



B-285432

June 30, 2000

The Honorable Fred Thompson  
Chairman  
The Honorable Joseph I. Lieberman  
Ranking Minority Member  
Committee on Governmental Affairs  
United States Senate

Subject: Observations on the Department of Justice's Fiscal Year 1999 Performance Report and Fiscal Year 2001 Performance Plan

As you requested, we have reviewed the 24 Chief Financial Officers Act agencies' fiscal year 1999 performance reports and fiscal year 2001 performance plans required by the Government Performance and Results Act of 1993 (GPRA). In essence, under GPRA, annual performance plans are to establish performance goals and measures covering a given fiscal year and provide the direct linkage between an agency's longer-term goals and day-to-day activities. Annual performance reports are to subsequently report on the degree to which those performance goals were met.

This letter contains two enclosures responding to your request concerning key program outcomes and major management challenges at the Department of Justice (DOJ). Enclosure I provides our observations on DOJ's fiscal year 1999 actual and fiscal year 2001 planned performance for the key outcomes that you identified as important mission areas for the agency. These key outcomes are (1) less drug- and gang-related violence; (2) reduced availability and/or use of illegal drugs; (3) timely, consistent, fair, and high-quality services provided by the Immigration and Naturalization Service (INS); and (4) U.S. borders secure from illegal immigration. Enclosure II lists the major management challenges facing the agency that we and DOJ's Inspector General identified, how DOJ's fiscal year 1999 performance report discussed the progress the agency made in resolving these challenges, and the applicable goals and measures in the fiscal year 2001 performance plan.

## **Results in Brief**

Overall, DOJ's progress in achieving desirable program outcomes cannot be readily determined since the agency has yet to develop performance goals and measures that

can objectively capture and describe performance results. DOJ's performance measures are (1) more output than outcome oriented, (2) do not capture all aspects of performance, and/or (3) have no stated performance targets. In relation to setting targets, it is important to note that the Attorney General has "emphatically cautioned against establishing certain crime enforcement targets." Her concern is that law enforcement may be perceived by the public as engaging in "bounty hunting" or pursuing arbitrary targets for the sake of meeting the goal.

Specifically, DOJ's measures in relation to the key outcome area "reduced violent crime, including organized crime and drug- and gang-related violence" do not cover the full range of issues that the goal covers and tend to be more output oriented than outcome oriented. Though limited in value, these measures show a mixed picture in relation to progress by DOJ in this area. For example, DOJ failed to meet its target for dismantling emerging criminal enterprises (the target was 12; the actual number was 7), reported a mixed picture concerning efforts to reduce violent crime on Indian reservations, and came in just below the targeted level for reduction in active La Cosa Nostra (LCN) membership (measured as a percentage of LCN members incarcerated). On the other hand, in several areas where targets were not set (due to the previously noted concerns), DOJ's performance exceeded the prior year's performance. For example, the number of violent criminals removed from the streets by federal investigation and prosecution efforts increased from 6,115 in fiscal year 1998 to 6,536 in fiscal year 1999.

In the key outcome area "availability and/or use of illegal drugs are reduced," many key measures are problematic because they focus on outputs, such as increased amounts of drugs seized, which can either be a function of improved performance or of increases in the amounts of drugs in the environment that are "available" for seizure. Further, for most of the measures, targets were not set. For example, DOJ developed measures for the quantities of heroin, cocaine, and other drugs to be removed, but did not establish targets for the measures. Measurement shortcomings notwithstanding, DOJ reported increases in seizures compared with the prior year for all types of drugs, except heroin. Increases were also reported in drug cases filed, defendants filed, and convictions in Organized Crime Drug Enforcement Task Force cases. DOJ also reported positive results related to its goal of cooperating and supporting, through technical assistance and training, the efforts of foreign governments to investigate and prosecute major drug organizations. For example, DOJ reports training 160 foreign intelligence analysts, 40 more than their target.

In relation to the key outcome area for INS of "providing benefit services that are timely, consistent, fair and of high quality," only the issue of timeliness is assessed as a performance measure. "Consistency, fairness, and high quality" has no measures. DOJ did not achieve its goal of reducing average prospective case processing time to

6 months. However, DOJ did report that in relation to naturalization cases, it reduced case time from 27 months to 12 months, which was a significant drop in wait time but shy of the 6-month processing time goal. DOJ also set a goal (1 day) for the average time to respond to employers wanting verification of worker eligibility for employment. This time-related goal was met.

DOJ translated the key outcome area for INS to “secure U.S. borders from illegal immigration” into two performance goals: (1) secure the land borders, ports-of-entry, and coasts of the United States against illegal entry and (2) hamper border and international smuggling. Performance measures for the first goal have yet to be set, so progress toward this goal remains unassessed. Measures set for the second goal are the number of interceptions of malafide migrants en route to the United States and the number of INS-assisted offshore prosecutions of smugglers. The goals for these 2 measures were 8,102 and 106, respectively. The actual numbers were 9,124 and 119. In both cases, these output-oriented goals were met.

## **Management Challenges**

DOJ continues to face a number of management challenges. Its fiscal year 1999 performance report and fiscal year 2001 performance plan, respectively, discuss status and future plans regarding such issues. We identified 16 issues in our observations<sup>1</sup> on DOJ's fiscal year 2000 performance plan. All 16 issues remain management challenges except for the Year 2000 computer problem, which was made irrelevant by the passage of time. For the issues that continue to be management challenges, DOJ's fiscal year 2001 performance plan (1) has goals and measures directly related to nine and indirectly related to one; (2) provides strategies but no measures or goals relative to two; and (3) does not discuss addressing the remaining three challenges. The management challenges not addressed include internal control weaknesses at the Drug Enforcement Administration and concerns about the effectiveness of INS' organizational structure and internal communications.

## **Objectives, Scope, and Methodology**

Our objectives concerning selected key agency outcomes were to (1) identify and assess the quality of the performance goals and measures that were directly related to a key outcome, (2) assess the agency's actual performance in fiscal year 1999 for each outcome, and (3) assess the agency's planned performance for fiscal year 2001 for each outcome. Our objectives concerning major management challenges were to (1) assess how well the agency's fiscal year 1999 performance report discussed the progress it had made in resolving the major management challenges that we and the agency's Inspector General had previously identified and (2) identify whether the

agency's fiscal year 2001 performance plan had goals and measures applicable to the major management challenges.

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<sup>1</sup> Observations on the Department of Justice's Fiscal Year 2000 Performance Plan, (GAO/GGD-99-111R, July 20, 1999).

As agreed, in order to meet the Committee's tight reporting time frames, our observations were generally based on the requirements of GPRA; guidance to agencies from the Office of Management and Budget for developing performance plans and reports (OMB Circular A-11, Part 2); previous reports and evaluations by us and others; our knowledge of DOJ's operations and programs; and our observations on DOJ's other GPRA-related efforts. We did not independently verify the information contained in the performance report or plan.

We conducted our review from March through May, 2000, in accordance with generally accepted government auditing standards.

## **Agency Comments and Our Evaluation**

On June 15, 2000, we received written comments from DOJ's Assistant Attorney General for Administration, on a draft of our analysis of Justice's fiscal year 1999 performance report and fiscal year 2001 performance plan. The Assistant Attorney General for Administration generally agreed with the draft of our analysis and provided technical comments that we have incorporated as appropriate.

In the area of financial management weaknesses, DOJ commented that our statement that its fiscal year 2001 performance plan includes no specific measures to gauge its progress toward resolving the management weaknesses overlooks an outcome measure serving that purpose. DOJ maintains that obtaining unqualified audit opinions on its components' financial statements will generally point to the progress achieved in addressing its management weaknesses. Although the achievement of an unqualified audit opinion is commendable, it is an indicator of the quality of financial data as of a given date and provides limited assurance about (1) the entity's ability to produce accurate and timely information throughout the year or (2) the quality of an entity's internal controls. We continue to believe that it would be useful for DOJ to measure its progress toward correcting its management weaknesses in its annual performance plan.

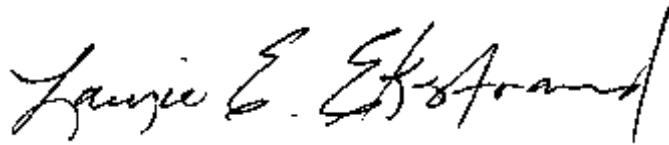
DOJ also noted that its performance report and fiscal year 2001 performance plan address as management challenges only those issues that it considered to be material weaknesses under the Federal Managers' Financial Integrity Act. According to DOJ, the INS management challenges were inadvertently omitted from the fiscal year 2001 plan and will be addressed in DOJ's fiscal year 2000 performance report and/or fiscal year 2002 performance plan, as appropriate.

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As we arranged with your offices, unless you publicly announce this letter's contents earlier, we plan no further distribution until 30 days after its date. Copies will be available to others at [www.gao.gov](http://www.gao.gov). Please call me on (202) 512-2758 if you or your

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staff have any questions. Key contributors to this letter were Weldon McPhail, Fredrick D. Berry, Dennise R. Stickley, Anthony L. Hill, Mary Lane Renninger, and Barbara A. Stolz.

