

VII

STRATEGIC GOAL SEVEN:

Protect the Federal Judiciary and Provide Critical Support to the Federal Justice System to Ensure it Operates Effectively

The Department has significant responsibility for ensuring the effective, efficient and secure operation of the federal justice system. It does so by protecting judicial proceedings; ensuring the safe and secure environment of the federal courts; apprehending fugitives from justice; promoting the participation of victims at every stage of criminal and juvenile proceedings; and administering the Nation's bankruptcy laws.

It is the primary role and mission of the United States Marshals Service (USMS) to provide for the security and to obey, execute, and enforce all orders of the United States District Courts, the United States Courts of Appeals, and the Court of International Trade. USMS provides the necessary services and expertise to maintain a high level of security in the federal judicial environment, takes steps to upgrade physical security at existing courthouses, and ensures new courthouses open with appropriate security measures in place. In addition, USMS monitors, assesses, and investigates threats made against judicial personnel, witnesses and victims in order to ensure their safety. Other responsibilities of USMS include production of prisoners for court appearances, service of court order process, management of assets that have been seized and forfeited, and apprehension of federal fugitives from justice.

DOJ has given high priority to increasing the participation of victims and witnesses in the judicial process. Specifically, DOJ requires training for law enforcement officers and prosecutors in victim/witness responsibilities and notification procedures.

The U.S. Trustee Program (USTP) enforces bankruptcy laws and regulations of the Nation. USTP addresses the bankruptcy systems' overall caseload, particularly older cases, by providing administrative support to help move cases expeditiously through the bankruptcy process. The program informs law enforcement agencies of possible violations of bankruptcy laws and participates in task forces designed to identify and prosecute individuals or organizations engaged in fraud.

MANAGEMENT CHALLENGES

There are no existing material weaknesses that will hinder the achievement of goals in this area in FY 2003, nor did the DOJ OIG, in its December 2001 list of the top ten management challenges facing the Department, list any issues in this area.

PROGRAM EVALUATIONS

In FY 2002, DOJ contractors will be performing an Activity-Based Costing Study of JPATS which will review operations and address whether the price per flight hour cost structure, new for FY 2002, is the optimum methodology to calculate and charge customers. The new flight hour pricing structure will be based on actual flight hours utilized and customer load factors as opposed to a cost per prisoner movement basis, which was used in the past.

STRATEGIC OBJECTIVE 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

Annual Goal 7.1: Ensure the integrity and the safe and secure operation of the federal judicial system by protecting judges, witnesses, and other participants in federal proceedings

STRATEGIES

- ◆ Monitor, assess, and investigate threats made against judges, court personnel, witnesses, and victims to stop or deter potential violence.
- ◆ Meet court security standards.

In FY 2003, DOJ will continue to deter and to respond to threats to the safety of federal judges, court personnel, witnesses and other participants in federal judicial proceedings. Our primary goal is to ensure that no judge, court participant or witness is the victim of assault stemming from involvement in a Federal Court proceeding.

Specifically, we will effectively identify, assess, and respond to threats against court personnel and property; enhance the physical security of new and renovated federal courthouse facilities; and provide for the long-term protection of federal witnesses and their family members.

MEANS – Annual Goal 7.1

Dollars/FTE

Appropriation	FY 2001 Actual		FY 2002 Enacted		FY 2003 Requested	
	FTE	\$ mill	FTE	\$ mill	FTE	\$ mill
Fees and Expenses of Witnesses	0	139	0	156	0	156
U.S. Marshals Service	2737	405	3001	458	3253	504
Subtotal	2737	\$544	3001	\$614	3253	\$660

Skills

USMS Deputy Marshals and Criminal Investigators must be able to plan and develop prisoner transportation routes; identify and react quickly to incidents; analyze and investigate inappropriate communications made against judges and witnesses; investigate threats; cultivate relationships with state and local law enforcement agencies; assess potential risks; devise threat management strategies; and coordinate protective investigations with the FBI.

