



AUDIT OF DEPARTMENT OF JUSTICE'S KEY INDICATORS

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EXECUTIVE SUMMARY

Integrating budget and performance has been an important government initiative to ensure “that performance is routinely considered in funding and management decisions, and that programs achieve expected results and work toward continual improvement.”¹ To measure performance, federal agencies develop long-term strategic plans to provide the President, Congress, and the public an overview of the challenges agencies face and their goals and objectives for meeting these challenges.

This review examined the Department of Justice's (DOJ) Strategic Plan for Fiscal Years (FY) 2003-2008. That plan included four strategic goals: (1) Prevent Terrorism and Promote the Nation's Security; (2) Enforce Federal Laws and Represent the Rights and Interests of the American People; (3) Assist State, Local, and Tribal Efforts to Prevent or Reduce Crime and Violence; and (4) Ensure the Fair and Efficient Operation of the Federal Justice System.²

The strategic goals are broken down into specific long-term outcome goals that state what DOJ hopes to achieve in the future. The outcome goals represent the activities that are considered DOJ's highest priorities.

Key indicators are used to measure annual progress toward achieving these outcome goals. Figure 1 illustrates the relationship between strategic goals, outcome goals, and key indicators.

¹ U.S. Office of Management and Budget, *The Federal Government is Results-Oriented: A Report to Federal Employees*, August 2004, which summarizes how the federal government is focusing on results, the role of the President's Management Agenda, and the key to future success. The integration of budget and performance was previously addressed in the Government Performance and Results Act (GPRA) of 1993 and the Reports Consolidation Act of 2000, and is also addressed in the guidance on implementation in the Office of Management and Budget (OMB) Circulars A-11 and A-136. This guidance is discussed further in Appendix II.

² Due to the timing of our audit work and the review's scope, this report discusses the Department's FY 2003-2008 Strategic Plan. In 2007, the Department issued a Strategic Plan for FY 2007-2012, which includes three broad strategic goals: (1) Prevent Terrorism and Promote the Nation's Security; (2) Prevent Crime, Enforce Federal Laws, and Represent the Rights and Interests of the American People; and (3) Ensure Fair and Efficient Administration of Justice. The three goals encompass some of the same outcome goals and key indicators that were contained in the previous plan's four Strategic Goals.

FIGURE 1: RELATIONSHIPS BETWEEN STRATEGIC GOALS, OUTCOME GOALS, AND KEY INDICATORS



Source: Justice Management Division management and U.S. Department of Justice Strategic Plan for Fiscal Years 2003-2008

The Office of the Inspector General (OIG) conducted this audit at the request of the Department to determine whether DOJ's data collection, storage and validation processes, and data limitations reported for its key indicators were complete and accurate.

According to officials in the Department's Justice Management Division (JMD), in order to ensure confidence in DOJ reporting, the Department needs to provide the most accurate data available. Additionally, components must include all key indicators and their performance data in their annual budget requests, which can affect budget and management decisions. The key indicator information is also presented in the annual Budget and Performance Summary to demonstrate DOJ achievements and plans for future accomplishments. Key indicator reporting also enables more accurate assessment and monitoring of any agency's efforts to achieve outcome goals and strategic success. Further, accurate reporting assists DOJ in identifying areas in need of improvement and increased focus.

In cases when a key indicator target is not achieved, JMD officials explained that the affected DOJ component may meet with the Assistant

Attorney General for Administration to discuss the program performance and the corrective actions necessary to achieve that target in the future.

Key Indicator Reporting

As mentioned previously, the Department's key indicators are included in DOJ's annual Budget and Performance Summary, which accompanies the President's budget. Each fiscal year, key indicator performance data is also reported in the Performance and Accountability Report (PAR), which consolidates Department financial and performance information into a single report.

For each key indicator, the PAR includes a discussion of the data collection and storage processes, data validation and verification processes, and any data limitations. In addition to reporting key indicator performance data, the PAR includes narrative sections describing whether the key indicator target was achieved and progress toward the outcome goals.³ If key indicator performance data for a fiscal year is incomplete in that year's PAR, revised data can be included in the next calendar year's Budget and Performance Summary and in the subsequent PAR.

Department of Justice Guidance

Annually, JMD Budget Staff assists in developing and revising the DOJ Financial Statement Requirements and Preparation Guide. According to the FY 2006 version of this guide, reporting by the components begins in May when they provide a draft of their Management Discussion and Analysis (MD&A) to JMD. The MD&As are revised until the final drafts are submitted to JMD in October. The certified final MD&As include the actual performance data and a discussion of performance for the fiscal year. JMD extracts the information provided in the components' MD&As to prepare DOJ's PAR. JMD does not generally adjust the information provided in the components' MD&As, as the PAR is considered a consolidation of the components' MD&As.

The PAR must be submitted to the President, Congress, and the Office of Management and Budget (OMB) 45 days after the September 30 fiscal year end.

Recent Guidance

In November 2007, the President issued Executive Order 13450, entitled "Improving Government Program Performance." This order requires

³ For a sample key indicator narrative, see Appendix V.

federal agencies to establish measurable and clearly defined performance goals. This order places additional emphasis on the importance of key indicators and the quality of data used to report on those indicators, since those indicators will be the foundation for each agency to measure accomplishment of its goals and assist in its budgeting process.

Audit Approach

The purpose of our audit was to determine whether each key indicator we examined met the following criteria: (1) data collection and storage processes were complete and accurate, (2) data validation and verification processes were complete and accurate, and (3) data limitations provided by the agency were complete and accurate. Our audit did not assess whether the key indicators were the best measures to evaluate progress on achieving DOJ's goals.

Our audit covered the FY 2006 PAR, which included 28 DOJ key indicators. We did not conduct audit work on seven key indicators that were either discontinued or were long-term measures still in the process of developing a baseline at the time of our audit.⁴

We conducted our audit work at JMD and 17 DOJ components. These components were responsible for reporting on the 21 audited key indicators, which are listed by strategic goal in Table 1.

⁴ See Appendix III for a comprehensive list of all 28 key indicators included in the FY 2006 PAR and Appendix IV for background information on these key indicators.

TABLE 1: DOJ KEY INDICATORS INCLUDED IN THE AUDIT

KEY INDICATORS LISTED BY STRATEGIC GOAL	COMPONENT
Strategic Goal I: Prevent Terrorism and Promote the Nation's Security	
Terrorist Acts Committed by Foreign Nationals Against U.S. Interests within U.S. Borders	FBI
Strategic Goal II: Enforce Federal Laws and Represent the Rights and Interests of the American People	
Number of Organized Criminal Enterprises Dismantled	FBI
Number of Child Pornography Websites or Web Hosts Shut Down	FBI
Consolidated Priority Organization Target-Linked Drug Trafficking Organizations Disrupted and Dismantled	FBI, DEA, OCEDEF
Number of Top-Ten Internet Fraud Targets Neutralized	FBI
Number of Criminal Enterprises Engaging in White-Collar Crimes Dismantled	FBI
Percent of Cases Favorably Resolved	EOUSA and Litigating Divisions ⁵
Percent of Assets/Funds Returned to Creditors for Chapter 7 and Chapter 13	USTP
Strategic Goal III: Assist State, Local, and Tribal Efforts to Prevent or Reduce Crime and Violence	
Reduction of Homicides per Site Funded Under the Weed and Seed Program	OJP
Percent Reduction in DNA Backlog	OJP
Number of Participants in the Residential Substance Abuse Treatment Program	OJP
Increase in the Graduation Rate of Drug Court Program Participants	OJP
Strategic Goal IV: Ensure the Fair and Efficient Operation of the Federal Justice System	
Number of Judicial Proceedings Interrupted Due to Inadequate Security	USMS
Federal Fugitives Cleared or Apprehended	USMS
Per-Day Jail Costs	OFDT
System-wide Crowding in Federal Prisons	BOP
Escapes from Secure Bureau of Prisons Facilities	BOP
Comparative Recidivism Rates for Federal Prison Industries Inmates versus Non-Federal Prison Industries Inmates	BOP, FPI
Rate of Assaults in Federal Prisons (Assaults per 5,000 Inmates)	BOP
Inspection Results – Percent of Federal Facilities with American Correctional Association Accreditations	BOP
Percent of Executive Office for Immigration Review Priority Cases Completed Within Established Time Frames	EOIR

Source: U.S. Department of Justice FY 2006 Performance and Accountability Report, Part I: Management's Discussion and Analysis and Part II: FY 2006 Performance Report

⁵ The following six litigating divisions are included in this indicator: Antitrust, Civil, Civil Rights, Criminal, Environment and Natural Resources, and Tax Divisions. Throughout this report we use the term "litigating divisions" to refer to these six divisions. The key indicator data for the Executive Office for U.S. Attorneys (EOUSA) and the litigating divisions is consolidated by JMD Budget Staff.

In conducting our audit, we reviewed current laws, regulations, guidelines, and policies to examine key indicator reporting requirements with which federal agencies must comply. These requirements are detailed in Appendix II.

Our fieldwork consisted of interviewing component personnel; reviewing relevant policies and procedures; and assessing processes related to data collection, storage, validation, and verification. We also discussed applicable data limitations with component personnel. In addition, we verified the performance data reported in the FY 2006 PAR and 2008 Budget and Performance Summary.

Our fieldwork was conducted concurrent with DOJ components' preparation of the MD&As for the FY 2007 PAR, which was issued in November 2007. Due to the timing of our audit, we discussed our preliminary audit results with DOJ components and JMD officials before the PAR was completed. This process was important to ensure that components were able to implement revisions to the FY 2007 MD&As, which were used to compile the FY 2007 PAR. Delayed presentation to the components of the issues and deficiencies identified in our audit would have resulted in the reporting of inaccurate and incomplete information in the DOJ's FY 2007 PAR. As a result, as part of this audit we analyzed the FY 2007 PAR, which was modified in response to our preliminary findings, and due to our audit work, we are including the components' revisions throughout this report.⁶

Results in Brief

Our audit concluded that DOJ components reporting on 12 of the 21 DOJ key indicators audited had: (1) adequate data collection and storage processes, (2) sufficient data validation and verification processes, and (3) complete and accurate disclosure of data limitations. However, we identified the following deficiencies and issues related to the remaining 9 of the 21 key indicators: (1) the data collection processes, which could, and in some cases did, result in under- or over-reporting; (2) incomplete and inaccurate data; (3) the scope of the data collected by some of the components was incomplete; (4) the scope of the data presented in the FY 2006 PAR for some key indicators was inaccurate; (5) some detailed information in the FY 2006 PAR did not directly illustrate what the title described; and (6) some key indicators did not disclose data limitations and other information that needed to be disclosed in the PAR.

⁶ Our review of the FY 2007 PAR and any changes that were made as a result of our audit are discussed in detail in the Findings and Recommendations section of this report, which is organized by the four strategic goals reported in the DOJ's Strategic Plan for FY 2003-2008.

Overall, we found that component management had implemented a variety of different processes to review and validate the MD&As prior to providing them to JMD for compilation in the PAR. However, the deficiencies and issues identified in 9 of the 21 key indicators suggest that the review and validation processes were not sufficiently effective to ensure accurate and complete performance data and an accurate presentation of the performance information in the MD&As and the PAR. In our opinion, components need to improve their validation processes by verifying the accuracy of MD&A narratives covering the key indicators and the supporting information necessary to ensure the accuracy of the key indicator performance data. Further, components should communicate to staff the need for accuracy of the key indicator information presented in the MD&A for PAR reporting.

Although we recognize that JMD officials cannot currently verify or adjust information provided by the components, we believe that JMD should expand its role to improve the accuracy of the key indicator performance data reported in the components' MD&As, which are subsequently compiled for the PAR. To accomplish this, through a formal policy JMD should require the necessary supporting information from components to authenticate the accuracy of the key indicator performance data.

Our report contains 12 recommendations that focus on specific steps that JMD and the components should take to improve the: (1) data collection and storage processes, (2) data validation and verification processes, and (3) data limitation disclosures for the DOJ's key indicators.

We discuss the specific deficiencies we found in nine of the key indicators in the following section.

Summary of OIG Findings

Our audit identified specific deficiencies and issues related to the following nine key indicators.

Number of Child Pornography Websites or Web Hosts Shut Down - FBI

This key indicator identifies the number of child pornography websites and web hosts shut down and is measured by the Innocent Images National Initiative, a component of the FBI's Cyber Crimes Program. In performing its mission, the Innocent Images National Initiative is involved in issuing subpoenas to web hosting companies and Internet service providers to obtain subscriber information in order to investigate who developed the

website and who is responsible for it. The service of a subpoena does not in and of itself result in a website shutdown. However, according to the FBI, upon receiving a subpoena web hosting companies and Internet service providers will routinely shut down the website because the subpoena notifies them of an ongoing investigation of sexual exploitation of children and they do not want this material on their servers. The FBI explained that the service of a subpoena is how the FBI determines the number of websites and web hosts shut down. FBI officials explained that they do not have data to comprehensively count the total number of websites shut down through its interventions with Internet service providers.

We determined that this key indicator is not fully accurate since the FBI has no direct technical role in shutting down websites. This indicator measures the number of child pornography websites and web hosts shut down, while the FBI captures this data by counting the number of subpoenas served. As a result, this key indicator does not reflect the work and activities of the FBI.

Number of Top-Ten Internet Fraud Targets Neutralized - FBI⁷

This key indicator measured the number of top-ten Internet fraud targets neutralized. Neutralization occurs when the fraud targets are unable to perpetuate their frauds any further. According to the FY 2006 PAR, "The FBI and the National White Collar Crime Center partnered in May 2000 to support the Internet Crime Complaint Center (IC3)." The IC3 collects Internet fraud complaints through its website and refers Internet fraud cases to FBI field offices and state and local law enforcement agencies. To identify neutralization information and report on this indicator, the IC3 searches the Internet, liaisons with the field offices, and also depends on FBI field offices and state and local law enforcement agencies to provide neutralization information. However, FBI field offices and state and local law enforcement agencies have the discretion to decide whether referrals are used to open cases and pursue investigations. Additionally, we found that no requirements exist regarding the use of the referred case information or for FBI field offices and state and local law enforcement agencies to report back to IC3 regarding neutralizations that were a result of the IC3's referred cases information. As a result, the IC3 may not receive feedback from FBI field offices and state and local law enforcement agencies and cannot assure the accuracy of neutralization information for this key indicator.

⁷ In the FY 2006 PAR examined by our audit, the key indicator was titled, "Number of Top-Ten Internet Fraud Targets Neutralized." However, the key indicator was revised in the 2008 Budget and Performance Summary to the "Number of High-Impact Internet Fraud Targets Neutralized."

Percent of Cases Favorably Resolved – EOUSA and the Litigating Divisions

This key indicator measures the percent of civil and criminal cases favorably resolved, which includes cases resulting in court judgments and settlements favorable to the government. EOUSA and the DOJ litigating divisions are responsible for representing the U.S. government in federal court. At the time of our audit, EOUSA and each of the six litigating divisions included in this indicator maintained separate and unrelated case management systems. We found that EOUSA and the litigating divisions are using two different dates to report on the percentage of cases favorably resolved – the case disposition date and the system date. The disposition date is the date that the disposition or decision occurred. The system date is the date the disposition is entered into the case management system. Consequently, using two different dates for the data runs provides inconsistent results. We brought this condition to the attention of management at both EOUSA and the litigating divisions during the course of our audit. Subsequently, EOUSA and the litigating divisions took action to address the condition in the FY 2007 PAR by disclosing the different dates that are used to collect the data for this key indicator.

Additionally, we found that the Civil Rights Division included cases in the data provided to JMD that should not have been reported. The data definition section of the PAR states, “The data set includes non-appellate litigation cases closed during the fiscal year.” However, the Civil Rights Division included appellate cases in the information provided to JMD. As a result, the percentage of civil cases favorably resolved was understated and the percentage of criminal cases favorably resolved was overstated.

Finally, we found that in some instances the U.S. Attorneys Offices and the litigating divisions are reporting the same case to JMD. As a result, duplicate cases are included in the data consolidated by JMD for this key indicator. During the course of our audit, we brought this issue to the attention of management at both EOUSA and the litigating divisions. Subsequently, EOUSA and the litigating divisions took action to address the issue in the FY 2007 PAR by disclosing that cases worked on by more than one component continue to be duplicated in the totals for this indicator and will continue to be duplicated until the litigation case management system (a single shared case management system for EOUSA and the litigating divisions) is fully implemented.

Percent of Assets/Funds Returned to Creditors for Chapter 7 and Chapter 13 - USTP

This key indicator measures the percent of assets and funds returned to creditors for bankruptcies filed under Chapter 7 and Chapter 13. In Chapter 7 bankruptcy proceedings, assets that are not exempt from creditors are liquidated. For Chapter 13, debtors repay a portion or all of their debt over 3 to 5 years. According to the FY 2006 PAR, "The U.S. Trustee Program was established nationwide" However, we found that U.S. Trustees are not in all 50 states in the United States. Specifically, in Alabama and North Carolina bankruptcy cases are still administered by the courts. This issue was brought to the attention of the Executive Office for U.S. Trustees (EOUST) management during the course of our audit. Subsequently, EOUST corrected this issue in the FY 2007 PAR by disclosing the two states not included in this key indicator.

Reduction of Homicides Per Site Funded Under the Weed and Seed Program - OJP

This key indicator measures the reduction of homicides per site funded under the Weed and Seed Program and the average number of homicides per Weed and Seed site. The OJP Community Capacity Development Office (CCDO) is responsible for the Weed and Seed Program. The CCDO collects the Weed and Seed data and uses the assistance provided by the Justice Research and Statistics Association (JRSA) to analyze the data. We found that the CCDO did not accurately represent the time periods covered by the data presented in the FY 2006 PAR. We reviewed the summary reports provided by the JRSA and did not find any discrepancies with the number of homicides per Weed and Seed site that were reported for FYs 2004 and 2005. However, these reports used data from the FYs 2004 and 2005 Government Performance and Results Act (GPRA) Reports, which included data covering calendar years 2003 and 2004. Therefore, the data presented in the FY 2006 PAR does not cover FYs 2004 and 2005 but instead covers calendar years 2003 and 2004.

Additionally, using the summary reports we did not find any discrepancies with the 17.8 percent reduction of homicides per site funded under the Weed and Seed Program reported for FY 2005 in the FY 2006 PAR. However, we found that the data sets used to report on the number of homicides per Weed and Seed site included data from all reporting sites irrespective of whether reporting occurred in previous years. Therefore, the data sets used were not comparable from one year to the next because different grantees were included in each data set. In order to calculate the

reduction, a data set that is limited to sites with data for both years should be used.

We discussed and identified additional data limitations for this key indicator with CCDO and JRSA personnel. Our primary concern was that the Weed and Seed grants have 5-year designations. Therefore, grantees may be at a different phase in their program depending upon the number of years they have been receiving grant funds. Additionally, grantees do not begin the 5-year designation at the same time. Therefore, the scope of the data changes each year as new grantees are added and other grantees reach the end of their 5-year designation. Finally, CCDO and JRSA personnel informed us that not all Weed and Seed sites are comparable. Some of the differences include population demographics and population size. Therefore, the data for this key indicator is difficult to compare across years and among sites. During the course of our audit, we brought these issues to the attention of CCDO management. Subsequently, CCDO took action to address the condition in the FY 2007 PAR by disclosing the additional data limitation.

Number of Participants in the Residential Substance Abuse Treatment Program – OJP

This key indicator measures the number of participants served by the Residential Substance Abuse Treatment (RSAT) grant program, which funds treatment activities focusing on substance abuse, including treatment in a residential treatment facility operated by state correctional agencies. The OJP's Bureau of Justice Assistance (BJA) requires annual RSAT Reports that collect information regarding the grantee's previous fiscal year. However, the scope of each grantee's fiscal year may be the federal government fiscal year, the calendar year, or the state's fiscal year. As a result, the key indicator data reported by the grantees, when compiled, includes various data scopes.

Additionally, in the FY 2006 PAR the BJA reported 35,350 RSAT program participants for 2005. Using the spreadsheet provided by the BJA, BJA pointed out that for 2005 it should have reported a total of 31,740 RSAT program participants. Therefore, the number of RSAT program participants was overstated by 3,610 participants or 10.21 percent. We discussed this issue with BJA management during the course of our audit. Subsequently, BJA addressed the issue in the FY 2007 PAR by disclosing the error and reporting the correct number of RSAT participants for 2005.

Finally, in the FY 2006 PAR, the BJA disclosed the following data limitation, "Statutorily mandated calendar year reporting requirement."

However, the data is presented as “FY 2005 Actual” data in the PAR and as mentioned previously, we found that the data is reported based on the grantee’s fiscal year, which represents various time periods that are neither exclusively federal fiscal year nor calendar year data. Therefore, the data limitation and the scope of the data presented in the PAR are contradictory. We brought this issue to the attention of BJA management during the course of our audit. Subsequently, BJA took action to address the issue in the FY 2007 PAR by disclosing that the performance data is collected according to the grantee’s fiscal year and the scope of the fiscal year may not be the same for all grantees.

Increase in the Graduation Rate of Drug Court Program Participants - OJP

This key indicator measures the increase in the graduation rate of drug court program participants. The drug court program combines substance abuse treatment, sanctions, and incentives with case processing to assign eligible defendants a treatment provider with educational resources and programs. We found that the 31.9 percent graduation rate of drug court participants reported for FY 2006 in the FY 2006 PAR does not encompass an entire fiscal year. Instead, it represents January through June of FY 2006. Therefore, the drug court graduation percentage reported in the FY 2006 PAR is inaccurate because it represents 6 months instead of a 12-month period. Further, this may affect the 13.8 percent increase in the graduation rate reported in the FY 2006 PAR.

We also found that the BJA did not present the accurate scope of the performance data in the FY 2006 PAR. Specifically, we found that the data reported in the FY 2006 PAR is presented as fiscal year data. However, we found that the data actually represents the state’s fiscal year data under the data collection methodologies described by the BJA. During the course of our audit, we brought this issue and the previous issue to the attention of BJA management. Subsequently, BJA took action to address these issues in the FY 2007 PAR by disclosing its processes to collect data for a consecutive 12-month period, disclosing the scope of that 12-month period, and presenting the accurate scope of its performance data.

Finally, JMD uses the DOJ components’ MD&A to draft the PAR and is responsible for generating the bar graphs in the PAR. We found that the bar graph for this key indicator in the FY 2006 PAR is titled, “Increase in the Graduation Rate of Drug Court Program Participants,” but the bar graph displays the graduation percent, not the graduation percent increase. The current bar graph compares the graduation rates over several years and illustrates the 31.9 graduation percent instead of the actual 13.8 percent increase from year to year. We brought this issue to the attention of JMD

management during the course of our audit. Subsequently, JMD took action to address the issue in the FY 2007 PAR by revising the title of the bar graph.

Comparative Recidivism Rates for FPI Inmates versus Non-FPI Inmates - FPI, BOP

This key indicator compares recidivism rates of inmates who participated in the Federal Prison Industry (FPI) and inmates who did not participate at 3 years and 6 years after release from a secure facility. For this key indicator, recidivated cases are individuals who are arrested and returned to the legal system. We identified two additional data limitations that were not disclosed in the FY 2006 PAR.

First, we found that Vermont, Maine, and Washington, D.C., are not participating in the FBI's Interstate Identification Index (III). Therefore, if a BOP-released inmate was arrested in any of these jurisdictions, it may not be reported in the FBI's III. Specifically, if the inmate was returned to a BOP facility, SENTRY would capture this data. However, if the inmate was returned to a state or local facility in one of these jurisdictions, the FBI's III would not capture this data. As a result, this information would not be reported and included within the BOP's statistical model that generates the results reported in the PAR. Additionally, BOP personnel explained that for the same reason the following states may be under-represented in the recidivism data: New Jersey, North Carolina, Oregon, Florida, Kentucky, Hawaii, Maine, and Idaho.

Second, according to BOP personnel, a data lag can occur between the time an inmate is arrested and when the information is entered into the state's record management system or into SENTRY. This limitation may cause the results reported in the PAR to be under- or over-reported. We determined that this data limitation was also not disclosed in the FY 2006 PAR.

Rate of Assaults in Federal Prisons (Assaults per 5,000 Inmates) - BOP

This key indicator measures the rate of assaults in federal prisons per 5,000 inmates. For this key indicator, assaults include "inmate on inmate" and "inmate on staff," and both serious and less serious assaults. In the FY 2006 PAR, the BOP reported the FY 2006 rate of assaults per 5,000 inmates as 119. Using the "Inmate Assessment for Acts of Misconduct Report" provided by BOP personnel, we found that for FY 2006 the BOP should have reported 116 as the rate of assaults per 5,000 inmates. As a

result, we found that the BOP overstated the rate of assaults by 2.76 percent.

The specific deficiencies and issues are discussed in detail in the Findings and Recommendations section of this report, organized by the four strategic goals reported in the DOJ's Strategic Plan for FY 2003-2008. Detailed information regarding our audit objectives, scope, and methodology appears in Appendix I.

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INTRODUCTION

Integrating budget and performance has been an important government initiative to ensure “that performance is routinely considered in funding and management decisions, and that programs achieve expected results and work toward continual improvement.”¹ Over the years, the integration of budget and performance has been addressed in the Government Performance and Results Act (GPRA) of 1993, the Reports Consolidation Act of 2000, and is also addressed in the implementation guidance in the Office of Management and Budget (OMB) Circulars A-11 and A-136.² In order to measure performance, federal agencies develop long-term strategic plans to provide the President, Congress, and the public an overview of their goals and objectives and the problems and challenges they face.³

The Department of Justice's (DOJ) current Strategic Plan identifies three general strategic goals.⁴ However, due to the timing of our audit work and our audit scope, this report discusses the FYs 2003-2008 Strategic Plan, which identified the following four strategic goals:

- I. Prevent Terrorism and Promote the Nation's Security
- II. Enforce Federal Laws and Represent the Rights and Interests of the American People
- III. Assist State, Local, and Tribal Efforts to Prevent or Reduce Crime and Violence
- IV. Ensure the Fair and Efficient Operation of the Federal Justice System

¹ U.S. Office of Management and Budget, *The Federal Government is Results-Oriented: A Report to Federal Employees*, August 2004, which summarizes how the federal government is focusing on results, the role of the President's Management Agenda, and the key to future success.

² This guidance is discussed further in Appendix II.

³ All federal agencies are required by GPRA to develop a 5-year Strategic Plan.

⁴ The current three strategic goals from the DOJ Strategic Plan for FYs 2007-2012 are: (1) Prevent Terrorism and Promote the Nation's Security; (2) Prevent Crime, Enforce Federal Laws, and Represent the Rights and Interests of the American People; and (3) Ensure Fair and Efficient Administration of Justice.

According to OMB Circular A-11, Section 210, Preparing and Submitting a Strategic Plan, a strategic goal is a statement of aim or purpose that defines how an agency will carry out a major segment of its mission over a period of time. Strategic goals are used to group multiple long-term program outcome goals that identify what DOJ hopes to achieve several years into the future. Outcome goals, which represent the activities that are considered DOJ's highest priorities, are measured annually by key indicators.

For example, within Strategic Goal II, one outcome goal is to "Shut Down a Cumulative Total of 1,850 Child Pornography Websites or Web Hosts." The Federal Bureau of Investigation's (FBI) key indicator measuring the annual progress towards achieving this outcome goal is the "Number of Child Pornography Websites and Web Hosts Shut Down."

Figure 1 illustrates the relationship between strategic goals, outcome goals, and key indicators.

FIGURE 1: RELATIONSHIPS BETWEEN STRATEGIC GOALS, OUTCOME GOALS, AND KEY INDICATORS



Source: Justice Management Division management and U.S. Department of Justice Strategic Plan for Fiscal Years 2003-2008

Recent Guidance

In November 2007, the President issued Executive Order 13450, Improving Government Program Performance, which details the need for performance goals that are measurable and clearly defined. Specifically, in addition to several other requirements, the Order directs agency heads to establish clear annual and long-term goals defined by objectively measurable outcomes and plans for achieving them.