A handwritten signature in black ink that reads "Laurie E. Ekstrand". The signature is written in a cursive style with a large, prominent initial "L".

Laurie E. Ekstrand  
Director, Administration of Justice  
Issues

**OBSERVATIONS ON THE DEPARTMENT OF JUSTICE'S FISCAL YEAR 1999 ACTUAL PERFORMANCE AND FISCAL YEAR 2001 PLANNED PERFORMANCE RELATED TO KEY OUTCOMES**

This enclosure contains our observations on the Department of Justice's (DOJ) fiscal year 1999 actual performance and fiscal year 2001 planned performance for key outcomes identified by the Senate Governmental Affairs Committee as important mission areas for the Department. The key outcomes for DOJ are: (1) less drug- and gang-related violence; (2) reduced availability and/or use of illegal drugs; (3) Immigration and Naturalization Services are provided timely, accurately, and fairly; and (4) U.S. borders are secure from illegal immigration. As requested, we have identified the goals and measures directly related to a selected key outcome. Our observations are organized according to each selected key outcome and follow the goals and measures.

**Key Agency Outcome: Less Drug- and Gang-Related Violence**

Fiscal Year 1999 Performance Goals and Measures for the Key Agency Outcome of Less Drug- and Gang-Related Violence

Goal I: Organized Crime – La Cosa Nostra (LCN).

DOJ will work to restore open and free economic competition in industries influenced by organized crime. DOJ will do this by continuing to reduce the active LCN membership.

Measure: Percentage reduction in LCN membership (Federal Bureau of Investigation (FBI)).

FY-98 (Actual)	19.6%
FY-99 (Planned)	20.0%
FY-99 (Actual)	18.4%

Goal II: Organized Crime – Non-traditional and Emerging Groups.

Nationally, DOJ will place priority on identifying high-impact investigative targets and allocating appropriate resources to deal with the problem. DOJ will identify, disrupt, and dismantle emerging organized criminal enterprises, including Asian groups and Russian groups.

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Measure: Number of emerging criminal enterprises dismantled (FBI).

	<u>Russian</u>	<u>Asian</u>
FY-98 (Actual)	0	3
FY-99 (Planned)	4	8
FY-99 (Actual)	3	4

Goal III: Gang-related and Other Violence.

DOJ will target and respond to particular local crime problems involving violence and gang activity, including drug-related crimes. To achieve this, DOJ will strive to reduce the level of violent crime by taking violent criminals and gangs off our streets through cooperative enforcement efforts with state and local law enforcement in programs such as FBI's Safe Streets Task Forces (SSTF) and the Drug Enforcement Administration's (DEA) Mobile Enforcement Teams (METS). DOJ will do this to continue efforts to reduce the population of existing gangs identified as being the most dangerous.

Measure IIIA: Number of violent criminals removed from the streets by Federal investigation and prosecutorial efforts (U.S. Attorneys (USA)).

FY-98 (Actual)	6,115
FY-99 (Planned)	None
FY-99 (Actual)	6,536

Measure IIIB: Percentage reduction in number of targeted gangs identified as being the most dangerous (FBI).

FY-98 (Actual)	Baseline (Top 30 Gangs)
FY-99 (Planned)	10%
FY-99 (Actual)	13%

Goal IV: Crimes Against Children.

DOJ will focus on an improved overall response capability in child abduction cases, including the use of multidisciplinary teams of law enforcement and other professionals, so that the FBI is promptly notified of such incidents and can promptly deploy investigative assistance. DOJ will also increase efforts against those who commit sexual exploitation offenses against children, including those who traffic in child pornography.

Measure: Number of "sexual exploitation of children" predators arrested and convicted (FBI).

	<u>Arrested</u>	<u>Convicted</u>
FY-98 (Actual)	98	77
FY-99 (Planned)	None	None
FY-99 (Actual)	195	106

GAO's Observations on DOJ's Fiscal Year 1999 Actual Performance for the Key Agency Outcome of Less Drug- and Gang-Related Violence

DOJ's fiscal year 1999 performance report showed the progress made toward achieving two of four annual performance goals.<sup>1</sup> For those two goals, DOJ established measures with specific performance targets against which progress could be assessed. For the remaining goals, it was unclear whether or not the goals were met because performance targets were not established for all of the performance measures related to the goals. Further, the four goals and their associated measures varied in quality and the degree to which they were achieved, as discussed below.

**Goal I:** The performance measure associated with this goal indicates progress toward the performance goal. In addition, this performance measure appears to be objective, measurable, and outcome oriented.

**Goal II:** The performance measure for this goal does not adequately indicate progress toward the performance goal. The measure only partially addresses the goal of Organized Crime—Non-Traditional and Emerging Groups. The performance measure, number of emerging criminal enterprises dismantled, does not include “non-traditional groups.” In addition, the terms “non-traditional” and “emerging” are not defined in the performance goal included in DOJ's Fiscal Year 1999 Performance Plan. The existing goal is not self-measuring and is more output than outcome oriented in that it does not address the universe of emerging criminal enterprises that potentially could be dismantled. The universe of emerging criminal activity at any time is an unknown that seems improbable for DOJ to establish. Without a known universe, however, the results or outcome of DOJ's efforts are uncertain. The level of effort put forth, or output, can be established, but does not show what, if any, progress was made in reducing the totality of emerging criminal enterprises.

**Goal III:** The performance measures for this goal do not adequately indicate progress toward the performance goal. For example, the performance measures do not specifically indicate that drug-related crimes will be included in the measures used. Thus, a part of this goal cannot be assessed.

**Measure IIIA:** Goal III did not establish the universe of violent criminals that is subject to removal from the streets by federal investigation and prosecutorial efforts. Thus, it is impossible to assess performance against that goal. This measure is similarly not outcome oriented in that it also does not include or address the universe of violent criminals who potentially could be removed from the streets—an unknown that DOJ should not reasonably be expected to establish.

**Measure IIIB:** This measure is outcome oriented and self-measuring in that it includes as its target those gangs judged the most dangerous and a baseline of 30.

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<sup>1</sup> A fifth goal discussed in DOJ's fiscal year 1999 performance report was not included in DOJ's final Fiscal Year 1999 Performance Plan.



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Goal IV: The performance measure for this goal does not adequately indicate progress toward the performance goal. The measure only partially addresses the goal of “Crimes Against Children.” The performance measure “Number of Sexual Exploitation of Children Predators Arrested and Convicted” does not measure the part of the goal that focuses on “improved overall response capability in child abduction cases, including the use of multidisciplinary teams of law enforcement and other professionals, so that the FBI is promptly notified of such incidents and can promptly deploy investigative assistance.” Thus, a part of this goal cannot be assessed. In addition, this measure is not self-measuring and is more output than outcome oriented in that it does not define the universe of sexual exploitation of children predators who potentially could be arrested or convicted.

Although it appears DOJ made progress toward the overall goal in fiscal year 1999, there was no projected outcome for fiscal year 1999 cited in DOJ’s Fiscal Year 1999 Annual Accountability Report for arrests and convictions. Thus, it is impossible to assess performance against that goal.

### Unmet Fiscal Year 1999 Performance Goals and Measures for the Key Agency Outcome of Less Drug- and Gang-Related Violence

DOJ’s Fiscal Year 1999 Accountability Report indicated that the following goals and measures were not met by DOJ:

Goal I: Organized Crime – La Cosa Nostra (FBI).  
Measure: Percentage reduction in LCN membership.

Goal II: Organized Crime – Non-traditional and Emerging Groups.  
Measure: Number of emerging criminal enterprises dismantled (FBI).

### GAO’s Observations on DOJ’s Unmet Fiscal Year 1999 Performance Goals and Measures for the Key Agency Outcome of Less Drug- and Gang-Related Violence

DOJ reported shortfalls for two of the four goals relating to reducing violent crime and for the two performance measures associated with the unmet goals. For the two goals not met, DOJ’s Fiscal Year 1999 Accountability Report reported the following:

Goal I: Organized Crime – La Cosa Nostra, whose performance measure is “percentage reduction in LCN membership,” the Department’s actual accomplishment of 18.4 percent fell short of the planned target of 20 percent by 1.6 percent. The reduction rate of 18.4 percent of LCN members was reported as a conservative performance figure that does not take into account the number of LCN members who, while not yet incarcerated, are in the criminal justice process. This shortfall, according to the report, does not compromise the program or its related activities. NOTE: This performance measure was

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modified in DOJ's 2001 Performance Plan to read "Percent of LCN Members Incarcerated."