Information Technology

USMS is in the process of developing one centralized application, the Justice Detainee Information System (JDIS), from its five offender-based applications: the Warrant Information Network, the Prisoner Tracking System, the Automated Prisoner Scheduling System, the Automated Booking Station, and the Prisoner Medical Tracking system. JDIS will allow USMS to manage prisoners and fugitive investigations, and track them through the entire judicial process.

PERFORMANCE ASSESSMENT – Annual Goal 7.1

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 intrusion by technological devices 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 in open and safe environments; (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 (Inappropriate Communications has been determined to be simply a workload measure and is therefore no longer displayed)

FY 2001 Target: 0 assaults

FY 2001 Actual: 1 assault

Discussion: In FY 2001, a prisoner threw a water pitcher at a Judge in the Southern District of Florida. The pitcher missed the judge and the prisoner was restrained. Additionally, a similar incident occurred in the District of Columbia in FY 2000, which was not previously reported, where a prisoner threw a trashcan at a judge. The Judge was hit in the face and the prisoner was eventually charged and convicted of assault with a deadly weapon.

FY 2002 Performance Plan Evaluation: We expect to meet the corresponding FY 2002 target.

FY 2003 Performance Target: 0 assaults

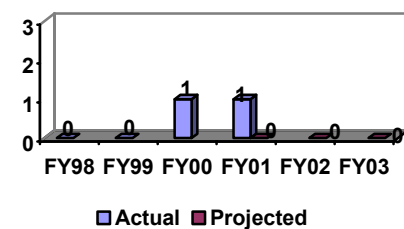
Public Benefit: Ensuring the effective operation of the Federal Judicial System is a principal mission of the USMS. The protection of those involved in judicial proceedings is essential to preserving the systems operational integrity.

Strategies to Achieve the FY 2003 Goal:

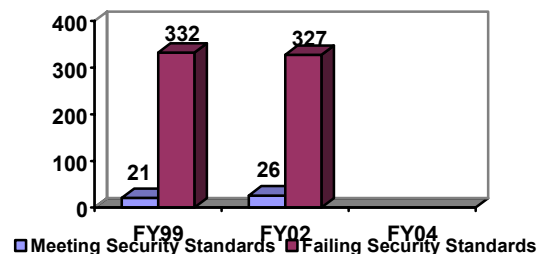
USMS will provide a high level of security in the federal judicial environment and take steps to update physical security at existing courthouses and ensure that new courthouses open with appropriate security measures. To determine security risk, USMS conducts an assessment of the facility and personnel security requirements. Where a situation is deemed high risk, the USMS district staff or Court Security Inspectors develop an operation plan at least one month before the start of the trial. USMS also manages the Court Security Officer (CSO) program, which provide interior security at federal court facilities.

In addition, USMS will continue to monitor, assess and investigate inappropriate communications (including threats) made to judicial personnel, witnesses, and

Assaults Against the Judiciary [USMS]



Security Status of Courthouse Facilities [USMS]



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 prioritization for 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 Courthouse Security Survey were collated manually, and entered into a spreadsheet application. Funds have not been available to automate this data into the Courthouse Tracking System, which would include information on all current and planned courthouses.

victims in order to ensure their safety. USMS Criminal Investigators will also provide protective services at judicial conferences, and additional security measures for high-risk trials, and provide personal security details to address threats made against the federal judiciary, as necessary.

For the current national security survey, USMS includes only courthouse facilities where USMS pays rent on 250 square feet of space or more (on non-courthouse space) and has prisoner movement requirements. In the FY 2002 national security survey, USMS will encompass all physical issues in courthouse facilities by including the U.S. Courts and the Federal Protective Services. 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.

Crosscutting Activities:

USMS works closely with the USAs, FBI, DEA, INS and BOP as well as non-DOJ agency tenants in buildings housing judicial proceedings. Non-DOJ tenants include the U.S. Postal Service, IRS, and the Social Security Administration. In addition, USMS coordinates and directs the District Courts Security Committee meetings to determine the security needs of the judiciary. These conferences are attended by the U.S. Courts (judges, clerks of the court, probation and pretrial services), the USAs and GSA's Federal Protective Services.