Additionally, the Order states that the head of each agency assists in making budget and appropriation recommendations to Congress that are justified based on objective performance information. Finally, the Order discusses the establishment of Performance Improvement Officers who will supervise the performance management activities.

In our judgment, Executive Order 13450 places additional emphasis on the importance of key indicators and the quality of data used to report on these indicators, since those indicators are the foundation for agencies to measure how well they accomplish their goals and assist in their budgeting processes.

Background

During our audit, Justice Management Division (JMD) officials stated that key indicators are the best representation of DOJ's current activities, objectives, and direction for the future. Further, key indicators demonstrate progress toward achieving outcome-oriented goals. DOJ components and JMD work together to select key indicators that best represent a measurement of DOJ's activities. Each key indicator must be approved by DOJ management and the OMB.

Key indicator performance information is published in the components' annual budget requests within the Budget and Performance Summary. This information discusses DOJ achievements and plans for future accomplishments. Additionally, this information can be used for budget and management decisions. Therefore, accuracy is essential in key indicator reporting. JMD officials stated that to ensure confidence in DOJ reporting, the Department must provide the most accurate data available.

JMD officials also stated that when a key indicator target is not achieved, the DOJ component may meet with the Assistant Attorney General for Administration to discuss the program performance and the actions necessary to achieve that target in the future.

Key indicators are part of DOJ's annual Budget and Performance Summary, which accompanies the President's Budget. In addition, at the close of each fiscal year, key indicator performance data is reported in the Department's Performance and Accountability Report (PAR), which consolidates financial and performance information into a single report.

The PAR includes a discussion on the data collection and storage processes, data validation and verification processes, and any data limitations for each key indicator. The PAR also reports key indicator performance data for the reporting period and includes narrative sections describing whether the key indicator target was achieved and progress toward achieving the outcome goals.⁵ If key indicator performance data for the fiscal year is incomplete in that year's PAR, revised data can be included in the next calendar year's Budget and Performance Summary and the subsequent PAR.

Department of Justice Guidance

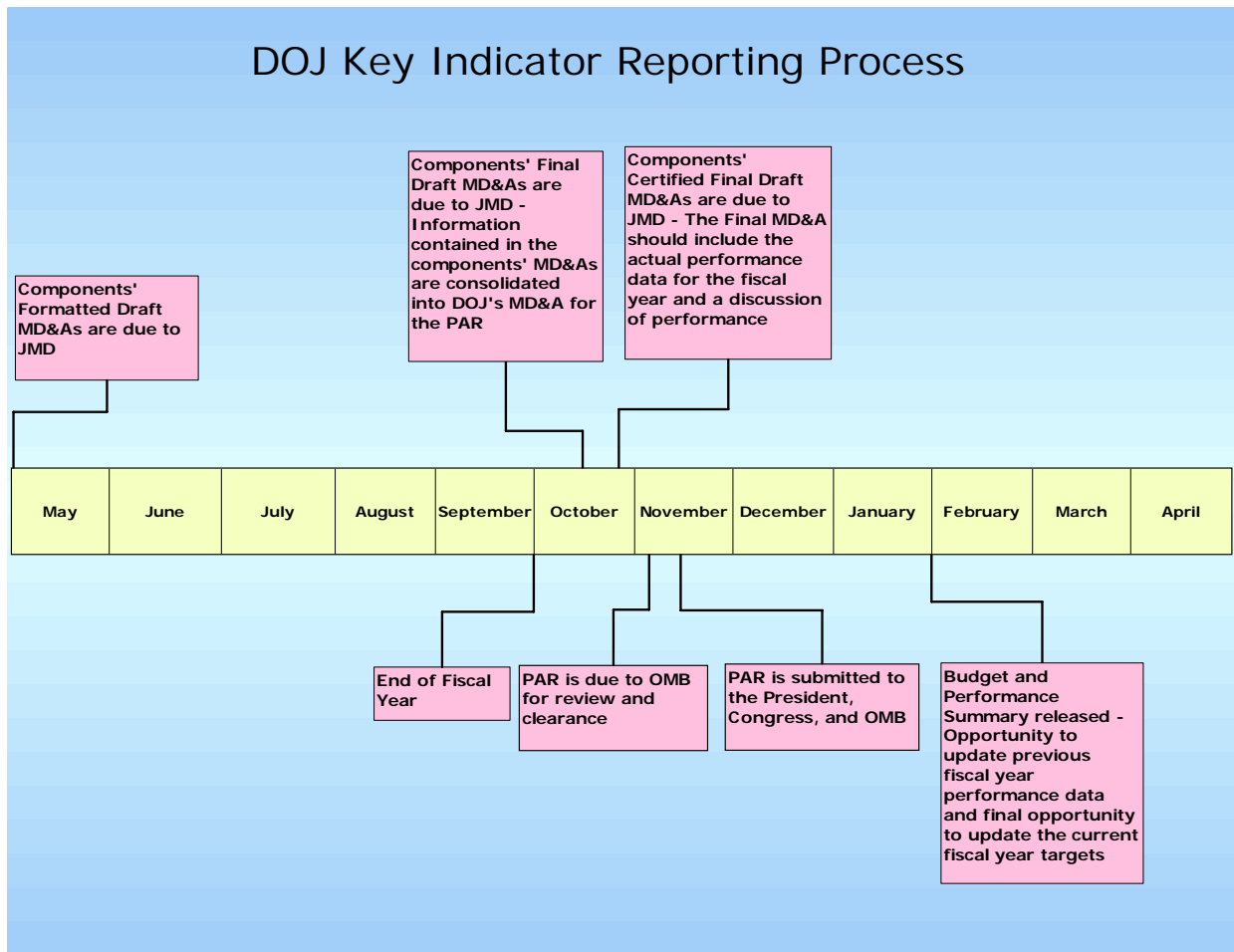
Annually, JMD Budget Staff assist in developing and revising the DOJ Financial Statement Requirements and Preparation Guide. Chapter 4 of the FY 2006 version of this guide provides specific information on the Management Discussion and Analysis (MD&A) that the components submit to JMD. That chapter contains the key indicator requirements that must be included in the MD&A and lists the key indicators that each component is responsible for reporting.

Reporting by the components begins in May of each year when they provide a draft MD&A to JMD. Revisions can be made to the MD&As until the final drafts are submitted to JMD in October. Then the actual performance data and a discussion of performance for the fiscal year are added. JMD extracts the information provided in the components' final draft MD&As and certified final MD&As to prepare DOJ's PAR. The PAR consolidates the components' MD&As, so JMD does not generally adjust the information provided by the components in their MD&As.

The PAR must be submitted to the President, Congress, and the Office of Management and Budget (OMB) 45 days after the September 30 fiscal year end. The draft PAR should be provided to OMB 10 working days before the due date for review and clearance. The established timeline for DOJ's reporting process is illustrated in Figure 2.

⁵ For a sample key indicator narrative, see Appendix V.

FIGURE 2: DOJ KEY INDICATOR REPORTING PROCESS TIMELINE



Source: DOJ Financial Statement Requirements and Preparation Guide, August 2006; OMB Circular A-136; OMB Circular A-11; and JMD management

Audit Approach

The objectives of our audit were to determine whether each key indicator met the following criteria: (1) data collection and storage processes were complete and accurate, (2) data validation and verification processes were complete and accurate, and (3) data limitations provided by the agency were complete and accurate. Our audit did not assess whether the key indicators were the best measures to assess progress on achieving DOJ's goals.

Our audit scope included the FY 2006 PAR, which contained 28 DOJ key indicators. Additionally, the audit scope included the revisions made to the performance data reported in the FY 2006 PAR, which are disclosed in the 2008 Budget and Performance Summary. Our audit scope did not

include seven key indicators that were either discontinued or long-term measures still in process of developing a baseline at the time of our audit.⁶

Our audit work was conducted at JMD and the 17 DOJ components responsible for reporting on 21 key indicators. These key indicators are listed in Table 1, categorized by the four strategic goals reported in the DOJ's Strategic Plan for FYs 2003-2008.

⁶ See Appendix III for a comprehensive list of all 28 key indicators included in the FY 2006 PAR and Appendix IV for background information on these key indicators.

TABLE 1: DOJ KEY INDICATORS INCLUDED IN THE AUDIT SCOPE

KEY INDICATORS LISTED BY STRATEGIC GOAL	COMPONENT
Strategic Goal I: Prevent Terrorism and Promote the Nation's Security	
Terrorist Acts Committed by Foreign Nationals Against U.S. Interests within U.S. Borders	FBI
Strategic Goal II: Enforce Federal Laws and Represent the rights and Interests of the American People	
Number of Organized Criminal Enterprises Dismantled	FBI
Number of Child Pornography Websites or Web Hosts Shut Down	FBI
Consolidated Priority Organization Target-Linked Drug Trafficking Organizations Disrupted and Dismantled	FBI, DEA, OCEDEF
Number of Top-Ten Internet Fraud Targets Neutralized	FBI
Number of Criminal Enterprises Engaging in White-Collar Crimes Dismantled	FBI
Percent of Cases Favorably Resolved	EOUSA and Litigating Divisions ⁷
Percent of Assets/Funds Returned to Creditors for Chapter 7 and Chapter 13	USTP
Strategic Goal III: Assist State, Local, and Tribal Efforts to Prevent or Reduce Crime and Violence	
Reduction of Homicides per Site Funded Under the Weed and Seed Program	OJP
Percent Reduction in DNA Backlog	OJP
Number of Participants in the Residential Substance Abuse Treatment Program	OJP
Increase in the Graduation Rate of Drug Court Program Participants	OJP
Strategic Goal IV: Ensure the Fair and Efficient Operation of the Federal Justice System	
Number of Judicial Proceedings Interrupted Due to Inadequate Security	USMS
Federal Fugitives Cleared or Apprehended	USMS
Per-Day Jail Costs	OFDT
System-wide Crowding in Federal Prisons	BOP
Escapes from Secure Bureau of Prisons Facilities	BOP
Comparative Recidivism Rates for Federal Prison Industries Inmates versus Non-Federal Prison Industries Inmates	BOP, FPI
Rate of Assaults in Federal Prisons (Assaults per 5,000 Inmates)	BOP
Inspection Results – Percent of Federal Facilities with American Correctional Association Accreditations	BOP
Percent of Executive Office for Immigration Review Priority Cases Completed Within Established Time Frames	EOIR

Source: U.S. Department of Justice FY 2006 Performance and Accountability Report, Part I: Management's Discussion and Analysis and Part II: FY 2006 Performance Report

As part of our audit, we reviewed current laws, regulations, guidelines, and policies in order to understand the key indicator reporting requirements

⁷ The following six litigating divisions are included in this indicator: Antitrust, Civil, Civil Rights, Criminal, Environment and Natural Resources, and Tax Divisions. Throughout this report we use the term "litigating divisions" to refer to these six divisions. The key indicator data for the Executive Office for U.S. Attorneys (EOUSA) and the litigating divisions is consolidated by JMD Budget Staff.

with which federal agencies must comply. Our fieldwork consisted of interviewing component personnel; reviewing relevant policies and procedures; reviewing processes related to data collection, storage, validation, and verification; and discussing applicable data limitations with component personnel. Additionally, we verified the performance data reported in the FY 2006 PAR and the 2008 Budget and Performance Summary.

Our fieldwork was conducted while DOJ components were preparing the MD&As for the FY 2007 PAR, which was issued in November 2007. Due to the timing of this audit, we communicated our preliminary audit results to DOJ components and JMD officials before the PAR was completed. This process was important to ensure that components were able to implement revisions to the FY 2007 MD&As, which were used to compile the FY 2007 PAR, in response to our preliminary findings. Delayed presentation to the components of the issues and deficiencies identified in our audit would have resulted in the Department's reporting of inaccurate and incomplete information in the DOJ's FY 2007 PAR. As a result, as part of this audit we analyzed the FY 2007 PAR, which was modified in response to our preliminary findings, and we are including the components' revisions throughout this report.⁸

We determined that 12 key indicators out of the original 21 had no definitive problems. Therefore, we made no recommendations regarding those key indicators. We identified deficiencies and issues related to 9 of the 21 key indicators included in our audit. These deficiencies and issues related to: (1) the data collection processes, which could, and in some cases did, result in under- or over-reporting; (2) incomplete and inaccurate data; (3) the scope of the data collected by some of the components was incomplete; (4) the scope of the data presented in the FY 2006 PAR for some key indicators was inaccurate; (5) detailed information in the FY 2006 PAR that did not directly illustrate what the title described; and (6) some key indicators did not fully disclose data limitations and other information that needed to be disclosed in the PAR.

Generally, we found that component management had implemented a variety of processes to review and validate the MD&As prior to providing them to JMD for compilation in the PAR. Yet, the deficiencies and issues identified in 9 of the 21 key indicators suggest that the review and validation processes were not sufficiently effective to ensure accurate and complete performance data and an accurate presentation of the performance

⁸ Our review of the FY 2007 PAR and any changes that were made as a result of our audit are discussed in detail in the Findings and Recommendations section of this report.

information in the MD&As and the PAR. In our opinion, component management should enhance validation processes by verifying the accuracy of MD&A narratives covering the key indicators and the supporting information necessary to ensure the accuracy of the key indicator performance data. In addition, components should communicate to staff the need for accuracy of the key indicator information presented in the MD&A for PAR reporting.

Furthermore, while we recognize that JMD officials cannot currently verify or adjust information provided by the components, we believe that JMD should expand its role to emphasize improved accuracy of the key indicator performance data reported in the components' MD&As, which are subsequently compiled for the PAR. To accomplish this, we believe that through formal policy JMD should require the necessary supporting information from the components to authenticate the accuracy of the key indicator performance data.

The deficiencies and issues identified in 9 of the 21 audited key indicators are discussed in detail in the Findings and Recommendations section of this report, organized by the 4 strategic goals reported in the DOJ's Strategic Plan for FY 2003-2008. Detailed information regarding our audit objectives, scope, and methodology appears in Appendix I.

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FINDINGS AND RECOMMENDATIONS

I. STRATEGIC GOAL I: PREVENT TERRORISM AND PROMOTE THE NATION'S SECURITY

Strategic Goal I consists of a single key indicator "Terrorist Acts Committed by Foreign Nationals Against U.S. Interests within U.S. Borders." Our audit determined that the data collection, storage, validation, and verification processes performed by the FBI for this key indicator were adequate. We did not identify any issues with these processes, and we did not identify any data limitations beyond those already disclosed.

The September 11 terrorist attacks led to the development of this strategic goal. According to the FY 2003-2008 Strategic Plan for the U.S. Department of Justice, "The Department of Justice's approach to protecting the U.S. from terrorism is three-pronged, focusing on the prevention of terrorist acts; the investigation and prosecution of those who have committed, or intend to commit, terrorist acts in the United States; and combating espionage against the United States by strengthening counterintelligence capabilities."

We discuss our review of the key indicator related to this strategic goal below.

Terrorist Acts Committed by Foreign Nationals Against U.S. Interests within U.S. Borders – FBI

This key indicator is measured by the FBI and assesses the number of terrorist acts committed by foreign nationals against U.S. interests within U.S. borders. The FBI is responsible for coordinating counterterrorism investigations. For the purposes of this indicator, "The FBI defines a terrorist act as an attack against a single target. A terrorist incident may consist of multiple terrorist acts."

Data Collection and Storage

We did not identify any issues with the FBI's data collection and storage processes for this key indicator. The number of terrorist acts committed by foreign nationals against U.S. interests is compiled by the FBI Counterterrorism Division. When a terrorist act is committed, an electronic communication is provided to FBI management from the Counterterrorism Division. Since these terrorist acts are infrequent occurrences, a database system is not necessary. The electronic communications are maintained as

the source documents to report the number of occurrences in the PAR and are stored on a secure FBI computer with access controls.

Data Validation and Verification

We did not identify any issues with the FBI's data validation and verification processes for this key indicator. The electronic communications regarding terrorist acts and incidents are reviewed by multiple levels of FBI management.

Key Indicator Data Comparison

Since the last reported terrorist act was committed in FY 2002, we reviewed the electronic communication supporting that occurrence. We discussed the zero terrorist acts committed for FY 2006 with the FBI. Based on our discussion, we did not find any discrepancies with the performance data reported for this key indicator for FY 2006.

Disclosure of Data Limitations

The FY 2006 PAR disclosed the following data limitations, "The decision to count or discount an incident as a terrorist act is subject to change based upon the latest available intelligence information and the opinion of program managers. In addition, acts of terrorism, by their nature, are impossible to reduce to uniform, reliable measures. A single defined act of terrorism could range from a small-scale explosion that causes property damage to the use of a weapon of mass destruction that causes thousands of deaths and has a profound effect on national morale." During our audit, we did not identify any data limitations beyond those already disclosed in the FY 2006 PAR for this key indicator.

II. STRATEGIC GOAL II: ENFORCE FEDERAL LAWS AND REPRESENT THE RIGHTS AND INTERESTS OF THE AMERICAN PEOPLE

Strategic Goal II consists of 10 key indicators, of which 7 were included in our audit scope. We did not find any discrepancies with three of the seven key indicators. Specifically, for the key indicators relating to organized criminal enterprises, Consolidated Priority Organization Target-links, and white-collar crime criminal enterprises we determined that the data collection, storage, validation, and verification processes for these key indicators were adequate and did not identify any data limitations beyond those already disclosed.

For the key indicator "Number of Child Pornography Websites or Web Hosts Shut Down," we concluded that the indicator only indirectly demonstrates the work performed by the FBI.

For the key indicator "Number of Top-Ten Internet Fraud Targets Neutralized," data collection relies on FBI field offices and state and local law enforcement agencies to provide the information. However, the FBI field offices and state and local law enforcement agencies are not required to report this information, which may cause under-reporting.

For the key indicator "Percent of Cases Favorably Resolved," we found that the Executive Office for U.S. Attorneys (EOUSA) and the litigating divisions used two different methodologies to generate the data for the FY 2006 PAR, included duplicate cases in the data consolidated by JMD, and included appellate cases despite the FY 2006 PAR disclosure that the data set included "non-appellate cases."

For the key indicator "Percent of Assets/Funds Returned to Creditors for Chapter 7 and Chapter 13," we found that the U.S. Trustees did not disclose that bankruptcy cases are not administered by the U.S. Trustees in all 50 states.

Strategic Goal II encompasses several broad issues, including reducing the threat, incidence and prevalence of violent crime and criminals, including crimes against children; reducing the threat, trafficking, use, and related violence of illegal drugs; combating white collar crime, economic crime, and cyber crime; and targeting threats to the U.S. Constitution and individuals' civil rights.

We describe below each of the seven key indicators we reviewed related to this strategic goal.

Number of Organized Criminal Enterprises Dismantled - FBI

This key indicator is measured by the FBI and determines the number of organized criminal enterprises dismantled. Criminal enterprise investigations “target the entire entity responsible for the crime problem.” Dismantlement is defined in the PAR as “destroying the targeted organization's leadership, financial base, and supply network such that the organization is incapable of operating and reconstituting itself.” The FBI uses its Integrated Statistical Reporting and Analysis Application (ISRAA) to collect data for this indicator.

Data Collection and Storage

We did not identify any issues with the FBI's data collection and storage processes for this key indicator. The field agents complete an FBI Accomplishment Report, Form FD-515, to report a statistical accomplishment, which includes dismantlements. The FD-515 is approved by an FBI supervisor and administrative personnel enter the information into the ISRAA. According to Section 3 of the FBI's Manual of Administrative and Operational Procedures, revised July 2007, “The accomplishments described in the FD-515 should be reported and uploaded in the ISRAA within 30 days from the date of occurrence.” The ISRAA has controls that restrict and limit access to specific data in the system. During our audit, we visited the FBI's Denver Field Office and observed how data is entered into the ISRAA and system controls that help ensure valid and accurate data.

Data Validation and Verification

We did not identify any issues with the FBI's data validation and verification processes for this key indicator. After the dismantlement is entered into the ISRAA, weekly queries are run by FBI headquarters personnel to identify new dismantlement statistics. The dismantlements are reviewed and either approved or denied. FBI headquarters' approval is documented within the ISRAA and a report can be generated to verify that all of the information recorded in the ISRAA is accurate. The information in the ISRAA is also validated by the annual Resource Management Information System Audits that are conducted by FBI field offices. In addition, the FBI Inspection Division conducts field office inspections on a rotating 3-year basis, which review compliance with policies and procedures and the accuracy of case files.

Key Indicator Data Comparison

In order to verify the number of organized criminal enterprises dismantled reported for FY 2006 in the 2008 Budget and Performance Summary, we reviewed the FBI's ISRAA Report.⁹ Based on our review, we did not identify any discrepancies with the performance data reported for this key indicator for FY 2006.

Disclosure of Data Limitations

The FY 2006 PAR disclosed the following 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 from 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. FY 2005 data subject to this limitation were revised during FY 2006." During our audit, we did not identify any additional data limitations for this key indicator.

Number of Child Pornography Websites or Web Hosts Shut Down - FBI

This key indicator is measured by the FBI's Cyber Crimes Program and assesses the number of child pornography websites and web hosts shut down. In the FY 2006 PAR, the FBI explained that the mission of the Innocent Images National Initiative (IINI), a component of the FBI's Cyber Crimes Program, is to "identify, investigate, and prosecute sexual predators who use the Internet and other online services to sexually exploit children; identify and rescue child victims; and establish a law enforcement presence on the Internet as a deterrent to subjects who seek to exploit children." In performing its mission, the IINI issues subpoenas to web hosting companies and Internet service providers to obtain subscriber records regarding the requested website, IP address, screen name, e-mail address, and customer information in association with an ongoing investigation.¹⁰

⁹ We reviewed the number of organized criminal enterprises dismantled reported in the 2008 Budget and Performance Summary, instead of the number reported in the FY 2006 PAR because the FBI revised the number of dismantlements during FY 2006 based on complete information and reported the revision in the 2008 Budget and Performance Summary.

¹⁰ These users may engage in child pornography through operating websites or using e-groups, file servers, and peer-to-peer networks.

FBI officials explained that the FBI has no direct technical role in shutting down the websites. The FBI administers the subpoenas to the web hosting companies and Internet service providers to obtain subscriber information in order to investigate who made the website and who is responsible for it. The subpoena says that the request is "in support of an ongoing sexual exploitation of children investigation." However, the service of a subpoena does not require the termination of a website. According to the FBI, as a matter of routine, the web hosting companies and Internet service providers will shut down the website upon receiving the subpoena because they do not want this material on their servers.

We believe this key indicator is not fully accurate. It measures the number of website shut downs, while the FBI captures this data by counting the number of subpoenas served. According to FBI officials, the FBI does not have data to comprehensively count the total number of websites shut down through its interventions with Internet service providers. As previously mentioned, serving a subpoena does not require or necessarily result in the termination of a website. Therefore, this key indicator does not reflect the work and activities of the FBI. We recommend that the FBI revise this key indicator to accurately measure its role and activities.

Data Collection and Storage

As mentioned previously, the FBI's work does not address this key indicator because its role is to issue subpoenas, which does not necessarily result in a website shutdown. However, in relation to the FBI's role of issuing subpoenas in investigations of ongoing sexual exploitation of children, we did not identify any issues with the FBI's data collection or storage processes for this key indicator. Quarterly, FBI personnel e-mail a request to each of the 56 FBI field offices, the IINI Unit, and the off-site IINI Unit. The request is for the following information: (1) number of e-group take downs, (2) number of peer-to-peer subjects convicted, (3) number of file servers shut down, and (4) number of miscellaneous websites and online organizations that meet the definition of a website or web host. The FBI field offices, the IINI Unit, and the off-site IINI Unit retrieve this information from their case files and determine the number of subpoenas served for each of these categories.

IINI personnel compile the information from the 58 respondents in a spreadsheet that documents each field office's and unit's responses to the data call. The spreadsheets are used to update the spreadsheet for the fiscal year, which provides the support for the information reported in the annual PAR. According to IINI personnel, all of the e-mail responses are electronically stored and the hard copies of the spreadsheets are stored in a

secure area. Additionally, IINI personnel stated that there is a single data handler after the data is received from the point of contacts, which assists in the safekeeping and consistency of the data.

Data Validation and Verification

Again, the FBI's work does not address this key indicator because its role is to issue subpoenas, which does not necessarily result in a website shut down. However, in relation to the FBI's role of issuing subpoenas in investigations of ongoing sexual exploitation of children, we did not identify any issues with the FBI's data validation and verification processes for this key indicator. The designated point of contact for the field office provides the quarterly information to IINI personnel. The data is reviewed by IINI personnel, who perform the data handling and are familiar with the offices' and units' responses. According to FBI personnel, the data from the responses is copied from the e-mails onto the spreadsheet to avoid keying errors. The IINI requests that case numbers be provided with the responses, which allows IINI personnel to verify that cases are categorized correctly, meet the category's criteria, and to identify duplicates.

Key Indicator Data Comparison

In order to verify the number of child pornography websites or web hosts shut down that were reported for FY 2006 in the FY 2006 PAR, we reviewed the FBI IINI consolidated spreadsheets, which track the number of subpoenas served. Based on our review and in relation to the FBI's role of issuing subpoenas in investigations of ongoing sexual exploitation of children, we did not find any discrepancies with the performance data reported for this key indicator for FY 2006.

Disclosure of Data Limitations

The FY 2006 PAR disclosed the following data limitations, "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. Information based upon reporting of locates and convictions are necessary for compilation of some of these statistics." As mentioned previously, the FBI's work does not address this key indicator because its role is to issue subpoenas, which does not necessarily result in the termination of a suspect website. In relation to the FBI's role of issuing subpoenas in investigations of ongoing sexual exploitation of children, we did not identify any additional data limitations.

Recommendation

We recommend that the FBI:

1. Revise the key indicator "Number of Child Pornography Websites or Web Hosts Shut Down," to accurately measure the FBI's role and activities.

Consolidated Priority Organization Target-Linked Drug Trafficking Organizations Disrupted and Dismantled - FBI, DEA, OCDETF

This key indicator determines the number of disruptions and dismantlements of significant drug trafficking organizations that are linked to a Consolidated Priority Organization Target (CPOT). The Drug Enforcement Administration (DEA), FBI, and the Organized Crime Drug Enforcement Task Forces (OCDETF) work collectively to measure this indicator. OCDETF is a multi-agency drug enforcement program operated by the Department with participation by ATF, DEA, FBI, Criminal Division, Tax Division, Immigration and Customs Enforcement, Internal Revenue Service, USMS, U.S. Coast Guard, and the 93 U.S. Attorneys offices. The mission of OCDETF is to coordinate federal, state, and local law enforcement agencies in order to identify, disrupt, and dismantle the most serious drug trafficking and money laundering organizations.

OCDETF oversees the development of the Attorney General's annual CPOT List, which is a multi-agency list of the international "command and control" elements of the most significant drug trafficking and money laundering organizations responsible for the nation's drug supply. OCDETF investigations can be sponsored by any of the OCDETF member agencies. At the conclusion of our field work, only the DEA and FBI have reported on this measure.

The goal of OCDETF, in relation to the CPOT List, is to attack organizations with connections to a CPOT target, thus disrupting the drug market with the goal of reducing the nation's drug supply. In the FY 2006 PAR, disruptions were defined as "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" Dismantlements were defined as "destroying the organization's leadership, financial base, and supply network such that the organization is incapable of operating and/or reconstituting itself." This key indicator focuses on disrupted and dismantled organizations linked to organizations on the CPOT List.

