VII

STRATEGIC GOAL SEVEN:
Protect the Federal Judiciary and Provide Critical Support to the Federal Justice System to Ensure it Operates Effectively

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STRATEGIC OBJECTIVE & ANNUAL GOAL 7.1: PROTECTING THE JUDICIARY
Ensure the integrity and the safe and secure operation of the federal judicial system by protecting judges, witnesses, and other participants in federal proceedings

7.1A   Protect Judicial Proceedings

Background/ Program Objectives:
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 judges, magistrate judges, 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.

Performance:
Performance Measure: Assaults Against the Judiciary [USMS]
>*FY 2002 Target:* 0 Assaults
>*FY 2002 Actual:* 0 Assaults
>*Discussion:* The USMS met the performance goal for FY 2002.

Performance Measure: Security Status of Courthouse Facilities [USMS]
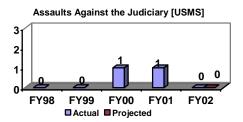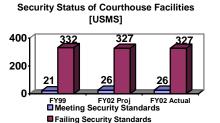>*FY 2002 Target:* 327 Not Meeting, 26 Meeting Security Standards
>*FY 2002 Actual:* 327 Not Meeting, 26 Meeting Security Standards
>*Discussion:* The USMS is in the process of collecting and compiling the FY 2002 National Security Survey Report, and anticipates producing the updated report in the second quarter of FY 2003. The National Security Survey Report outlines security deficiencies in the 353 courthouse facilities where the USMS pays rent on 250 square

Assaults Against the Judiciary [USMS]

FY98: 0, FY99: 0, FY00: 1, FY01: 1, FY02: 0 Actual, 0 Projected

Actual ■ Projected

Security Status of Courthouse Facilities [USMS]

FY99: 21 Meeting / 332 Failing; FY02 Proj: 26 Meeting / 327 Failing; FY02 Actual: 26 Meeting / 327 Failing

■ Meeting Security Standards
■ Failing Security Standards

Data Collection and Storage: The USMS uses Weekly Activity Reports and Incident Reports from the Judicial Security Division as the data source. In addition, USMS uses the National Security Survey to determine the level of security deficiencies (construction and equipment) in USMS controlled space and provide a basis for prioritizing renovations.

Data Validation and Verification: Before data is disseminated via reports, it is checked and verified by the program managers. These reports are collected manually.

Data Limitations: The results of National Security Survey were collated manually and entered into a spreadsheet application. Funds have not been available to automate this data into a database, which would include information on all current and planned courthouses. Due to the nature of construction projects and the increased scope of the survey, USMS plans to conduct the survey every three years (with data and analysis available the following year) assuming funds availability. Although many renovation projects have been initiated, the impact to the national security survey will not be felt for several more years as: (1) a renovation project may take several years to complete; (2) completing a renovation project does not ensure that a courthouse facility will meet security standards since several renovation projects at one facility may be required; and (3) most renovation projects are dependent upon GSA's renovation schedule, meaning that any delay with GSA's schedule will consequently delay the USMS schedule. Finally, every year, new courthouses are built by GSA, either adding to or replacing existing courthouse facilities. The total number of facilities is currently at 353; it will change in the future. At the conclusion of the survey, the USMS will be in a better position to project the number of courthouse facilities meeting requirements.

feet of space or more and has prisoner movement requirements. Once the report is compiled and analyzed a comprehensive accounting of security issues will be reported.

STRATEGIC OBJECTIVE & ANNUAL GOAL 7.2: VICTIMS' RIGHTS
Protect the rights of crime victims and assist them in moving through the processes of the federal justice system

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7.2A   Assist Victims and Witnesses in their Participation in the Criminal Justice Process

Background/ Program Objectives:
Victim-Witness Coordinators provide referrals to crisis counseling victim compensation programs and victim assistance programs. When no other resources are available, the Victim-Witness Coordinators can provide funding for emergency needs from the Federal Crime Victims Assistance Fund. These emergency needs include transportation costs to and from court, translation services and emergency childcare or shelter.

The Department also provides emergency witness assistance to witnesses where the more formal security programs, administered under the provisions of the Witness Security Reform Act, are not available or are inappropriate. The purpose of this program is not to provide physical protection for witnesses; it is to address a witness' fears about assisting the government and seeks to promote their peace of mind when they have relevant information to contribute, thereby enhancing their ability to testify.