STRATEGIC OBJECTIVE 7.2: VICTIMS' RIGHTS**Protect the rights of crime victims and assist them in moving through the processes of the federal justice system.****Annual Goal 7.2: Protect the rights of crime victims and assist them in moving through the processes of the federal justice system.****STRATEGIES**

- ◆ Ensure that all federal law enforcement officers and prosecutors are trained in victim/witness responsibilities.
- ◆ Ensure 100% compliance with the provisions set forth in the Attorney General Guidelines for Victim and Witness Assistance.

Victims and witnesses play a central role in the federal criminal justice system. Their participation often makes the difference between a conviction and an acquittal. Yet being a victim or witness can be an overwhelming and traumatic experience. Prior to recent federal and state legislation making improvements in how victims and witnesses are treated, some felt re-victimized by a criminal justice system they perceived as insensitive to their needs.

The Attorney General's Guidelines for Victim and Witness Assistance set forth DOJ requirements and policies regarding the treatment of victims and witnesses. They recognize that federal criminal justice personnel, including investigators, prosecutors and correctional officers, have a special responsibility to treat victims and witnesses of federal crimes fairly by enforcing their rights, properly including them in criminal justice system processes, and referring them to the appropriate services.

DOJ, through the USAs, employs victim-witness coordinators in each of the 94 federal judicial districts. Victim-witness coordinators play a crucial role in increasing the participation and cooperation of victims and witnesses. They help implement the guidelines, ensure that those involved in working with victims and witnesses are properly trained, and help victims and witnesses from a wide range of socioeconomic backgrounds, cultures, and ethnic groups understand their rights and their role as key participants in the federal criminal justice process.

MEANS – Annual Goal 7.2**Dollars/FTE**

Appropriation	FY 2001 Actual		FY 2002 Enacted		FY 2003 Requested	
	FTE	\$ mill	FTE	\$ mill	FTE	\$ mill
U. S. Attorneys	380	30	395	32	397	35

Skills

Victims/Witness Coordinators need to be familiar with the federal litigation process, legislation impacting victims and witnesses, and have a working knowledge of legal terminology.

Information Technology

USAs rely on the LIONS case management system. However, a new system under development, the Victim Notifications System, will link the USAOs with the FBI and BOP.

PERFORMANCE ASSESSMENT – Annual Goal 7.2

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 child care 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.

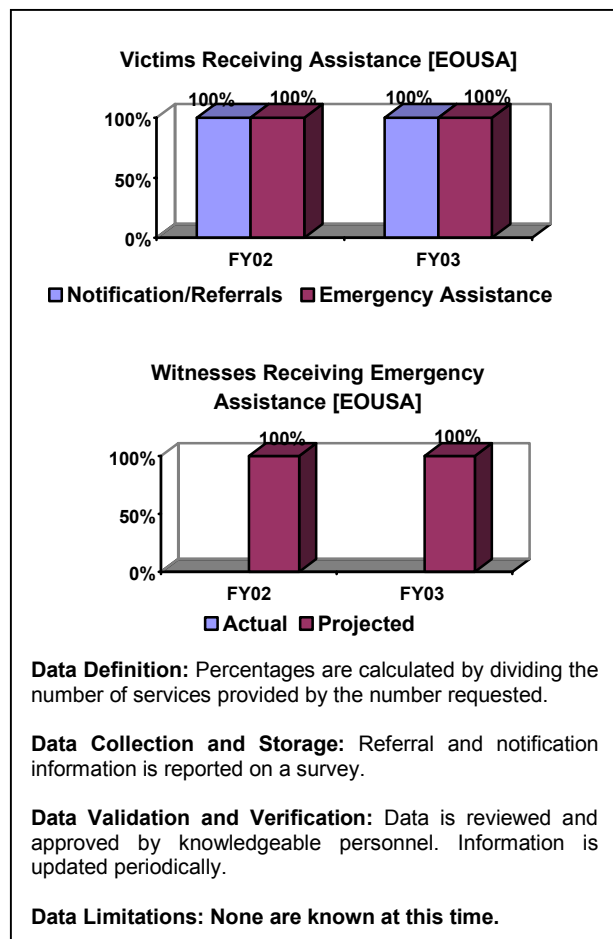
Strategies to Achieve the FY 2002 Goal:

We will first provide referrals to state and local agencies and victim organizations. When no other resources are available, we will provide funding for emergency needs including: crisis intervention; emergency food, clothing, legal assistance and medical services; temporary housing; necessary and reasonable transportation and per diem expenses to enable a parent to recover a kidnapped child; and services that assist a victim in participating in judicial proceedings such as necessary and reasonable transportation to court; emergency child care; and interpreters. We will also provide transportation expenses to secondary victims such as spouses and family members for the purpose of providing support when the primary victim is a child, deceased, or where the victim is incompetent or incapacitated.

Also, 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: transportation, housing, moving and subsistence expenses to enable a witness to leave their neighborhood, town, city or state temporarily; and other transportation costs as reasonably necessary, for school, immediate medical or counseling needs. The funds are limited to intimidated victims or witnesses and cannot be used solely because the witness is indigent or requires services. This assistance is limited to 30 days and \$4,000 per witness unless there are extenuating circumstances.

Crosscutting Activities:

Investigative agencies, particularly DEA and the FBI, coordinate with the USAOs throughout the country to ensure that victims and witnesses are served. The USAOs provide training and information to state and locals such as family violence in Indian Country, victim-witness roles and responsibilities, and interviewing child witnesses. We will continue these and other efforts to build relationships and foster cooperation. The Office of Victims of Crime in OJP provides leadership and assistance in victims and witness matters to federal agencies including the Department of Treasury, State, Defense and Interior.



STRATEGIC OBJECTIVE 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

Annual Goal 7.3: Ensure the appearance of criminal defendants for judicial proceedings or confinement through secure transportation, and ensure the apprehension of fugitives from justice

STRATEGIES

- ◆ Focus on apprehending the Most Wanted and Major Case fugitives.

In FY 2003, DOJ will focus on apprehending the USMS “15 Most Wanted”, Major Case, violent and terrorist related fugitives. As a result of Public Law 106-544, the USMS was funded to create two Fugitive Apprehension Task Forces on the East and West coast. The emphasis of these task forces is to assist the state and locals in locating and apprehending violent fugitives.

USMS is dedicated to enhancing public safety by locating and apprehending fugitives as quickly and safely as possible. The problems that fugitives pose are numerous, costly, and most importantly, dangerous. First and foremost, fugitives pose a widespread threat to public safety nationwide. Fugitives tend to be mobile and opportunistic, preying on innocent citizens by committing additional crimes against persons and property in an effort to finance or facilitate their continued flight from justice. Their criminal activity respects no traditional political or geographical boundaries and often constitutes violations of both state and federal laws. In addition, fugitives threaten the very fabric of our criminal justice system. By definition, they have been charged with a violation of law and have fled from their charges. If fugitives are allowed to remain at large, the integrity of our criminal justice system is challenged. Court dockets become clogged, fugitives become more difficult to locate with the passage of time, and crime victims are denied closure and often live in fear and isolation while the criminals who have victimized them remain at large.

MEANS – Annual Goal 7.3

Dollars/FTE

Appropriation	FY 2001 Actual		FY 2002 Enacted		FY 2003 Requested	
	FTE	\$ mill	FTE	\$ mill	FTE	\$ mill
Justice Prisoner & Alien Trans. Sys.	116	0	183	0	183	0
U.S. Marshals Service	1156	166	1225	186	10255	196
Subtotal	1272	\$166	1408	\$186	10438	\$196

Skills

USMS Criminal Investigators must be able to analyze and evaluate investigative leads developed through an array of techniques including reviewing financial and other records; witness interviews; informant contacts; and physical and electronic surveillance. They must also be able to cultivate mutually beneficial relationships with investigators and prosecutors from other federal, state, and local law enforcement agencies and demonstrate the ability to prepare and execute operational plans in connection with the service of arrest and/or search warrants.

