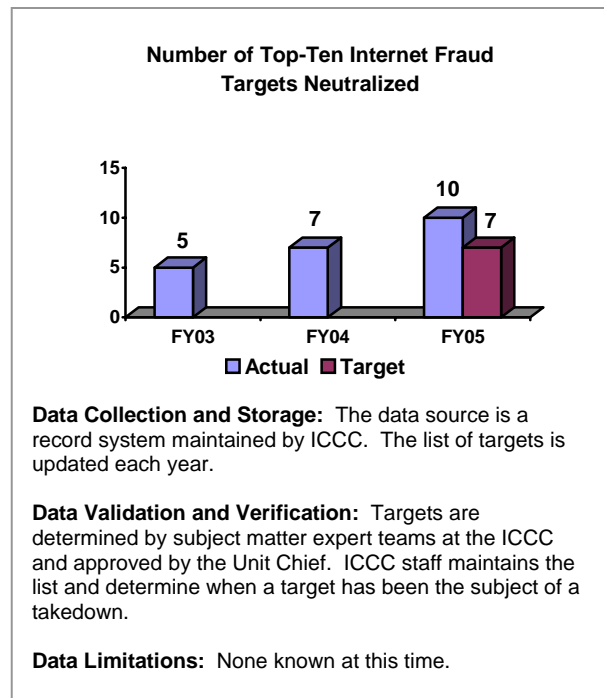
The FBI will use synchronized, nation-wide takedowns (i.e., arrests, seizures, search warrants, indictments) to target the most significant perpetrators of on-line schemes. In addition, the FBI and National White Collar Crime Center partnered in May 2000 to support the Internet Crime Complaint Center (ICCC), a national repository for receipt and exchange of federal and industry Internet crimes data. The ICCC allows for an enhanced capability for intelligence development to assist in these multi-divisional investigations.

***Performance Measure:*** Number of Top-Ten Internet Fraud Targets Neutralized

***FY 2005 Target:*** 7

***FY 2005 Actual:*** 10

***Discussion:*** The FY 2005 target was exceeded. Two of the targets neutralized in FY 2005 include a case where two FBI Agents traveled to Nigeria to assist in 17 arrests and a seizure of \$1 million worth of fraudulently obtained merchandise. Another case involved the conviction of 11 subjects that were part of an organized criminal enterprise that conducted fraudulent auctions on EBay.



***FY 2008 Outcome Goal: Dismantle a cumulative number of 85 (FY 2003-2008) criminal enterprises engaging in white-collar crime***

***FY 2005 Progress: The Department exceeded the target set for this long-term goal in FY 2004. Baseline was established with the Department's FY 2003 Program Assessment Rating Tool (PART) review of this program. Current cumulative total towards long-term goal is 353 dismantlements of criminal enterprises engaging in white-collar crime.***

***Revised FY 2008 Outcome Goal: Dismantle a cumulative total (FY 2003-2008) of 518 criminal enterprises engaging in white-collar crime***

***Background/Program Objectives:*** Through the White-Collar Crime (WCC) Program the FBI investigates criminals and criminal enterprises that seek illicit gains through fraud and guile. Among the illegal activities investigated are: health care, financial institution, government (housing, defense procurement, and other areas), insurance, securities and commodities, telemarketing, bankruptcy fraud, as well as environmental crimes and money laundering.

United States citizens and businesses lose billions of dollars each year to criminals engaged in non-violent fraudulent enterprises. The globalization of economic and financial systems, technological advances, declining corporate and individual ethics, and the sophistication of criminal organizations has resulted in annual increases in the number of illegal acts characterized by deceit, concealment, or violations of trust. The loss incurred as a result of these crimes is not merely monetary. These crimes also contribute to a loss of confidence and trust in financial institutions, public institutions, and industry.