Goal II: Organized Crime – Non-traditional and Emerging Groups, whose performance measure is "the number of emerging criminal enterprises dismantled," DOJ's actual accomplishments in dismantling three Russian criminal enterprises and four Asian enterprises fell short of planned targets of four and eight, respectively. According to DOJ, the difference between actual and planned levels of performance resulted from the timing and complexity of carrying out case investigations and prosecutions. Because dismantlement data are captured only after the sentencing phase of the legal process, the delay between a suspect's arrest and the final sentencing phase accounts for much of the variance in planned versus actual accomplishments. According to DOJ, the performance target levels were approximately specified, so the shortfall reflects no problems or issues with performance and poses no negative consequences to the program and its related activities. DOJ's explanation seems reasonable, and, without examining the specific circumstances, we have no basis to take issue. There were no future plans, actions, or time frames for achieving this goal identified in DOJ's performance report, and the goal and its associated measure did not appear in DOJ's Fiscal Year 2001 Performance Plan under the strategic goal related to less drug- and gang-related violence.

### Fiscal Year 2000 Performance Goals and Measures for the Key Agency Outcome of Less Drug- and Gang-Related Violence

DOJ's Fiscal Year 2000 Summary Performance Plan is also a formal revision of the fiscal year 1999 plan. As a result, the goals and measures are the same for both years.

### GAO's Observations on DOJ's Fiscal Year 2000 Planned Performance for the Key Agency Outcome of Less Drug- and Gang-Related Violence

Since DOJ concurrently revised its fiscal year 1999 performance plan and issued its fiscal year 2000 performance plan, our preceding observations regarding the goals and measures in the fiscal year 1999 plan also apply generally to the fiscal year 2000 plan. In summary, only two of the four performance goals established have measures with specific performance targets to allow progress to be assessed. One of the measures is outcome oriented, while the other is more output related. For the remaining goals, DOJ defined measures for the goals but did not set a fiscal year 2000 performance target for each measure. Only one of three measures defined appears to be more outcome than output oriented.

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### Fiscal Year 2001 Performance Goals and Measures for the Key Agency Outcome of Less Drug- and Gang-Related Violence

Goal I: Consolidated Into "New Goal" Below.  
Measure: Modified.

Goal II: Dropped.  
Measure: Dropped.

Goal III: Consolidated Into "New Goal" Below.  
Measure IIIA: Dropped.  
Measure IIIB: Modified.

Goal IV: Consolidated Into "New Goal" Below.  
Measure: Unchanged.

#### New Goal:

- Reduce active La Cosa Nostra membership; reduce the number of targeted gangs; identify and apprehend child predators; and locate children.

#### New Measures:

- Percentage of LCN members incarcerated (FBI).
- Number of gangs dismantled of the 30 targeted gangs identified as most dangerous (FBI).
- Arrests/Convictions of crimes against children via on-line computer usage (FBI).
- Number of missing children located.

### GAO's Observations on DOJ's Fiscal Year 2001 Performance Goals and Measures for the Key Agency Outcome of Less Drug- and Gang-Related Violence

Although DOJ combines goals I, III, and IV in their Fiscal Year 2001 Performance Plan, DOJ does not specifically address each change in the plan. In introducing the plan, DOJ refers to its continuing efforts of several years to define its mission and priorities in terms of goals and outcomes. These efforts, as explained by DOJ, have centered on the identification and selection of meaningful performance indicators that reinforce a clear focus on mission outcomes.

**Key Agency Outcome: Reduced Availability and/or Use of Illegal Drugs**

Fiscal Year 1999 Performance Goals and Measures for the Key Agency Outcome of Reduced Availability and/or Use of Illegal Drugs

**Goal I: Protecting U.S. Borders From the Drug Threat.**

DOJ will improve its land border defense against drugs through the deployment of new personnel and advanced technology.

**Measure IA: Quantity of drugs seized at or near the borders. (Immigration and Naturalization Service (INS) and the Drug Enforcement Administration (DEA)).**

INS:

All borders:

FY-98 (Actual) 894,123 pounds  
FY-99 (Planned) None  
FY-99 (Actual) 1,200,362 pounds

Southwest border:

FY-98 (Actual) 744,160 pounds  
FY-99 (Planned) None  
FY-99 (Actual) 1,188,930 pounds

DEA:

Heroin:

FY-98 (Actual) 101 kilograms  
FY-99 (Planned) None  
FY-99 (Actual) 88 kilograms

Cocaine:

FY-98 (Actual) 11,429 kilograms  
FY-99 (Planned) None  
FY-99 (Actual) 20,832 kilograms

Marijuana:

FY-98 (Actual) 227,368 kilograms  
FY-99 (Planned) None  
FY-99 (Actual) 289,264 kilograms

Methamphetamine:

FY-98 (Actual) 367 kilograms  
FY-99 (Planned) None  
FY-99 (Actual) 535 kilograms

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Amphetamine:  
FY-98 (Actual) 271 kilograms  
FY-99 (Planned) None  
FY-99 (Actual) 108 kilograms

### Goal II: Attack on Major Drug Trafficking Criminal Enterprises.

DOJ will continue its efforts to disrupt and dismantle the command and control operations of major drug trafficking criminal enterprises responsible for the supply of illicit drugs in the United States. DOJ will continue many focused initiatives and efforts that target major traffickers, including the Southwest Border initiative; the Caribbean initiative; the Source Country initiative; the Anti-Heroin strategy; the National Methamphetamine strategy; and Organized Crime Drug Enforcement Task Force (OCDETF) cases.

Measure IIA: Number of nationally coordinated investigations that lead to the disruption and dismantlement of multiple "cells" of the major drug trafficking organizations (DEA).

Data are not available. DEA discontinued this measure in fiscal year 1999.

Measure IIB: Number of indictments and convictions obtained in Organized Crime Drug Enforcement Task Force cases involving targeted drug organizations. (DOJ Criminal Division)

#### Drug cases filed:

FY-98 (Actual)	2,447
FY-99 (Planned)	None
<b>FY-99 (Actual)</b>	<b>3,332</b>

#### Defendants filed:

FY-98 (Actual)	6,603
FY-99 (Planned)	None
<b>FY-99 (Actual)</b>	<b>9,345</b>

#### Convictions:

FY-98 (Actual)	4,946
FY-99 (Planned)	None
<b>FY-99 (Actual)</b>	<b>6,395</b>

#### Conviction rate:

FY-98 (Actual)	87.9 percent
FY-99 (Planned)	None
<b>FY-99 (Actual)</b>	<b>88.9 percent</b>

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**Goal III: Reducing the Production of Illegal Drugs Through Enforcement Efforts.**

DOJ will continue to reduce significantly the production and quantity of illegal drugs, including methamphetamine and marijuana, in the United States. Through the National Methamphetamine Strategy and multiagency coordinated efforts with other enforcement agencies, DOJ will increase the number of clandestine laboratories seized and the prosecutions of rogue chemical companies that supply the precursors to methamphetamine manufacturers.

**Measure IIIA: Quantity of marijuana eradicated through the DEA Domestic Cannabis Eradication and Suppression Program (DEA).**

1998 (Actual)	134,900 plants
1999 (Planned)	None
<b>1999 (Actual)</b>	<b>64,000 plants</b>

Note: Data are captured on a calendar year basis. Data for 1999 are through September 30, 1999.

**Measure IIIB: Quantity of drugs removed. Preliminary data (DEA).**

Heroin:

FY-98 (Actual)	72 kilograms
FY-99 (Planned)	None
FY-99 (Actual)	374 kilograms

Cocaine:

FY-98 (Actual)	32,413 kilograms
FY-99 (Planned)	None
FY-99 (Actual)	37,468 kilograms

Cannabis:

FY-98 (Actual)	242,472 kilograms
FY-99 (Planned)	None
FY-99 (Actual)	322,862 kilograms

Methamphetamine:

FY-98 (Actual)	1,230 kilograms
FY-99 (Planned)	None
FY-99 (Actual)	1,380 kilograms

Amphetamine:

FY-98 (Actual)	367 kilograms
FY-99 (Planned)	None
<b>FY-99 (Actual)</b>	<b>202 kilograms</b>

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**Other dangerous drugs (by dosage units):**

FY-98 (Actual)	2,183,951
FY-99 (Planned)	None
<b>FY-99 (Actual)</b>	<b>5,074,481</b>

**Measure IIIC: Number of chemical distributors diverting precursor and essential chemicals investigated and prosecuted (DEA).**

FY-98 (Actual)	115/33
FY-99 (Planned)	12
<b>FY-99 (Actual)</b>	<b>118/36</b>

**Measure IIID: Number of clandestine laboratories seized, dismantled, and properly disposed of (DEA).**

FY-98 (Actual)	1,651
FY-99 (Planned)	None
<b>FY-99 (Actual)</b>	<b>2,024</b>

**Goal IV: International Drug Law Enforcement.**

Continue to actively cooperate with foreign governments and enlist their support through technical assistance and training to investigate and prosecute major drug traffickers and their organizations, which threaten U.S. interests.

**Measure: Number of foreign counterdrug investigators and prosecutors trained (DEA).**

<b>1998 (Actual)</b>	<b>749</b>
<b>1999 (Planned)</b>	<b>None</b>
<b>1999 (Actual)</b>	<b>974</b>

**Goal V: Comprehensive Investigative Intelligence Program to Effectively Support Investigations and Prosecutions.**

Strengthen DOJ's various investigative intelligence programs to expand and foster the collection, analysis, and dissemination of drug-related intelligence to Federal agencies about major national and international drug trafficking organizations.