The OCDETF Program Guidelines set the standards for OCDETF cases and also provide detailed criteria for CPOT-linked targets. OCDETF cases may be CPOT-linked cases. The primary selection criteria linking an organization to a CPOT include:

- credible evidence of a nexus between a primary target and a CPOT;
- an unbroken chain to the CPOT, linking primary targets of an investigation to a CPOT; and
- the potential to substantially affect the functioning of the CPOT.

Data Collection and Storage

As stated previously, OCDETF, the DEA, and FBI are the only three federal entities currently reporting on this key indicator. During our audit, we did not identify any issues with the data collection and storage processes for this key indicator.

The DEA's cases are entered into the Priority Target Activity Resource and Reporting System (PTARRS) by DEA Special Agents and CPOT-links can be designated. If the case meets OCDETF guidelines, it is marked as a potential OCDETF case in PTARRS. The case is also marked as a potential CPOT-linked case if it meets the criteria. All OCDETF cases must be approved by a group supervisor, Assistant Special Agent in Charge, and Special Agent in Charge before it is reviewed by DEA headquarters.

Once the DEA district approves the case, DEA headquarters prints the PTARRS reports showing the new potential CPOT-linked organizations and the justification for the link. Next, program analysts review the case, highlight relevant information, and provide a print-out to the appropriate staff coordinator. Once the staff coordinator concurs and signs off on the case, the documentation is provided to the DEA Office of Enforcement. After approval by the Office of Enforcement Section Chief, an Office of Enforcement staff coordinator must also review and approve the link. Finally, the head of the Office of Enforcement must approve the CPOT-link.

PTARRS has various security controls and access restrictions. In addition, each DEA division can only access its own division's cases. During our audit, we visited the DEA's Denver Field Office and observed how cases are entered and tracked in PTARRS, along with the system controls that help ensure valid and accurate data.

The FBI NET is the central database system where the FBI Automated Case System and the ISRAA are located. FBI field agents complete the FBI Accomplishment Report, Form FD-515, to report statistical accomplishments, which include disrupted and dismantled CPOT-linked organizations. The FD-515 is reviewed and initialed for approval by an FBI supervisor. According to the FBI's Manual of Administrative and Operational Procedures, revised July 2007, "The accomplishments described in the FD-515 should be reported and loaded in the ISRAA within 30 days from the date of occurrence."

The FD-515 information is entered into the Automated Case System, where it is assigned a serial number. The FD-515 and serial number are then entered into the ISRAA where the information is stored. On a weekly basis, a program manager at FBI headquarters performs a query on new disruption and dismantlement statistics, and either approves or denies them. If the information is incomplete or inadequate, the program manager prepares a Denial Memoranda noting the reason for the denial. FBI program analysts also run verification reports from the ISRAA to verify that all of the information is correct. During our audit, we visited the FBI's Denver Field Office and observed how accomplishments are entered into the ISRAA and observed the system controls that help ensure valid and accurate data. Additionally, we observed the FBI headquarters' approval process.

After the DEA and FBI approval processes are complete, the potential OCDETF cases are provided to the OCDETF District Coordination Group. This group is comprised of representatives from each OCDETF member agency. The OCDETF District Coordination Group is chaired by an OCDETF lead task force attorney under the supervision of the U.S. Attorney. The OCDETF District Coordination Group determines whether an investigation meets the criteria for OCDETF designation. If so, the investigation is forwarded to the OCDETF Regional Coordination Group for final approval. If the OCDETF Regional Coordination Group does not believe the case meets the criteria, the sponsoring law enforcement agency is given the opportunity to provide additional information and supporting documentation.

The OCDETF Regional Coordination Group forwards approved cases to the OCDETF Executive Office. If a case has a potential CPOT-link, it can be entered into the OCDETF Management Information System (MIS) at the district, regional, or national level. The OCDETF Associate Director reviews all new potential CPOT links to confirm that there is a valid CPOT link. If the link is valid, the Associate Director approves the link and it is entered into the MIS. If the link is deficient, a request is made to the sponsoring agency to provide additional supporting documentation and information.

According to OCDETF personnel, the MIS is a certified and accredited computer system used by OCDETF personnel who have access to the DOJ intranet including the U.S. Attorney offices, to track OCDETF cases, including CPOT-links. The MIS has various security controls and access levels.

Data Validation and Verification

We did not identify any issues with the data validation and verifications processes for this key indicator. The DEA's primary validation process is the work flow status fields required in PTARRS, which shows the approval process beginning with a field office DEA Group Supervisor to DEA headquarters' review. PTARRS does not allow the approval process to be bypassed. Additionally, all DEA divisions are required to update their cases at least every 90 days to ensure that relevant cases are not omitted. Once a DEA Special Agent updates the case's progress, the case moves through the approval chain at the division and DEA headquarters. Therefore, the DEA Special Agent, group supervisor, Assistant Special Agent in Charge, and Special Agent in Charge should be reviewing the progress of the case at least every 90 days.

A program manager at FBI headquarters performs weekly data validation and verification of the potential CPOT-links and the disruptions or dismantlements. The information in the ISRAA is validated monthly when quality control reports are run by the field offices to look for duplicate FD-515 entries in the ISRAA and again annually when the field offices conduct Resource Management Information System Audits. In addition, the FBI Inspection Division conducts field office inspections on a 3-year rotating basis, which review compliance with policies and procedures and the accuracy of case files. Finally, CPOT-links are validated by the OCDETF Associate Director.

OCDETF personnel are able to view the status of a CPOT-link through the MIS, CPOT Link Validation Status Tracking screen. This screen is used for tracking the validation of CPOT-linked organizations. In addition, the OCDETF Executive Office performs data reviews throughout the year. Copies of the Investigation Initiation Reports, Interim Reports, and the Final Reports received by the OCDETF Executive Office, are reviewed against the data in the MIS for accuracy. OCDETF personnel are also able to run various reports by region, CPOT-linked organization, status, and agency through the MIS to verify the information on the reports and in the system.

Key Indicator Data Comparison

In order to verify the number of CPOT-linked drug trafficking organizations disrupted and dismantled in FY 2006 reported in the 2008 Budget and Performance Summary, we reviewed the OCDETF Executive Office spreadsheets, DEA summary spreadsheets, and FBI ISRAA reports.¹¹ Based on our review, we did not find any discrepancies with the performance data reported for this key indicator for FY 2006.

Disclosure of Data Limitations

The FY 2006 PAR disclosed the following data limitations, “Investigations of CPOT-level organizations and related networks are complex and time-consuming, and the impact of disrupting/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 FY and subsequently dismantled in a later year. For example, a significant number of organizations disrupted during the current FY remain under investigation, as law enforcement seeks to permanently destroy their ability to operate.” During our audit, we did not identify any data limitations beyond those already disclosed in the FY 2006 PAR for this key indicator.

Number of Top-Ten Internet Fraud Targets Neutralized - FBI

This key indicator determined the number of top-ten Internet fraud targets neutralized.¹² However, in the 2008 Budget and Performance Summary the FBI revised the indicator to measure high-impact Internet fraud target neutralizations and titled it “Number of High-Impact Internet Fraud Targets Neutralized.” The FBI measures this key indicator. According to the FY 2006 PAR, “The FBI and the National White Collar Crime Center [NW3C] partnered in May 2000 to support the Internet Crime Complaint Center (IC3).” The IC3 defines high-impact Internet fraud targets as targets meeting one of the following criteria:

¹¹ We reviewed the number of CPOT-linked drug trafficking organizations disrupted and dismantled reported in the 2008 Budget and Performance Summary instead of the number reported in the FY 2006 PAR because the OCDETF, DEA, and FBI, revised the number of disruptions and dismantlements during FY 2006 based on complete information and reported the revision in the 2008 Budget and Performance Summary.

¹² In the FY 2006 PAR, this key indicator was titled, “Number of Top-Ten Internet Fraud Targets Neutralized.”

- total loss amount greater than \$100,000, including all complaints within a case;
- international nexus;
- white-collar crime related fraud, such as economic crime, financial institution fraud, money laundering scheme, and pharmaceutical fraud;
- phishing attacks and identity theft; or
- a large volume of victims.

The FBI and IC3 investigate and coordinate with state, local, federal, and international law enforcement agencies to “neutralize” or ensure that these high-impact targets are unable to perpetuate their frauds any further.

Data Collection and Storage

According to FBI personnel, data collection for this key indicator begins when a complaint is entered into the IC3 website's standard complaint form by a victim of an Internet crime.¹³ After a complaint is submitted, the information is sent to the IC3 Production Database 1.

NW3C analysts review the complaints, check the validity, and make referrals to state and local member law enforcement agencies if a victim's or subject's location is provided. Additionally, the NW3C may make referrals to appropriate agencies when complaints include child pornography or terrorist information. After the NW3C's validation, complaints are run through the Automatch system, which searches for relationships among complaints stored in the Production Database 1 and cases in Automatch.¹⁴ A case is built in Automatch when information in complaints can be linked and FBI analysts work to establish additional relationships.¹⁵ When multiple cases are determined to be linked, the cases can be merged into a single case.

The FBI component of IC3 refers cases to state or local law enforcement agencies, FBI field offices, and federal agencies when cases in

¹³ The IC3 website is located at <http://www.ic3.gov>.

¹⁴ A complaint is a single complaint, while a case could include multiple complaints.

¹⁵ Links include such information as phone number, e-mail address, and street address.

Automatch exceed \$10,000 in losses, or when numerous complaints, usually 10 or more, are reported. When a referral is made to a state or local law enforcement agency, a letter is sent to the agency along with the case file. When a referral is made to an FBI field office, an electronic communication is provided to the field office along with the case file. The IC3 maintains copies of the electronic communications, the letters, and the case files. Additionally, the FBI component of IC3 will refer presidential threats to the Secret Service.

Referrals to FBI field offices and state and local law enforcement agencies are tracked in the Internet Crime Complaint Center Report Log. Additionally, cases that have moved into the investigation process are tracked in the Statistic Log. As a proactive approach to identify neutralization information, the IC3 searches the Internet and liaisons with the FBI field offices. The IC3 also depends on and requests FBI field offices and state and local law enforcement agencies to provide follow-up information on whether a case was initiated and the outcome of their investigation. However, there is no policy requiring FBI field offices or state and local law enforcement agencies to provide follow-up information on whether a case was initiated and the outcome of their investigation.

FBI personnel assigned to the IC3 maintain a list of the ongoing, high-impact investigations that is reviewed by the Unit Chief. While conducting fieldwork at the IC3, we observed how a victim can enter a complaint on the IC3 website and how the complaints are tracked through the IC3 databases and logs.

Since there is no requirement for FBI field offices and state and local law enforcement to provide information on neutralizations, the IC3 may not receive complete feedback and cannot assure the accuracy of the neutralization information for this key indicator. FBI personnel explained that the IC3 is a referring entity, not an investigative entity. As noted above, the IC3 refers cases to FBI field offices and state and local law enforcement agencies. However, these offices and agencies have the discretion to decide whether to open a case and pursue an investigation based on these referrals. IC3 requests that the FBI field offices and state and local law enforcement agencies provide follow-up information regarding the referrals. We found that no formal requirements exist regarding use of the referred case, and there is no formal follow-up process for FBI field offices or state and local law enforcement agencies to provide information on neutralizations or whether an investigation was opened. Therefore, the IC3 is unable to provide assurance on the accuracy of the number of neutralizations since it does not receive follow-up information on all referrals. We recommend that the FBI develop and implement procedures to

ensure that complete and accurate information is obtained to report on this key indicator or, in the alternative, revise this key indicator.

Data Validation and Verification

We did not identify any issues with the FBI's data validation and verification processes for this key indicator. NW3C analysts initially review the complaints to identify high-priority items and eliminate "spam."¹⁶ The complaints are then examined by FBI analysts who build cases in Automatch. Additionally, the processes in place can prevent false complaints from becoming a case or referral. According to FBI personnel, in order for a complaint to become part of a case, information must be linked. A false complaint cannot be matched with another complaint to build a case. Therefore, because a case cannot be built, a referral cannot be made.

As mentioned previously, since the IC3 is a referring entity, it relies on FBI field offices and state and local law enforcement agencies to provide the neutralization information. The information provided by FBI field offices is verified by the IC3 through the FBI's Automated Case System or Sentinel. The information provided by law enforcement agencies is verified through researching articles on the Internet that is similar to information the IC3 received.

Key Indicator Data Comparison

In order to verify the number of high-impact Internet fraud targets neutralized in FY 2006 reported in the 2008 Budget and Performance Summary, we reviewed the FBI list summarizing each high-impact case and neutralization.¹⁷ Based on our review, we did not find any discrepancies with the performance data reported for this key indicator for FY 2006. However, our conclusion is qualified to the extent that we could not be assured that all neutralizations were reported to the IC3, based on the previously mentioned information.

¹⁶ Spam is unsolicited e-mail, usually of a commercial nature, sent to a large number of addresses.

¹⁷ We reviewed the number of high-impact Internet fraud targets neutralized that was reported in the 2008 Budget and Performance Summary instead of the number reported in the FY 2006 PAR because the FBI revised the number of neutralizations during FY 2006 based on complete information and reported the revision in the 2008 Budget and Performance Summary.

Disclosure of Data Limitations

The FBI did not identify any data limitations for this key indicator in the FY 2006 PAR. Additionally, during our audit we did not identify any data limitations for this key indicator.

Recommendation

We recommend that the FBI:

2. Develop and implement procedures to ensure that complete and accurate information is obtained to report on the key indicator "Number of High-Impact Internet Fraud Targets Neutralized," or in the alternative, revise this key indicator.

Number of Criminal Enterprises Engaging in White-Collar Crimes Dismantled – FBI

This key indicator is measured by the FBI and determines the number of dismantled criminal enterprises engaging in white-collar crime. The FBI's White-Collar Crime Program investigates crimes that include "health care fraud, financial institution fraud, government fraud (e.g., housing, defense procurement, and other areas), insurance fraud, securities and commodities fraud, telemarketing fraud, bankruptcy fraud, environmental crimes, and money laundering." Dismantlement is defined in the FY 2006 PAR as "destroying the organization's leadership, financial base, and supply network such that the organization is incapable of operating and/or reconstituting itself." The FBI collects and stores the data for this indicator in its ISRAA.

Data Collection and Storage

We did not identify any issues with the FBI's data collection and storage processes for this key indicator. The field agents complete the FBI Accomplishment Report, Form FD-515, to report a statistical accomplishment, which includes dismantlements. The completed FD-515 is approved by an FBI supervisor and the information is then entered and stored in the ISRAA. According to Section 3 of the FBI's Manual of Administrative and Operational Procedures, revised July 2007, "The accomplishments described in the FD-515 should be reported and uploaded in the ISRAA within 30 days from the date of occurrence." During our audit, we visited the FBI's Denver Field Office and observed how accomplishments are entered into the ISRAA, as well as system controls that help ensure valid and accurate data.

Data Validation and Verification

We did not identify any issues with the FBI's data validation and verification processes for this key indicator. The FBI field office supervisors review the FD-515's, and weekly queries are run by FBI headquarters to identify new white-collar crime dismantlement statistics, which are reviewed and either approved or denied. Additionally, the ISRAA has controls that limit access to specific data and the system. Annually, the FBI field offices conduct Resource Management Information System Audits to validate the information in the ISRAA. In addition, the FBI Inspection Division conducts field office inspections on a rotating 3-year basis to review compliance with policies and procedures and the accuracy of case files. Finally, the white-collar crime numbers are spot-checked by FBI headquarters personnel before providing the information for the PAR.

Key Indicator Data Comparison

In order to verify the number of dismantled criminal enterprises engaging in white-collar crime in FY 2006 reported in the 2008 Budget and Performance Summary, we reviewed the FBI's ISRAA Report.¹⁸ Based on our review, we did not identify any discrepancies with the performance data reported for this key indicator for FY 2006.

Disclosure of Data Limitations

The FY 2006 PAR disclosed data limitations for this indicator, which state "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. FY 2005 data subject to this limitation were revised during FY 2006." During our audit, we did not identify any data limitations beyond those already disclosed in the FY 2006 PAR for this key indicator.

¹⁸ We reviewed the number of criminal enterprises engaging in white-collar crimes dismantled reported in the 2008 Budget and Performance Summary instead of the number reported in the FY 2006 PAR because the FBI revised the number of dismantlements during FY 2006 based on complete information and reported the revision in the 2008 Budget and Performance Summary.

Percent of Cases Favorably Resolved – EOUSA and the Litigating Divisions

This key indicator assesses the percent of cases favorably resolved, which described in the FY 2006 PAR includes “those cases that resulted in court judgments favorable to the government, as well as settlements.” This key indicator is measured by the Executive Office for U.S. Attorneys (EOUSA) and six litigating divisions. According to the FY 2006 PAR, litigating efforts fall into either criminal litigation or civil litigation, and are measured separately under this indicator.

Data Collection and Storage

We found that the methods and procedures for data collection and storage are similar among EOUSA and the litigating divisions. All of the components utilize different case management systems to track work from the origination of a case or matter, through each component’s defined phases of a case, to the final disposition and closure of a case.¹⁹ Data entry personnel are responsible for the collection of court documents, such as a summons, complaint, or any other forms provided by an attorney, and entering the information into the component’s case management system. To capture case or defendant outcomes, data entry personnel use various forms containing the case or defendant disposition type such as a guilty plea, conviction, settlement, dismissal, and any other favorable or unfavorable result.

The determination of whether an outcome is listed as favorable or unfavorable is at the discretion of each component’s management. An example is the Civil Division’s treatment of Harbor Maintenance Tax cases in which a ruling in the lead case resulted in 9,047 favorable decisions in FY 2006. The Civil Division chose to count this as one favorable decision to more accurately represent the Civil Division’s total percentage of cases favorably resolved.

EOUSA and the litigating divisions, with the exception of the Criminal Division, generate fiscal year favorable and unfavorable statistics through system reports sorted by outcome type or by a unique disposition code. The results from these reports are provided to JMD, which consolidates the cases and calculates DOJ’s total percentage of cases favorably resolved. The

¹⁹ Case Management Systems include: Executive Office for U.S. Attorneys’ Legal Information Office Network System; Antitrust Division’s Matter Tracking System; Civil Division’s Case Management System, Civil Rights Division’s Interactive Case Management System; Criminal Division’s Automated Case Tracking System; Environment and Natural Resources Division’s Case Management System; and Tax Division’s TaxDoc.

Criminal Division does not use its case management system to accumulate this key indicator statistic. Instead, 1 month after the end of each quarter, managers from each of the Criminal Division's 12 litigating sections provide a listing of that quarter's outcome data to the division's Resource, Planning and Evaluation Staff, who aggregate the data into a spreadsheet and provide the results to JMD.

We found that EOUSA and the litigating divisions are using two different dates to report on the percentage of cases favorably resolved – the disposition date and the system date. The disposition date is the date that the disposition or decision actually occurred. Alternatively, the system date is the date the disposition is entered into the case management system. Table 2 illustrates the date used by EOUSA and each litigating division.

TABLE 2: DATE EACH COMPONENT USES TO REPORT ON THE PAR INFORMATION

COMPONENT NAME	DATE USED FOR REPORTING
Civil Division	Disposition
Civil Rights Division	Disposition
Criminal Division	Disposition
Antitrust Division	Disposition
Environment and Natural Resources Division	Disposition
Tax Division	System
Executive Office for U.S. Attorneys	System

Source: Management at Civil Division, Civil Rights Division, Criminal Division, Antitrust Division, Environment and Natural Resources Division, Tax Division, and Executive Office of U.S. Attorneys

During our audit, we attempted to obtain data runs from EOUSA and the litigating divisions using the disposition date and the system date to determine the variance, if any, in the information reported in the FY 2006 PAR. However, we were unable to obtain data runs from all of the components because several of the case management systems did not capture the system date. Therefore, we were unable to determine the reporting variance.

In our opinion, using two different dates for the data runs provides inconsistent results. Prior to release of the FY 2007 PAR, we discussed this issue with EOUSA and the litigating divisions and provided a preliminary recommendation that EOUSA and the litigating divisions implement a common method of generating the number of cases favorably resolved and total number of cases litigated that is provided to JMD, or disclose the difference in approaches in the PAR. Component management agreed and

took action to disclose in the FY 2007 PAR the different dates that are used to collect data for this indicator.

As part of our audit, we assessed implementation of the preliminary recommendation in the FY 2007 PAR. We determined that EOUSA and the litigating divisions opted to disclose that “the court’s disposition date is used for reporting purposes for the ATR [Antitrust Division], CIV [Civil Division], CRM [Criminal Division], CRT [Civil Rights Division], and ENRD [Environment and Natural Resource Division], however, EOUSA and TAX [Tax Division] use the date that it is entered into their current case management system.” In our judgment, EOUSA and the litigating divisions sufficiently disclosed the differences in approaches. Therefore, we are not including a formal recommendation on this issue.

Additionally, the data definition section of the PAR states, “The data set includes non-appellate litigation cases closed during the fiscal year.” However, we found that the Civil Rights Division included appellate cases in the information provided to JMD. Table 3 illustrates what should have been reported by the Civil Rights Division to JMD for the PAR, while Table 4 illustrates what was reported to JMD for the PAR.

TABLE 3: CIVIL RIGHTS DIVISION FY 2006 CASE RESULTS EXCLUDING APPELLATE CASES

CASE TYPE	FAVORABLE CASES	TOTAL CASES	PERCENT FAVORABLY RESOLVED
Civil Cases	99	101	98%
Criminal Cases	59	64	92%

Source: Civil Rights Division Favorable Case Breakdown Reports

TABLE 4: CIVIL RIGHTS DIVISION FY 2006 CASE RESULTS REPORTED TO JMD FOR THE PAR

CASE TYPE	FAVORABLE CASES	TOTAL CASES	PERCENT FAVORABLY RESOLVED
Civil & Appellate Cases	194	206	94%
Criminal & Appellate Cases	74	79	94%

Source: Justice Management Division and Civil Rights Division Favorable Case Breakdown Reports

As shown in Tables 3 and 4, the percentage of civil cases favorably resolved was understated by 4 percent and the percentage of criminal cases favorably resolved was overstated by 2 percent. According to Civil Rights Division officials, appellate cases were included because excluding them

would not reflect all of the work performed by its attorneys. We recommend that the Civil Rights Division exclude appellate cases from the quarterly and fiscal year information provided to JMD to comply with the statements in the PAR and to avoid over- or understating the percentage of cases favorably resolved.

We did not identify any issues with EOUSA's or the litigating divisions' data storage processes for this key indicator. The source documents and data are maintained in accordance with record retention schedules and the Offices, Boards and Divisions Order 2710.6, Recordkeeping for Litigation Case Files. Both establish procedures for the management of litigation records. We were informed that closed case files are maintained at the respective component or local storage site until being transferred to a Federal Records Center for long-term storage.

Data Validation and Verification

We found that some duplicate cases are included in the data for this key indicator. It is common for cases to be jointly litigated or transferred among the litigating divisions and the U.S. Attorneys.²⁰ EOUSA reports all cases for this key indicator regardless of whether a U.S. Attorney Office or litigating division was the lead office on the case. As a result, in some instances the U.S. Attorney's Offices and the litigating divisions are including the same cases in the outcome numbers provided to JMD and reported in the PAR. EOUSA and the litigating division's management explained that the duplicate counting is a result of the different systems that are unable to share data. Additionally, the litigating divisions were concerned that not including the joint cases in the numbers provided to JMD would not reflect all of their work. In response to this concern, we emphasized that this key indicator is intended to reflect data at the department level, and not at the component level. Prior to the release of the FY 2007 PAR, we discussed this issue with EOUSA and the litigating divisions and provided a preliminary recommendation that EOUSA and the litigating divisions develop and implement a method to collect and provide data to JMD that ensures jointly litigated cases are not duplicated. In the alternative, they should disclose that duplicate cases are included in the data in the PAR. Component management agreed and took action to disclose that duplicate cases are included in the data in the FY 2007 PAR.

As part of our audit, we assessed EOUSA's and the litigating divisions' compliance with our preliminary recommendation. We found that EOUSA

²⁰ The U.S. Attorneys Offices consists of 93 U.S. Attorneys in 94 districts. The districts of Guam and the Northern Marianas share a U.S. Attorney.

and the litigating divisions disclosed in the FY 2007 PAR that cases worked by more than one component are duplicated in the totals for this key indicator. Additionally, EOUSA and the litigating divisions explained that this will remain an issue until the litigating case management system is implemented. Because EOUSA and the litigating divisions disclosed that duplicate cases are included in the data in the PAR and this issue will be addressed by the litigating case management system, we are not including a formal recommendation on this issue.

Although we found that duplicate cases were reported, we determined that EOUSA and each of the litigating divisions had procedures and internal controls in place to seek assurance that the data collected within each agency's system is accurate. The most commonly cited validation and verification methods were docket reviews, attorney interviews, exception reports, management certification of key indicator data, and case management internal controls. Docket reviews and attorney interviews consist of section managers or case management specialists discussing the status of the cases with the attorneys, resolving any problems with missing or inconsistent information, and ensuring that accurate and timely information is maintained. Additionally, exception reports are produced when a specific condition or exception occurs. For example, one exception report that we obtained from the Civil Rights Division listed "Cases and Matters with Null Outcomes." Additionally, some of the components use management certification that consists of section managers certifying the accuracy of cases and matters entered into the case management system.

We also observed how cases and matters are entered into EOUSA's and each of the litigating division's case management systems and observed system controls that help ensure valid and accurate data. These controls include the use of drop-down list boxes to mitigate manual-typing errors, mandatory data entry fields, and report generating capabilities.

Key Indicator Data Comparison

In order to verify the percentage of cases favorably resolved and reported in the FY 2006 PAR, we reviewed the support from EOUSA and the litigating divisions for FY 2006 criminal and civil cases. Based on our review, we did not find any discrepancies with the performance data reported for this key indicator in FY 2006.

Disclosure of Data Limitations

The following data limitations for EOUSA and the litigating divisions were disclosed in the FY 2006 PAR, stating that "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 variation in data collection and management among the litigating divisions, 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. To remedy these issues, the Department is currently developing a Litigating Case Management System to standardize methodologies between the components and capture and store data in a single database." We did not identify any additional data limitations for this key indicator beyond those already included in the data limitations section of the FY 2006 PAR and the issues disclosed above, that were identified during our audit.

Recommendation

We recommend that the Civil Rights Division:

3. Exclude appellate cases from the quarterly and fiscal year information provided to JMD to comply with the statements in the PAR and to avoid over- or understating the percentage of cases favorably resolved for the key indicator "Percent of Cases Favorably Resolved."

Percent of Assets/Funds Returned to Creditors for Chapter 7 and Chapter 13 – USTP

The U.S. Trustee Program's (USTP) key indicator measures the percent of assets and funds returned to creditors for proceedings under both Chapters 7 and 13 of Title 11 of the U.S. Code, known as the Bankruptcy Code.

- Chapter 7 proceedings involve an appointed private trustee gathering and selling the debtor's nonexempt assets and using the proceeds to pay creditors in accordance with the provisions of the Bankruptcy Code.
- Chapter 13 proceedings are used primarily by individual consumers to reorganize their financial affairs under a repayment plan that must be completed within 3 to 5 years.

The USTP consists of the Executive Office for U.S. Trustees (EOUST) and 21 regional U.S. Trustees.²¹ The U.S. Trustees are responsible for establishing, maintaining, and supervising panels of private trustees. These private trustees serve as fiduciaries to various parties with an interest in a case.

During our audit, we found that U.S. Trustees are not in all 50 states as the FY 2006 PAR implied. Specifically, in Alabama and North Carolina, bankruptcy cases are still administered by the courts. We discussed this issue with EOUST officials prior to the release of the FY 2007 PAR, and EOUST concurred. In the FY 2007 PAR EOUST changed the language to disclose that the two states are not included in the data for this key indicator.