Performance:
Performance Measure: Victims Receiving Assistance [EOUSA]
    FY 2002 Target: 100%
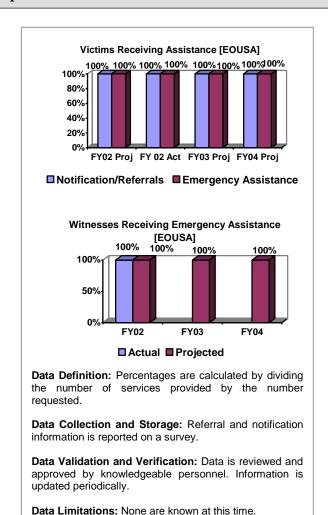   ***FY 2002 Actual:*** 100%
    Discussion: When a federal crime victim is in need of immediate assistance, and no other state or local resources are available, the Federal Crime Victim Assistance Fund is accessed to meet this need.

Performance Measure: Witnesses Receiving Emergency Assistance [EOUSA]
    FY 2002 Target: 100%
    FY 2002 Actual: 100%
Discussion: When a witness is fearful of assisting the federal government, the Emergency Witness Assistance Program will be accessed for emergency needs. These funds are used to provide

Victims Receiving Assistance [EOUSA]

■ Notification/Referrals ■ Emergency Assistance

Witnesses Receiving Emergency Assistance [EOUSA]

■ Actual ■ Projected

Data Definition: Percentages are calculated by dividing the number of services provided by the number requested.

Data Collection and Storage: Referral and notification information is reported on a survey.

Data Validation and Verification: Data is reviewed and approved by knowledgeable personnel. Information is updated periodically.

Data Limitations: None are known at this time.

transportation costs for areas such as school, medical, or counseling needs, as well as housing, moving and subsistence expenses which enable witnesses to temporarily leave their town, city or state.

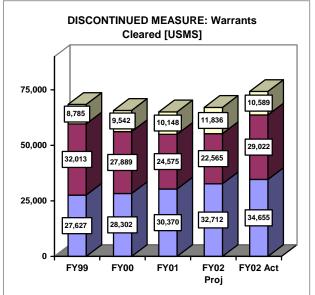**STRATEGIC OBJECTIVE & ANNUAL GOAL 7.3: DEFENDANTS AND FUGITIVES**
Ensure the appearance of criminal defendants for judicial proceedings or confinement through secure transportation, and ensure the apprehension of fugitives from justice

7.3A   Apprehend Federal Fugitives

Background/ Program Objectives:
USMS has primary jurisdiction to conduct and investigate fugitive matters involving escaped federal prisoners, probation, parole, and bond default violators, and warrants generated by DEA investigations and certain other related felony cases. USMS has maintained its own "15 Most Wanted" fugitives list since 1983. Additionally, USMS sponsors interagency fugitive task forces throughout the United States focusing its investigative efforts on fugitives wanted for crimes of violence and drug trafficking. Major Case fugitives are the highest priority fugitives sought by the USMS and consist of all fugitives connected with the USMS 15 Most Wanted and Major Case Programs. Fugitive investigations are designated as major cases according to: a) the seriousness of the offenses charged; b) the danger posed by the fugitive to the community; c) the fugitive's history of violence, career criminal status, or status as a major narcotics distributor; d) the substantial regional, national, or international attention surrounding the fugitive investigation; and/or e) other factors determined by the USMS. On the international front, USMS has become the primary American agency responsible for extraditing fugitives wanted in the United States from foreign countries. USMS also apprehends fugitives within the United States who are wanted abroad.

In support of its fugitive mission, USMS provides investigative support such as telephone monitoring, electronic tracking and audio-video recording. In addition, analysts provide tactical and strategic expertise and judicial threat analysis. USMS maintains its own central law enforcement computer system, the Warrant Information Network, which is instrumental in maintaining its criminal investigative operations nationwide. In addition, USMS is able to enhance fugitive investigative efforts through data exchanges with other agencies, such as the Social Security

DISCONTINUED MEASURE: Warrants Cleared [USMS]

	FY99	FY00	FY01	FY02 Proj	FY02 Act
Backlog	8,785	9,542	10,148	11,836	10,589
Class 2	32,013	27,889	24,575	22,565	29,022
Class 1	27,627	28,302	30,370	32,712	34,655

☐ Class 1 ☐ Class 2 ☐ Backlog

Data Definitions: Class I: federal fugitive cases where USMS has primary responsibility. These warrants include: escapes, bond default/failure to appear, parole/probation violators, warrants generated by agencies without arrest powers and DEA fugitive warrants. Class II: warrants received are comprised of felony warrants where another agency has primary responsibility for capturing the fugitive or where the USMS has a Memorandum of Understanding to work the warrant. Backlog: A warrant is defined as part of the backlog when it has been open for one year (365 days).

Data Collection and Storage: Data are maintained in the Warrant Information Network system (WIN). WIN data is entered by USMS Deputy Marshals. Upon receiving a warrant, the USMS Deputy Marshals access the National Crime Information Center (NCIC) through WIN to look for previous criminal information. WIN data is stored centrally at USMS Headquarters, is accessible to all 94 districts, and is updated as new information is collected.