**Measure VA: Number of queries and entries to drug databases.**

<b>1998 (Actual)</b>	<b>205,859</b>
<b>1999 (Planned)</b>	<b>201,696</b>
<b>1999 (Actual)</b>	<b>193,829</b>

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Measure VB: Number of intelligence analysts trained.

1998 (Actual)	115
1999 (Planned)	120
1999 (Actual)	160

Goal VI: Reduction in Demand.

Intensify demand reduction efforts through educational outreach to communities, schools, employers, and the public.

Measure: Number of persons and organizations receiving disseminated information regarding prevention programs.

	<u>Persons</u>	<u>Organizations</u>
1998 (Actual)	None	121
1999 (Planned)	None	150
1999 (Actual)	786,118	822

### GAO's Observations on DOJ's Fiscal Year 1999 Actual Performance for the Key Agency Outcome of Reduced Availability and/or Use of Illegal Drugs

DOJ's three fiscal year 1999 domestic drug-related performance goals were not directly measurable. Moreover, the measures used, while quantifiable, were more output than outcome oriented.

Specifically, measures IA and IIIA and IIIB used drug seizures as the measure. We have previously concluded that narcotics seizures do not sufficiently cover key aspects of performance and are not valid measures of the performance. Further, because the quantity of drugs seized may be influenced by factors outside the program's control, it is difficult to attribute changes in the measure to the effectiveness of the program. Without data for the quantity of drugs available, there was no basis from which to measure progress toward the goal or improvement. Further, DOJ did not project targeted levels of seizures out of ethical concerns (i.e., the risk of pursuing targeted goals for the sake of meeting the goals without regard to the activity's general purpose). Without such estimates, it was not possible to compare intended and actual performance. However, even if baseline data or estimates were available, it is unclear whether an increase in seizures indicates that an agency has become more effective, or that the amount of smuggling has increased and the agency is seizing the same percentage of drugs. Accordingly, the "quantity of drug seized," which is an output measure, is not a useful measure for reporting results.



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Measure IIA: In our 1999 report on DEA,<sup>2</sup> we recommended that the Attorney General direct the DEA Administrator to work closely with DOJ and the Office of National Drug Control Policy (ONDCP) to develop measurable DEA performance targets for disrupting and dismantling drug trafficking organizations consistent with the performance targets in the National Drug Control Strategy. This measure would be more outcome oriented if it focused on the number of organizations disrupted or dismantled. Proposed revisions by DOJ would seem to address this issue.

Measure IIB: The number of indictments and convictions obtained in Organized Crime Drug Enforcement Task Force cases involving targeted drug organizations provided some indication of performance; however, it is a less results-oriented goal. This measure would be more outcome oriented if it focused on the number of organizations disrupted or dismantled, rather than drug cases.

Measure IIIC: The number of chemical distributors investigated and prosecuted is more of an output measure than an outcome measure. DEA has identified arrests resulting in convictions as an intermediate outcome in its Congressional Authorization and Budget Submission. Accordingly, this measure might be modified to make it more results oriented.

Since DOJ did not provide targets for three of the four performance measures for goal III, it was not possible to assess performance against these measures. Although targets were provided for measure IIIC, the reported data were not comparable to the targets. It was not possible to assess performance using this measure. Accordingly, DOJ could only discuss success in terms of previous years' results.

DOJ provided an appendix in which it described the data systems used. Data limitations were noted where appropriate, and explanations for how they were addressed were provided.

Goal IV does not describe what "active cooperation" entails and is not self-measuring. The measure provided for goal IV omits a key aspect of the desired performance and is essentially an output measure. The measure tracks the number of investigators and prosecutors trained, but does not address the total number of trained investigators and prosecutors needed to achieve the goal. Progress toward achieving the goal cannot be objectively assessed using this measure.

Goal V is not directly measurable. The goal does not specify the programs to be addressed and does not incorporate criteria for assessing the strength of the programs. DOJ presents measures B1 and B2 to determine progress toward achieving the goal. Both measures are primarily output or level-of-effort indicators and do not describe DOJ's progress toward achieving the goal. DOJ's efforts in this arena, however, are continuing, and the numbers of database queries and analysts trained suggest progress.

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<sup>2</sup> Drug Control: DEA's Strategies and Operations in the 1990s (GAO/GGD-99-108, July 21, 1999).

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Goal VI does not encompass all performance aspects necessary to determine progress toward achieving the desired outcome. For example, the goal does not specify current demand reduction efforts as a baseline for assessing increased intensity. The measure does not indicate progress because it focuses on output more than outcome. The number of information recipients says nothing about progress in reducing the demand for drugs.

### Unmet Fiscal Year 1999 Performance Goals and Measures for the Key Agency Outcome of Reduced Availability and/or Use of Illegal Drugs

For fiscal year 1999, no quantitative targets were given for performance goals I, II, III, and IV. For goal V, strengthening various intelligence programs, DOJ planned to accomplish 201,696 queries and entries to drug databases. It fell short of this target, achieving only 193,829 queries.

### GAO's Observations on DOJ's Unmet Fiscal Year 1999 Performance Goals and Measures for the Key Agency Outcome of Reduced Availability and/or Use of Illegal Drugs

Whether DOJ achieved goal IV is not clear, since the goal is not self-measuring and no target was set for the only related measure. However, DOJ's report shows that 974 foreign investigators and prosecutors were actually trained and cites several examples of cooperation with foreign governments, including having shared an estimated \$178 million in forfeited assets with the Swiss government. The report does not present a future plan of action to measure progress in achieving this goal.

DOJ's achievement of goal V cannot be assessed since this goal, as stated, is not directly measurable, and the measures that DOJ established are more output than outcome oriented. Although a shortfall occurred regarding the target for measure VA, DOJ reports substantial progress in the use of intelligence data and automated systems to combat drug trafficking.

According to DOJ's 1999 Annual Accountability Report, "[T]he Department's 1999 actual accomplishment of 193,829 queries fell short of the planned target of 201,696 queries, a slight deviation. The shortfall does not reflect a performance problem or issue and poses no negative consequences to the program or its related activities."

DOJ's progress for goal IV is unclear because neither the goal nor its measure allows a valid assessment of progress. Also, although DOJ set and exceeded a target for the number of organizations to receive drug use prevention information, no target was set for another aspect of the measure—individuals to receive the information. Even so, DOJ reports having made progress with its outreach initiatives, including having trained community leaders in 40 cities and 23 states.

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Fiscal Year 2000 Performance Goals and Measures for the Key Agency Outcome of Reduced Availability and/or Use of Illegal Drugs

DOJ's Fiscal Year 2000 Summary Performance Plan is also a formal revision of the Fiscal Year 1999 Plan. The goals and measures are the same for both years.

GAO's Observations on DOJ's Fiscal Year 2000 Planned Performance for the Key Agency Outcome of Reduced Availability and/or Use of Illegal Drugs

Since DOJ's Fiscal Year 2000 and Fiscal Year 1999 performance plans are one and the same, our preceding observations on Fiscal Year 1999 performance goals and measures also apply for Fiscal Year 2000. We concluded overall that DOJ's performance goals for this outcome are not directly measurable, and that the measures established to track DOJ's performance are more output than outcome oriented.

Fiscal Year 2001 Performance Goals and Measures for the Key Agency Outcome of Reduced Availability and/or Use of Illegal Drugs

A comparison of DOJ's 2000 and 2001 performance plans indicated the following changes:

Goal I: "Protecting U.S. borders from the drug threat" is not included in DOJ's Fiscal Year 2001 Summary Performance Plan. The plan indicates that DOJ will continue to focus on the Southwest Border and Caribbean Corridor, but does not mention seizures as a measure in this context.

Goal II: With regard to the attack on drug trafficking enterprises, wording in the 2001 plan differs from the 2000 plan. The 2001 plan has as a goal the disruption and dismantling of major drug trafficking criminal enterprises. It also indicates that DEA is working to develop a process to capture information and data to report on the disruption and dismantling of drug organizations—for example, defining the criteria for qualification as a priority. It is anticipated that the system will take between 2 and 3 years to be fully operational.

Goal IV: Dropped.

Goal V: Consolidated into "New Goal" below.

Goal VI: Dropped.

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### New Goal:

- Disrupt and dismantle major drug trafficking enterprises; reduce the quantity of illegal drugs; and improve intelligence gathering capabilities.

### Fiscal Year 2000 Measures Dropped or Altered:

- Goal II: Measure IIA - Dropped.
- Goal II: Measure IIB - Dropped.
- Goal III: Measure IIIB - Altered (see goal II below).
- Goal III: Measure IIIC - Dropped.

### New Measures:

#### Goal I:

- Percentage of Major Drug Trafficking Organizations Disrupted or Dismantled. [Baseline to be established in fiscal year 2000.]
- U.S. Based Drug Organizations Affiliated With the 14 National Priority Targets. (Number identified/dismantled) [Target 300/75].