Data Collection and Storage

During our audit we did not identify any issues with the USTP's Chapter 7 data collection and storage processes for this key indicator. According to the EOUST, in FY 2006, approximately 1,200 trustees administering Chapter 7 cases closed more than 59,000 asset cases, generating nearly \$2.6 billion in funds. Chapter 7 private trustees use case administration software to track the status of their cases and are required to periodically submit forms and reports to the bankruptcy courts and the U.S. Trustees Offices. Specifically, the Distribution Report for Closed Asset Cases, Form 4, provides statistical data concerning the distributions made in the case. Twice a year, personnel in the 95 field offices accumulate and consolidate Form 4s into a single spreadsheet and send it to the EOUST's Office of Research and Planning. At the Office of Research and Planning, a management analyst formats and loads the 95 files into a database and provides the Chapter 7 statistics to JMD for inclusion in the PAR.

Additionally, we did not identify any issues with the USTP's Chapter 13 data collection and storage processes for this key indicator. According to the EOUST, in FY 2006 188 trustees administering Chapter 13 cases collected more than \$5.5 billion. The collection of key indicator data by Chapter 13 private trustees is similar to that of the Chapter 7 private trustees. Chapter 13 private trustees use case administration software to track receipts and disbursements, and are required to prepare an Annual Report at the end of the fiscal year detailing disbursements. Annual Reports must be electronically submitted by all 188 private trustees to their respective

²¹ The U.S. Trustee Program is structured with an executive office in Washington, D.C., U.S. Trustees in 21 regions, and 95 field offices headed by an Assistant U.S. Trustee.

regional office by November 15 and forwarded to the EOUST by December 1. Upon receipt, the EOUST consolidates the data and loads it into a database where data can be modified and queried. Once the audited Annual Reports are received from independent Certified Public Accountants, database inaccuracies are corrected and the final data is exported to a spreadsheet and provided to JMD for inclusion in the PAR.

Data Validation and Verification

We did not identify any issues with the USTP's Chapter 7 data validation and verification processes for this key indicator. EOUST uses Biennial Performance Reviews to document private trustee performance, based on the objective of making meaningful distributions to creditors. One of the evaluation criteria is the timeliness, accuracy and completeness of the trustee's Final Account, which contains the Form 4.²² The EOUST also utilizes a combination of independent audits and field examinations of private trustees conducted on a 4-year rotating basis. The audits are performed by independent Certified Public Accountants and the field examinations are performed by U.S. Trustee personnel. Both reviews focus on the appropriateness and effectiveness of each trustee's internal controls and case administration, and conclude with a report on the findings.

During our audit, we observed EOUST's processes for collecting Chapter 7 data spreadsheets, converting the spreadsheets into text files, and loading the text files into a database. We also observed system controls used to identify data inconsistencies or errors, and the use of a checklist to ensure that spreadsheets have been received from each field office and that text files have been loaded into the database.

We did not identify any issues with the USTP's Chapter 13 data validation and verification processes for this key indicator. The EOUST requires annual audits of each trustee's Annual Report by independent Certified Public Accountants. The purpose of these audits is to obtain reasonable assurance that the Annual Report is free of material misstatement. As previously stated, upon receipt of the audited Annual Reports EOUST staff compares the audited numbers to the trustee's unaudited Annual Report data that was loaded into the database. If the audited Annual Report identifies discrepancies, the database information is replaced with the audited information. Additionally, auditors perform a yearly Prescribed Procedures engagement to test compliance with the USTP

²² The EOUST receives trustee Form 4s as part of the Final Account on each Chapter 7 case closed during the year.

policies. These procedures include evaluations of internal controls, case tracking, cash receipts, and disbursements. During our audit, we observed EOUST's processes for collecting Chapter 13 data spreadsheets and loading them into a database. We also observed system controls used to identify data inconsistencies or errors, the use of audited Annual Reports to make changes to data, and the use of a report that lists the fiscal year audit findings and is used to resolve common issues.

Key Indicator Data Comparison

We reviewed the USTP's Percent Analysis of Chapter 7 Statistics in order to verify the accuracy of the FY 2005 percentage of assets and funds returned to creditors for Chapter 7 filings reported in the FY 2006 PAR.²³ Based on our review, we did not find any discrepancies with the performance data reported for this key indicator for FY 2005.

Additionally, we reviewed the USTP's supporting record of Chapter 13 Standing Trustee FY 2005 Audited Annual Reports in order to verify the accuracy of the FY 2005 percent of assets and funds returned to creditors for Chapter 13 filings reported in the FY 2006 PAR.²³ Based on our review, we did not find any discrepancies with the performance data reported for this key indicator for FY 2005.

Disclosure of Data Limitations

With regard to both Chapters 7 and 13, USTP disclosed in the data limitations section of the FY 2006 PAR that they are unable to project out-year performance because there is no reliable method for calculating future bankruptcy case disbursements. USTP also disclosed that the most recent fiscal year data is reported in the following year's PAR due to a data lag caused by using audited data. During our audit, we did not identify any additional data limitations for this key indicator.

²³ We audited FY 2005 data because the FY 2006 data was not presented in the FY 2006 PAR due to the USTP's use of audited data. The data limitation in the FY 2006 PAR disclosed that "data are not available until January (Chapter 7) and April (Chapter 13) following the close of the fiscal year because of the need to audit data submitted by private trustees prior to reporting."

III. STRATEGIC GOAL III: ASSIST STATE, LOCAL, AND TRIBAL EFFORTS TO PREVENT OR REDUCE CRIME AND VIOLENCE

Strategic Goal III contains six key indicators, of which four were included in our audit scope. We did not find any discrepancies with one of the four key indicators. Specifically, for the key indicator "Percent Reduction in DNA Backlog" we determined that the data collection, storage, validation, and verification processes for this key indicator were adequate and did not identify any data limitations beyond those already disclosed.

For the key indicator "Reduction of Homicides per Site Funded Under the Weed and Seed Program," we identified issues with the presentation of the data, the methodology used to calculate the reduction portion of this key indicator, and the data limitations reported in the FY 2006 PAR.

For the key indicator "Number of Participants in the Residential Substance Abuse Treatment Program," we determined that the Bureau of Justice Assistance (BJA) overstated the number of participants in 2005. Additionally, we found that the data reported by the grantees and compiled for this key indicator represents various time periods and is neither exclusively fiscal year nor calendar year data and that the BJA did not present the accurate scope of the performance data in the PAR.

For the key indicator "Increase in the Graduation Rate of Drug Court Program Participants," the data reported in the FY 2006 PAR may be incorrect because it only covers a 6-month period. Additionally, the BJA did not present the accurate scope of the performance data in the PAR. Finally, we determined that the bar graph for this key indicator illustrated the graduation rate instead of the percent increase in the graduation rate as the title stated.

According to the FY 2003-2008 Strategic Plan, DOJ assists state, local, and tribal governments by providing "an extensive, varied portfolio of criminal and juvenile justice grant programs, training, and technical assistance." Additionally, DOJ conducts research, collects statistics, and evaluates new programs and technologies in order to further understand crime, violence, and justice.

We discuss below each of the four key indicators we reviewed related to this strategic goal.

Reduction of Homicides Per Site Funded Under the Weed and Seed Program – OJP

This key indicator assesses the number of homicides per Weed and Seed site and calculates the reduction of homicides per site. The Community Capacity Development Office (CCDO) within the Office of Justice Programs (OJP) measures this indicator. The Weed and Seed Program is a grant program. The mission of the OJP CCDO "is to work with local communities to design strategies for deterring crime, promoting economic growth, and enhancing quality of life." According to the OJP, the Weed and Seed strategy "involves a two-pronged approach [to crime control and prevention]: law enforcement agencies and prosecutors cooperate in 'weeding out' violent crime and drug abuse [from a designated area]; and 'seeding' brings human services to the area, encompassing prevention, intervention, treatment, and neighborhood revitalization."

Data Collection and Storage

The data for this key indicator is submitted by the grantees in their annual GPRA Reports. Grantees can submit GPRA Reports through OJP's Grant Management System (GMS) or provide them directly to the CCDO. In March of each year, the CCDO provides instruction and due dates to grantees for completing the GPRA Report. The completed reports are due in May and report on the previous calendar year. For example, the FY 2004 GPRA Report includes data covering calendar year 2003. The 3-month lag helps ensure that most information has been captured in the grantees' computer systems.

The Weed and Seed Program Guide and Application Kit lists the performance measures and performance data that each grantee is required to report, including this key indicator, which requires grantees to provide the number of homicides per site.

If a GPRA Report is provided directly to the CCDO, a CCDO program manager reviews the report for completeness, ensuring that a majority of the questions are answered and the report is entered into GMS. Incomplete reports are returned to the grantee for additional information. GPRA Reports that have been approved by a CCDO program manager are provided to the Justice Research and Statistics Association (JRSA). The JRSA and CCDO track the grantees' GPRA Report submissions to identify any missing reports.

JRSA personnel review the GPRA Reports to check for accuracy and missing information. JRSA personnel may follow up with grantees to request

clarification on the information provided. JRSA personnel then key the information into a JRSA database.

We found that the data reported for this key indicator was unclear because it misidentified the time periods covered. Specifically while reviewing the summary reports provided by the JRSA, we confirmed the number of homicides per Weed and Seed site that were reported for FYs 2004 and 2005. However, we found that the scope of the data did not cover FYs 2004 and 2005. Instead, the summary reports used data from the FYs 2004 and 2005 GPRA Reports, which covers data from calendar years 2003 and 2004. Therefore, the data presented in the FY 2006 PAR as FYs 2004 and 2005 is data covering calendar years 2003 and 2004. We recommend that the CCDO present the accurate scope of the performance data in the PAR by listing the correct calendar year that the data covers. In discussing this issue with CCDO personnel, they agreed with our finding.

We did not identify any issues with the CCDO's and JRSA's data storage processes for this key indicator. The GPRA Reports are stored in multiple forms. The CCDO maintains paper versions of the GPRA Reports stored in GMS. JRSA personnel convert GPRA Reports into PDF files that are stored on a secure server, which is backed up weekly. Additionally, the JRSA provides the PDF files to the CCDO on compact discs. Finally, the JRSA maintains the paper versions of GPRA Reports and posts all of the data from the reports on the Weed and Seed Data Center's website.²⁴

Data Validation and Verification

A CCDO program manager reviews the reports for completeness before providing them to the JRSA. The data validation and verification processes performed by the JRSA include: checking the data for completeness and consistency; checking for outliers, which are values that are outside other values in the data set; conducting follow-up with grantees; comparing the GPRA Report to the previous year's reports for the same grantee; comparing the data to published information, including the FBI's crime statistics; and determining whether the local law enforcement records were subject to any reviews. Further validation and verification is performed by OJP's Budget Planning and Performance Division in the Office of the Chief Financial Officer. Additionally, the Management Discussion and Analysis (MD&A) write-up is reviewed by personnel within OJP's Budget Planning and Performance Division in the Office of the Chief Financial Officer, the Audit and Review Division in the Office of Audit, Assessment, and Management, and the Chief Financial Officer.

²⁴ The Weed and Seed Data Center website is <http://www.weedandseed.info>.

Key Indicator Data Comparison

The CCDO reported the number of homicides per Weed and Seed site for FYs 2004 and 2005 data in the FY 2006 PAR. In order to verify these numbers, we reviewed the summary reports provided by the JRSA and did not identify any discrepancies with the performance data reported. However, as previously mentioned, we found that CCDO misidentified the time periods that the data covered in the FY 2006 PAR.

Additionally, using the same summary reports we did not identify any discrepancies with the 17.8 percent reduction of homicides per site funded under the Weed and Seed Program reported for FY 2005 in the FY 2006 PAR. However, we identified an issue with the methodology used to calculate the reduction of homicides per site funded under the Weed and Seed Program. We found that the data sets used to report on the number of homicides per Weed and Seed site included data from all reporting sites irrespective of whether reporting occurred in previous years. This methodology prevents the data sets from being comparable because different grantees were included in each data set. In discussing this issue with CCDO personnel, they agreed that for the reduction portion of the indicator, they should have used data sets that were limited to sites with data for both years. We recommend that for the reduction portion of this key indicator, the CCDO either use data sets that are limited to sites with data for both years or, in the alternative, remove the reduction portion from this key indicator and only report on the number of homicides per Weed and Seed site.

Disclosure of Data Limitations

We found that in the FY 2006 PAR, the following data limitation was disclosed "Data for this measure are reported by CCDO grantees on a calendar year cycle." However, the performance data reported in the PAR is presented as fiscal year, and as previously mentioned in the Data Collection and Storage section of this report the CCDO misidentified the time periods that the number of homicides per Weed and Seed site covered.

Furthermore, we discussed and identified additional data limitations for this key indicator with CCDO and JRSA personnel. Our primary concern was that the Weed and Seed grants have 5-year designations. Therefore, grantees may be at a different phase in their program depending upon the number of years they have received grant funds. We also determined that the 5-year designation creates an additional data limitation, since grantees do not begin the 5-year designation at the same time. Therefore, the scope of the data changes each year as new grantees are added and other

grantees reach the end of their 5-year designation. Finally, CCDO and JRSA personnel informed us that not all Weed and Seed sites are comparable. Some of the differences include population demographics and population size. Therefore, the data for this key indicator is difficult to compare across years and among sites. We recommended that the CCDO disclose the year-to-year and site comparative data limitations within the data limitations section of the PAR or, in the alternative, revise the key indicator to eliminate these data limitations. Prior to the release of the FY 2007 PAR, we discussed this preliminary recommendation with the CCDO. CCDO personnel agreed and took action to disclose the year-to-year and site comparative data limitations in the FY 2007 PAR.

As part of our audit work, we reviewed the FY 2007 PAR and found that CCDO personnel added the following statement: "There are slight variances in the group of local sites reporting each year due to some sites' Official Recognition status expiring and adding newly funded sites. For this reason, the OJP requests multiple years of crime data in every CCDO required annual GPRA report, so that we can do multi-year analyses for the same group of sites and jurisdictions. This means that the average number of homicides reported for a given calendar year will be different for every year's GPRA dataset." In our opinion the CCDO sufficiently disclosed the year-to-year and site comparative data limitations within the data limitation section of the FY 2007 PAR. Therefore, we are not including a formal recommendation on this issue.

Recommendations

We recommend that OJP:

4. Coordinate with the CCDO to present the accurate scope of the performance data in the PAR by listing the correct calendar year that the data covers for the key indicator "Reduction of Homicides Per Site Funded Under the Weed and Seed Program."
5. Coordinate with the CCDO to either use data sets that are limited to sites with data for both years or, in the alternative, remove the reduction portion from this key indicator and only report on the number of homicides per Weed and Seed site for the key indicator "Reduction of Homicides Per Site Funded Under the Weed and Seed Program."

Percent Reduction in DNA Backlog – OJP

This key indicator measures the reduction of DNA samples awaiting analysis resulting from activities funded under the Convicted Offender and the Forensic Casework DNA backlog reduction grant programs. The Convicted Offender DNA Backlog Reduction program offers assistance to existing crime laboratories that conduct DNA analysis to reduce their backlog of convicted offender DNA samples. The Forensic Casework DNA Backlog Reduction Program offers assistance to existing crime laboratories that conduct DNA analysis to analyze backlogged forensic DNA casework samples from forcible rape, murder, and non-negligent manslaughter. The OJP National Institute of Justice (NIJ) measures this indicator.

Data Collection and Storage

We did not identify any issues with the NIJ's data collection and storage processes for the convicted offender DNA backlog data for this key indicator. The convicted offender DNA backlog data consists of DNA samples that state laboratories are unable to analyze with available resources. Annually, the NIJ submits a data call to state laboratories requesting their final projected backlog numbers as of September 30 of the previous year and the funds needed to complete and reduce the case backlog. The NIJ compiles this information in a spreadsheet consisting of all state laboratories needing funding and the amount requested. The information received from the state laboratories and the spreadsheets are archived on OJP's network, which is backed-up daily.

Additionally, we did not identify any issues with the NIJ's data collection and storage processes for the casework DNA backlog data for this key indicator. The NIJ does not receive projections for casework DNA backlog numbers. Instead, the NIJ sends a solicitation to grantees reporting the amount of funding available and requests grant applications to be submitted through GMS. The applications are to include: (1) the number of cases the laboratory possesses, (2) the number of cases in storage that have not been submitted, and (3) the amount of funding requested. The NIJ compiles spreadsheets of the data received in GMS, the backlog percentage is calculated, and the grants are awarded. According to NIJ personnel, they receive approximately 100 casework DNA backlog grant applications each year and try to fund all of them. The grant applications are stored in GMS, and the data is backed-up incrementally throughout the week. The grant applications and the NIJ spreadsheets are currently stored indefinitely on OJP's network.

Data Validation and Verification

We did not identify any issues with the NIJ's data validation and verification processes for the convicted offender or casework DNA backlog data for this key indicator. These processes are ongoing and include multiple levels of review including semi-annual progress reports and Grant Progress Assessment site visit reports. Semi-annual progress reports are submitted by grantees through GMS and provide the NIJ with information regarding progress achievements in relation to project milestones. According to NIJ personnel, state laboratories that receive NIJ funding become part of the Grant Progress Assessment program and are reviewed by the NIJ on a 2-year rotating basis. These reviews help ensure that grant funds are used properly.

Further validation and verification is performed by OJP's Budget Planning and Performance Division in the Office of the Chief Financial Officer. Additionally, the MD&A write-up is reviewed by personnel within OJP's Budget Planning and Performance Division in the Office of the Chief Financial Officer, the Audit and Review Division in the Office of Audit, Assessment, and Management, and the Chief Financial Officer.

Key Indicator Data Comparison

In order to verify the percent reduction in the convicted offender and casework DNA backlogs reported for FY 2006 in the FY 2006 PAR, we reviewed the NIJ's spreadsheets showing the number of convicted offender and casework DNA samples funded for analysis and the NIJ spreadsheets summarizing the state's convicted offender backlog estimations and the casework backlog estimations. Based on our review, we did not find any discrepancies with the performance data reported for this key indicator for FY 2006.

Disclosure of Data Limitations

The FY 2006 PAR reported no known data limitation for this key indicator and during our audit we did not identify any data limitations for this key indicator.

Number of Participants in the Residential Substance Abuse Treatment Program – OJP

This key indicator assesses the number of participants served by the Residential Substance Abuse Treatment (RSAT) Program and is measured by the OJP Bureau of Justice Assistance (BJA). The RSAT grants are formula

based, meaning the grants are awarded to the 50 states and 6 territories on a noncompetitive basis.²⁵ The RSAT program provides inmates with individual and group treatment activities that focus on substance abuse problems in a residential treatment facility set apart from the general correctional population. The substance abuse treatment programs are generally conducted within the walls of the prisons. However, up to 10 percent of grant funds may be used for aftercare facilities.

Data Collection and Storage

Annually, the BJA issues a grant announcement requesting that grant applications be submitted in GMS by a designated deadline. The grant announcement requires grantees to submit an annual RSAT Report that collects numerical, cumulative, and narrative information on the treatment program and participants in the program during the grantee's previous fiscal year. The state administering agency or the state department of corrections is responsible for gathering the data and completing the annual RSAT Report. However, the state may designate other personnel to complete this task. The annual RSAT Reports are submitted in GMS as a requirement of the grant. BJA personnel use the information on the annual RSAT Reports to compile a consolidated spreadsheet for reporting the information for this key indicator.

We found that the grantees' fiscal years differ. The scope of the grantees' fiscal year may be the federal government's fiscal year, the calendar year, or the state's fiscal year. As a result, the data reported by the grantees and compiled for this key indicator represents various time periods and is neither exclusively fiscal year nor calendar year data. We recommend that the BJA develop and implement procedures for collecting and reporting data for a single consecutive 12-month period or disclose this as a data limitation within the data limitations section of the PAR.

We did not identify any issues with the BJA's data storage processes for this key indicator. The annual RSAT Reports are stored in GMS, and OJP's official hardcopy file is stored by the Office of the Chief Financial Officer. Additionally, BJA program managers may maintain copies of the annual RSAT Reports for their files.

²⁵ The 6 territories include the District of Columbia, American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and United States Virgin Islands.

Data Validation and Verification

Data validation begins when BJA program managers receive the annual RSAT Reports. The program managers review the reports for completeness to determine whether the reports are acceptable. If an RSAT Report is determined unacceptable, a BJA program manager notifies the grantee and requests additional information. The information contained in the reports is copied directly from GMS by OJP's helpdesk and BJA personnel into a spreadsheet, instead of manually typing the information. This process prevents transposing numbers and other manual typing errors.

According to BJA personnel, all states and territories submitted reports in 2005. BJA personnel explained that if a grantee has not submitted its report, a BJA program manager contacts the grantee to follow up on the missing report and determine the reason it has not been submitted. According to the OJP Grant Manager's Manual dated September 2005, when annual reports are not received within 30 days of the due date, the grantee's account is considered delinquent and the grant funds are automatically frozen by GMS until the annual RSAT Report is received.

Validation and verification is performed by OJP's Budget Planning and Performance Division in the Office of the Chief Financial Officer through interviews with each division and the completion of the Data Verification Form. This form is used for each key indicator and performance measure, regardless of whether it is included in the PAR. The form collects information on the data collection and validation processes, data limitations, and the key indicator's target and actual performance. It also requires confirmation of the reported actual performance and a signature by a program office point of contact. The information on the Data Verification Form is used to revise the discussion section in the PAR and confirm the accuracy of the information presented in the PAR for that key indicator. Additionally, the MD&A write up is reviewed by various personnel within OJP's Budget Planning and Performance Division in the Office of the Chief Financial Officer, the Audit and Review Division in the Office of Audit, Assessment, and Management, and the Chief Financial Officer.

Key Indicator Data Comparison

In order to verify the number of participants in the RSAT program in 2005 reported in the FY 2006 PAR, we reviewed the BJA's spreadsheet

compiling all of the information from the grantees' annual RSAT Reports.²⁶ The results are shown in Table 5.

TABLE 5: NUMBER OF PARTICIPANTS IN THE RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM

SOURCE	RESULTS
FY 2006 PAR Results	35,350
OIG Audited Results	31,740

Source: FY 2006 DOJ PAR and the BJA's spreadsheet

Based on our discussion with BJA, BJA identified a discrepancy with the 35,350 RSAT program participants reported for 2005 in the FY 2006 PAR. Using the spreadsheet provided by the BJA, BJA pointed out that for 2005 it should have reported a total of 31,740 RSAT program participants. Therefore, the number of RSAT program participants was overstated by 3,610 participants or 10.21 percent. We discussed this issue with BJA management who attributed this error to challenges with the reporting features within the GMS.

According to DOJ's Financial Statement Requirements and Preparation Guide, "If actual performance data has changed from what was previously reported in either document [PAR and the Department's Annual Budget Summary], components must provide a full explanation in their MD&A. The explanation must include sufficient detail for reviewers/auditors to follow." We recommended that the BJA implement procedures to ensure that RSAT data is accurately reported. Further, we recommended that the BJA comply with the DOJ Financial Statement Requirement and Preparation Guide and restate the number of RSAT participants for 2005 and provide a full explanation in its MD&A, which is compiled into the PAR. Prior to the release of the FY 2007 PAR we discussed our preliminary recommendations with BJA, who concurred and took action to disclose the overstatement for 2005 in the FY 2007 PAR.

As part of our audit work, we reviewed the FY 2007 PAR and found that BJA disclosed that "In Spring of 2007, the 2005 performance was re-verified by the Bureau of Justice Assistance (BJA). BJA determined that the actual count was 31,740 rather than 35,350 reported in the 2006. The variance in the number previously reported is a result of the OJP's continuing efforts to enhance data collection and data verification processes. . . . As a result, previously submitted numbers were updated and resubmitted to

²⁶ BJA's data limitation disclosed that a "Statutorily mandated calendar year reporting requirement." Therefore, we audited 2005 data that was presented in the FY 2006 PAR.

reflect more accurate numbers and additional reports received from some states." In addition, the BJA reported the correct number of RSAT participants for 2005 in the FY 2007 PAR. In our opinion, the BJA adequately restated the number of RSAT participants for 2005, and provided an explanation in the PAR in accordance with our preliminary recommendation. However, we continue to recommend that the BJA develop and implement procedures to ensure that RSAT data is accurately reported in the future.

Disclosure of Data Limitations

In the FY 2006 PAR, the BJA disclosed the following data limitation, "Statutorily mandated calendar year reporting requirement." However, the data is presented as "FY 2005 Actual" data in the PAR. Therefore, the data limitation and the scope of the data presented in the PAR are contradictory. Further, we found that the data is reported on the grantee's fiscal year, which represents various time periods that are neither exclusively fiscal year nor calendar year data. We recommended that the BJA present the accurate scope of the performance data in the PAR. We discussed this preliminary recommendation with the BJA prior to the release of the FY 2007 PAR. BJA personnel concurred and presented the accurate scope of the performance data in the FY 2007 PAR.

As part of our audit, we assessed BJA's compliance with our preliminary recommendation and found that the BJA presented the accurate scope of the performance data in the FY 2007 PAR by disclosing that the performance data is collected according to the grantee's fiscal year, which may not be the same for all grantees. Therefore, we are not including a formal recommendation on this issue.

Recommendations

We recommend that OJP:

6. Coordinate with the BJA to develop and implement procedures for collecting and reporting data for a single consecutive 12-month period or disclose this as a data limitation within the data limitations section of the PAR for the key indicator "Number of Participants in the Residential Substance Abuse Treatment Program."
7. Coordinate with the BJA to develop and implement procedures to ensure that RSAT data is accurately reported in the future for the key indicator "Number of Participants in the Residential Substance Abuse Treatment Program."

Increase in the Graduation Rate of Drug Court Program Participants - OJP

This key indicator tracks the graduation rate of Drug Court Program participants and calculates the increase in the graduation rate. It is measured by OJP's BJA. The Drug Court Discretionary Grant Program is a competitive solicitation that accepts applications from potential grantees for grant funds. A peer review looks at each application and selects the grantees. The grant funds are to be used by the grantee to establish or enhance its Drug Court Program. The goal of the BJA's Drug Court Program is to provide financial assistance to states, state and local courts, units of government, and tribal governments in order to improve or establish drug treatment courts.

The Drug Court Program began as a way to reduce crime and substance abuse among non-violent offenders. A defendant may enter a Drug Court Program by making or accepting a guilty plea and successfully completing the program. After sentencing, the drug court assigns the defendant a treatment provider with educational resources and programs lasting 12 to 16 months. Once the Drug Court Program is successfully completed, the defendant's case is often dismissed.

Data Collection and Storage

The data collection process begins by collecting the semi-annual progress reports submitted by the grantees. The reporting periods for the two progress reports are January 1 through June 30 and July 1 through December 31.²⁷ The progress reports require the following information for the reporting period: (1) the number of participants in the grantee's Drug Court Program, (2) the number of participants that graduated from the Drug Court Program, and (3) the services that the Drug Court Program provided. The progress reports are due within 30 days of the end of the reporting period and are submitted through GMS. In addition, grantees are required to submit a final progress report once the grant ends.

BJA program managers review progress reports to ensure all of the information has been provided by the grantee. The data is then extracted from GMS by OJP Information Technology personnel and provided to BJA staff in a spreadsheet. The BJA policy advisor reviews the spreadsheet and looks for any missing information. If the policy advisor requires any

²⁷ The grant announcement informs the grantees of the semi-annual progress report requirements.

additional information, that person notifies the program manager to contact the grantee. The program specialist reviews historical data and deviations from the mean to determine whether the aggregated data is comparable of historical data.

If a grantee does not provide a progress report, a BJA program manager contacts the grantee to follow up on the missing report and determine why it has not been submitted. When progress reports are not received within 30 days of the due date, the grantee's account is considered delinquent and its funds are automatically frozen by GMS until the progress report is submitted.