**Information
Technology**

USMS is in the process of developing one centralized application, the Justice Detainee Information System (JDIS), from its five offender-based application; the Warrant Information Network, the Prisoner Tracking System, the Automated Prisoner Scheduling System, the Automated Booking Station, and the Prisoner Medical Tracking. These systems comprise the essential modules of JDIS. Once implemented, it will allow USMS to manage prisoners and fugitive investigations and track them through the entire criminal judicial process. USMS also utilizes several commercial and other agency databases for fugitive investigations.

PERFORMANCE ASSESSMENT – Annual Goal 7.3

7.3A Apprehend Federal Fugitives

Background/ Program Objectives:

USMS has primary jurisdiction nationwide in conducting and investigating 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 over 65 multi-agency fugitive task forces comprised of federal, state and local agencies, with investigative efforts on fugitives wanted for crimes of violence and drug trafficking. 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 covert 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 Administration, the DEA, the Department of Agriculture, the Department of Defense, the Department of State, and a variety of task forces around the country.

Performance:

Performance Measure: Warrants Cleared

FY 2001 Target:

Class I Warrants Cleared: 28,993
 Class II Warrants Cleared: 25,072
 Class I Warrant Backlog: 10,790

FY 2001 Actual:

Class I Warrants Cleared: 30,370
 Class II Warrants Cleared: 24,575
 Class I Warrant Backlog: 10,148

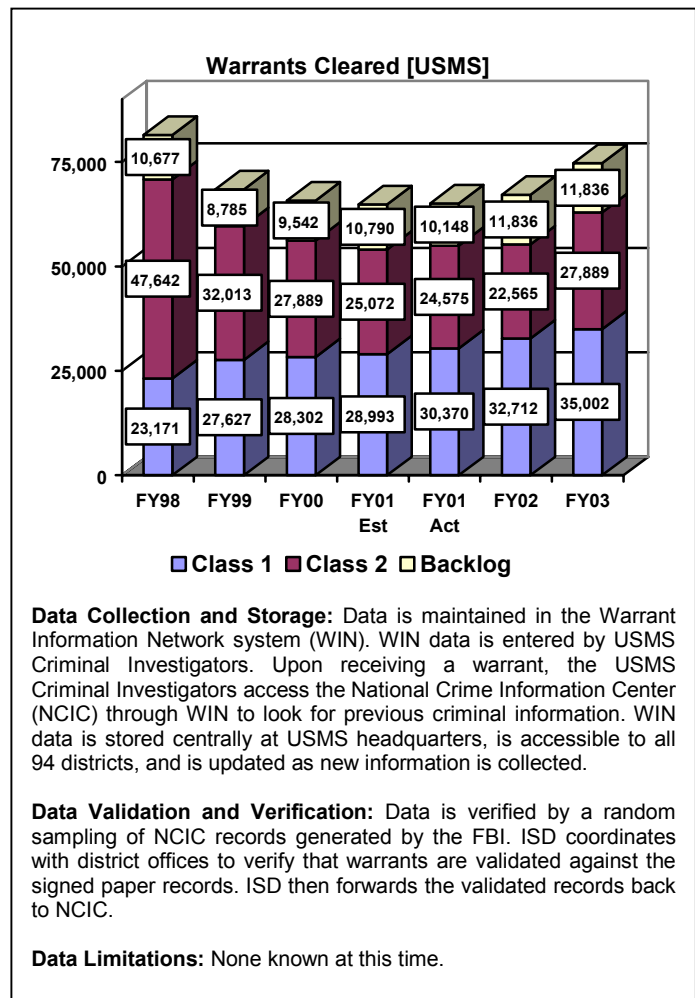
Discussion: USMS directed its investigative efforts to reducing violent crime, including organized crime, drug and gang-related violence. During FY 2001, the USMS received 32,072 Class I warrants, and exceeded the target by clearing 30,370 Class I warrants, of which, 21,014 were accomplished by USMS arrests. Class II warrants fell short of the target by 2%. However, seven of the USMS 15 Most Wanted Fugitives were included in the warrants cleared, making it, overall, a very successful year.