#### Goal II:

- Drugs removed: Heroin, Cocaine, Cannabis, Methamphetamine, and Amphetamine. [Targets set in accordance with DOJ guidance].

#### Goal III:

- El Paso Intelligence Center (EPIC) inquiries resulting in positive responses [Target – 25,000].

### GAO's Observations on DOJ's Fiscal Year 2001 Planned Performance for the Key Agency Outcome of Reduced Availability and/or Use of Illegal Drugs

The reasons for the changes between fiscal year 2000 and fiscal year 2001 were not specifically discussed in the fiscal year 2001 plan.

With regard to the degree to which DOJ's 2001 plan addresses weaknesses we identified in the 1999 and 2000 plans, mention is made of DOJ agency programs to coordinate efforts. Crosscutting activities are addressed. The 2001 plan provides information on overall goal-related positions and dollars. There still appear to be clear linkages between

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related goals and measures. The linkages discussed are within goals between responsible agencies.

While DOJ does not specifically address each change in the Fiscal Year 2001 Performance Plan, in introducing the plan, DOJ refers to its continuing efforts of several years to define its mission and priorities in terms of goals and outcomes. These efforts, as explained by DOJ, have centered on the identification and selection of meaningful performance indicators that reinforce a clear focus on mission outcomes.

DOJ's consolidation of three previously separate goals emphasizes their interrelatedness and seems to better focus DOJ's activities to achieve the desired results. The new goal is accompanied by several new measures, and, where appropriate, DOJ has set performance targets that should allow subsequent comparison with actual performance. For example, the target of having 25,000 EPIC inquiries result in positive responses can be compared with what really occurs in fiscal year 2001. For measures associated with crime enforcement, DOJ has elected not to set targets that may spawn ethical concerns or be interpreted as "bounty hunting." In these instances, DOJ has presented actual data from prior years that may add perspective to future performance. This approach seems to balance DOJ's concern with preserving law enforcement's integrity and the need to direct law enforcement activities.

In discussing its new, consolidated, performance goal, DOJ fully recognizes the need for and significance of interagency coordination to achieve the desired outcome. The plan states DOJ's commitment to continue working with the Office of National Drug Control Policy and the intelligence community and to actively support the efforts of such organizations as EPIC and the National Drug Intelligence Center.

**Key Agency Outcome: Immigration and Naturalization Services Are Provided Timely, Accurately, and Fairly**

Fiscal Year 1999 Performance Goals and Measures for the Key Agency Outcome of Immigration and Naturalization Services Are Provided Timely, Accurately, and Fairly

**Goal I: Reengineering Immigration Services.**

Reengineer immigration services to improve program integrity and deliver benefits services that are timely, consistent, fair, and high-quality, especially in the area of Naturalization and Adjustment of Status (AOS) casework, by improving these services to 6 to 10 months and 6 to 8 months, respectively.

**Measure IA: Average prospective case processing time (Naturalization).**

FY-98 (Actual)	27 months
FY-99 (Planned)	12 months
FY-99 (Actual)	12 months

**Measure IB: Average time to respond to customers' requests for forms (INS).**

FY-98 (Actual)	6 days
FY-99 (Planned)	5 days
FY-99 (Actual)	5 days

**Goal II: Service to Federal, State, and Local Governments.**

Provide timely and effective high-quality alien status verification services to federal, state, and local governments, and employers by expanding the availability, timeliness, and effectiveness of verification services.

**Measure IIA: Average response time for status for verification for benefits (INS).**

FY-98 (Actual)	10 days
FY-99 (Planned)	3 days
FY-99 (Actual)	3 days

**Measure IIB: Average response time for status for verification of employment authorization (INS).**

FY-98 (Actual)	3 days
FY-99 (Planned)	1 day
FY-99 (Actual)	1 day

GAO's Observations on DOJ's Fiscal Year 1999 Actual Performance for the Key Agency Outcome of Immigration and Naturalization Services Are Provided Timely, Accurately, and Fairly

DOJ's performance measures do not sufficiently cover the key aspects of the agency's performance. According to DOJ, the objectives of the reengineering performance goal and improving verification services goal are to improve program integrity and deliver benefit services that are timely, consistent, fair, and high quality. Only the timeliness aspect of these goals has been addressed by the performance measures. The other aspects of the performance goals are not addressed by the performance measures. For example, there are no measures of fairness, consistency, or quality.

In assessing the extent to which the agency accomplished its fiscal year 1999 performance goals, it is difficult to evaluate how well the agency performed from its 1999 Annual Accountability Report. DOJ's performance results are unclear because it reported information on quality improvements for which no performance measures were identified and on performance measures not in its revised performance plan. For example, it reported on the number of naturalization cases completed in 1999. It also stated that DOJ accomplished its target of reducing average naturalization case processing to 12 months. The 1999 Annual Accountability Report indicated that the performance goal was to reduce case processing time to 6 months, but showed a 12-month processing target for related performance measure IA (Average prospective case processing time [Naturalization]). The 6-month processing time frame is also stated as a performance goal in DOJ's Fiscal Year 1999 Performance Plan and in the revision of that plan through the issuance of the Fiscal Year 2000 Performance Plan. The 6-month time frame is not stated as a goal in the Fiscal Year 2001 Performance Plan and, according to DOJ, appears erroneously in the 1999 Annual Accountability Report.

Although DOJ did not meet a 6-month processing time frame in fiscal year 1999, it reported that significant progress was achieved by reducing average prospective processing time for naturalization cases from 27 months in 1998 to 12 months in 1999. However, DOJ did not include a measure of effectiveness.

Unmet Fiscal Year 1999 Performance Goal for the Key Agency Outcome of Immigration and Naturalization Services Are Provided Timely, Accurately, and Fairly

The performance goal of reducing the processing time for Naturalization and Adjustment of Status immigration services to 6 months was not met.

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### GAO's Observations on DOJ's Unmet Fiscal Year 1999 Performance Goal for the Key Agency Outcome of Immigration and Naturalization Services Are Provided Timely, Accurately, and Fairly

Although, the numeric goal of reducing the average prospective case processing time to 6 months was not achieved, the agency reported in its 1999 Annual Accountability Report that it reduced the average prospective case processing time for naturalization cases from 27 months in 1998 to 12 months in 1999.

### Fiscal Year 2000 Performance Goals and Measures for the Key Agency Outcome of Immigration and Naturalization Services Are Provided Timely, Accurately, and Fairly

The Fiscal Year 2000 Performance Plan was also a formal revision of the fiscal year 1999 plan. The following changes occurred:

Goal I was restated: "In FY 2000, DOJ will support INS' continuing reengineering efforts aimed at improving program integrity and delivering benefits services that are timely, consistent, fair and of high quality, especially in the area of Naturalization casework, by improving current processing times for these services to 6 months."

Goal II was eliminated.

Measure IA was revised to read "Time between submission of application for naturalization and case completion."

### GAO's Observations on DOJ's Fiscal Year 2000 Planned Performance for the Key Agency Outcome of Immigration and Naturalization Services Are Provided Timely, Accurately, and Fairly

The performance goal and performance measures do not sufficiently cover the key aspects of the agency's performance. The objectives of the performance goal, as stated, are to improve program integrity and deliver benefit services that are timely, consistent, fair, and high quality. The goal is not directly measurable and only the timeliness aspect of the goal is addressed by the performance measures established. The other aspects of the performance goal are not addressed by the performance measures. There are no measures of fairness, consistency, or quality.



Fiscal Year 2001 Performance Goals and Measures for the Key Agency Outcome of Immigration and Naturalization Services Are Provided Timely, Accurately, and Fairly

The 2001 performance plan continues to emphasize the improvement of immigration benefit services and the effectiveness of alien status verification services. The 2001 performance goals are more detailed with respect to expected activities. For example, to improve immigration benefit services, the plan states that INS will (1) increase its performance in addressing applications casework, while maintaining gains attained through fiscal year 2000 in Naturalization and Asylum casework; and (2) maintain and slightly improve typical Asylum casework and Expedited Removal processing capability, while addressing the additional workload demands created by the Nicaraguan and Central American Relief Act.

New performance measures for 2001:

- Number of cases adjudicated (in millions).
- Number of employers participating in employment verification pilot programs (back to original 1999 performance measure).

Measures dropped:

- Average time to respond to customers' requests for forms (days).
- Average response time for status for verification of employment authorization (days).

GAO's Observations on DOJ's Fiscal Year 2001 Planned Performance for the Key Agency Outcome of Immigration and Naturalization Services Are Provided Timely, Accurately, and Fairly

The agency does not provide reasons for changes in the 2001 plan. The performance plan's goals are not expressed in a manner that captures all aspects of the desired performance in quantifiable terms. For example, the performance goal to improve immigration benefits services does not clearly indicate quantifiable levels of expected performance or provide a baseline for determining progress and measuring accomplishments.

The performance measures do not adequately address the performance goals. They are more output oriented than outcome oriented and do not address some aspects of the desired performance (i.e., consistency, fairness, and high quality). Further, attainment of some goals is beyond the control of the agency because it is dependent on actions taken by the agency's clients (e.g., incremental addition of the number of employers served in status verification will occur through voluntary enrollments of employers).