We found that the 31.9 percent graduation rate of drug court participants reported for FY 2006 in the FY 2006 PAR does not encompass the entire fiscal year. Instead, it only represents January through June of FY 2006. Therefore, the drug court graduation percentage reported in the FY 2006 PAR may be inaccurate because it represents 6 months instead of a 12-month period. Further, this may affect the 13.8 percent increase in the graduation rate reported in the FY 2006 PAR. We recommended that the BJA revise its reporting procedures to ensure that it collects complete data from all grantees for a consecutive 12-month period.

Further, we found that the data reported in the FY 2006 PAR is presented as fiscal year data when instead it represents the state's fiscal year data using the data collection methodologies described by the BJA. We recommended that the BJA present the accurate scope of the performance data in the PAR.

Prior to the release of the FY 2007 PAR, we discussed both of these preliminary recommendations with BJA personnel. BJA agreed with both recommendations and took action to collect data for a consecutive 12-month period, disclose the scope of the 12-month period, and present the accurate scope of the performance data in the FY 2007 PAR. As part of our audit, we reviewed the FY 2007 PAR and found that the BJA disclosed that "End of year performance data for the Drug Court Program is provided by semi-annual progress reports via the GMS in August. Beginning with data reported for 2007, data collected and reported will cover a single consecutive 12-month period from July 1, 2006 through December 31, 2006 and January 1, 2007 through June 30, 2007." In our judgment, the BJA now adequately collects data for a consecutive 12-month period, disclosed the scope of that 12-month period, and presented the accurate scope of the performance data in the FY 2007 PAR. Therefore we are not including any formal recommendations on these issues.

We did not identify any issues with the BJA's data storage processes for this key indicator. The data for this key indicator is collected on progress reports that are stored in GMS, and OJP's official hardcopy file is stored by the Office of the Chief Financial Officer. In addition, BJA program managers may maintain a copy of the progress reports for their files.

Data Validation and Verification

We did not identify any issues with the BJA's data validation and verification processes for this key indicator. Data validation and verification begins with the program office continually: (1) reviewing progress reports, (2) conducting desk reviews, and (3) conducting site visits. BJA program managers are responsible for managing the grants awarded and reviewing the progress reports to ensure all of the needed information has been provided by the grantee. According to BJA personnel, program managers monitor between 250 and 300 grants covering 25 to 30 programs primarily through desk reviews and site visits.

According to the September 2005 OJP Grant Manager's Manual "A desk review or desk monitoring consists of reviewing grant files to ensure they are complete, accurate, and up-to-date so as to assess grantee performance and compliance." The August 2005 BJA Monitoring Guide explains that "The desk review will assist BJA staff in determining which grantees need the most assistance requiring a monitoring visit." We obtained a list of the desk reviews conducted in FY 2006 and found that 166 desk reviews were conducted on 126 grants. Therefore, the BJA complied with OJP's requirement to conduct desk reviews periodically.

We also determined that in FY 2006 the BJA conducted 12 site visits on 12 grants to review financial reports and ensure grantees are keeping current with grant awards and file maintenance. Specifically, BJA staff "visit the program facility and meet with staff to ensure that the program adheres to established guidelines."²⁸ Additionally, the site visits determine the grantee's graduation criteria and the number and percentage of Drug Court Program participants who graduated from the program. The September 2005 OJP Grant Manager's Manual says that "The number of times a grant manager conducts an onsite visit is determined by each bureau or program office and based upon programmatic need or requests by the grantee." Therefore, the BJA complied with OJP's requirement to conduct site visits at the discretion of each bureau.

²⁸ BJA Monitoring Guide, August 2005.

Validation and verification is performed by OJP's Budget Planning and Performance Division in the Office of the Chief Financial Officer through interviews with each division and the completion of the Data Verification Form. This form is used for each key indicator and performance measure, regardless of whether it is included in the PAR. The form collects information on the data collection and validation processes, data limitations, and the key indicator's target and actual performance. Additionally, the form requires confirmation of the reported actual performance and a signature by a program office point of contact. The information on the Data Verification Form is used to revise the discussion section in the PAR and confirm the accuracy of the information presented in the PAR for that key indicator. Finally, the MD&A write up is reviewed by personnel within OJP's Budget Planning and Performance Division in the Office of the Chief Financial Officer, Audit and Review Division in the Office of Audit, Assessment, and Management, and the Chief Financial Officer.

Key Indicator Data Comparison

In order to verify the increase in the graduation rate of Drug Court Program participants reported for FY 2006 in the FY 2006 PAR, we reviewed the BJA's supporting document that compiled all of the information from the grantees' progress reports. Based on our review, we did not find any discrepancies with the performance data reported for this key indicator for FY 2006. However, as stated previously, this percentage does not encompass a 12-month period.

Additionally, we found that the bar graph for this key indicator in the FY 2006 PAR is titled, "Increase in the Graduation Rate of Drug Court Program Participants," while the bar graph displayed the graduation percent, not the graduation percent increase. Specifically, the bar graph illustrates the graduation rate of 31.9 percent instead of the 13.8 percent increase in the graduation rate as stated in the title. JMD uses the DOJ components' MD&A to draft the PAR and is responsible for generating the bar graphs in the PAR. Therefore, we recommended that JMD revise the title of the bar graph in the PAR in order to clarify the information illustrated. We discussed this preliminary recommendation with JMD prior to the release of the FY 2007 PAR. JMD concurred with our preliminary recommendation and took action to adjust the title of the bar graph in the FY 2007 PAR.

As part of our audit, we reviewed the FY 2007 PAR and found that JMD changed the title to "Graduation Rate of Program Participants in the Drug Courts Program." In our opinion, JMD adequately revised the title of the bar graph in the FY 2007 PAR. Therefore, we are not including a formal recommendation on this issue.

Disclosure of Data Limitations

In the FY 2006 PAR, the BJA did not identify any data limitations. Based on our review, we did not identify any additional data limitations for this key indicator.

IV. STRATEGIC GOAL IV: ENSURE THE FAIR AND EFFICIENT OPERATION OF THE FEDERAL JUSTICE SYSTEM

Strategic Goal IV contains 11 key indicators, of which 9 were included in our audit scope. We did not find any discrepancies in seven of the nine key indicators. Specifically, for the key indicators relating to judicial proceedings, federal fugitives, per-day jail costs, crowding in federal prisons, escapes from secure Federal Bureau of Prisons (BOP) facilities, the American Correctional Association accreditations, and Executive Office for Immigration Review priority cases we determined that the data collection, storage, validation, and verification processes for these key indicators were adequate and did not identify any data limitations beyond those already disclosed.

For the key indicator "Comparative Recidivism for Federal Prison Industries (FPI) Inmates versus non-FPI Inmates," we found that the BOP did not disclose all of its data limitations in the FY 2006 PAR.

For the key indicator "Rate of Assaults in Federal Prisons per 5,000 Inmates," we determined that the BOP overstated the rate of assaults per 5,000 inmates.

According to the DOJ FY 2003-2008 Strategic Plan, "The Department plays a key role in the administration of the federal justice system." DOJ's responsibilities include protecting judges, witnesses, and federal proceeding participants; ensuring the appearance of criminal defendants for judicial proceedings and confinement; apprehending fugitives; providing safe, secure, and humane confinement for detained persons; maintaining and operating the federal prison system; providing services and programs to assist inmates to successfully re-enter society; and adjudicating all immigration cases promptly and impartially in accordance with due process.

We discuss below each of the nine key indicators we reviewed related to this strategic goal.

Number of Judicial Proceedings Interrupted Due to Inadequate Security – USMS

This key indicator determines the number of judicial proceedings interrupted due to inadequate security and is measured by the United States Marshals Service (USMS). Interruption of a judicial proceeding is defined by the USMS as either removal of a judge from a courtroom or a suspended proceeding while the USMS requests additional deputies to guarantee the safety of the judge, witnesses, and other participants.

According to the FY 2006 PAR, "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, magistrate, and 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."

Data Collection and Storage

We did not identify any issues with the USMS's data collection and storage processes for this key indicator. Data for this key indicator is collected on the Use of Force Reports, Form USM-133, which details major occurrences. A Form USM-133 is completed by USMS Deputies in 94 USMS districts and reviewed by district directors or program managers prior to providing it to the Office of Internal Affairs. USMS policy requires completion of the Form USM-133 after a major occurrence.

Data Validation and Verification

We did not identify any issues with the USMS's data validation and verification processes for this key indicator. The district directors or program managers review the completed USM-133 Forms. The USMS Planning and Evaluation Group receive both the completed USM-133 Forms and weekly e-mails to verify the incident and determine if it meets the key indicator definition. The USMS Planning and Evaluation Group contact the USMS districts and divisions to verify the incident, prior to preparing the quarterly status reports for JMD. The quarterly status reports are used to cross-reference the annual number of interruptions provided for the PAR.

Key Indicator Data Comparison

According to the USMS, no judicial proceedings were interrupted due to inadequate security during FY 2006. Based on our review, we did not find any discrepancies with the performance data reported for this key indicator for FY 2006.

Disclosure of Data Limitations

The FY 2006 PAR disclosed that “This measure was not tracked or reported until FY 2003.” During our audit, we did not identify any data limitations for this key indicator beyond the limitation already disclosed.

Federal Fugitives Cleared or Apprehended – USMS

This key indicator identifies the number and percent of federal fugitives cleared or apprehended and is measured by the USMS. In the FY 2006 PAR the USMS states that, “Fugitives cleared consists of those cases that 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.” Cleared fugitives include those who are deceased or who have been apprehended, cases that have been dismissed, and any other reason why the USMS search has ended.

According to a statement in the FY 2006 PAR, “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.”

Data Collection and Storage

We did not identify any issues with the USMS’s data collection and storage processes for this key indicator. Data for this key indicator is collected and maintained in the USMS Warrant Information Network (WIN), which tracks federal warrants. A Deputy Marshal or Investigative Research Specialist at each of the 94 USMS districts enters warrant information into WIN and the information is reviewed by a Warrant Supervisor. The USMS Planning and Evaluations Group calculate the number and percent of fugitives cleared using information from WIN, which is checked by the USMS Investigative Services Division.

Data Validation and Verification

We did not identify any issues with the USMS's data validation and verification processes for this key indicator. These processes are conducted by USMS Investigative Research Specialists using the Public Access to Court Electronic Records system to run reports and obtain case and docket information from federal courts to verify the warrant information. They also revise case information in WIN from USMS Warrant Update Forms. In addition, Investigative Research Specialists receive USMS Wanted Person

Record Validation Memorandums detailing the records each district is responsible for validating. Investigative Research Specialists confirm that warrants in WIN are active, verify the WIN data against signed paper records, and update the information in WIN. Additionally, USMS personnel using WIN check the data entered into the system and cross-reference it to their cases. Finally, USMS auditors conduct internal audits of WIN and case files. During our audit, we observed how warrants are entered into WIN and the system controls used to help ensure valid and accurate data.

Key Indicator Data Comparison

In order to verify the percent and number of federal fugitives cleared or apprehended in FY 2006 and reported in the FY 2006 PAR, we reviewed the USMS's WIN reports. Based on our review, we did not find any discrepancies with the performance data reported for this key indicator for FY 2006.

Disclosure of Data Limitations

The FY 2006 PAR disclosed that "These elements of data are accessible to all 94 judicial districts and are updated as new information is collected. There may be a lag in the reporting of data." During our audit, we did not identify any additional data limitations beyond the limitation already disclosed for this key indicator.

Per-Day Jail Costs – OFDT

This key indicator measures the per-day jail costs, which is the weighted average of the "actual price paid (over a 12-month period) by the USMS to house federal prisoners in non-federal detention facilities."²⁹ It is measured by the Office of the Federal Detention Trustee (OFDT) using information from the USMS.

According to the OFDT in the FY 2006 PAR "DOJ acquires detention bed space to house pretrial detainees through reimbursable Intergovernmental Agreements (IGAs) with State and local governments and contracts with private vendors." The OFDT uses information from the

²⁹ According to OFDT personnel, medical facilities are excluded from the per-day jail cost calculation because the cost incurred cannot feasibly be projected and therefore, a negotiated per-day jail rate for medical facilities does not exist. If these facilities were included in the key indicator, the per-day jail rate would be skewed and targeting for this key indicator would be difficult due to the range in medical costs depending on the services provided.

USMS's Prisoner Tracking System (PTS) to calculate the per-day jail cost. PTS is decentralized with each of the 94 USMS districts maintaining separate PTS databases.

Data Collection and Storage

We did not identify any issues with the USMS's or OFDT's data collection and storage processes for this key indicator. USMS districts communicate with jails to locate available space for prisoners. The districts track and enter all prisoner movement information into the PTS databases. Currently, the aggregate data from the previous day is added to the centralized database at USMS headquarters. The jail rates in PTS are set and entered by USMS headquarters based upon established contracts and intergovernmental agreements. Monthly, each of the USMS districts calculate the jail rates from the counties and establish an obligation in the Financial Management System.³⁰ The obligations are closed out each month and sent to USMS headquarters and the Financial Management System is reconciled with the USMS's Standardized Tracking, Accounting, and Reporting System.

Nightly, the OFDT receives data from PTS regarding the number of prisoners held at each facility as of the close of business. This information is used to complete a monthly report to calculate an average jail-day rate for the month. Monthly reports are consolidated to generate a quarterly report, which is used to generate a summary report. The summary report provides the quarterly and fiscal year jail-day rates reported in the PAR. All of these reports are stored on the OFDT's computer system and can also be retrieved from PTS if needed. They are also linked with automatic data feeds to reduce data errors. The USMS and OFDT computer systems have user and security access controls that limit access and edits to the systems. During our audit, we observed prisoner information being entered into PTS and the system controls that help ensure valid and accurate data.

Data Validation and Verification

We did not identify any issues with the USMS's or OFDT's data validation and verification processes for this key indicator. These processes are ongoing and reviewed by multiple levels of personnel within the USMS. USMS headquarters personnel also validate the jail days and jail rates each month by running PTS reports by district. USMS runs a Jail Utilization

³⁰ When the USMS receives jail bills from the counties, the bills are cross-checked and verified before an obligation is established by the USMS district in the Financial Management System.

Report monthly and provides it to the OFDT. The OFDT uses the Jail Utilization Report to verify the daily population feeds and the monthly feeds from the PTS.

Key Indicator Data Comparison

In order to verify the per-day jail costs reported for FY 2006 in the FY 2006 PAR, we reviewed the OFDT's monthly, quarterly, and summary reports. Based on our review, we did not find any discrepancies with the performance data reported for this key indicator for FY 2006.

Disclosure of Data Limitations

For FY 2006, the OFDT disclosed that the "PTS is very time and labor intensive. Lack of a real-time centralized system results in data that is close to six weeks old before it is available at a national level." During our audit, we did not identify any data limitations for this key indicator beyond the limitation already disclosed in the FY 2006 PAR.

System-wide Crowding in Federal Prisons – BOP

This key indicator assesses the ratio of inmates held in BOP facilities compared to the inmate capacity at BOP facilities and reports the percent over capacity. In the FY 2006 PAR, the BOP explained that "System-wide [crowding] represents all inmates in BOP facilities and all rated capacity, including secure and non-secure (minimum security) facilities, low, medium, and high security levels, as well as administrative maximum, detention, medical, holdover, and other special housing unit categories." The BOP measures this key indicator.

Data Collection and Storage

We did not identify any issues with the BOP's data collection and storage processes for this key indicator. The inmate data for this key indicator is collected and stored in the BOP's SENTRY system. Data entry in SENTRY is centralized at the BOP Designation Sentence Computation Center in Grand Prairie, Texas. The Inmate System Management Unit at each BOP facility is responsible for correcting and updating the information in SENTRY. BOP headquarters determines the rated capacity for each facility and records it in SENTRY. Population levels are analyzed daily, and a SENTRY report provides the inmate count within every BOP institution. The percentage of capacity is then calculated by dividing the inmate population count by the rate of capacity. Monthly, data is copied from SENTRY and placed in SAS and the Key Indicators/Storage Support System (KI/SSS).

Data Validation and Verification

We did not identify any issues with the BOP's data validation and verification processes for this key indicator. The primary validation process is conducted by the BOP's Program Review Division. Additionally, supervisors at the facilities, system managers, and the Correctional Services Division validate the data in SENTRY.

Key Indicator Data Comparison

In order to verify the system-wide crowding rate in FY 2006 reported in the FY 2006 PAR, we reviewed the BOP's Population Report. Based on our review, we did not find any discrepancies with the performance data reported for this key indicator for FY 2006.

Disclosure of Data Limitations

The BOP did not identify any data limitations in the FY 2006 PAR. During our audit, we did not identify any data limitations for this key indicator.

Escapes from Secure BOP Facilities – BOP

This key indicator measures the number of escapes from secure BOP facilities, which includes administrative institutions and low, medium, and high security institutions. The security levels of BOP facilities are classified as either minimum, low, medium, or high, depending in part on the physical design of each facility. The administrative category exists for specialized populations such as pre-trial, mental health, and sex offender inmates. The BOP measures this indicator.

Data Collection and Storage

We did not identify any issues with the BOP's data collection or storage processes for this key indicator. The inmate data is collected and stored in the BOP SENTRY system. For monitoring purposes, inmates are counted at each BOP facility five times a day by personnel comparing a picture of each inmate with the inmate in the cell. Escapes from secure BOP facilities are rare and therefore are well known when they occur. During our audit, we observed various modules in SENTRY and the system controls that help ensure the data is valid and accurate.

The BOP Report of Incident, Form 583, is used as a first alert when an event such as an escape, riot, or assault occurs. The Form 583 lists all inmates thought to be involved in the escape; a separate Form 583 is not completed for each inmate. This form is submitted by the BOP facility where the escape occurred to the Correctional Services Division at the central office, and is entered into various database systems, including SENTRY and the BOP KI/SSS. After BOP personnel complete the preliminary interviews with the inmates listed on the Form 583, a Misconduct Form is completed for each inmate who is determined to have been involved in the escape and this information is entered into the Chronological Disciplinary Report module of SENTRY. The escape data in KI/SSS is later compared to the Chronological Disciplinary Reports to ensure all of the information is accurate. The Information Policies and Public Affairs Office extract the escapes data directly from the BOP KI/SSS to compile the data for this key indicator. The Budget Development Branch reviews the key indicator data before submitting it to JMD for PAR reporting.

The completed Forms 583 are stored in the Investigation Division for record-keeping after being forwarded to the BOP Correctional Services Division in Washington, D.C. A hard copy of the Misconduct Form is filed in the inmate's paper file at the BOP facility.

Data Validation and Verification

We did not identify any issues with the BOP's data validation and verification processes for this key indicator. However, we found that few validation procedures are in place since the escapes are well-known when they occur. BOP facilities are responsible for correcting and updating the information in SENTRY, and SENTRY is equipped with data entry controls that limit and restrict access to data and edits to the system. Program reviews are performed to ensure that BOP policies are being adhered to and recorded escapes are investigated to determine why and how they occurred. Additional reviews at BOP facilities include reviews of the SENTRY data by supervisors, system managers, the Inmate System Management Unit, and the Correctional Services Division. At the headquarters level, the Information Policies and Public Affairs Office compares the Chronological Disciplinary Reports to KI/SSS to ensure all of the information was copied over from SENTRY.

Key Indicator Data Comparison

In order to verify the number of escapes from secure BOP facilities in FY 2006 reported in the FY 2006 PAR, we reviewed the BOP's KI/SSS report

on escapes. Based on our review, we did not find any discrepancies with the performance data reported for this key indicator for FY 2006.

Disclosure of Data Limitations

The BOP did not identify any data limitations in the FY 2006 PAR and during our audit, we did not identify any data limitations for this key indicator.

Comparative Recidivism Rates for FPI Inmates versus Non-FPI Inmates – FPI, BOP

This key indicator compares recidivism rates for inmates who participated in the Federal Prison Industry (FPI) versus inmates who did not participate, 3 years and 6 years after release from a secure facility. For this key indicator, recidivism is defined in the PAR as “a tendency to relapse into a previous mode of behavior” The BOP defines recidivated cases as individuals who are arrested and returned to the legal system.

Data Collection and Storage

We did not identify any issues with the BOP’s or FBI’s data collection and storage processes for this key indicator. Data for this key indicator is collected in two systems, the BOP’s SENTRY and the FBI’s Interstate Identification Index (III). SENTRY contains such inmate information as personal characteristics, background, criminal history, and the programs the inmate participated in while in a BOP facility. Data entry is centralized at the BOP Designation Sentence Computation Center and the Inmate System Management Unit at each BOP facility is responsible for correcting and updating the information in SENTRY. The BOP’s SENTRY is equipped with data entry controls that can limit and restrict access to data and edits to the system. The FBI’s III contains records of state and federal arrests and is used by the BOP to depict a more accurate and complete picture of inmate recidivism.

Annually, the BOP sends a file listing all of the inmates in SENTRY to the FBI data center. The file includes the inmate’s FBI number, registration number, and name. The FBI matches and merges this information with the III data, storing the information on a tape that is provided to the BOP. The BOP loads this information onto its server and uses SAS to analyze the data.

SAS uses Cox’s Proportional Hazard Model to analyze this information because it can estimate the outcome by comparing one group to another group, using the assumption that the two groups recidivate at the same

rate.³¹ First, the propensity score is used to ensure the two groups are comparable and then to select the appropriate comparison subjects. This is achieved by having a study group that participated in the FPI program for 6 months or longer and a reservoir consisting of inmates who would have participated in the FPI program if the opportunity would have presented itself. Each study group individual is matched to an individual in the reservoir who has similar characteristics, including age, race, sex, criminal history, and previous conviction. Each individual in the study group can only be matched to one individual in the reservoir, and once an individual in the reservoir is matched that person is removed from the reservoir. Propensity score matching occurs quarterly for the inmates released during the quarter because employment is seasonal and recidivism can relate to unemployment. According to BOP personnel, the propensity score allows for the determination of an unbiased effect.

Cox's Proportional Hazard Model summarizes the individual predictions. The scope of the annual data runs are recidivism after 3 years and recidivism after 6 years. Cox's Proportional Hazard Model predicts the number of days inmates will be released before they recidivate.

The data for this key indicator are stored in the BOP's SENTRY and the FBI's III. Additionally, BOP officials stated that each BOP facility maintains a paper file for each inmate who served time in that facility and this information is also stored in SENTRY.

Data Validation and Verification

We did not identify any issues with the data validation and verification processes for this key indicator. As mentioned previously, BOP facilities are responsible for correcting and updating the information in SENTRY. Because the information in SENTRY is used daily by various personnel at BOP facilities, any errors identified are corrected by BOP personnel at the facility. Additionally, according to BOP policy, program reviews are conducted every 180 calendar days and include a review of inmate files for progress in recommended programs, as well as new programs that may be recommended based on the inmate's skills.³²

According to BOP personnel, data validation may be performed on the FBI's III information. The FBI's III is an index system to which each state's record management systems are linked. The III continually extracts

³¹ Cox's Proportional Hazards Model is a regression model in statistics.

³² BOP Program Statement 5322.12, regarding Inmate Classification and Program Review, November 2006.

information from each state's record management system. Verification of each state's information is the responsibility of that state. BOP personnel added that the states may notify one another when an error is identified in another state's information, but it is the responsibility of the state with the error to make the correction.

The final validation process is performed by the BOP Office of Research using a snapshot of the data instead of running Cox's Proportional Hazard Model against the live data. The snapshots are reviewed by Office of Research staff to ensure that they appear accurate. The review includes comparing the snapshots to previous snapshots to identify any anomalies. Then, a data set is generated for further analysis.

Key Indicator Data Comparison

We reviewed the SAS Output Report in order to verify the comparative recidivism rates for FPI inmates versus non-FPI inmates in FY 2006 reported in the FY 2006 PAR. Based on our review, we did not find any discrepancies with the performance data reported for this key indicator for FY 2006.

Disclosure of Data Limitations

We identified two additional data limitations beyond those disclosed in the FY 2006 PAR. The FY 2006 PAR disclosed, "Although non-citizens make up a large minority of the BOP population, they are excluded from analysis 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 the FPI participating inmates and their nonparticipating counterparts. The results of this ongoing research may differ due to changes in the program, improved research methods, changes in the composition of the inmate population, and changes in the quality and comprehensiveness of data, especially automated data on recidivism."

We found that Vermont, Maine, and Washington, D.C., are not participating in the FBI's III. Therefore, if a BOP-released inmate was arrested in either of these states or in Washington, D.C., it may not be reported in the FBI's III. Specifically, if the inmate was returned to a BOP facility, SENTRY would capture this data. However, if the inmate was returned to a state or local facility in one of these entities, the FBI's III would not capture this data. As a result, this information would not be reported and included within the BOP's statistical model that generates the results reported in the PAR. Additionally, according to BOP personnel, for the same reason the following states may be under-represented and reported in the recidivism data: New Jersey, North Carolina, Oregon,

Florida, Kentucky, Hawaii, Maine, and Idaho. We recommend that the BOP disclose this information within the data limitations section of the PAR or, in the alternative, revise the key indicator to alleviate this data limitation.

Additionally, according to BOP personnel, a data lag can occur between the time an inmate is arrested and when the information is entered into the entity's record management system or into SENTRY. This limitation may cause the results reported in the PAR to be under- or over-reported. We determined that this data limitation was not disclosed in the FY 2006 PAR. Therefore, we recommend that the BOP disclose the data lag within the data limitations section of the PAR.

During our Exit Conference, we discussed both of these recommendations with BOP personnel who explained that it has revised this key indicator to compare FPI inmates versus non-FPI inmates returned to the federal prison system for a new offense and no longer relies on the FBI's III information. However, since this information was not reflected in FY 2007 PAR we are providing the recommendations shown below.

Recommendations

We recommend that the BOP:

8. Disclose within the data limitations section of the PAR, the states that do not participate in the FBI's III, and that the results reported in the PAR do not include all federal and state crimes committed and arrests in these states and Washington, D.C.; in the alternative, revise the key indicator "Comparative Recidivism Rates for FPI Inmates versus Non-FPI Inmates" to address this data limitation.
9. Disclose within the data limitations section of the PAR the data lag between the time an inmate is arrested and when the information is entered into the state's record management system or into SENTRY for the key indicator "Comparative Recidivism Rates for FPI Inmates versus Non-FPI Inmates."

Rate of Assaults in Federal Prisons (Assaults per 5,000 Inmates) - BOP

This key indicator is measured by the BOP and represents the number of assaults in federal prisons per 5,000 inmates, including inmate-on-inmate assaults, inmate-on-staff assaults, serious assaults, and less serious

assaults.³³ The assault data included in this indicator covers allegations of assault that have been adjudicated by BOP Disciplinary Hearing Officers. This indicator was changed in the FY 2007-2012 Strategic Plan to the "Rate of Serious Assaults in Federal Prisons (per 5,000 inmates)," which beginning in the FY 2007 PAR will only measure serious inmate-on-inmate assaults, instead of inmate-on-inmate assaults, inmate-on-staff assaults, serious assaults, and less serious assaults.

Data Collection and Storage

We did not identify any issues with the BOP's data collection or storage processes for this key indicator. Data for this key indicator is collected in the BOP's SENTRY computer system. Data entry is centralized at the BOP Designation Sentence Computation Center, and the Inmate System Management Unit at each BOP facility is responsible for correcting and updating the information in SENTRY. SENTRY is equipped with data entry controls that can limit and restrict access to data and edits to the system.

Data collection begins with a Report of Incident Form, Form 583, which is used for immediate reporting and as a first alert when an undesirable event occurs at a BOP facility. When any assault occurs at a BOP facility, a Form 583 is completed and provided to the appropriate BOP personnel. The form includes the names of all of the inmates involved and the inmates in the area where the assault occurred. The BOP central office enters the Form 583 information into SENTRY and the completed forms are stored in the BOP Investigation Division.