***Performance Measure:*** Number of Criminal Enterprises Engaging in White-Collar Crimes Dismantled

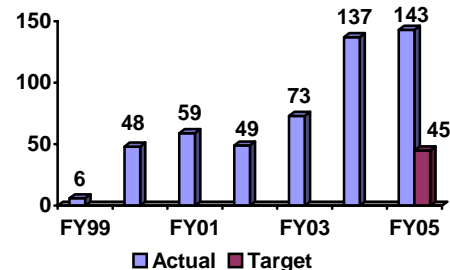
***FY 2004 Revised Actual:*** 137

***FY 2005 Target:*** 45

***FY 2005 Actual:*** 143

***Discussion:*** The FBI surpassed its targeted amount of dismantlements of white-collar criminal enterprises for FY 2005. Notable results in FY 2005 include further civil and criminal penalties from two corporations whose fraudulent activity against Medicare was discovered during the course of the FBI undercover operation "Headwaters." Fines and civil claims against these two corporations totaled more than \$57 million. Another WCC case involved securities fraud matters at the New York Stock Exchange (NYSE). On 04/12/2005, fifteen NYSE Specialists were indicted in the Southern District of New York (SDNY) on securities fraud charges. These Specialists were responsible for matching public buy and sell orders at the best price to ensure the NYSE functions as a fair and orderly market. The identified Specialists are suspected of routinely engaging in prohibited transactions by trading from their firm's account ahead of pre-existing customer buy or sell orders.

**Number of Criminal Enterprises Engaging in White-Collar Crimes Dismantled**



**Data Definition:** Dismantlement means destroying the organization's leadership, financial base, and supply network such that the organization is incapable of operating and/or reconstituting itself.

**Data Collection and Storage:** The data source is the FBI's ISRAA database. The database tracks statistical accomplishments from inception to closure.

**Data Validation and Verification:** Before data are entered into the system, they are reviewed and approved by an FBI field manager. They are subsequently verified through the FBI's inspection process. Inspections occur on a two to three year cycle. Using statistical sampling methods, data in ISRAA are tracked back to source documents contained in FBI files.

**Data Limitations:** FBI field personnel are required to enter accomplishment data within 30 days of the accomplishment or a change in the status of an accomplishment, such as those resulting from appeals. Data for this report are compiled less than 30 days after the end of the fiscal year, and thus may not fully represent the accomplishments during the reporting period. Previous data subject to this limitation were revised during FY 2005.



**FY 2008 Outcome Goal: Favorably resolve 90% of Criminal Cases (litigating divisions)**

**FY 2008 Outcome Goal: Favorably resolve 80% of Civil Cases (litigating divisions)**

**FY 2005 Progress: The Department is on target to achieve this long-term goal.**

**Background/Program Objectives:** Goal Two of the Strategic Plan describes the role of the Department of Justice as the Nation’s chief litigator, representing the U.S. government in court, enforcing federal civil and criminal statutes, including those protecting civil rights, safeguarding the environment, preserving a competitive market structure, defending the public fisc against unwarranted claims, and preserving the integrity of the Nation’s bankruptcy system. Our efforts fall into two general categories: criminal litigation and civil litigation.

**Performance Measure:** TITLE REFINED:  
Percent of Cases Favorably Resolved

**FY 2005 Target:**

Criminal Cases: 90%

Civil Cases: 80%

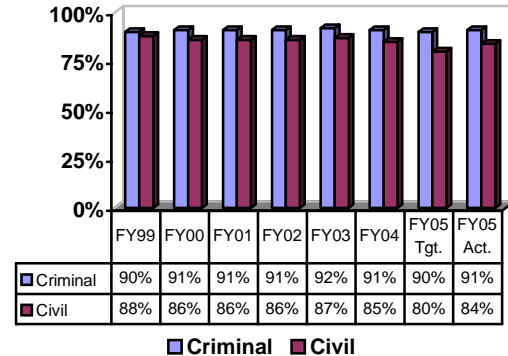
**FY 2005 Actual:**

Criminal Cases: 91%

Civil Cases: 84%

**Discussion:** Through the efforts of our litigating attorneys, the Department exceeded FY 2005 targets for the percentage of criminal and civil cases that resulted in court judgments that were favorable to the government. This success rate would not be possible without strong partnerships among the Department of Justice and other federal, State, and local investigators and prosecutors, bolstered by dedicated support staffs.