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Information needed to determine if the goals have been met cannot be obtained from the performance measures established because the measures primarily measure outputs, such as processing time and the number of cases adjudicated, rather than outcomes.

### Crosscutting issues:

In providing alien status verification services to employers, INS plans to work closely with the Social Security Administration.

**Key Agency Outcome: U.S. Borders Are Secure From Illegal Immigration**

Fiscal Year 1999 Performance Goals and Measures for the Key Agency Outcome of U.S. Borders Are Secure From Illegal Immigration

**Goal I: Controlling the Border.**

Continue supporting and implementing the INS' Border Patrol Strategy. Specifically, INS will maintain control in areas where deterrence strategies have been successfully implemented and increase its flexibility to respond to new areas of concern. It will also increase the level of operational effectiveness within identified zones of the southwest border with regard to illegal alien border crossing and drug interdiction.

Measure: Level of operational effectiveness in targeted "zones" along the Southwest border (INS).

FY-98 (Actual)	Zones identified.
FY-99 (Planned)	Baseline to be established.
FY-99 (Actual)	Baseline being established.

**Goal II: Hampering Border and International Smuggling.**

Continue to strengthen INS' capability to apprehend and deter persons attempting illegal entry by hampering the efforts of alien smugglers and drug carriers.

Measure IIA: Deter illegal immigration by increasing the number of interceptions of malafide travelers and offshore migrants en route to the United States (INS).

FY-98 (Actual)	8,120
FY-99 (Planned)	8,201
FY-99 (Actual)	9,124

Measure IIB: Offshore prosecutions assisted by INS personnel and supported by fraudulent document detection and malafide traveler profiling training (INS).

FY-98 (Actual)	105
FY-99 (Planned)	106
FY-99 (Actual)	119

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### GAO's Observations on DOJ's Fiscal Year 1999 Actual Performance for the Key Outcome of U.S. Borders Are Secure From Illegal Immigration

Goal I is not directly measurable. It does not include key aspects of the desired performance. For example, the goal does not establish the meaning of "successfully implemented" strategies or define INS' existing flexibility to respond to new areas of concern. Although DOJ defined a performance measure to show progress toward the goal, no performance target was established. This renders the measure an ineffective indicator of progress toward achieving the desired outcome.

Goal II is also not directly measurable. The two measures that DOJ established to show progress toward achieving the goal are more output than outcome oriented and seem not to be objective indicators of progress. They omit key aspects of the performance, such as the universe of malafide travelers attempting to gain entry to the United States. at any given time (measure IIA) and the deterrent effect of offshore prosecutions (measure IIB).

### Unmet Fiscal Year 1999 Performance Goal for the Key Outcome of U.S. Borders Are Secure From Illegal Immigration

DOJ did not succeed in establishing a baseline for the performance measure developed for goal I.

### GAO's Observations on DOJ's Unmet Fiscal Year 1999 Performance Goal for the Key Outcome of U.S. Borders Are Secure From Illegal Immigration

DOJ's issuance of its fiscal year 2000 performance plan was a simultaneous revision of the fiscal year 1999 plan. The fiscal year 2000 plan indicates that DOJ will continue its effort to develop a baseline for the Goal I measure.

### Fiscal Year 2000 Performance Goals and Measures for the Key Outcome of U.S. Borders Are Secure From Illegal Immigration

The goals and measures are the same for fiscal years 1999 and 2000.

GAO's Observations on DOJ's Fiscal Year 2000 Planned Performance for the Key Outcome of U.S. Borders Are Secure From Illegal Immigration

Since DOJ's fiscal year 2000 and fiscal year 1999 performance plans are the same, our observations on the goals and measures established relative to DOJ's actual fiscal year 1999 performance also apply for fiscal year 2000 goals and measures. We concluded that DOJ's goals are not directly measurable, and that the measures established either have no performance target or are more output than outcome oriented.

Fiscal Year 2001 Performance Goals and Measures for the Key Outcome of U.S. Borders Are Secure From Illegal Immigration

Goal I and goal II from the Fiscal Year 2000 performance plan were consolidated into a performance goal to:

- Effectively control the border; and Thwart international alien and drug smuggling.

The performance measures remained the same. A baseline is to be established in fiscal year 2000 for the measure previously associated with Goal I.

Crosscutting activities:

INS agents in offices worldwide work closely with federal, state, local and international law enforcement agencies in order to exchange information to identify and disrupt organized alien smuggling activities. Federal agencies include DEA, U.S. Customs Service, and the FBI.

GAO's Observations on DOJ's Fiscal Year 2001 Planned Performance for the Key Outcome of U.S. Borders Are Secure From Illegal Immigration

DOJ's Fiscal Year 2001 Performance Plan combines two goals from the prior year's plan and retains the measures previously established. Although consolidating the goals seems to better focus DOJ's efforts, the new goal, similar to its predecessors, is not directly measurable. DOJ plans to establish a baseline in fiscal year 2000 for the measure presented in the prior year's plan without a specified performance target. The other measures retained remain more output than outcome oriented.

**OBSERVATIONS ON THE DEPARTMENT OF JUSTICE’S EFFORTS TO ADDRESS ITS MAJOR MANAGEMENT CHALLENGES**

The following table identifies the major management challenges confronting DOJ. The first column lists the major management challenges identified by our office and DOJ’s Office Inspector General (IG). The second column discusses what progress, as discussed in its Fiscal Year 1999 Performance Report, DOJ made in resolving its major management challenges. The third column discusses the extent to which the DOJ’s Fiscal Year 2001 Performance Plan includes performance goals and measures to address the management challenges that we and the IG identified.

Table II.1: Major Management Challenges

<b>Major management challenge</b>	<b>Progress in resolving major management challenge as discussed in the Fiscal Year 1999 Performance Report</b>	<b>Applicable goals and measures in the Fiscal Year 2001 Performance Plan</b>
<p>The U.S. Immigration and Naturalization Service’s (INS’) organizational structure has impeded its ability to effectively enforce immigration laws and provide immigration and citizenship services. INS has begun an organizational restructuring effort intended to address these problems, but the details had not been worked out as of October 1998.</p>	<p>DOJ’s Fiscal Year 1999 Performance Report states that in conjunction with the INS restructuring initiative, plans are under way to clarify and realign the current organizational structure to create clear lines of authority and accountability at all levels. The report did not include goals directly related to this management challenge.</p>	<p>None.</p>

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<p>INS has for years experienced challenges with internal communications and coordination. INS lacks (1) written guidance on appropriate communication channels and coordination methods between offices and (2) up-to-date policies and procedures on how to implement immigration laws.</p>	<p>The DOJ performance report states that INS has updated and electronically promulgated its administrative manual to serve as an easily accessible, central repository of administrative policy. The report also states that INS is in the process of rewriting all of its field manuals containing policies and procedures on how to implement immigration laws. The updated manuals are being distributed electronically to serve as an accessible, central repository of field guidance. The performance report did not include goals directly related to this management challenge.</p>	<p>None.</p>
<p>INS' financial management weaknesses include the absence of appropriate accounting records and internal controls. The weaknesses resulted in a disclaimer of opinion on INS' fiscal year 1998 financial statements and a qualified opinion for fiscal year 1999.</p>	<p>DOJ does not identify in its performance report improved INS financial management as a specific goal. Rather, it is included as part of its Departmentwide goal of improved financial management.</p> <p>DOJ's report does include a goal of improving INS data and systems integrity. Specifically, INS is working on a new Federal Financial Management System (FFMS) that INS expects will provide it with proper funds control and accountability over financial resources and processes. In the report, DOJ cites auditor findings on the system as a performance measure and states that INS achieved its goal of receiving a qualified opinion in</p>	<p>The Departmentwide plan states that at the close of fiscal year 1999, INS still did not have policies and procedures in place to ensure the recording of all accrual transactions according to federal accounting standards. DOJ states that continued improvements to INS' new financial management program activities and its associated automated system, FFMS, will improve data integrity critical for mission success and management. However, because the summary performance plan does not clearly identify the performance indicators for this goal, it is difficult to compare them to the measures identified in DOJ's summary report.</p>

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	<p>fiscal year 1999. Despite this statement, it is unclear whether DOJ's performance indicator is intended to be the auditor's financial statement opinion or the auditor's findings on the system itself.</p> <p>The DOJ report states in another section that financial management weaknesses at INS are still a problem as of the end of fiscal year 1999. INS has extended its target for completing corrective actions to resolve the problems from fiscal year 1999 to September 2001.</p>	<p>In the component plan, INS' goal is to improve data and systems integrity. It emphasizes that INS will continue to modernize the recently installed automated financial management system (FFMS). For fiscal year 2000, the performance indicator is to get an unqualified opinion. In fiscal year 2001, INS has identified a new performance indicator to replace the indicator of an unqualified opinion. According to the plan, the fiscal year 2001 indicator is intended to measure INS' efforts to further integrate FFMS with other ADP systems, such as procurement, to ensure effectiveness. INS' target is to achieve FFMS interfaces with two related systems in fiscal year 2001. It is not linked to financial management indicators, such as fewer internal control weaknesses.</p> <p>INS' goal is to receive an unqualified opinion starting in fiscal year 2000. As such, specific steps to address the qualifications cited in the fiscal year 1999 auditor report are not discussed in the fiscal year 2001 component plan. However, INS should consider incorporating measures of actions that are necessary to address the remaining eight internal control weaknesses cited in the fiscal year 1999 auditor report.</p>
<p>The effectiveness of INS' southwest border strategy is unknown because INS</p>	<p>The performance report does not discuss this issue as a management challenge.</p>	<p>DOJ's summary plan includes a performance goal to "Effectively control</p>