After preliminary interviews with the inmates listed on the Form 583, a Misconduct Form is completed for each inmate who is determined to have been involved in the assault and this information is entered into the Chronological Disciplinary Report module of SENTRY. A hard copy of the Misconduct Form is filed in an inmate's paper file at the BOP facility.

Disciplinary Hearing Officers, located in each BOP region, are involved in investigating the incident reported on the Misconduct Forms. When an incident occurs, the Disciplinary Hearing Officers receive a packet of information to assist with the investigation and an analysis of the incident. The Unit Disciplinary Committee conducts video conferences briefing the Disciplinary Hearing Officers, interviews the inmates involved, and makes a decision on the incident. Additionally, the Unit Disciplinary Committee tracks

³³ In the FY 2006 PAR, the BOP described a serious assault as "An assault that results in major bodily injury or death . . ." and a minor or less serious assault as "An assault that does not result in major bodily injury . . ."

the pending incident and each step is updated in the Chronological Disciplinary Report module for record-keeping. The Disciplinary Hearing Officers are responsible for recording the Unit Disciplinary Committee's decision on the incident in SENTRY.

Data is copied monthly from SENTRY and placed in SAS. Adjudicated cases are extracted from SAS and placed into the KI/SSS, where reports can be generated on this key indicator. During our audit, we observed various modules of SENTRY, SAS, and KI/SSS. In addition, we observed the system controls that help ensure valid and accurate data.

Data Validation and Verification

We did not identify any issues with the BOP's data validation and verification processes for this key indicator. These processes are ongoing and include multiple levels of review. Because the information in SENTRY is used daily by various BOP personnel, any errors identified can be corrected by BOP personnel at the facility. Additional reviews at BOP facilities include reviews of the SENTRY data by supervisors, system managers, the Inmate System Management Unit, and the Correctional Services Division. At headquarters, the Information Policies and Public Affairs Office compare the disciplinary reports to KI/SSS to ensure all of the information was copied over from SENTRY. Finally, while adjudicating each case the Disciplinary Hearing Officers verify the information in SENTRY to the file they received.

Key Indicator Data Comparison

We reviewed the BOP's Injury Assessment for Acts of Inmate Misconduct Report in order to verify the rate of assaults per 5,000 inmates in FY 2006 reported in the FY 2006 PAR. The results are shown in Table 6.

TABLE 6: RATE OF ASSAULTS IN FEDERAL PRISONS PER 5,000 INMATES

SOURCE	RESULTS
FY 2006 PAR Results	119
OIG Audited Results	116

Source: FY 2006 DOJ PAR and the BOP's Injury Assessment for Acts of Inmate Misconduct Report

Based on our review, we found a discrepancy with the FY 2006 rate of assaults per 5,000 inmates reported in the FY 2006 PAR by the BOP. We found that the BOP overstated the rate of assaults by 2.76 percent. BOP personnel reviewed the data that was used in generating the 119 reported in the FY 2006 PAR and explained that the data set may have incorrectly

included data on inmates housed in privately managed facilities, resulting in a larger data set and possibly higher rate of assaults.

According to DOJ's Financial Statement Requirements and Preparation Guide "If actual performance data has changed from what was previously reported in either document [PAR and the Department's Annual Budget Summary], components must provide a full explanation in their MD&A. The explanation must include sufficient detail for reviewers and auditors to follow." However, because the indicator was changed in the Strategic Plan for FY 2007-2012 to only measure serious inmate on inmate assaults, we do not recommend that the BOP restate the FY 2006 actual rate of assaults in federal prisons, as it will no longer relate to the new indicator. We recommend that the BOP evaluate the cause of the overstatement and implement procedures to ensure the rate of assaults in federal prisons per 5,000 inmates is accurately reported in the future.

Disclosure of Data Limitations

The FY 2006 PAR disclosed the following data limitations, "The data represent the number of assaults over a 12-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. Due to accelerated reporting requirements (within 15 days of quarter and fiscal year end) and to provide a more accurate assault rate, the BOP began using 12 months of complete/adjudicated Chronological Disciplinary Report data for each quarter and end of fiscal year reporting beginning for FY 2004." During our audit, we did not identify any data limitations for this key indicator beyond those already disclosed in the FY 2006 PAR.

Recommendation

We recommend that the BOP:

10. Evaluate the cause of the FY 2006 overstatement and implement procedures to ensure the rate of assaults in federal prisons per 5,000 inmates is accurately reported in the future for the key indicator "Rate of Assaults in Federal Prisons (Assaults per 5,000 Inmates)."

Inspection Results – Percent of Federal Facilities with American Correctional Association Accreditations – BOP

This key indicator, which identifies the percent of federal prison facilities with American Correctional Association (ACA) accreditations, is measured by the BOP.

We did not identify any issues with the BOP's data collection, storage, or data validation and verification processes for this key indicator. The American Correctional Association (ACA) holds panel hearings twice each year to review the ACA audit reports and to vote on whether BOP institutions should receive accreditation. According to BOP personnel, the ACA provides electronic reports for each audited institution, meeting minutes from the panel hearings, and a letter listing BOP institutions that are accredited as of the end of the fiscal year.

Additionally, the BOP maintains the Accreditation Status Report, which is BOP's own list of ACA-accredited institutions. BOP personnel develop the Accreditation Status Report based on the results of ACA panel hearings. The BOP uses the ACA meeting minutes from the panel hearings to confirm and verify the information on its Accreditation Status Report. The Accreditation Status Report is updated twice yearly.

The information on the BOP's Accreditation Status Report is then compared to the ACA letter that lists BOP accredited institutions to ensure information is complete and accurate. If the figures on the two documents match, the information is considered valid and verified. The BOP considers the data reliable on the ACA letter since it comes directly from the ACA.

Key Indicator Data Comparison

We reviewed the BOP's Accreditation Status Report and the ACA letter, in order to verify the actual percentage of accredited facilities in FY 2006 reported in the FY 2006 PAR. Based on our review, we did not identify any discrepancies with the performance data reported for this key indicator for FY 2006.

Disclosure of Data Limitations

The BOP did not identify any data limitations in the FY 2006 PAR. During our audit, we did not identify any data limitations for this key indicator.

Percent of Executive Office for Immigration Review Priority Cases Completed Within Established Time Frames – EOIR

In the FY 2006 PAR, the Executive Office for Immigration Review (EOIR) stated that its “mission is to be the best administrative tribunal possible, rendering timely, fair, and well considered decisions in the cases brought before it Included in this context are the timely grants of relief from removal in meritorious cases, the expeditious removal of criminal and other inadmissible aliens, and the effective utilization of limited detention resources.” The EOIR has set priorities and time frames for court cases involving aliens seeking asylum, criminal aliens, other detained aliens, and adjudicative time frames for all appellate cases filed with the Board of Immigration Appeals. This key indicator measures EOIR’s progress in meeting its priorities and time frames.

Data Collection and Storage

We did not identify any issues with the EOIR’s data collection and storage processes for this key indicator. The data is collected in the EOIR’s case tracking system, the Automated Nationwide System for Immigration Review (ANSIR), which is used in tandem with Case Access System for EOIR (CASE) by the Board of Immigration Appeals and select courts since 2005. Therefore, both ANSIR and CASE were used to collect and store the FY 2006 data that was reported in the FY 2006 PAR. According to EOIR, beginning in FY 2008 CASE replaced ANSIR because CASE is a more technologically advanced and timely web-based database system.

During FY 2006, information was entered into ANSIR or CASE by court or Board staff. Data is entered using the Judges Worksheet that documents hearing information. A supervisor reviews the data entered into the systems by comparing the information on the Judges Worksheet with the data in ANSIR and CASE. The Office of the Chief Immigration Judge is responsible for developing a Microsoft Access database to extract data from ANSIR and CASE. The Office of the Chief Immigration Judge also reviews the database for accuracy, verifies printed reports, and reviews final reports.

According to EOIR Standard Operating Procedures Case Completion Goal reports are generated through “a series of queries and tables . . . to complete the reports and those detailed procedures are separated into five sections; receipts, completions, detained completions, pending and returns.”³⁴ These reports are used to generate the percent of priority cases

³⁴ Executive Office for Immigration Review, Office of Planning and Analysis, *Standard Operating Procedures*, April 2007.

completed within the EOIR-established time frames for the PAR. Both ANSIR and CASE are equipped with data entry controls to restrict access to data and edits in the systems. During our audit, we observed ANSIR at EOIR headquarters and the systems and controls that help ensure valid and accurate data.

Data Validation and Verification

We did not identify any issues with the EOIR's data validation and verification processes for this key indicator. These processes are ongoing as case information is added to the systems. Paralegals use checklists to compare the case files to the information in the systems and correct errors, including addresses, attorney information, and mistyped data fields. The information is also validated by attorneys identifying missing or incorrect information while working on a case. Additionally, aliens may notify the EOIR if they identify any errors on the paperwork they receive.

Currently, a program runs between ANSIR and CASE and generates a file of discrepancies between the two systems. The EOIR Operation and Maintenance staff reviews the discrepancies, in consultation with the components, and determine if any changes need to be made. In addition, when a data field is entered incorrectly, the data entry personnel receive a message from the system to correct the field. The Court Evaluation Programs conduct a comprehensive evaluation of each immigration court's operation and the accuracy of the entries into the ANSIR and CASE. These audits are conducted on a 4-year rotating basis of the 54 courts, with 12 to 13 courts audited annually.

Key Indicator Data Comparison

In order to verify the percent of the EOIR priority cases completed within established time frames reported in the FY 2006 PAR, we reviewed the EOIR's Office of the Chief Immigration Judge Case Completion Reports for FY 2006.³⁵ Based on our review, we did not identify any discrepancies with the performance data reported for this key indicator for FY 2006.

³⁵ The EOIR priority cases include Institutional Hearing Program, Asylum, and Detained cases. Our audit scope did not include Single Appeal and Panel Appeal cases because they were discontinued from the key indicator as of September 30, 2006.

Disclosure of Data Limitations

The EOIR did not disclose any data limitations in the FY 2006 PAR, and we did not identify any data limitations for this key indicator during our audit.

V. CONCLUSION

During our audit, we determined that components had implemented various processes to review and validate their Management Discussion and Analysis prior to submitting the information to JMD for compiling the Performance and Accountability Report. However, our audit identified deficiencies and issues in 9 of the 21 key indicators. This suggests that the components need to improve their validation processes by examining the accuracy of MD&A narratives covering the key indicators and verifying supporting information necessary to ensure the accuracy of the key indicator performance data. Component management should also assess the current MD&A validation processes and determine whether any opportunities for improvement exist and address those areas. Additionally, component management should communicate to staff the need for accuracy of the key indicator information presented in the MD&A for the PAR.

Further, while we recognized that JMD officials are not currently in a position to verify or adjust key indicator information provided by the components, we believe that JMD should expand its oversight role to ensure the accuracy of the key indicator performance data reported in the components' MD&As and subsequently compiled for the PAR. To accomplish this oversight, JMD would require the supporting information to verify the accuracy of the key indicator performance data. In addition, JMD should issue a formal policy requiring components to provide the support for the performance data with each component's annual MD&A submission.

Recommendations

We recommend that the FBI; EOUSA; the Antitrust, Civil, Civil Rights, Criminal, Environment and Natural Resources, and Tax Divisions; EOUST, OJP; and BOP:

11. Examine the accuracy of their MD&A narratives covering the key indicators and verify supporting information necessary to ensure the accuracy of the key indicator performance data. Additionally, component management should notify staff of the significant need for accuracy of the key indicator information presented in the MD&A for the PAR.

We recommend that JMD:

12. Prepare and issue a formal policy requiring components to provide the supporting performance data information with the annual MD&A submission. Additionally, JMD should develop and implement procedures for examining the performance information submitted by the components in their annual MD&As.

SUMMARY OF RECOMMENDATIONS

As a result of our audit, we make the following recommendations in our audit report.

We recommend that the FBI:

1. Revise the key indicator "Number of Child Pornography Websites or Web Hosts Shut Down," to accurately measure the FBI's role and activities.
2. Develop and implement procedures to ensure that complete and accurate information is obtained to report on the key indicator "Number of High-Impact Internet Fraud Targets Neutralized," or in the alternative, revise this key indicator.

We recommend that the Civil Rights Division:

3. Exclude appellate cases from the quarterly and fiscal year information provided to JMD to comply with the statements in the PAR and to avoid over- or understating the percentage of cases favorably resolved for the key indicator "Percent of Cases Favorably Resolved."

We recommend that OJP:

4. Coordinate with the CCDO to present the accurate scope of the performance data in the PAR by listing the correct calendar year that the data covers for the key indicator "Reduction of Homicides Per Site Funded Under the Weed and Seed Program."
5. Coordinate with the CCDO to either use data sets that are limited to sites with data for both years or, in the alternative, remove the reduction portion from this key indicator and only report on the number of homicides per Weed and Seed site for the key indicator "Reduction of Homicides Per Site Funded Under the Weed and Seed Program."
6. Coordinate with the BJA to develop and implement procedures for collecting and reporting data for a single consecutive 12-month period or disclose this as a data limitation within the data limitations section of the PAR for the key indicator "Number of Participants in the Residential Substance Abuse Treatment Program."

7. Coordinate with the BJA to develop and implement procedures to ensure that RSAT data is accurately reported in the future for the key indicator "Number of Participants in the Residential Substance Abuse Treatment Program."

We recommend that the BOP:

8. Disclose within the data limitations section of the PAR, the states that do not participate in the FBI's III, and that the results reported in the PAR do not include all federal and state crimes committed and arrests in these states and Washington, D.C.; in the alternative, revise the key indicator "Comparative Recidivism Rates for FPI Inmates versus Non-FPI Inmates" to address this data limitation.
9. Disclose within the data limitations section of the PAR the data lag between the time an inmate is arrested and when the information is entered into the state's record management system or into SENTRY for the key indicator "Comparative Recidivism Rates for FPI Inmates versus Non-FPI Inmates."
10. Evaluate the cause of the FY 2006 overstatement and implement procedures to ensure the rate of assaults in federal prisons per 5,000 inmates is accurately reported in the future for the key indicator "Rate of Assaults in Federal Prisons (Assaults per 5,000 Inmates)."

We recommend that the FBI; EOUSA; the Antitrust, Civil, Civil Rights, Criminal, Environment and Natural Resources, and Tax Divisions; EOUST, OJP; and BOP:

11. Examine the accuracy of their MD&A narratives covering the key indicators and verify supporting information necessary to ensure the accuracy of the key indicator performance data. Additionally, component management should notify staff of the significant need for accuracy of the key indicator information presented in the MD&A for the PAR.

We recommend that JMD:

12. Prepare and issue a formal policy requiring components to provide the supporting performance data information with the annual MD&A submission. Additionally, JMD should develop and implement procedures for examining the performance information submitted by the components in their annual MD&As.

STATEMENT ON INTERNAL CONTROLS

In planning and performing our audit, we considered the internal controls at JMD and the 17 components included in our audit for the purpose of determining our auditing procedures. The evaluation was not made for the purpose of providing assurance on the internal control structure as a whole. However, we noted certain matters that we consider to be reportable conditions under the generally accepted *Government Auditing Standards*.³⁶

Finding II

- The IC3 relies on FBI field offices and state and local law enforcement to provide neutralization information for the key indicator “Number of High-Impact Internet Fraud Targets Neutralized.” As a result, the IC3 may not receive any feedback and therefore, cannot assure the accuracy of the neutralization information for this key indicator.
- EOUSA and the litigating divisions use two different dates – the disposition date and the system date – to report on the key indicator “Percentage of Cases Favorably Resolved,” which may provide inconsistent results.
- EOUSA and the litigating divisions may transfer cases among the litigating divisions and may also work jointly on cases. Therefore, multiple agencies may be reporting the same cases in the outcome numbers provided to JMD. As a result, some duplicate cases are included in the data consolidated by JMD for the key indicator “Percentage of Cases Favorably Resolved.”

Finding III

- Data for the key indicator “Number of Homicides Per Site Funded Under the Weed and Seed Program,” is reported annually to OJP on the grantees’ GPRA Reports. We found that the data sets used to report on the number of homicides per Weed and Seed site included data from all reporting sites irrespective of whether reporting occurred in previous years. Therefore, the data sets used were not comparative from one year to the next because different grantees reported in each data set.

³⁶ Reportable conditions involve matters coming to our attention relating to significant deficiencies in the design or operation of the internal control structure that, in our judgment, could adversely affect the ability of DOJ to accurately report on its key indicators.

- For the key indicator “Number of Participants in the Residential Substance Abuse Treatment Program,” the BJA overstated the number of RSAT program participants by 3,610 participants or 10.21 percent and therefore, reported inaccurate data to JMD for reporting in the PAR.
- The data collected by the BJA for the key indicator “Increase in the Graduation Rate of Drug Courts Program Participants,” does not encompass an entire fiscal year. Therefore, the drug court graduation percentage reported in the FY 2006 PAR may be inaccurate because it represents a 6-month period (January through June), instead of a 12-month period. Further, this may affect the 13.8 percent increase in the graduation rate compared to FY 2005 rate that was reported in the FY 2006 PAR.

Finding IV

- For the key indicator “Rate of assaults in Federal Prisons (Assaults per 5,000 Inmates),” the BOP reported the rate of assaults per 5,000 inmates as 119. However, we found that the BOP should have reported 116 as the rate of assaults per 5,000 inmates. Therefore, BOP overstated the rate of assaults by 2.76 percent and reported inaccurate data to JMD for reporting in the FY 2006 PAR.

Because we are not expressing an opinion on the components’ internal control structure as a whole, this statement is intended solely for the information and use of JMD and the 17 components in overseeing each key indicator’s data collection, storage, validation, and verification processes and the disclosure of the data limitations.

STATEMENT ON COMPLIANCE WITH LAWS AND REGULATIONS

As required by the *Government Auditing Standards*, we reviewed records and other documents pertaining to the key indicators to obtain reasonable assurance that JMD and each of the 17 components included in our audit complied with applicable laws and regulations that, if not complied with, could have a material effect on the DOJ's PAR. Compliance with laws and regulations applicable to the key indicators is the responsibility of each component's management. An audit includes examining, on a test basis, evidence about compliance with laws and regulations. At the time of this audit, the pertinent legislation and the applicable regulations were:

- 31 U.S.C. § 1115 (1993)
- 31 U.S.C. § 3516 (2000)
- Office of Management and Budget Circular A-11, Section 230, Preparing and Submitting the Performance Portion of the Performance and Accountability Report
- Office of Management and Budget Circular A-136, Revised, Financial Reporting Requirements
- Department of Justice Financial Statement Requirements and Preparation Guide, August 2006

Except for the issues discussed in the Findings and Recommendations section of this report, nothing came to our attention that caused us to believe that the components in this audit were not in compliance with the laws and regulations related to the key indicators included in this audit.

OBJECTIVES, SCOPE, AND METHODOLOGY

The objectives of the audit were to determine whether each key indicator met the following criteria: (1) data collection and storage processes were complete and accurate, (2) data validation and verification processes were complete and accurate, and (3) data limitations provided by the agency were complete and accurate. We did not assess whether the key indicators were the best measures for DOJ.

We conducted our audit in accordance with *Government Auditing Standards*. We included such tests as were necessary to accomplish the audit objectives. The audit generally covered FY 2006 data. However, in some instances when FY 2006 data was not available we included FY 2005 data. Our audit included 21 of the 28 key indicators listed in the FY 2006 PAR. The remaining seven key indicators were excluded because they were either discontinued or long-term measures that were still in process at the time of our audit.

Audit work was conducted at JMD and the following 17 DOJ components that were responsible for reporting on the 21 key indicators included in our audit.

- Antitrust Division
- Organized Crime Drug Enforcement Task Force Program
- Civil Division
- Civil Rights Division
- Criminal Division
- Drug Enforcement Administration
- Environment and Natural Resources Division
- Executive Office for Immigration Review
- Executive Office for United States Attorneys
- Federal Bureau of Investigation
- Federal Bureau of Prisons
- Federal Prison Industries, Inc.
- Office of the Federal Detention Trustee
- Office of Justice Programs
- Tax Division
- United States Marshals Service
- United States Trustee Program

We obtained information on: laws, guidance, and regulations pertinent to our audit; the key indicator reporting and submission process;

particular areas of concern to JMD; updates; and other key indicator information.

At each of the 17 components, we interviewed staff to:

- understand the procedures and rationale used to collect and store the key indicator data,
- identify the controls in place to ensure that key indicator data is complete and accurate,
- understand any processes used to validate and verify the key indicator data, and
- assess whether all data limitations were reported.

Additionally, we reviewed policies, procedures, and other documentation related to data collection, storage, validation, verification, and limitations. We reviewed and compared the FY 2006 PAR and the 2008 Budget and Performance Summary. We also compared the key indicators reported in the FY 2006 PAR with each component's supporting documentation to verify performance reported in the FY 2006 PAR and the 2008 Budget and Performance Summary and to identify any necessary enhancements for future reporting.

We also conducted audit work at the following Denver field offices: the FBI, DEA, USMS, and BOP. We reviewed the data collection, storage, validation, and verification processes at these agencies.

To achieve the audit's objectives, we relied on the computer-processed data contained in the computer systems collecting and storing the key indicator data for those included within the scope of our audit. We did not establish the reliability of this data because this was not within the scope of our audit objectives.

LAWS AND REGULATIONS

Government Performance Results Act of 1993

GPRA requires agencies to develop a 5-year Strategic Plan, which should be updated at least every 3 years. GPRA also states that the Strategic Plan must include: (1) a mission statement, (2) general goals and objectives, (3) a description of how the goals and objectives will be achieved, and (4) a description of how the performance goals relate to the general goals and objectives. GPRA requires annual performance plans that:

- establish performance goals for program activities,
- establish key indicators that define how progress toward each performance goal is measured,
- outline all resources required to meet the performance goals, and
- describe how the measured values are verified and validated.

GPRA requires annual performance reports on program performance for the previous fiscal year. The performance report compares actual performance achieved to the performance goals set in the performance plan. In addition, the report reviews successes in achieving performance goals and analyzes the reasons performance goals were not met. Finally, the report must include plans for achieving the performance goals that were not met.

The Reports Consolidation Act of 2000

The Reports Consolidation Act of 2000 encourages the consolidation of financial and performance reports, in order to present information in a useful format for Congress, the President, and the public. Through consolidation, information can be shared efficiently and presented clearly.

OMB Circular A-11

OMB Circular A-11, Section 230, Preparing and Submitting the Performance Portion of the Performance and Accountability Report, 2005, provides guidance on the preparation of the PAR, the contents of the PAR, and the submission of the PAR to the President and Congress. OMB Circular A-11 states, "The annual performance report required by GPRA provides

information on your agency's actual performance and progress in achieving the goals in your strategic plan and performance budget.”

Specifically, OMB Circular A-11 requires that the following be included in the PAR:

- A comparison of actual performance with the projected (target) levels of performance as set out in the performance goals in the agency's annual performance budget (or annual performance plan for fiscal years prior to FY 2006);
- An explanation, where a performance goal was not achieved, and why the goal was not met;
- A description of the plans and schedules to meet an unmet goal in the future, or alternative recommended action regarding an unmet goal where you have concluded it is impractical or infeasible to achieve that goal;
- An evaluation of your performance budget for the current fiscal year, taking into account the actual performance achieved;
- An assessment of the reliability and completeness of the performance data included in the performance report; and
- Actual performance information for at least four fiscal years.

In order to be complete, performance data must address all key indicators in the performance plan and include any available performance data. In the absence of actual data, preliminary data or estimates may be provided. For key indicators that have no data available, the report should note when the data will be available.

OMB Circular A-11 states:

Performance data need not be perfect to be reliable, particularly if the cost and effort to secure the best performance data possible will exceed the value of any data so obtained. Agencies must discuss in their assessments of the completeness and reliability of the performance data any limitations on the reliability of the data. Additionally, agencies should discuss in their PARs efforts underway to improve the completeness and reliability of future performance information as well as any audits, studies, or evaluations that attest to the quality of current data or data collection efforts.

OMB Circular A-136

The purpose of OMB Circular A-136, Revised, Financial Reporting Requirements, July 2006, is to establish a single reference on all federal financial reporting guidance for entities required to submit audited financial statements, interim financial statements, and PARs. A submitting agency's PAR must contain the following:

- Agency Head Message
- Management's Discussion and Analysis (PAR Section 1)
- Performance Section (PAR Section 2)
- Financial Section (PAR Section 3)
- Other Accompanying Information (PAR Section 4)

Our audit focused on PAR Sections 1 and 2 above. Section 1 contains a “performance goals, objectives, and results” section, which “should summarize the key performance measures reported in the Performance Section of the PAR [Section 2].” Section 1 should highlight actual entity performance compared to targeted performance goals and indicators in the strategic and performance plan. Entities should discuss achievements and evaluate any failure to meet established targets. OMB Circular A-136 states that “Entities are encouraged to provide in the PAR information to help the reader assess the relative efficiency and effectiveness of entity programs/operations.”

Section 2, the “Performance Section,” includes the elements previously bulleted under OMB Circular A-11 and provides further detail, while Section 1 highlights the performance information.

APPENDIX III

COMPREHENSIVE LIST OF DOJ KEY INDICATORS
IN THE FY 2006 PAR

KEY INDICATORS LISTED BY STRATEGIC GOAL	COMPONENT
Strategic Goal I: Prevent Terrorism and Promote the Nation's Security	
Terrorist Acts Committed by Foreign Nationals Against U.S. Interests within U.S. Borders	FBI
Strategic Goal II: Enforce Federal Laws and Represent the rights and Interests of the American People	
Number of Organized Criminal Enterprises Dismantled	FBI
Number of Child Pornography Websites or Web Hosts Shut Down	FBI
Percent of High-Crime Cities, with an ATF Presence, Demonstrating a Reduction in Violent Firearms Crime ³⁷	ATF
DOJ's Reduction in the Supply of Illegal Drugs Available for Consumption in the U.S. ³⁸	ADAG/ Drugs
Consolidated Priority Organization Target-Linked Drug Trafficking Organizations Disrupted and Dismantled	FBI, DEA, OCDETF
Value of Stolen Intellectual Property ³⁹	FBI
Number of Top-Ten Internet Fraud Targets Neutralized	FBI
Number of Criminal Enterprises Engaging in White-Collar Crimes Dismantled	FBI
Percent of Cases Favorably Resolved	EOUSA and Litigating Divisions ⁴⁰
Percent of Assets/Funds Returned to Creditors for Chapter 7 and Chapter 13	USTP

³⁷ This key indicator was excluded from our audit scope because it was discontinued.

³⁸ This key indicator was excluded from our audit scope because it is a long-term measure that is currently in process.

³⁹ These key indicators were excluded from our audit scope because they were discontinued as of September 30, 2006.

⁴⁰ The litigating divisions include: Antitrust Division, Civil Division, Civil Rights Division, Criminal Division, Environment and Natural Resources Division, and Tax Division. The key indicator data for these divisions and EOUSA is consolidated by JMD Budget Staff.