Data Validation and Verification: Data are verified by a random sampling of NCIC records generated by the FBI. USMS Headquarters coordinates with district offices to verify that warrants are validated against the signed paper records. USMS Headquarters then forwards the validated records back to NCIC.

Data Limitations: These data are accessible to all 94 districts and are updated as new information is collected.

Administration, the DEA, the Department of Agriculture, the Department of Defense, the Department of State, and a variety of state and local task forces around the country.

Performance:
Performance Measure: DISCONTINUED MEASURE: Warrants Cleared [USMS] (NOTE: Because there can be multiple warrants issued for a single fugitive, reporting on the number of fugitives cleared is a better indicator of performance, therefore this measure is being discontinued.)

FY 2002 Target:
Class I Warrants Cleared: 32,712; Class II Warrants Cleared: 22,565; Class I Warrants Backlog: 11,836

FY 2002 Actual:
Class I Warrants Cleared: 34,655; Class II Warrants Cleared: 29,022; Class I Warrants Backlog: 10,589

Discussion: USMS directed its investigative efforts to reducing violent crime, which includes organized crime, drug and gang related violence. During FY 2002, the USMS cleared 34,655 Class I and cleared 29,022 Class II warrants. Additionally During FY 2002, the USMS cleared four of the most wanted fugitives.

Performance Measure: NEW MEASURE: Fugitives Cleared [USMS]
FY 2002 Target:
Cleared:
Class I: 30,342
Class II: 25,452
Class II Non-felony: 15,107

NEW MEASURE: Fugitives Cleared

	FY99	FY00	FY01	FY02 Proj	FY02 Actual
☐ Active	72,497	79,315	83,399	84,495	85,858
☐ Cleared II Non-felony	15,080	13,706	17,335	15,107	15,237
☐ Cleared Class II	23,273	26,521	25,234	25,452	26,348
☐ Cleared Class I	25,800	26,600	28,799	30,342	31,512

Data Definition: Active fugitives are those fugitives that have a warrant for arrest that has not yet been cleared. Class I fugitives consist of all federal felony fugitives for which the USMS has primary apprehension responsibility including warrants for escape, bond default, failure to appear, violation of conditions of release, violation of parole, violation of probation, and Drug Enforcement Administration (DEA) warrants, and other warrants. Class II felony fugitives consist of felony fugitives for which another law enforcement agency has primary apprehension responsibility. Class II non-felony fugitives (misdemeanor and traffic) are those that the USMS has primary apprehension responsibility.

Data Collection and Storage: Data are maintained in the Warrant Information Network system (WIN). WIN data is entered by USMS Deputy Marshals. Upon receiving a warrant, the USMS Deputy Marshals access the National Crime Information Center (NCIC) through WIN to look for previous criminal information. WIN data is stored centrally at USMS headquarters, is accessible to all 94 districts, and is updated as new information is collected.

Data Validation and Verification: Data are verified by a random sampling of NCIC records generated by the FBI. USMS Headquarters coordinates with district offices to verify that warrants are validated against the signed paper records. USMS Headquarters then forwards the validated records back to NCIC.

Data Limitations: These data are accessible to all 94 districts and are updated as new information is collected.

Active: 84,495 (Class I: 28,269, Class II: 28,817, Class II Non-felony: 27,409)
FY 2002 Actual:
Cleared:
Class I: 31,512
Class II: 26,348
Class II Non-felony: 15,237
Active: 85,858 (Class I: 29,092, Class II: 28,913, Class II Non-felony: 27,853)

Discussion: The USMS directed its investigative efforts to reducing the number of violent fugitives as well as the number of drug related and gang related fugitives. During FY 2002 the USMS cleared 31,512 Class I and 26,348 Class II fugitives cases. Through the establishment of the Regional Fugitive Task Forces, the USMS was able to establish a more coordinated effort against violent fugitives.
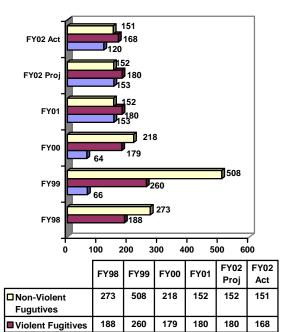
Performance Measure: DISCONTINUED MEASURE: Average Number of Days for Fugitive Arrest [USMS] (NOTE: Because a warrant can become a major case at any point in its investigation, the age of the warrant can dramatically skew the overall average number of days for fugitive arrest in the major case category; this measure is being discontinued.)