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<p>did not have evaluative data to indicate whether illegal aliens were deterred from entering the United States, whether there had been a decrease in attempted reentries by those who had previously been apprehended, or whether the strategy had reduced border violence.</p>	<p>However, the issue is addressed in the report as a performance goal to "...continue supporting and implementing the INS' Border Patrol Strategic Plan...." The goal included "Level of operational effectiveness in targeted 'zones' along the southwest border" as a performance measure for which a baseline was to be established.</p>	<p>the border...." with the associated measure "Increase operation effectiveness within identified Southwest border zones." A baseline for the measure is to be established in fiscal year 2000.</p>
<p>INS' process for removing criminal aliens through the Institutional Hearing Program (IHP) [expanded and renamed the Institutional Removal Program or IRP] needs improvement. INS has failed to identify thousands of potentially deportable aliens before they completed their prison sentences. As a result, criminal aliens, including aggravated felons, have been released into communities, and some have been re-arrested for new crimes. INS has also incurred millions of dollars in avoidable detention costs because it has not completed removal proceedings for all identified criminal aliens while they were in state and federal prisons.</p> <p>(The IG also identified this as a management challenge.)</p>	<p>According to the performance report, to address these concerns, INS implemented new policy guidance clarifying the roles and responsibilities of special agents working in the IRP; developed a staffing model to target where to concentrate resources; and established better controls over how aggravated felons are tracked, to more quickly identify and deport them while they are in prison. INS is also reported to be addressing immigration agent attrition to ensure adequate staffing for the IRP, and will incorporate the IRP process into the main automated enforcement case tracking system. These changes are to be completed by September 2000.</p>	<p>The 2001 plan has a performance goal entitled "Increase number of alien removals...." The sole measure for this goal, "Final order alien removals," covers both criminal and noncriminal removals.</p>
<p>INS' procedures for granting citizenship were weakened by INS' failure to conduct complete criminal history checks before granting applications for citizenship. As a</p>	<p>DOJ's Fiscal Year 1999 Performance Report identifies "INS' Internal Controls in Naturalization" as an issue closed during the reporting year. The performance report</p>	<p>A goal to "Improve immigration benefits services...." appears in the 2001 plan. The goal has two measures: (1) average case processing time for naturalization and</p>

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<p>result, INS improperly naturalized citizens with felony convictions. INS has begun restructuring its naturalization process.</p> <p>(The IG also identified this as a management challenge.)</p>	<p>does not discuss this issue, but reports on a goal to "...support INS' continuing reengineering efforts aimed at improving program integrity and delivering benefits services that are timely, consistent, fair, and of high quality, especially in the area of naturalization casework...." Targets set for improving average prospective naturalization case processing time and average time to respond to customers' requests for forms are reported as having been met.</p>	<p>adjustment of status and (2) number of cases adjudicated for naturalization and adjustment of status.</p>
<p>The DOJ has significant Departmentwide financial management weaknesses: Recent financial statement audits conducted at DOJ highlight that significant financial management weaknesses exist throughout the department.</p> <p>(The IG also identified this area as a management challenge).</p>	<p>In its performance report, DOJ notes that all of its reporting entities, except INS, received unqualified opinions on their financial statements, and uses this as a measure of the improvements that it is making in financial management. Auditors of the fiscal year 1999 component financial statements identified numerous internal control deficiencies. Specifically, they identified 14 material weaknesses—an increase of 1 from fiscal year 1998, and 28 reportable conditions—an increase of 10 from fiscal year 1998. The auditor of the fiscal year 1999 Departmentwide financial statements reported that three of the deficiencies were considered Departmentwide material weaknesses, and that one was considered a Departmentwide reportable condition. However, DOJ did not report its progress in correcting these. DOJ does note in a section entitled</p>	<p>DOJ has a strategic goal to achieve excellence in management practices, which is linked to an annual performance goal of achieving a Departmentwide unqualified opinion for fiscal year 2000 and beyond. DOJ also identifies this goal as a management issue, which is in response to management weaknesses that we and others identified. The plan notes that in fiscal year 2001, the Department will focus on continuing substantive progress in resolving major problems in the areas of financial management and information technology management. Enhancements to components' financial systems is part of this effort, and the plan adds that obtaining an unqualified audit opinion on each of the component's financial statements is a reliable overall measure of the Department's success in developing its financial systems. However, no</p>

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	<p>“Management Challenge: Financial Management,” that the Department continues to monitor the correction of reportable conditions and significant material issues in all its components’ accounting systems.</p> <p>DOJ also provides examples of the progress made upgrading component financial management systems, which DOJ states will help it achieve its goal related to strengthening and improving its financial management practices. Although DOJ notes that completing needed financial system and control improvements is a priority monitored closely by senior management, milestones are only noted for when certain enhancements are planned to occur, rather than providing specifics for each of the key systems to allow for use in monitoring progress. To allow for additional business analysis, procedure development, training, and field testing before implementation, DOJ also noted that INS has fallen behind its original schedule to fully implement its accounting systems and enforce full adherence to federal accounting standards.</p>	<p>performance indicators or milestones for completing these enhancements are provided to allow for measurement of progress. Also, DOJ uses resolution of management weaknesses as another indicator to measure the success of correcting its financial management issues and notes that it will aggressively monitor progress in responding to all management weaknesses that we and others have identified. However, no specific measure is included to gauge progress toward resolving the management weaknesses.</p> <p>DOJ maintains that obtaining unqualified audit opinions on its components’ financial statements will generally point to the progress achieved in addressing its management weaknesses. Although the achievement of an unqualified audit opinion is commendable, it is an indicator of the quality of financial data as of a given date, and provides limited assurance about the entity’s ability to produce accurate and timely information throughout the year, or the quality of an entity’s internal controls. As such, it would be useful for DOJ to measure its progress toward correcting its management weaknesses in its annual performance plan.</p>
<p>Internal control weaknesses exist at the Drug Enforcement Administration (DEA): Internal control weaknesses within DEA</p>	<p>None. DOJ’s performance report does not specifically address DEA’s internal control weaknesses. It does state that DEA has</p>	<p>None. DOJ’s Departmentwide and DEA’s component performance plans do not specifically address DEA’s internal control</p>

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<p>have allowed embezzlements to occur.</p>	<p>implemented a new financial system as part of DOJ's Departmentwide goal of improving financial management.</p>	<p>weaknesses. Although DEA's component plan has as an indicator to obtain an unqualified opinion in fiscal year 2001, it does not mention plans to address DEA's remaining internal control weaknesses. In fiscal year 1999, DEA had four material weaknesses and six reportable conditions. Several of these weaknesses are the types of control problems that weaken DEA's overall control environment and increase the potential for embezzlements to occur without timely detection.</p>
<p>DOJ's Assets Forfeiture Program is a High-risk Area: Challenges remain to address the inadequate information systems and financial management weaknesses in the program.</p> <p>(The IG also identified this as a management challenge.)</p>	<p>DOJ's performance report includes a performance goal related to increasing accountability for the asset forfeiture program. It includes four indicators related to the disposal of seized and forfeited property, but none related to ensuring effective management of the property.</p> <p>The report notes that the Assets Forfeiture Fund and Seized Asset Deposit Fund (AFF and SADF) received an unqualified opinion on its fiscal year 1999 financial statements and had no material weaknesses in internal controls.</p>	<p>The performance goal associated with increasing accountability for the asset forfeiture program is no longer included in DOJ's summary plan. However, effectively managing assets seized and forfeited is included as a strategy under its goal to achieve a Departmentwide unqualified opinion.</p> <p>The AFF component plan states that as enhancements and refinements are made to two systems—the Financial Management Information System (FMIS) and the Consolidated Asset Tracking System, data supporting its seizure and forfeiture activities will be strengthened. The plan also states that AFF is taking several specific steps to improve its financial</p>