Strategic Goal III: Assist State, Local, and Tribal Efforts to Prevent or Reduce Crime and Violence	
Reduction in Recidivism Rate from 2 percent in FY 2004 to 1.5 percent in FY 2008 for the Population Served by the Re-Entry Initiative ³⁹	OJP
Reduction of Homicides per Site Funded Under the Weed and Seed Program	OJP
Percent Increase in Regional Information Sharing System Inquiries ³⁹	OJP
Percent Reduction in DNA Backlog	OJP
Number of Participants in the Residential Substance Abuse Treatment Program	OJP
Increase in the Graduation Rate of Drug Court Program Participants	OJP
Strategic Goal IV: Ensure the Fair and Efficient Operation of the Federal Justice System	
Number of Judicial Proceedings Interrupted Due to Inadequate Security	USMS
Federal Fugitives Cleared or Apprehended	USMS
Per Day Jail Costs	OFDT
Number of Escapes during Confinement in Federal Detention ³⁹	OFDT
Rate of Assaults in Federal Detention ³⁹	OFDT
System-wide Crowding in Federal Prisons	BOP
Escapes from Secure Bureau of Prisons Facilities	BOP
Comparative Recidivism Rates for Federal Prison Industries Inmates versus Non-Federal Prison Industries Inmates	BOP, FPI
Rate of Assaults in Federal Prisons (Assaults per 5,000 Inmates)	BOP
Inspection Results – Percent of Federal Facilities with American Correctional Association Accreditations	BOP
Percent of Executive Office for Immigration Review Priority Cases Completed Within Established Time Frames	EOIR

Source: U.S. Department of Justice FY 2006 Performance and Accountability Report, Part II: FY 2006 Performance Report

DOJ KEY INDICATORS

Terrorist Acts Committed by Foreign Nationals Against U.S. Interests within U.S. Borders – FBI

FBI headquarters is responsible for coordinating all counterterrorism investigations. The FBI must respond to terrorist acts that may include acts with chemical, biological, radiological, explosive, and nuclear materials. As stated in the PAR, this key indicator counts the number of “separate incidents that involve the ‘unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.’ (28 C.F.R. Section 0.85).” The PAR explains that for the purposes of this indicator “the FBI defines a terrorist act as an attack against a single target” whereas, “A terrorist incident may consist of multiple terrorist acts.” FBI management maintains the documentation of terrorist acts committed by foreign nationals within U.S. borders for this key indicator.

Number of Organized Criminal Enterprises Dismantled - FBI

According to the PAR, the FBI’s Organized Criminal Enterprise Program focuses “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” Organized criminal enterprise investigations “target the entire entity responsible for the crime problem.” The PAR defines dismantlement as “destroying the targeted organization’s leadership, financial base, and supply network such that the organization is incapable of operating and/or reconstituting itself.” The FBI uses its Integrated Statistical Reporting and Analysis Application database to collect data on the number of dismantled organized criminal enterprises.

Number of Child Pornography Websites or Web Hosts Shut Down - FBI

The FBI works with many organizations to fight child pornography. The Innocent Images National Initiative is a component of the FBI’s Cyber Crimes Program and its mission “is to identify, investigate, and prosecute sexual predators who use the Internet and other online services to sexually exploit children; identify and rescue child victims; and establish a law enforcement presence on the Internet as a deterrent to subjects who seek to exploit children.” Data for this key indicator is collected by the FBI’s Cyber Crimes Program personnel.

Percent of High-Crime Cities, with an ATF Presence, Demonstrating a Reduction in Violent Firearms Crime – ATF

The ATF defines high crime cities, in the PAR, as those “that have 1,000 or more murders, assaults, or robberies per 100,000 population. The ATF presence is defined as the existence of an ATF field or satellite office in the identified city.” The ATF uses data from the FBI’s Uniform Crime Report to measure this key indicator. This key indicator was discontinued, and therefore, was not included within the scope of this audit.

DOJ's Reduction in the Supply of Illegal Drugs Available for Consumption in the U.S. – ADAG/Drugs

As stated in the PAR, “DOJ’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 eliminating the international supply sources.” This key indicator is a long-term measure, currently in process of establishing a baseline, and therefore, was not included within the scope of this audit.

Consolidated Priority Organization Target-Linked Drug Trafficking Organizations Disrupted and Dismantled - FBI , DEA, OCADET

This key indicator focuses on disrupting and dismantling organizations linked to organizations on the CPOT List. According to the PAR, “The [CPOT] List identifies the most significant international drug trafficking and money laundering organizations and those primarily responsible for the Nation’s drug supply.” As stated in the PAR, “An organization is considered linked to a CPOT, if credible evidence exists . . . of a nexus between the primary target of the investigation and a CPOT target.” The PAR defines disruptions as “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” and defines dismantled as “destroying the organization's leadership, financial base and supply network such that the organization is incapable of operating and/or reconstituting itself.”

Value of Stolen Intellectual Property - FBI

This key indicator measures intellectual property rights violations, including copyright violations, theft of trade secrets, and software piracy. Data for this key indicator was provided by industry sources, such as the Motion Picture Association of America and the Recording Industry Association

of America. This key indicator was discontinued as of September 30, 2006, and therefore, was not included within the scope of this audit.

Number of Top-Ten Internet Fraud Targets Neutralized - FBI⁴¹

In the PAR, the FBI defines Internet fraud as “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.” This key indicator is measured by the number of high-impact targets neutralized. The IC3 defines high-impact Internet fraud targets using the following criteria: (1) total dollar loss exceeds \$100,000 (including all complaints within a case); (2) an international nexus; (3) crimes may include white-collar crime related fraud, such as economic crime, financial institution fraud, money laundering scheme, and pharmaceutical fraud; (4) phishing attack or identity theft; and (5) a high volume of victims. The IC3 maintains the data for this key indicator.

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

The FBI’s White-Collar Crime Program investigates white-collar crimes, which defined in the PAR include “health care fraud, financial institution fraud, government fraud (e.g., housing, defense procurement, and other areas), insurance fraud, securities and commodities fraud, telemarketing fraud, bankruptcy fraud, environmental crimes and money laundering.” The PAR defines dismantlement as “destroying the organization’s leadership, financial base, and supply network such that the organization is incapable of operating and/or reconstituting itself.” The FBI’s Integrated Statistical Reporting and Analysis Application collects data on the number of dismantled organized criminal enterprises engaging in white-collar crimes.

Percent of Cases Favorably Resolved – EOUSA and the Litigating Divisions

This key indicator includes the Executive Office for United States Attorneys and the following six DOJ litigating divisions: (1) Environment and Natural Resources Division, (2) Antitrust Division, (3) Criminal Division, (4) Tax Division, (5) Civil Division, and (6) Civil Rights Division. As stated in the PAR, “Cases favorably resolved includes those cases that resulted in

⁴¹ In the FY 2006 PAR examined by our audit, the key indicator was titled, “Number of Top-Ten Internet Fraud Targets Neutralized.” However, the key indicator was revised in the 2008 Budget and Performance Summary to the “Number of High-Impact Internet Fraud Targets Neutralized.”

court judgments favorable to the government, as well as settlements." Data for this key indicator is collected by the U.S. Attorneys' and each of the litigating divisions' case management systems and is consolidated by JMD Budget Staff.

Percent of Assets/Funds Returned to Creditors for Chapter 7 and Chapter 13 – USTP

As stated in the PAR, the USTP "ensures that parties comply with the law and that bankruptcy estate assets are properly handled." Specifically, "Chapter 7 bankruptcy proceedings are those where assets that are not exempt from creditors are collected and liquidated (reduced to money). . . . In Chapter 13 cases, debtors repay all or a portion of their debts over a three to five year period." The focus of this key indicator is to calculate the percentage of assets and funds returned to creditors for bankruptcies filed under Chapter 7 and Chapter 13.

Reduction in Recidivism Rate from 2 percent in FY 2004 to 1.5 percent in FY 2008 for the Population Served by the Re-Entry Initiative – OJP

As stated in the PAR, the Serious and Violent Offender Re-entry Initiative includes juveniles and adults and "provides funding to state correction departments to develop, implement, enhance, and evaluate re-entry strategies that will ensure the safety of the community and the reduction of revocation by serious and violent criminals." OJP defines recidivism as "criminal acts committed by offenders from the target population that result in conviction, or return to prison with or without a new sentence." Data for this key indicator was collected from grantees. This key indicator was discontinued as of September 30, 2006, and therefore, was not included within the scope of this audit.

Reduction of Homicides per Site Funded Under the Weed and Seed Program – OJP

As stated in the PAR, "The Community Capacity Development Office's Weed and Seed program strategy assists communities in establishing strategies that link federal, state, and local law enforcement and criminal justice efforts with private sector and community efforts." Specifically, the Weed and Seed program "weeds out" the crimes in the community and "seeds" the community with enhancement programs. The data for this key indicator is collected from the grantees.

Percent Increase in Regional Information Sharing Systems Inquiries - OJP

As stated in the PAR, "OJP's Regional Information Sharing Systems program is a nationwide communications and information-sharing network that serves more than 7,000 law enforcement member agencies" This key indicator measures the number of inquiries, in the Regional Information Sharing Systems center criminal intelligence database. This key indicator was discontinued as of September 30, 2006, and therefore, was not included within the scope of this audit.

Percent Reduction in DNA Backlog – OJP

As stated in the PAR, "The DNA Backlog Reduction program exists to reduce the convicted offender DNA backlog of samples (i.e., physical evidence taken from a convicted offender, such as blood or saliva samples) awaiting analysis and entry into the FBI's Combined DNA Index System (CODIS)." This key indicator measures the percent reduction of both the convicted offender DNA backlog and the casework backlog, which includes analyzing and entering evidence from cases into CODIS.

Number of Participants in the Residential Substance Abuse Treatment Program – OJP

As stated in the PAR, the Residential Substance Abuse Treatment program is a formula grant that provides funds for implementing the following programs:

- residential substance abuse treatment programs, which provide individual and group treatment activities for offenders in residential facilities that are operated by state correctional agencies;
- jail-based substance abuse programs, which provide individual and group treatment activities for offenders in jails and local correctional facilities;
- post-release treatment component, which provides treatment following an individual's release from custody; and
- an aftercare component, which requires states to give preference to subgrant applicants who will provide aftercare services to program participants.

The data for this key indicator is collected from the grantees.

Increase in the Graduation Rate of Drug Court Program Participants - OJP

As described in the PAR, "The drug court movement began as a community-level response to reduce crime and substance abuse among criminal justice offenders. This approach integrated substance abuse treatment, sanctions, and incentives with case processing to place non-violent drug-involved defendants in judicially supervised rehabilitation programs." The data for this key indicator is collected from the grantees.

Number of Judicial Proceedings Interrupted Due to Inadequate Security – USMS

As described in the PAR, "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, magistrate, and 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." An interruption of a judicial proceeding is defined as either removal of a judge from a courtroom or the addition of the USMS Deputy Marshals to control a situation. Data for this key indicator is collected from the USMS Use of Force Reports and from weekly reports that detail any major occurrences.

Federal Fugitives Cleared or Apprehended – USMS

As stated in the PAR, "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." Additionally, "Fugitives Cleared consists of those cases that the USMS has successfully completed all aspects of closure and has removed from the active and outstanding records." The USMS Warrant Information Network maintains the data for this key indicator.

Per-Day Jail Costs – OFDT

As described in the PAR, “DOJ acquires detention bed space to house pretrial detainees through reimbursable Intergovernmental Agreements with state and local governments and contracts with private vendors.” The OFDT uses information from the USMS Prisoner Tracking System to calculate the per-day jail cost. The per-day jail cost is the weighted average of the “actual price paid (over a 12-month period) by the USMS to house federal prisoners in non-federal detention facilities.”

Number of Escapes during Confinement in Federal Detention – OFDT

This key indicator measures the number of detainees that escape from a federal detention facility. Data for this key indicator is collected in the USMS Warrant Information Network. This key indicator was discontinued as of September 30, 2006, and therefore, was not included within the scope of this audit.

Rate of Assaults in Federal Detention - OFDT

A federal detainee may need to be held at a state or local facility and may be combined with other individuals detained in that facility. At times, combining detainees can cause problems. If an incident occurs, the Jail Inspector completes a Detention Facility Investigative Report. This report is used to measure the rate of assaults for federal detainees in non-federal facilities. This key indicator was discontinued as of September 30, 2006, and therefore, was not included within the scope of this audit.

System-wide Crowding in Federal Prisons – BOP

As stated in the PAR, “System-wide [crowding] represents all inmates in BOP facilities and all rated capacity, including secure and non-secure (minimum security) facilities, low, medium, and high security levels, as well as administrative maximum, detention, medical, holdover, and other special housing unit categories.” This key indicator is measured as the ratio of inmates held compared to the capacity of the facilities. Data for this key indicator is collected from several computer systems, the BOP’s online SENTRY system, and a population forecast model.

Escapes from Secure BOP Facilities – BOP

This key indicator only measures escapes from secure BOP facilities, which are administrative institutions and low, medium, and high security

institutions. Data for this key indicator is collected from the BOP's Significant Incident Reports completed by the institutions.

Comparative Recidivism Rates for FPI Inmates versus Non-FPI Inmates – FPI, BOP

The BOP defines recidivism as “a tendency to relapse into a previous mode of behavior, such as criminal activity resulting in arrest and incarceration.” As stated in the PAR, “The Federal Prison Industry’s (FPI) goal of reducing recidivism is to provide inmates with the opportunity to become productive, law-abiding citizens after release, through the development of basic work ethics and job skills training.” The BOP’s Office of Research and Evaluation receives and analyzes the data for this key indicator.

Rate of Assaults in Federal Prisons (Assaults per 5,000 Inmates) - BOP

For this key indicator, “Assaults include both ‘inmate on inmate’ and ‘inmate on staff’ assaults, as well as both serious (100 level) and less serious (200 level) assaults.” A serious assault is an assault resulting in major bodily injury or death, while a minor assault does not result in major bodily injury. Data for this key indicator is collected from the BOP’s online SENTRY system, and the Chronological Disciplinary Reports.

Inspection Results – Percent of Federal Facilities with American Correctional Association Accreditations – BOP

According to the PAR, the BOP “strives to maintain facilities that meet the accreditation standards of several professional organizations.” BOP institutions are required to renew their ACA accreditation every 3 years, although institutions must be accredited within their first 2 years. Therefore, an institution that is under 2-years old is not required to be accredited and therefore, does not count toward this key indicator. The BOP receives an electronic report from the ACA outlining the accreditation results.

Percent of EOIR Priority Cases Completed Within Established Time Frames – EOIR

According to the PAR, “The EOIR’s mission is to be the best administrative tribunal possible, rendering timely, fair, and well considered decisions in the cases brought before it. . . . Included in this context are the timely grants of relief from removal in meritorious cases, the expeditious removal of criminal and other inadmissible aliens, and the effective

utilization of limited detention resources.” Therefore, the EOIR has set priorities and timeframes for the following proceedings: “court cases involving criminal aliens, other detained aliens, and those seeking asylum as a form of relief from removal; and adjudicative time frames for all appeals filed with the BIA [Board of Immigration Appeals].” The data for this key indicator is collected in the EOIR’s case tracking system, the Automated Nationwide System for Immigration Review.

FY 2006 KEY INDICATOR NARRATIVE SAMPLE

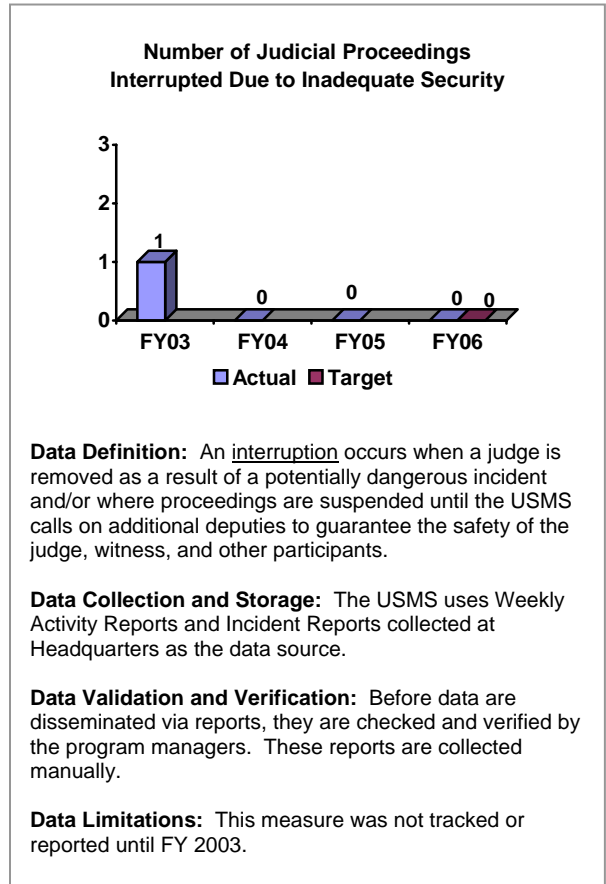
Below is a sample key indicator narrative from the FY 2006 PAR.

FY 2008 Outcome Goal: *Ensure that no judicial proceedings are interrupted due to inadequate security*
FY 2006 Progress: *The Department is on target to achieve this long-term goal.*

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, magistrate, and 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 require either removal of the judge from the courtroom or the addition of USMS Deputy Marshals to control a situation.

Performance Measure: Number of Judicial Proceedings Interrupted Due To Inadequate Security
FY 2006 Target: 0
FY 2006 Actual: 0

Discussion: In FY 2006 the USMS met its target of zero interrupted proceedings through its continued efforts to provide adequate security for the federal judicial system. By accomplishing all aspects of our judicial mission, from screening entry into courthouses to continually updating security equipment, the USMS is able to achieve its objectives.



ACRONYMS

ACRONYM	NAME
ACA	American Correctional Association
ADAG/DRUGS	Associate Deputy Attorney General for Drugs
ANSIR	Automated Nationwide System for Immigration Review
ATF	Bureau of Alcohol, Tobacco, Firearms and Explosives
BJA	Bureau of Justice Assistance
BOP	Federal Bureau of Prisons
CASE	Case Access System for EOIR
CCDO	Community Capacity Development Office
CODIS	Combined DNA Index System
CPOT	Consolidated Priority Organization Target
DEA	Drug Enforcement Administration
DOJ	Department of Justice
EOIR	Executive Office for Immigration Review
EOUSA	Executive Office for United States Attorneys
EOUST	Executive Office for United States Trustees
FBI	Federal Bureau of Investigation
FPI	Federal Prison Industries, Inc.
FY	Fiscal Year
GMS	Grant Management System
GPRA	Government Performance and Results Act of 1993
IC3	Internet Crime Complaint Center
III	Interstate Identification Index
IINI	Innocent Images National Initiative
ISRAA	Integrated Statistical Reporting and Analysis Application
JMD	Justice Management Division
JRSA	Justice Research and Statistics Association
KI/SSS	Key Indicators/Storage Support System
MD&A	Management Discussion and Analysis
MIS	Management Information System (OCDETF)
NIJ	National Institute of Justice
NW3C	National White Collar Crime Center
OCDETF	Organized Crime Drug Enforcement Task Force ⁴²
OFDT	Office of the Federal Detention Trustee
OJP	Office of Justice Programs
OMB	Office of Management and Budget
PAR	Performance and Accountability Report
PTARRS	Priority Target Activity Resource and Reporting System
PTS	Prisoner Tracking System
RSAT	Residential Substance Abuse Treatment
USMS	United States Marshals Service
USTP	United States Trustee Program
WIN	Warrant Information Network

⁴² OCDETF is a program under the Deputy Attorney General.



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

March 10, 2008

Mr. David Sheeren
Regional Audit Manager
Denver Regional Audit Office
Office of the Inspector General
U.S. Department of Justice
1120 Lincoln Street, Suite 1500
Denver, Colorado 80203

RE: RESPONSES TO THE REVIEW OF THE FEDERAL BUREAU OF
INVESTIGATION'S KEY INDICATORS

Dear Mr. Sheeren:

The Federal Bureau of Investigation has prepared appropriate responses to recommendations in the aforementioned report (Enclosure 1). The responses, along with supporting documentation, have undergone a classification review and a sensitivity review (Enclosure 2).

Please contact Jill Hayden should you have any questions. Ms. Hayden can be reached at (202) 324-4135.

Sincerely yours,

Kevin L. Perkins
Assistant Director
Inspection Division

Enclosures (2)

1 - Mr. Richard Theis
Director
Audit Liaison Group
Department of Justice
Suite 1400
1331 Pennsylvania Ave, NW
Washington, DC 20005

**OFFICE OF THE INSPECTOR GENERAL, AUDIT DIVISION
ANALYSIS AND SUMMARY OF ACTIONS NECESSARY TO CLOSE REPORT**

Recommendation #1:

Revise the key indicator "Number of Child Pornography Websites or Web Hosts Shut Down," to accurately measure the FBI's role and activities.

FBI Response:

The FBI agrees with OIG's recommendation that this performance indicator is inaccurate, since the FBI itself does not actually shut down websites or webhosts. In fiscal year 2008 the FBI will develop an entirely new performance measure which will accurately reflect the FBI's role and activities in combatting the online exploitation of children crime problem.

**OFFICE OF THE INSPECTOR GENERAL, AUDIT DIVISION
ANALYSIS AND SUMMARY OF ACTIONS NECESSARY TO CLOSE REPORT**

Recommendation #2:

Develop and implement procedures to ensure that complete and accurate information is obtained to report on the key indicator "Number of High-Impact Internet Fraud Targets Neutralized," or in the alternative, revise this key indicator.

FBI Response:

The FBI Cyber Division, Computer Intrusion Section, Internet Crime Complaint Center (IC3) has recommended, to Cyber Division Executive Management, that FBI policy be amended in such manner that FBI Field Offices are required to report to the IC3 all investigations opened based on an IC3 referral, as well as all investigations opened in regard to Internet Fraud regardless of referral mechanism, and to provide regular progress updates on such investigations. IC3 personnel have drafted new sections for the FBI Manual of Investigative Operations and Guidelines (MIOG) reflecting the above recommendations. The IC3 has further suggested that the indicator, "Number of High-Impact Internet Fraud Targets Neutralized" be revised to more accurately reflect the work conducted at the IC3. The IC3 continually evaluates the criteria utilized to establish primacy in regard to "high impact" status.

**OFFICE OF THE INSPECTOR GENERAL, AUDIT DIVISION
ANALYSIS AND SUMMARY OF ACTIONS NECESSARY TO CLOSE REPORT**

Recommendation #11:

Examine the accuracy of their MD&A narratives covering the key indicators and verify supporting information necessary to ensure the accuracy of the key indicator performance data. Additionally, component management should notify staff of the significant need for accuracy of the key indicator information presented in the MD&A for the PAR.

FBI Response:

The FBI agrees with this recommendation. Program Managers will examine MD&A narratives and verify information to ensure accuracy of the performance data. Additionally, staff will be advised of the need for accuracy regarding the information presented in the MD&A for the PAR.




U. S. Department of Justice
Drug Enforcement Administration

www.dea.gov

MAR 06 2008

MEMORANDUM

TO: Raymond J. Beaudet
Assistant Inspector General
for Audit
Office of the Inspector General

FROM: Gary W. Oetjen 
Deputy Chief Inspector
Office of Inspections

SUBJECT: DEA's Response to the OIG's Report, Audit of Department of Justice's Key Indicators, February 2008

The Drug Enforcement Administration (DEA) has received your February 2008 report, *Audit of Department of Justice's Key Indicators*, and appreciates OIG's efforts in conducting the audit. DEA received no recommendations resulting from this audit.

The Office of Inspector General's (OIG) audit looked at the Department of Justice's (DOJ) 28 key indicators utilized to measure the annual progress towards achieving the four strategic goals of its Strategic Plan for Fiscal Years (FY) 2003-2008. Only one indicator in this review was applicable to DEA.

DEA, along with the Federal Bureau of Investigations (FBI) and the Organized Crime Drug Enforcement Task Force (OCDETF), is responsible for implementing and measuring the Consolidated Priority Organization Target-Linked Drug Trafficking Organizations Disrupted and Dismantled key indicator. This indicator falls under the strategic goal of Enforcing Federal Laws and Representing the Rights and Interests of the American People. As of the completion of OIG's field work, there were no CPOT-linked disruptions or dismantlements involving federal agencies other than DEA or FBI. DEA was pleased to learn that the OIG's audit did not find any issues with DEA's implementation of this key indicator.

If you or members of your staff have any questions regarding DEA's response to the OIG's audit, please contact Senior Inspector Michael Stanfill at 202-307-8769.

Raymond J. Beudet, Assistant Inspector General for Audit

Page 2

cc: Michele M. Leonhart
Acting Administrator

Richard P. Theis
Director, Audit Liaison Group
Management and Planning Staff



U.S. Department of Justice

Executive Office for United States Attorneys

Office of the Director

Room 2261, RFK Main Justice Building
 950 Pennsylvania Avenue, NW
 Washington, DC 20530

(202) 514-2121

MAR 12 2008

MEMORANDUM FOR: Raymond J. Beaudet
 Assistant Inspector General for Audit
 Office of the Inspector General

FROM: Kenneth E. Melson
 Director

SUBJECT: Comments on the Draft Audit Report - Audit of Department of Justice Key Indicators

During the summer of 2007, the Office of the Inspector General, Denver Regional Audit Office, reviewed the Department of Justice's 28 key indicators presented in the Performance and Accountability Report (PAR). In February 2008, the audit team met with key members of each component and provided its recommendations to the General Legal Activities components. We appreciate the professionalism shown to EOUSA by the OIG staff during this review and the opportunity to comment on this draft audit report.

The report examined data that EOUSA provides to Justice Management Division for inclusion as a key indicator in the PAR. Specifically, OIG reviewed data for the key indicator entitled "Percent of Cases Favorably Resolved." We note that the OIG report affirmatively states that it is making no recommendation to EOUSA with regard to collection and storage of this data (draft Report at page 29), validation and verification of this data (draft Report at page 31), and limitations on this data (draft Report at 32).

Recommendation 11 of the report does state that EOUSA, along with the Antitrust, Civil, Criminal, Civil Rights, Tax, and Environment and Natural Resources Divisions, as well as the FBI, the Executive Office for U.S. Trustees, the Office of Justice Programs, and the Bureau of Prisons should:

"Examine the accuracy of the MD&A (management discussion and analysis) narratives covering the key indicators and verify supporting information necessary to ensure the accuracy of the key indicator performance data. Additionally, component management should notify staff of the significant need for accuracy of the key indicator information presented in the MD&A for the PAR."

EOUSA attests to examine the accuracy of our MD&A narratives covering the key indicators and to verify supporting information necessary to ensure the accuracy of the key indicator performance data. Additionally, EOUSA management will notify staff of the significant need for accuracy of the key indicator information presented in the MD&A for the Performance Accountability Report (PAR).

To ensure that this occurs, we are taking or have taken the following actions to resolve and close this recommendation:

1. I am directing my Case Management Staff, Data Analysis Staff, and Legal Initiatives Staff to ensure a careful review of any data forwarded for inclusion in the PAR, as well as the narrative for the PAR dealing with our data on the *Percentage of Cases Favorably Resolved*. Further, I am directing my Resource Management & Planning Staff to request the PAR narrative from Justice Management Division once it has been compiled so that the EOUSA staffs can review it for any confusion as to overlapping case data from other components.

2. In addition, we will continue as active participants in the development of the DOJ-wide litigation case management system (LCMS), which should serve to eliminate submission of overlapping case data among different litigating components at DOJ. This new system, when fully operational, will be accessible by all litigating components and should eliminate any double counting of cases.

We appreciate the careful work of your auditors during this review and the recommendations that you have made.

Memorandum



Subject OIG Audit of Department of Justice Key
 Indicators

Date March 11, 2008

To Raymond J. Beaudet
 Assistant Inspector General for Audit
 Office of the Inspector General
 Department of Justice

From Thomas D. King
 Executive Officer
 Antitrust Division
 Department of Justice

TK

The Antitrust Division has reviewed the draft audit report of the OIG's audit of DOJ's key indicators and the corresponding memorandum dated February 27, 2008.

The Division agrees with recommendation eleven and will continue carefully to examine the accuracy of the Division's Management Discussion and Analysis (MD&A) narratives covering the key indicators and verify supporting information necessary to ensure the accuracy of the key indicator performance data. Additionally, Division management will stress to staff responsible for compilation of key indicator data the significant need for accuracy of the key indicator information presented in the MD&A for the Performance and Accountability Report (PAR).

We appreciate your comments and will use these recommendations to improve our reporting processes in the future.