FY 2002 Performance Plan Evaluation:

Based on program performance in FY 2001, we have increased the FY 2002 target for Class 1 warrants to 32,712. The targets are unchanged for Class II warrants at 22,565 and Backlog at 11,836.

FY 2003 Performance Targets:

Class I Warrants Cleared: 35,002; Class II Warrants Cleared: 27,889; and Class I Warrant Backlog: 11,836.



Data Collection and Storage: Data is maintained in the Warrant Information Network system (WIN). WIN data is entered by USMS Criminal Investigators. Upon receiving a warrant, the USMS Criminal Investigators 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 is verified by a random sampling of NCIC records generated by the FBI. ISD coordinates with district offices to verify that warrants are validated against the signed paper records. ISD then forwards the validated records back to NCIC.

Data Limitations: None known at this time.

Public Benefit: By bringing fugitives to justice, USMS is ensuring that justice is served and the public is not exposed to further risk of crime.

Performance Measure: Average Number of Days for Fugitive Arrest

FY 2001 Target:

Major Case: 64 days
Violent Fugitive Case: 179 days
Non-Violent Fugitive Case: 218 days

FY 2001 Actual:

Major Case: 153 days
Violent Fugitive Case: 180 days
Non-Violent Fugitive Case: 152 days

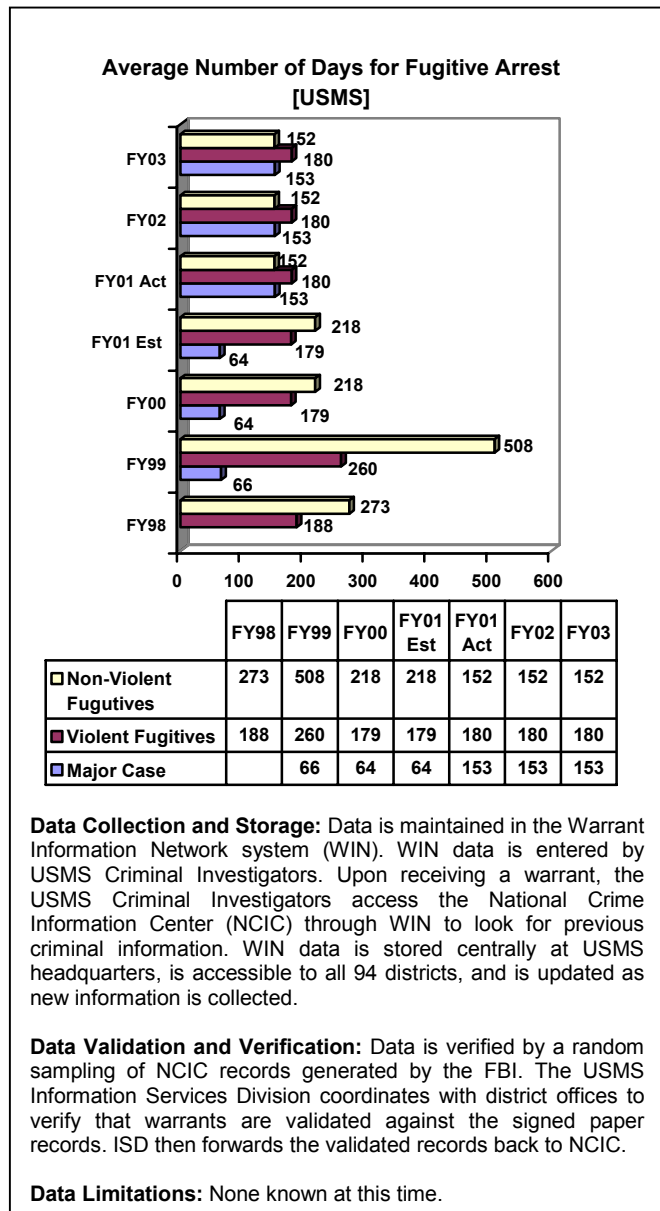
Discussion: USMS fell short of the Major Case target, virtually met the Violent Fugitive Case target, and significantly improved upon the Non-Violent Fugitive Case target. When this measure was originally established, it was believed to have a direct relationship to the successful capture of fugitives. However, the data are beginning to suggest that may not be the case. While the number of days to capture a Major Case fugitive has clearly shown a steady increase, there has actually been significant improvement in the numbers of arrests in this category. Therefore, USMS will continue analysis to reevaluate the value of this measure as predictor of success.