**TITLE REFINED: Percent of Cases Favorably Resolved**



**Data Definition:** Cases favorably resolved includes those cases that resulted in court judgments favorable to the government, as well as settlements. For merger cases, favorably resolved data includes: abandoned mergers, mergers “fixed,” or mergers with consent decrees. Non-merger cases favorably resolved also includes instances where practices changed after the investigation and complaints filed with consent decrees. The data set includes non-appellate litigation cases closed during the fiscal year.

**Data Collection and Storage:** Data are captured within each component’s automated case management system and companion interface systems.

**Data Validation:** Each component implements their individual methodology for verifying data. However, in general, case listings and reports are reviewed by attorney managers for data completeness and accuracy on a routine basis. Batch data analysis and ad hoc reviews are also conducted.

**Data Limitations:** Data quality suffers from the lack of a single DOJ case management system and a standardized methodology for capturing case related data. Due to the inherent variances in data collection and management, cases may refer to cases or individuals. In addition, due to reporting lags, case closures for any given year may be under or over-reported. Further, Criminal Division data for FYs 1999 through 2002 are estimates. Actual data are not available due to technical and policy improvements that were not implemented until FY 2003. Lastly, U.S. Attorney data does not include information for the month of September 2005 for the Eastern District of Louisiana due to Hurricane Katrina.

**FY 2008 Outcome Goal: Return 54% of assets/funds to creditors in Chapter 7 cases**  
**FY 2008 Outcome Goal: Return 80% of assets/funds to creditors in Chapter 13 cases**  
**FY 2005 Progress: The Department is on target to achieve this long-term goal.**  
**The Department's FY 2005 Program Assessment Rating Tool (PART) review of this program lead to the setting of more aggressive targets for both Chapter 7 and 13 cases through 2008.**  
**Revised FY 2008 Outcome Goal: Return 58% of assets/funds to creditors in Chapter 7 cases**  
**Revised FY 2008 Outcome Goal: Return 86% of assets/funds to creditors in Chapter 13 cases**

**Background/Program Objectives:** The U.S. Trustee Program (USTP) was established nationwide in 1986 to separate the administrative functions from the judicial responsibilities of the bankruptcy courts and to bring accountability to the bankruptcy system. The USTP acts as the “watchdog” of the bankruptcy system and ensures that parties comply with the law and that bankruptcy estate assets are properly handled. Additionally, the USTP appoints trustees who serve as fiduciaries for bankruptcy estates and administer cases filed under Chapter 7 and Chapter 13. Lastly, the U.S. Trustee regulates and monitors the activities of these private trustees and ensures their compliance with fiduciary standards.

**Performance Measure:** Percent of Assets/Funds Returned to Creditors for Chapter 7 and Chapter 13

**FY 2004 Target:** Chapter 7: 54%  
Chapter 13: 80%

**FY 2004 Actual:** Chapter 7: 58%  
Chapter 13: 86%

**FY 2005 Target:** Chapter 7: 54%  
Chapter 13: 80%

**FY 2005 Actual:** Data not available until January 2006 for Chapter 7 data and April 2006 for Chapter 13 data because of the need to audit data submitted by private trustees prior to reporting.

**Discussion:** In FY 2004, the USTP exceeded its target. The USTP has a comprehensive process that ensures that cases filed each year are effectively and efficiently moved through the bankruptcy system. The USTP audits and evaluates private trustees, follows-up on deficiencies, ensures that old cases are closed promptly, and initiates action when private trustees fail to comply with their obligations. The USTP tracks the cost of trustee operations, as well as distributions to creditors. Finally, by reducing the amount of fraud and abuse in the system, the USTP's civil enforcement and related efforts increased potential additional returns to creditors by \$522 million in FY 2004.