> *FY 2002 Target:*
> Major Case: 153
> Violent Fugitive: 180
> Non-Violent Fugitive: 152
> *FY 2002 Actual:*
> Major Case: 120
> Violent Fugitive: 168
> Non-Violent Fugitive: 151

Discussion: The USMS exceeded all targets in this category for FY 2002. When this measure was originally established, it was believed to have a direct relationship to the successful capture of fugitives. However, further analysis has proven no value as a predictor of success in this area.

DISCONTINUED MEASURE: Average Number of Days for Fugitive Arrest [USMS]

	FY98	FY99	FY00	FY01	FY02 Proj	FY02 Act
☐ Non-Violent Fugutives	273	508	218	152	152	151
◼ Violent Fugitives	188	260	179	180	180	168
☐ Major Case		66	64	153	153	120

Data Collection and Storage: Data are maintained in the Warrant Information Network system (WIN). WIN data is entered by USMS Deputy Marshals. Upon receiving a warrant, the USMS Deputy Marshals access the National Crime Information Center (NCIC) through WIN to look for previous criminal information. WIN data is stored centrally at USMS headquarters, is accessible to all 94 districts, and is updated as new information is collected.

Data Validation and Verification: Data are verified by a random sampling of NCIC records generated by the FBI. The USMS headquarters coordinates with district offices to verify that warrants are validated against the signed paper records. USMS Headquarters then forwards the validated records back to NCIC.

Data Limitations: None known at this time.

STRATEGIC OBJECTIVE & ANNUAL GOAL 7.4: BANKRUPTCY
Protect the integrity and ensure the effective operation of the Nation's bankruptcy system

7.4A   Maximize Dollars Returned to Creditors

Background/ Program Objectives:
The United States Trustees Program (USTP) was established nationwide in 1986 to separate the administrative functions from the judicial responsibilities of the bankruptcy courts and to bring accountability to the bankruptcy system. USTP acts as the "watchdog" of the bankruptcy system and ensures the proper administration of more than $5 billion in bankruptcy estate assets that are disbursed to creditors in Chapter 7 and 13 cases. In addition, USTP oversees cases that file under Chapter 11, which involve hundreds of billions of dollars in assets. While protecting the rights of the debtors, USTP must maximize the return of estate assets to creditors.

Performance:
Performance Measure: Percent of Assets/Funds Returned to Creditors
> *FY 2001 Target:* 52% Chapter 7
> 80% Chapter 13
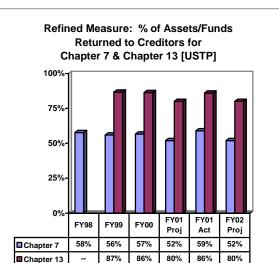> *FY 2001 Actual:* 59% Chapter 7,
> 86% Chapter 13
> *FY 2002 Target:* 52% Chapter 7,
> 80% Chapter 13
> *FY 2002 Actual:* Not Available until
> January 2003.
> *Discussion:* USTP has a comprehensive
oversight process that ensures cases filed each year are effectively and efficiently moved through the bankruptcy system. USTP audits and evaluates private trustees, follows-up on deficiencies, ensures that old cases are closed promptly, and initiates action when private trustees fail to comply with their obligations. USTP tracks the cost of trustee operations, as well as, distributions to creditors. In particular, the Distribution Report for Closed Asset Cases helps trustees to identify specific distributions in closed asset cases. Finally, USTP's civil enforcement initiatives, by reducing the amount of fraud and abuse in the system, will increase the amount of funds available for creditors.

Refined Measure: % of Assets/Funds Returned to Creditors for Chapter 7 & Chapter 13 [USTP]

	FY98	FY99	FY00	FY01 Proj	FY01 Act	FY02 Proj
Chapter 7	58%	56%	57%	52%	59%	52%
Chapter 13	--	87%	86%	80%	86%	80%

☐ Chapter 7   ■ Chapter 13

Data Definition: Chapter 7 bankruptcy proceedings where those 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.

Data Collection and Storage: The data are collected on an annual or semiannual basis. For Chapter 7 cases, the USTP receives trustee distributions reports as part of the Final Account on each Chapter 7 case closed during the year. The data are aggregated on a nationwide basis and reported twice a year in January and July. Chapter 13 data are gathered from the standing chapter 13 trustees' annual reports on a fiscal year basis.

Data Validation and Verification: Data on these annual reports are self-reported by the trustees. However, each trustee must sign the reports certifying their accuracy. In Chapter 7 cases, the Department s Inspector General periodically audits the annual reports, in addition to the USTP s on-site field examinations. In Chapter 13 cases, an independent auditing firm must audit each report. Finally, the USTP conducts biannual performance reviews for all Chapter 7 trustees. This indirectly provides an incentive for trustees to accurately report data.

Data Limitations: Out-year performance cannot be accurately projected, as the USTP has no reliable method of calculating the disbursements of future bankruptcy cases.