FY 2002 Performance Plan Evaluation:

Based on program performance FY 2001, USMS has revised the targets as follows: Major case -153 days; Violent Fugitives - 180 days; and Non-Violent Fugitives – 152 days.

FY 2003 Performance Targets: Major case -153 days; Violent Fugitives - 180 days; and Non-Violent Fugitives – 152 days

Public Benefit: We have believed that the longer the investigation takes, the more likely the fugitive will not be caught. By concentrating resources on recent cases first, the USMS should increase its capture rate. By taking the fugitives off the street faster USMS also reduces the reoccurrence of crime.



Data Collection and Storage: Data is maintained in the Warrant Information Network system (WIN). WIN data is entered by USMS Criminal Investigators. Upon receiving a warrant, the USMS Criminal Investigators 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 is verified by a random sampling of NCIC records generated by the FBI. The USMS Information Services Division coordinates with district offices to verify that warrants are validated against the signed paper records. ISD then forwards the validated records back to NCIC.

Data Limitations: None known at this time.

Strategies to Achieve the FY 2003 Goal:

DOJ will continue to apprehend Class 1 fugitives as quickly as possible and decrease the fugitive caseload. A Class 1 warrant is a felony warrant for which USMS has primary responsibility. Class 2 warrants are felony offenses for which other law enforcement agencies have primary responsibility. USMS classifies felony fugitive warrants into three categories: (1) fugitives with violent criminal convictions; (2) fugitives wanted on drug-related charges; and (3) all other felony fugitives. A warrant can be cleared by arrest, a USA dismissal, or a detainer, or purged for reasons such as death of the fugitive.

Crosscutting Activities:

USMS works closely with federal, state, local, and foreign law enforcement agencies and prosecutors to locate and apprehend fugitives as quickly and safely as possible in an effort to maintain the integrity of the justice system and enhance public safety. USMS has established liaison positions with DEA, HIDTA, OCEDEF, NDIC, INTERPOL, DOJ-OIA, and the Dept. of State. The USMS also manages more than 70 multi-agency fugitive task forces around the United States. USMS has Memoranda of Understanding to assume administrative and apprehension responsibility for fugitives wanted by: the United States Customs Service, the

Internal Revenue Service - Criminal Investigation Division; the Food and Drug Administration - Office of Criminal Investigations; the Naval Criminal Investigative Service; the Defense Criminal Investigative Service; the United States Air Force - Office of Special Investigations; the Department of Agriculture - Office of Inspector General; the Department of Justice - Office of Inspector General; the Social Security Administration - Office of the Inspector General; the United States Fish and Wildlife Service - Office of Law Enforcement; the Federal Emergency Management Agency - Office of Inspector General; the Department of Health and Human Services - Office of Inspector General; the National Aeronautics and Space Administration - Office of Inspector General; the National Oceanic and Atmospheric Administration; and the Department of Education - Office of Inspector General.

STRATEGIC OBJECTIVE 7.4 BANKRUPTCY**Protect the integrity and ensure the effective operation of the Nation's bankruptcy system.****Annual Goal 7.4: Protect the integrity and ensure the effective operation of the Nation's bankruptcy system.****STRATEGIES**

- ◆ Provide administrative support to move cases efficiently and effectively through the bankruptcy process.
- ◆ Ensure that parties adhere to standards of the law and police for embezzlement, fraud, and other abuses.
- ◆ Maximize the return of estate assets to creditors.
- ◆ Improve the accuracy of data and information on bankruptcy case administration and operation in order to assess performance.