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		<p>management and internal controls. AFF cites the resolution of audit issues from its fiscal year 1999 financial statement audit as a performance indicator. AFF's two remaining reportable conditions in fiscal year 1999 are related to improving its inventory procedures to validate the status and value of seized and forfeited property at year-end, and strengthening security controls over FMIS.</p> <p>We recently reported that DEA and the Federal Bureau of Investigation (FBI) need to take specific actions to address concerns we identified with physical safeguards over drugs and firearm evidence and strengthen accountability over such evidence. DEA and the FBI should develop goals and measures related to these challenges.</p> <p>In addition to efforts expected to help improve financial management in the Asset Forfeiture Program, DOJ's Fiscal Year 2001 Performance Plan states DOJ's intention to formally review its costs and operational effectiveness in managing and disposing of assets seized for forfeiture during fiscal year 2000. The review's purpose will be to (1) establish a standard profile of property management functions that reflects the demands of different types of property; (2) assess the strengths and</p>
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		<p>weaknesses in how these functions are performed; (3) compare DOJ's practices to industry's best practices, where appropriate; (4) associate costs with functions and asset types; and (5) identify opportunities to lower costs and improve performance.</p>
<p>Computer security has been a DOJ material weakness since 1991. The ever-expanding availability of new and more powerful computers, databases, and networks has brought with it new threats to the security of DOJ systems and data. Past IG audits and inspections have disclosed problems in computer security that could lead to the compromise of sensitive computer systems and data.</p>	<p>The Fiscal Year 1999 Performance Report discussed several initiatives related to computer security. For example, it states that DOJ has (1) implemented a prototype that allows the exchange of encrypted information between the FBI and DEA; (2) established a certification program to ensure that all sensitive, but unclassified systems are reviewed and certified by December 2000; (3) initiated a penetration testing program; and (4) implemented Departmentwide procedures for reporting and handling computer intrusions and viruses. However, the performance report provided no specific details on which to judge the success of the prototype in providing a secure environment, the certification program (e.g., the number of systems that have been certified and accredited), the penetration testing in identifying potential weaknesses in its systems, or the implementation of the Departmentwide procedures in consistently reporting intrusions and viruses.</p>	<p>The plan contains a management performance goal to ensure information technology (IT) security. The measure is the percentage of information systems that are certified and accredited by the component, which is both quantifiable and measurable. However, the performance plans for DOJ's major components—that is, the FBI, DEA, and INS—do not include mutual performance goals for improving IT security.</p>
<p>DOJ is behind in addressing the Year 2000 problem. According to DOJ management</p>	<p>The performance report stated that all mission-critical systems were fully Year</p>	<p>Not applicable because it is no longer deemed a major management challenge.</p>

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<p>officials, almost 100 percent of its mission-critical systems have been addressed. However, as of August 1998, the IG was advised that only 83 percent of the renovations have been completed.</p>	<p>2000 compliant by mid-December, and the transition to the new year occurred without incident.</p>	
<p>Prison overcrowding remains a major DOJ problem. Progress has been made by DOJ to reduce prison overcrowding, but much more needs to be done. DOJ houses approximately 98,000 inmates in Bureau of Prisons (BOP) facilities that have a combined rated capacity of 78,000 inmates.</p>	<p>The DOJ report projects the federal prison population to reach 160,118 by September 30, 2004. The report states that through new facilities construction and expansion projects at existing institutions, DOJ's Long Range Capacity Plan projects a rated capacity of 112,148 beds by September 30, 2004. The projected overcrowding rate at that time is 45 percent over rated capacity. The report includes a goal for DOJ's continued support of BOP's prison construction program and reports that the related measure, "Number of facilities under design or construction," was met.</p>	<p>The Fiscal Year 2001 Performance Plan includes a goal to reduce prison overcrowding. The goal's related measures are (1) number of prison beds added, (2) percentage overcrowding by security level, and (3) number of facilities under design. Targets are set for each measure.</p>
<p>The detention space and infrastructure for criminals and illegal migrants is facing maximum capacity. The U.S. Marshals Service (USMS) continues to experience a shortage of detention facilities near federal courthouses. DOJ is increasingly turning to outside contractors. INS is experiencing rapid growth in the use of detention space, from an average of 8,592 beds used daily in 1996 to a projected 15,000 beds used</p>	<p>DOJ's performance report makes a distinction between USMS and INS detention space needs. The difference stated is that INS' needs are not near federal courts. According to DOJ, USMS projects that the detention space issue will continue until at least November 2000. The report states that, in the interim, USMS will establish a team to manage its private jail contract; expand a 5-year</p>	<p>The 2001 plan includes a goal to "Ensure adequate cost effective detention capacity..." for both USMS and INS. The goal has two measures: (1) average daily population in custody—INS and USMS and (2) jail day costs (USMS only). Targets have been set for both measures.</p>

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<p>daily in 1998.</p>	<p>contract authority for jail service contracts; and establish detention management positions in all contract jails with more than 200 USMS prisoners. How the INS detention space problem is being handled is not addressed.</p>	
<p>INS' program to remove illegal aliens is largely ineffective. Only a small percentage of nondetained illegal aliens are annually removed even after being processed through the entire INS system.</p>	<p>The performance report discusses this issue under the topic "Monitoring Alien Overstays." It focuses on the difficulties that INS has had in collecting reliable data on immigrant arrivals and departures. Automation is discussed as promising in terms of improved data reliability, but obtaining accurate and complete source data is recognized as a continuing problem. The report also recognizes the need for improved coordination with the State Department's visa issuance process.</p>	<p>The 2001 plan includes a goal to "Increase number of alien removals...." An associated measure is "Final order alien removals." Although the measure is to capture data on both noncriminal and criminal removals, the report states that the emphasis of the increase is to be on criminal removals. According to DOJ, INS programs to remove illegal aliens and criminal aliens are "intertwined."</p>
<p>Although there has been a major investment in taxpayer money, the INS automation system is experiencing waste and abuse. INS is undertaking a huge investment in automation technology and information systems in excess of \$2 billion. The IG's March 1998, and subsequent July 1999, audit disclosed material weaknesses in the management of this initiative.</p>	<p>The performance report identifies several efforts under way to improve INS' management of its IT projects. For example, the report states that INS has initiated implementation of improved IT business practices, such as multiyear project plans; consistent reporting of project cost, schedule, and performance information; and the development of project manager training requirements. The report states that INS expects to complete the development of standard operating procedures for these improvements by September 2000. In addition, the report states that INS has</p>	<p>None. However, the plan states that, by fiscal year 2001, INS will have procedures in place to ensure compliance with its System Development Life Cycle (SDLC) requirements.</p>



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	<p>established an investment review board (IRB) to select, control, and evaluate its IT investments.</p>	
<p>Information system planning inspections have identified numerous mission-critical computer systems and implementation is still failing. IG audits and inspections have identified numerous mission-critical computer systems that were poorly planned, experienced long delays in implementation, or did not provide timely or reliable data.</p>	<p>The performance report identifies several efforts under way to improve INS' management of its IT projects. For example, the report states that INS has initiated implementation of improved IT business practices, such as multiyear project plans; consistent reporting of project cost, schedule, and performance information; and the development of project manager training requirements. The report states that INS expects to complete the development of standard operating procedures for these improvements by September 2000. In addition, the report states that INS has established an IRB to select, control, and evaluate its IT investments.</p>	<p>None. However, the plan states that, by FY 2001, INS will have procedures in place to ensure compliance with its SDLC requirements.</p>

# Comments From the U.S. Department of Justice



U.S. Department of Justice

Washington, D.C. 20530

JUN 15 2000

Ms. Laurie E. Ekstrand  
Director, Administration of Justice Issues  
General Government Division  
United States General Accounting Office  
Washington, DC 20548

Dear Ms. Ekstrand:

Thank you for providing the Attorney General copies of your draft correspondence to the Chairman and Ranking Member of the Senate Committee on Governmental Affairs, entitled Observations on the Department of Justice's Fiscal Year 1999 Performance Report and Fiscal Year 2001 Performance Plan. The Department appreciates the opportunity to review this draft. I am providing comments on the Attorney General's behalf.

At the outset, I would like to commend your office for its quick and thorough review of the actual and planned performance for the four outcomes identified by the Chairman. These outcomes, which are (1) less drug and gang-related violence; (2) reduced availability and/or use of illegal drugs; (3) timely, consistent, fair, and high quality services provided by the Immigration and Naturalization Service; and (4) U.S. borders are secure from illegal immigration, are key components of the Department's mission. While we have some detailed comments, which I will enclose, on balance, we find your observations fair and constructive.

As you know, developing outcome indicators for law enforcement is no simple matter. We continue to work towards improving our performance plans to focus more on results and less on outputs and workload indicators. That said, I think you will agree that the FY 2001 Summary Performance Plan improves upon the FY 2000 plan reviewed by the General Accounting Office (GAO) last year. In fact, the GAO's comments were incorporated into the 2001 plan, contributing to its improvement. Similarly, we will work to incorporate your comments into our next departmental performance plan and report.

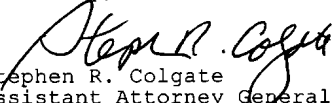
**Enclosure III**  
**Comments From the U.S. Department of Justice**

Ms. Laurie E. Ekstrand

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Again, thank you for sharing your draft correspondence with us.  
If you need additional information, please contact me.

Sincerely,

  
Stephen R. Colgate  
Assistant Attorney General  
for Administration

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enclosure.

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