If you have any questions please contact me at (202) 514-4005 or Mark Gavin, Chief, Budget and Fiscal Unit, at (202) 514-0799.

cc: Mark Gavin
 Chief, Budget and Fiscal Unit
 Antitrust Division

Jacqueline Lincoln
Audit Liaison
Antitrust Division



U.S. Department of Justice

Civil Division

*Office of the Assistant Attorney General**Washington, D.C. 20530*

March 7, 2008

MEMORANDUM FOR RAYMOND J. BEAUDET
ASSISTANT INSPECTOR GENERAL FOR AUDIT

FROM: Kenneth L. Zwick, Director *KLZ*
Office of Management Programs
Civil Division

SUBJECT: Civil Division's Response to the Inspector General's Audit
of the Department of Justice's Key Indicators

During the summer of 2007, the Office of the Inspector General, Denver Regional Audit Office, reviewed the Department of Justice's 28 Key Indicators presented in the Performance and Accountability Report (PAR). In February 2008, the audit team met with key members of each component and provided its recommendations to the General Legal Activities components.

The Civil Division agrees with and will comply with Recommendation 11, which states "Examine the accuracy of their Management Discussion and Analysis (MD&A) narratives covering the key indicators and verify supporting information necessary to ensure the accuracy of the key indicator performance data. Additionally, component management should notify staff of the significant need for accuracy of the key indicator information presented in the MD&A for the PAR."

We appreciate your comments and will use these recommendations to improve our reporting processes in the future.



U.S. Department of Justice
Civil Rights Division

*Freedom of Information/Privacy Acts Branch - NALC
950 Pennsylvania Avenue, NW
Washington, DC 20530*

MAR 12 2008

MEMORANDUM

TO: Raymond J. Beaudet
Assistant Inspector General
for Audit

FROM: Grace Becker Chung *YCB*
Acting Assistant Attorney General
Civil Rights Division

SUBJECT: Response to the Office of the Inspector General's (OIG) Draft Report:
AUDIT OF THE DEPARTMENT OF JUSTICE'S KEY INDICATORS

This responds to the Office of the Inspector General's (OIG) Draft Report: AUDIT OF THE DEPARTMENT OF JUSTICE'S KEY INDICATORS. This response is limited to the recommendations directed to the Civil Rights Division (CRT).

Recommendation 3. Exclude appellate cases from the quarterly and fiscal year information provided to JMD to comply with the statements in the PAR [Performance and Accountability Report] and to avoid over or understating the percentage of cases favorably resolved for the key indicator "Percent of Cases Favorably Resolved."

Response: CRT concurs with the recommendation. CRT took immediate action to modify its reporting of the key indicator "Percentage of Cases Favorably Resolved." CRT has since reported its data accordingly in both its 2009 Congressional budget submission and the 2008 Performance and Accountability Report (PAR).

Status: CRT's Applications Development Unit modified its Interactive Case Management (ICM) System reporting criteria to exclude all appellate-related cases from the reporting requirements generated in CRT's internal performance report and updated its automated tracking system accordingly. The ICM report used to generate the performance-indicator statistics includes the case-related outcome data from the respective CRT sections, except its Appellate section, and is available upon request. Therefore, CRT considers this recommendation closed.

Recommendation 11. Examine the accuracy of their MD&A [Management Discussion and Analysis] narratives covering the key indicators and verify supporting information necessary to ensure the accuracy of the key indicator performance data. Additionally, component management should notify staff of the significant need for accuracy of the key indicator information presented in the MD&A for the PAR.

Response: CRT concurs with the recommendation. Senior CRT management emphasized to all component Section Chiefs the importance of timely and accurate data being reported and reemphasized that Section Chiefs bear responsibility to ensure accuracy about their programs in ICM. This is not only needed to meet the PAR requirements, but to be able to address ongoing inquiries from the Department, the Office of Management and Budget, Congress, and various other sources. Further, CRT implemented controls to ensure the timely and accurate reporting of its data, including the quarterly status reports and the quarterly ICM management reports, and included a Performance and Accountability Report link on CRT's intranet site (*Civil Rights Insider*) to JMD's policies.

Status: CRT continues to reiterate the importance of all of its workload data to Senior Division management and has automated the summary reporting and detailed backup reports necessary to support workload data being reported. Therefore, CRT considers this recommendation closed.

If you have any questions concerning this subject, please contact DeDe Greene, Executive Officer, at (202) 514-4224, or if your staff has specific follow-up questions, they can contact Mac McConkey at (202) 514-4224 or Milton Cartwright at (202) 514-4224.



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

March 11, 2008

MEMORANDUM FOR RAYMOND J. BEAUDET
ASSISTANT INSPECTOR GENERAL
FOR AUDIT

FROM:

Steven J. Parent
Executive Officer
Criminal Division

A handwritten signature in black ink, appearing to read "Steven J. Parent", written over the typed name.

SUBJECT:

**Criminal Division's Response to the Inspector General's
Audit of the Department of Justice's Key Indicators**

During the summer of 2007, the Office of the Inspector General, Denver Regional Audit Office, reviewed the Department of Justice's 28 Key Indicators presented in the Performance and Accountability Report (PAR). In February 2007, the audit team met with key members of each component and provided its recommendations to the General Legal Activities components.

The Criminal Division agrees with the Recommendation 11 and will examine the accuracy of its Management Discussion and Analysis (MD&A) narratives covering the key indicators and verify supporting information necessary to ensure the accuracy of the key indicator performance data. Additionally, component management will notify staff of the significant need for accuracy of the key indicator information presented in the MD&A for the PAR.

We appreciate your comments and will use these recommendations to improve our reporting processes in the future.

**U.S. Department of Justice**

Environment and Natural Resource Division

*Executive Office**P.O. Box 7754**Ben Franklin Station**Washington, DC 20044-7754*

March 11, 2008

MEMORANDUM FOR RAYMOND J. BEAUDET
ASSISTANT INSPECTOR GENERAL
FOR AUDIT

FROM:

A handwritten signature in cursive script, appearing to read "Andrew T. Collier".

ANDREW T. COLLIER
COMPTROLLER

FOR ENVIRONMENT AND NATURAL RESOURCES DIVISION

SUBJECT:

ENRD's Response to the Inspector General's Audit of the
Department of Justice's Key Indicators

During the summer of 2007, the Office of the Inspector General, Denver Regional Audit Office, reviewed the Department of Justice's 28 Key Indicators presented in the Performance and Accountability Report (PAR). In February 2008, the audit team met with key members of each component and provided its recommendations to the General Legal Activities components.

The Environment and Natural Resources Division (ENRD) agrees with Recommendation 11 and hereby agrees to examine the accuracy of its Management Discussion and Analysis (MD&A) narratives covering the key indicators and verify supporting information necessary to ensure the accuracy of the key indicator performance data. Additionally, ENRD management will notify staff of the significant need for accuracy of the key indicator information presented in the MD&A for the PAR.

We appreciate your comments and will use these recommendations to improve our reporting processes in the future.

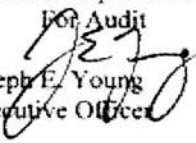
**U.S. Department of Justice****Tax Division**

*Please reply to: Office of Management and Administration
P.O. Box 813
Ben Franklin Station
Washington, D.C. 20044*

*Facsimile No. (202) 305-8897
Telephone No. (202) 616-0010*

MEMORANDUM

TO: Raymond J. Beaudet
Assistant Inspector General

For Audit
FROM: 
Joseph E. Young
Executive Officer

SUBJECT: Tax Division's Response to the Inspector General's Audit of the Department of Justice's Key Indicators

During the summer of 2007, the Office of the Inspector General, Denver Regional Audit Office, reviewed the Department of Justice's 28 Key Indicators presented in the Performance and Accountability Report (PAR). In February 2007, the audit team met with members of key members of each component and provided its recommendations to the General Legal Activities components.

The Tax Division agrees with the Recommendation 11 and attests to, "Examine the accuracy of their Management Discussion and Analysis (MD&A) narratives covering the key indicators and verify supporting information necessary to ensure the accuracy of the key indicator performance data. Additionally, component management should notify staff of the significant need for accuracy of the key indicator information presented in the MD&A for the PAR."

A review of our MD&A narratives was completed on March 7, 2008. Verification of support information was complete and accurate. The Division provides monthly and quarterly reminders to staff about the significant need for accuracy of key indicators.

We appreciate your comments and will use these recommendations to improve our reporting processes in the future.

**U.S. Department of Justice**


Executive Office for United States Trustees

*Office of the Director**Washington, DC 20530*

March 10, 2008

MEMORANDUM

TO: Raymond J. Beaudet
Assistant Inspector General for Audit
Office of the Inspector General

FROM: Clifford J. White III 
Director

SUBJECT: Department of Justice Key Indicators Audit

Thank you for the opportunity to review the Office of the Inspector General's (OIG) draft audit report of the Department of Justice's Key Indicators. Key indicators are an important means by which to measure progress toward achieving the outcome goals that are published as part of the Department's Strategic Plan and for which progress is reported annually in the Budget and Performance Summary and the Performance and Accountability Report (PAR). The OIG's report reflects careful analysis and offers one recommendation that is directed to the Executive Office for U.S. Trustees (EOUST), along with 10 other components of the Department.

The data collection, storage, validation, and verification policies and procedures, as well as data limitations, of the United States Trustee Program's (USTP) key indicator measure are discussed on pages 33-36 of the draft report. The OIG's review did not identify any issues with the USTP's chapter 7 or chapter 13 data collection and storage processes or its validation and verification processes. Further, the OIG report did not find any discrepancies with the performance data reported for the USTP key indicator in FY 2005, nor did it identify any additional data limitations other than those previously disclosed by the USTP.

The OIG did, however, make a technical notation in its report that, contrary to what was implied in the 2006 PAR, the USTP does not cover all 50 states and that bankruptcy cases in Alabama and North Carolina are administered by the courts. That is, in fact, true. The legislation which established the United States Trustees in 21 regions throughout the country (P.L. 99-554) specifically excluded the six judicial districts in Alabama and North Carolina from the United States Trustee system. The USTP understands that this situation is unusual and, therefore, may cause confusion. Based on the OIG's comment, the USTP modified its FY 2007

PAR submission to specifically state that Alabama and North Carolina are not included in the data for the USTP's key indicator.

Recommendation 11 of the OIG's draft report (page 72) advocates that the EOUST and 10 other components of the Department examine the accuracy of the management discussion and analysis (MD&A) narratives covering its key indicators and verify supporting information necessary to ensure the accuracy of the key indicator performance data. The OIG also recommended that management should notify staff of the significant need for accuracy of the key indicator information presented in the MD&A for the PAR.

The USTP concurs with this recommendation. We note, however, that the OIG audit did not reveal any issues affecting the validation processes or the accuracy of the key indicator performance data reported by the USTP. Yet, without reviewing the audit report in its entirety, the recommendation presented by the OIG would leave readers with the impression that such data validation and integrity issues exist at the USTP.

To address recommendation 11, the USTP plans to augment well-established data validation procedures as follows. The USTP will add to its Financial Manual a section documenting the procedures to be followed in updating the MD&A, which will include a requirement that any changes to the narrative be reviewed by senior management of the EOUST prior to submission to the Department for inclusion in the PAR. This addition to the Financial Manual will be completed by June 30, 2008.

Again, we appreciate the opportunity to review and comment on the conclusions and recommendations of this OIG audit.



U.S. Department of Justice

Office of Justice Programs

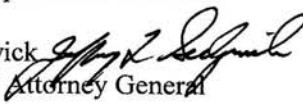
Office of the Assistant Attorney General

MAR 12 2008

Washington, D.C. 20531

MEMORANDUM TO: Glenn A. Fine
 Inspector General
 United States Department of Justice

THROUGH: Raymond J. Beaudet
 Assistant Inspector General for Audit
 Office of the Inspector General
 United States Department of Justice

FROM: Jeffrey L. Sedgwick 
 Acting Assistant Attorney General

SUBJECT: Response to Office of the Inspector General's Draft Audit Report,
Department of Justice Key Indicators

This memorandum provides a response to the recommendations directed to the Office of Justice Programs (OJP) included in the Office of the Inspector General's (OIG's) draft audit report entitled, *Department of Justice Key Indicators*. The report contains 12 recommendations, of which five recommendations pertained to the OJP.

The Office of Justice Programs' response to Recommendations 4, 5, 6, 7, and 11 are detailed below. For ease of review, the recommendations are restated in bold and followed by our response.

- 4. **Coordinate with the CCDO to present the accurate scope of the performance data in the PAR by listing the correct calendar year that the data covers for the key indicator "Reduction of Homicides Per Site Funded Under the Weed and Seed Program."**

The Office of Justice Programs agrees with the recommendation. Prior to the release of Fiscal Year (FY) 2007 Performance and Accountability Report (PAR), the Community Capacity Development Office (CCDO) disclosed in the Office of Justice Programs' (OJP's) Management's Discussion and Analysis (MD&A) section that the actual number reported for this key indicator "Reduction of Homicides Per Site Funded Under the Weed and Seed Program" reflects the previous year's homicides and data for this indicator is collected on a calendar year basis (see Attachment 1). The Office of Justice Programs requests closure of this recommendation.

5. **Coordinate with the CCDO to either use data sets that are limited to sites with data for both years or, in the alternative, remove the reduction portion from this key indicator and only report on the number of homicides per Weed and Seed site for the key indicator “Reduction of Homicides Per Site Funded Under the Weed and Seed Program.”**

The Office of Justice Programs agrees with the recommendation. We will coordinate with the CCDO to explore alternatives to best present this key indicator in the FY 2008 PAR.

6. **Coordinate with the BJA to develop and implement procedures for collecting and reporting data for a single consecutive 12-month period or disclose this as a data limitation within the data limitations section of the PAR for the key indicator “Number of Participants in the Residential Substance Abuse Treatment Program.”**

The Office of Justice Programs agrees with the recommendation. Prior to the release of FY 2007 PAR, the Bureau of Justice Assistance (BJA) disclosed in the OJP’s MD&A section the data limitation pertaining to this key indicator. Specifically, for the “Number of Participants in the Residential Substance Abuse Treatment Program (RSAT)” key indicator, BJA disclosed that the data collected and reported for 2007 for the RSAT program is according to the grantee’s fiscal year, which is not the same year for all grantees (see Attachment 2). The BJA will continue to report this data limitation in future PARs. The Office of Justice Programs requests closure of this recommendation.

7. **Coordinate with the BJA to develop and implement procedures to ensure that RSAT data is accurately reported in the future for the key indicator “Number of Participants in the Residential Substance Abuse Treatment Program.”**

The Office of Justice Programs agrees with the recommendation. To ensure that RSAT data is accurately reported in the future for the key indicator “Number of Participants in the Residential Substance Abuse Treatment Program,” BJA awarded a contract to CSR, Inc in September 2007. As part of the contract, CSR, Inc. assisted BJA in developing and implementing a performance measurement system for the Drug Courts and Targeting Violent Crime Initiatives. This system, which became operational on January 1, 2008, aids BJA in external reporting requirements, such as the PAR and Program Assessment Rating Tool (PART), and will allow BJA staff to be able to use sound performance measurement data to improve program management. Due to the success of the pilot program, BJA is working on a second RFP to expand this system to incorporate all BJA programs and anticipates awarding a new contract in the spring 2008.

The benefits for expanding this system to other BJA programs are: (1) less reporting burden on grantees due to customization of measures; (2) stricter parameters on what grantees can report results in a higher degree of accuracy of performance measure data;

(3) ability to aggregate the data; (4) greater performance measure information for grantees, such as definitions, frequently asked questions, a hotline for questions, etc.; (5) quicker response times to external queries for data; (6) better program management with the data at program and grantee levels and; (7) better analysis and data cleaning capabilities.

- 11. Examine the accuracy of their MD&A narrative covering the key indicators and verify supporting documentation necessary to ensure the accuracy of the key indicator data. Additionally, component management should notify staff of the significant need for accuracy of the key indicator information presented in the MD&A for the PAR.**

The Office of Justice Programs agrees with the recommendation. The Office of the Chief Financial Officer, Budget Planning and Performance Division, developed and implemented policies and procedures to ensure the accuracy of the OJP's MD&A narrative covering the key indicators data (see Attachment 3). The Office of Justice Programs requests closure of this recommendation.

Thank you for your continued cooperation. If you have any questions regarding this response, please contact LeToya Johnson, Deputy Director, Office of Audit, Assessment, and Management – Audit and Review Division, on (202) 514-0692.

cc: Beth McGarry
Deputy Assistant Attorney General
for Operations and Management

Marcia K. Paull
Chief Financial Officer

Domingo S. Herraiz
Director, Bureau of Justice Assistance

Dennis Greenhouse
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Richard A. Theis
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Justice Management Division



U. S. Department of Justice

Office of the Federal Detention Trustee

Washington, D.C. 20530

March 5, 2008

MEMORANDUM FOR RAYMOND J. BEAUDET
ASSISTANT INSPECTOR GENERAL
FOR AUDIT
OFFICE OF THE INSPECTOR GENERAL

FROM:


Stacia A. Hylton
Federal Detention Trustee

SUBJECT:

Department of Justice Key Indicators

In response to your memorandum dated February 27, 2008, subject: Department of Justice Key Indicators, this is to advise you that the Office of the Federal Detention Trustee has no comment regarding the subject document.

If you have any questions, please contact David Musel, Deputy Federal Detention Trustee, at (202) 353-4601.



U.S. Department of Justice

Federal Bureau of Prisons

Office of the Director

Washington, DC 20534

March 11, 2008

MEMORANDUM FOR RAYMOND J. BEAUDET
ASSISTANT INSPECTOR GENERAL FOR AUDIT
OFFICE OF THE INSPECTOR GENERAL

FROM:  Harley G. Lappin, Director
Federal Bureau of Prisons

SUBJECT: Response to the Office of Inspector General's
(OIG) Draft Audit Report: Department of Justice
Key Indicators

The Bureau of Prisons (Bureau) appreciates the opportunity to comment on and respond to the recommendations from the OIG's draft audit report entitled Department of Justice Key Indicators.

The Bureau's responses to the recommendations are provided below.

Recommendation #8: Disclose within the data limitations section of the PAR, the states that do not participate in the FBI's III, and that the results reported in the PAR do not include all federal and state crimes committed and arrests in these states and Washington, D.C.; in the alternative, revise the key indicator "Comparative Recidivism Rates for FPI Inmates versus Non-FPI Inmates" to address this data limitation.

Response: This recommendation is not relevant to the Bureau, as we are not using FBI III data. The Bureau will resubmit the following FY 2007 update to the "Data Collection and Storage" section of the MD&A to the DOJ, and request it be included in the FY 2008 data: "Data is gathered from the BOP's operational computer system (SENTRY), and is analyzed by the BOP's Office of Research and Evaluation."

The Bureau will also request the following substitution be made to the "Data Definition" section: "Data Definition: Recidivism means a tendency to relapse into a previous mode of behavior, such as criminal activity resulting in arrest and incarceration."

The definition of recidivism employed for this performance measure is return to BOP custody due to conviction for a new offense." Since it is the DOJ's responsibility for ensuring this information is updated appropriately, we request this recommendation be closed.

Recommendation #9: Disclose within the data limitations section of the PAR the data lag between the time an inmate is arrested and when the information is entered into the state's record management system or into SENTRY for the key indicator "Comparative Recidivism Rates for FPI Inmates versus Non-FPI Inmates."

Response: Same as Recommendation #8. We request this recommendation be closed.

Recommendation #10: Evaluate the cause of the FY 2006 overstatement and implement procedures to ensure the rate of assaults in federal prisons per 5,000 inmates is accurately reported in the future for the key indicator "Rate of Assaults in Federal Prisons (Assaults per 5,000 Inmates)."

Response: Based on information provided to OIG during the exit conference on February 15, 2008, OIG notified the BOP (via attached E-mail) that Recommendation #10 would be included in the final report, however, in the last appendix "Analysis and Summary of the Status Necessary to Close the Report," the status of the recommendation will be shown as closed. Therefore, no additional information is required. We consider this recommendation closed.

Recommendation #11: Examine the accuracy of their MD&A narratives covering the key indicators and verify supporting information necessary to ensure the accuracy of the key indicator performance data. Additionally, component management should notify staff of the significant need for accuracy of the key indicator information presented in the MD&A for the PAR.

Response: The agency has a review process to ensure MD&A performance measures and the narratives which describe them are accurate. Furthermore, all of the measures used in the computation of the Bureau's key indicator performance measures are a by-product of the agency's operational data needs. The PAR performance measures are computed from data extracted directly from the agency's operational data systems for the express purpose of computing these performance measures. The use of operational data increases the accuracy of the performance data as they are scrutinized on a daily basis during routine operational practice. This ensures these performance data have operational validity and accuracy. We request this recommendation be closed.

If you have any questions regarding this response, please contact
VaNessa P. Adams, Senior Deputy Assistant Director, Program
Review Division, at (202) 616-2099.

Attachment




U.S. Department of Justice

MAR 17 2008

Washington, D.C. 20530

MEMORANDUM FOR RAYMOND J. BEAUDET
Assistant Inspector General
for Audit

FROM: Lee J. Lofthus 
Assistant Attorney General
for Administration

SUBJECT: Justice Management Division's Response to the Inspector General's
Audit of the Department of Justice's Key Indicators

This memorandum provides a response to the recommendation directed to the Justice Management Division (JMD) included in the Office of the Inspector General's (OIG) draft audit report entitled, Department of Justice Key Indicators. The report contains 12 recommendations, of which one recommendation pertained to JMD.

The Justice Management Division's response to recommendation 12 is detailed below. For ease of review, the recommendations are restated in bold and followed by our response.

12. **Prepare and issue a formal policy requiring components to provide the supporting performance data information with the annual Management Discussion and Analysis (MD&A) submission. Additionally, JMD should develop and implement procedures for examining the performance information submitted by the components in their annual MD&As.**

The Justice Management Division concurs with this recommendation. We will draft a new policy statement by June 20, 2008, and submit the draft for review and concurrence by June 27, 2008. We will send the new policy to all components via email by August 29, 2008. Furthermore, JMD will develop procedures for examining the performance information submitted by the components in their annual MD&As by June 20, 2008, and implement these procedures by sending guidance to all components via email by August 29, 2008.

Thank you for your cooperation. If you have any questions regarding this response, please contact Karin O'Leary, Director, Budget Office, at (202) 616-3793.

**ANALYSIS AND SUMMARY OF ACTIONS
NECESSARY TO CLOSE THE REPORT**

We provided a draft audit report to JMD and the 17 DOJ components included in our audit for review and comment. Each component's comments have been incorporated in Appendices XII through XX of this report, which details the actions taken or plans for implementing our recommendations. Based on the written comments from the audited components, minor adjustments were made to the report and the status of the recommendations is as follows.

1. **Resolved (FBI).** This recommendation can be closed when we receive documentation supporting that the FBI revised the key indicator "Number of Child Pornography Websites or Web Hosts Shut Down," to accurately measure the FBI's role and activities.
2. **Resolved (FBI).** This recommendation can be closed when we receive documentation supporting that the FBI developed and implemented procedures to ensure that complete and accurate information is obtained to report on the key indicator "Number of High-Impact Internet Fraud Targets Neutralized," or revised this key indicator.
3. **Closed (Civil Rights Division).**
4. **Closed (OJP).**
5. **Resolved (OJP).** This recommendation can be closed when we receive documentation supporting that OJP coordinated with the CCDO and used data sets that are limited to sites with data for both years or removed the reduction portion from this key indicator and only reported on the number of homicides per Weed and Seed site for the key indicator "Reduction of Homicides Per Site Funded Under the Weed and Seed Program."
6. **Closed (OJP).**
7. **Resolved (OJP).** This recommendation can be closed when we receive documentation supporting that OJP coordinated with the BJA and developed and implemented procedures to ensure that RSAT data is accurately reported in the future for the key indicator "Number of Participants in the Residential Substance Abuse Treatment Program."

8. **Resolved (BOP).** This recommendation can be closed when we receive supporting documentation that the BOP submitted the following FY 2007 update to the data collection and storage section of the MD&A to the DOJ "Data is gathered from the BOP's operational computer system (SENTRY), and is analyzed by the BOP's Office of Research and Evaluation" and the following update to the data definition section "Recidivism means a tendency to relapse into a previous mode of behavior, such as criminal activity resulting in arrest and incarceration. The definition of recidivism employed for this performance measure is return to BOP custody due to conviction for a new offense" for the key indicator "Comparative Recidivism Rates for FPI Inmates versus non-FPI Inmates."
9. **Resolved (BOP).** This recommendation can be closed when we receive documentation supporting that the BOP disclosed within the data limitation section of the PAR the data lag between the time an inmate is arrested and when the information is entered into SENTRY for the key indicator "Comparative Recidivism Rates for FPI Inmates versus non-FPI Inmates."
10. **Closed (BOP).**
11. **Resolved (FBI).** This recommendation can be closed when we receive documentation supporting that the FBI has examined the accuracy of its MD&A narratives covering its key indicators, verified supporting information necessary to ensure the accuracy of the key indicator performance data, and notified staff of the significant need for accuracy of the key indicator information presented in the MD&A for the PAR.

Resolved (EOUSA). This recommendation can be closed when we receive documentation supporting that EOUSA has examined the accuracy of its MD&A narrative covering its key indicator, verified supporting information necessary to ensure the accuracy of the key indicator performance data, and notified staff of the significant need for accuracy of the key indicator information presented in the MD&A for the PAR.

Resolved (Antitrust Division). This recommendation can be closed when we receive documentation supporting that the Antitrust Division has examined the accuracy of its MD&A narrative covering its key indicator, verified supporting information necessary to ensure the accuracy of the key indicator performance data, and notified staff of

the significant need for accuracy of the key indicator information presented in the MD&A for the PAR.

Resolved (Civil Division). This recommendation can be closed when we receive documentation supporting that the Civil Division has examined the accuracy of its MD&A narrative covering its key indicator, verified supporting information necessary to ensure the accuracy of the key indicator performance data, and notified staff of the significant need for accuracy of the key indicator information presented in the MD&A for the PAR.

Closed (Civil Rights Division).

Resolved (Criminal Division). This recommendation can be closed when we receive documentation supporting that the Criminal Division has examined the accuracy of its MD&A narrative covering its key indicator, verified supporting information necessary to ensure the accuracy of the key indicator performance data, and notified staff of the significant need for accuracy of the key indicator information presented in the MD&A for the PAR.

Resolved (Environment and Natural Resources Division). This recommendation can be closed when we receive documentation supporting that the Environment and Natural Resources Division has examined the accuracy of its MD&A narrative covering its key indicator, verified supporting information necessary to ensure the accuracy of the key indicator performance data, and notified staff of the significant need for accuracy of the key indicator information presented in the MD&A for the PAR.

Closed (Tax Division).

Resolved (EOUST). This recommendation can be closed when we receive documentation supporting that the EOUST has examined the accuracy of its MD&A narrative covering its key indicator, verified supporting information necessary to ensure the accuracy of the key indicator performance data, and notified staff of the significant need for accuracy of the key indicator information presented in the MD&A for the PAR. However, the EOUST response implies that our report presentation is misleading because according to EOUST "without reviewing the audit reporting its entirety, the recommendation presented by the OIG would leave readers with the impression that such data validation and integrity issues exist at the USTP.". We disagree with this comment as there is no suggestion that further

conditions exist, and we do not believe that a reader would be left with an erroneous impression. All conditions are presented in specific terms without any implication beyond the audited results.

Closed (OJP).

Closed (BOP).

12. **Resolved (JMD).** This recommendation can be closed when we receive documentation supporting that JMD has prepared and issued a formal policy requiring components to provide the supporting performance data information with the annual MD&A submission and that JMD has developed and implemented procedures for examining the performance information submitted by the components in their annual MD&As.