In FY 2003, DOJ, through the United States Trustee Program (USTP), will shift more attention to combating civil and criminal abuse in the bankruptcy. To that end, USTP will focus on full disclosure and accountability, as well as the proper interpretation and enforcement of the law. In addition, USTP will evaluate initiatives taken to address identity theft in bankruptcy cases. USTP plans to expand the Debtor Identification Pilot Project to all U.S. Trustee offices by the end of FY 2001, which will help decrease the incidence of identity theft in the bankruptcy system. Finally, USTP will maintain the level of performance regarding the efficient and effective administration of bankruptcy cases through

the system and maximize the return of assets and distributions to creditors.

MEANS – Annual Goal 7.4**Dollars/FTE**

Appropriation	FY 2001 Actual		FY 2002 Enacted		FY 2003 Requested	
	FTE	\$ mill	FTE	\$ mill	FTE	\$ mill
U.S. Trustees	1000	\$126	1099	\$147	1201	\$168

Skills

Staff must have legal, financial, analytical, and audit skills. Other key competencies include: expertise in bankruptcy law, criminal statutes, investigative techniques, and strong writing abilities. Support personnel must have automation expertise, management and administrative skills.

Information Technology

Operations rely upon the Justice Consolidated Office Network (JCON), office automation products, various database systems, and a legacy case management system operating on mini-computers, as well as notebook PCs and laptops.

PERFORMANCE ASSESSMENT – Annual Goal 7.4

7.4A Maximize Dollars Returned to Creditors

Background/ Program Objectives:

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 that the more than \$5 billion in bankruptcy estate assets that flow through the system annually are properly handled. While protecting the rights of the debtors, USTP must maximize the return of estate assets to creditors.

Performance:

Performance Measure: Percent of Funds to Creditors for Chapter 7 Asset Cases Closed

FY 2001 Target: 52%

FY 2001 Actual: Not available until January 2002

Discussion: Based upon June 2001 data, the USTP expects to meet the FY 2001 target of 52%

FY 2002 Performance Plan Evaluation: We expect to meet the FY 2002 target of 52%.

FY 2003 Performance Target: 54%

Public Benefit: USTP efforts contribute to the maximum return of assets to creditors.

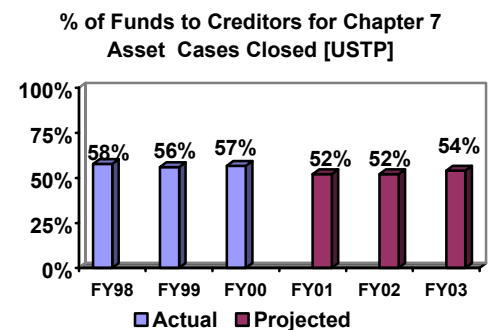
Strategies to Achieve the FY 2003 Goal:

USTP has a comprehensive oversight process to ensure that the Chapter 7 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 reviews semi-annual reports filed by over 1,600 panel and non-panel trustees and trustee final reports and trustee final accounts for all asset cases. In addition, a portion of all trustee operations are closely reviewed each year, either through the Office of Inspector General audits or on-site examinations by USTP personnel.

In FY 2002/3 USTP will implement uniform transaction codes for Chapter 7 trustees. This process will help standardize the identification of assets that trustees liquidate in a bankruptcy estate. Making the process more uniform will assist the USTP to identify problems early in the process and afford the USTP an opportunity to intervene, if necessary, to preserve bankruptcy estate assets.

Crosscutting Activities:

USTP works with the trustees and courts as indicated above.



Data Definition: Chapter 7 bankruptcy proceedings where those assets that are not exempt from creditors are collected and liquidated (reduced to money).

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.

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. 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.

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