

FMFIA SECTION 2 – PROGRAMMATIC MATERIAL WEAKNESS – PRISON CROWDING

U.S. DEPARTMENT OF JUSTICE Corrective Action Plan Issue and Milestone Schedule		Report Date September 30, 2008; 2008 Fiscal Year End	
Issue Title Prison Crowding		Issue ID 06BOP001	Component Name Bureau of Prisons
Issue Category FMFIA, Section 2 <input type="checkbox"/> Reportable Condition <input checked="" type="checkbox"/> Material Weakness FMFIA, Section 4 <input type="checkbox"/> Non-conformance OMB A-123, Appendix A <input type="checkbox"/> Reportable Condition <input type="checkbox"/> Material Weakness			
Issue Category – SAT Concurrence or Recategorization Concur			
Issue Description As of September 30, 2008, the crowding rate at facilities housing federal inmates was 36 percent over the rated capacity. The BOP manages the continually growing federal inmate population by contracting with the private sector and using State and local facilities for certain groups of low-security inmates, expanding existing institutions (where programmatically appropriate and cost effective to do so), and building new facilities. The continued use of these approaches is expected to allow the BOP to keep pace with the growing inmate population and gradually reduce the crowding rate, thereby ensuring safe and secure operations in facilities housing federal inmates. The inmate population housed in BOP owned and operated institutions was 165,964 on September 30, 2008, a decrease of 1,359 over the 167,323 inmates housed on September 30, 2007. The BOP also housed another 35,704 inmates in non-BOP owned and operated facilities on September 30, 2008, e.g., in contract jail facilities. Through the construction of new facilities, expansion of existing institutions, and acquisition of additional low-security contract bed space, the BOP Long-Range Capacity Plan projects a rated capacity in BOP owned and operated institutions of 135,086 by September 30, 2014. If new construction plans are resourced as proposed, crowding at that time is projected to be 32 percent over the projected rated capacity.			
Business Process Area (N/A for Section 2 and Section 4 issues) Not Applicable			
Date First Identified 2006	Original Target Completion Date 09/30/2012	Current Target Completion Date 09/30/2014	Actual Completion Date
Issue Identified By Bureau of Prisons		Source Document Title BOP Population Projections	
Description of Remediation Increase the number of federal inmate beds to keep pace with projected increases in the inmate population. Efforts to reach this goal include expanding existing institutions, acquiring surplus properties for conversion to correctional facilities, constructing new institutions, utilizing contract facilities, and exploring alternative options of confinement for appropriate cases.			

Milestones	Original Target Date	Current Target Date	Actual Completion Date
1. As of September 30, 2006, the inmate population in BOP owned and operated institutions reached 162,514 and was housed in a capacity of 119,510, resulting in a crowding rate of 36 percent.	09/30/2006		09/30/2006
2. As of September 30, 2007, the inmate population in BOP owned and operated institutions reached 167,323 and was housed in a capacity of 122,189, resulting in a crowding rate of 37 percent, an increase of 1 percent for the year.	09/30/2007		09/30/2007
3. As of September 30, 2008, the inmate population in BOP owned and operated institutions reached 165,964 and was housed in a capacity of 122,366, resulting in a crowding rate of 36 percent, a decrease of 1 percent for the year.	09/30/2008		09/30/2008
4. Planning estimates call for a rated capacity of 123,620 to be reached by the close of FY 2009. The crowding rate is projected to be 38 percent at that time, an increase of 2 percent for the year.	09/30/2009		
5. Planning estimates call for a rated capacity of 125,076 to be reached by the close of FY 2010. The crowding rate is projected to be 37 percent at that time, a decrease of 1 percent for the year.	09/30/2010		
6. Planning estimates call for a rated capacity of 126,908 to be reached by the close of FY 2011. The crowding rate is projected to be 37 percent at that time, the same rate as at the end of the previous year.	09/30/2011		
7. Planning estimates call for a rated capacity of 129,244 to be reached by the close of FY 2012. The crowding rate is projected to be 36 percent at that time, a decrease of 1 percent for the year.	09/30/2012		
8. Planning estimates call for a rated capacity of 130,798 to be reached by the close of FY 2013. The crowding rate is projected to be 36 percent at that time, the same rate as at the end of the previous year.	09/30/2013		
9. Planning estimates call for a rated capacity of 135,086 to be reached by the close of FY 2014. The crowding rate is projected to be 32 percent at that time, a decrease of 4 percent for the year.	09/30/2014		
Reason for Not Meeting Original Target Completion Date Not Applicable			
Status of Funding Available to Achieve Corrective Action The FY 2010 and outyear budget requests are structured to address the BOP's long-term capacity needs in the most cost effective manner possible. The BOP's proposed multi-year capacity plan for new construction is at OMB; presently, the plan is partially funded through FY 2014. The BOP will continue to structure budget requests to address capacity needs in the most cost effective manner possible.			
Planned Measures to Prevent Recurrence The BOP will continue to develop budget requests consistent with population increases.			
Validation Indicator Results are measured as a new institution or expansion project is activated and resulting increases in rated capacity are established. A corresponding decrease in the crowding percentage rate will also be a tangible measurement of the results. Progress on construction projects at new and existing facilities will be validated via on-site inspections of each facility or by review of monthly construction progress reports.			
Organization Responsible for Corrective Action BOP Program Review Division			

FMFIA SECTION 2 – PROGRAMMATIC MATERIAL WEAKNESS – FEDERAL BUREAU OF INVESTIGATION USE OF NATIONAL SECURITY LETTERS

U.S. DEPARTMENT OF JUSTICE Corrective Action Plan Issue and Milestone Schedule		Report Date September 30, 2008; 2008 Fiscal Year End	
Issue Title Federal Bureau of Investigation Use of National Security Letters		Issue ID 07FBI001	Component Name Federal Bureau of Investigation
Issue Category			
FMFIA, Section 2	<input type="checkbox"/>	Reportable Condition	<input checked="" type="checkbox"/> Material Weakness
FMFIA, Section 4	<input type="checkbox"/>	Non-conformance	
OMB A-123, Appendix A	<input type="checkbox"/>	Reportable Condition	<input type="checkbox"/> Material Weakness
Issue Category – SAT Concurrence or Recategorization			
Concur			
Issue Description			
<p>In March 2007, the OIG reported that the FBI’s use of national security letters (NSL) has grown dramatically and shifted in focus since the enactment of the Patriot Act (10/2001). The OIG found that, although the NSL remains an indispensable investigative tool, the electronic database used for tracking NSL usage was incomplete and inaccurate and did not accurately reflect the status of investigative targets, which impacts the Department’s semiannual reports to Congress on NSL usage. The OIG also reported that the FBI did not consistently retain signed copies of NSLs or examine improper or illegal uses of NSLs. Further, the OIG reported that the FBI had not provided clear guidance on applying the Attorney General Guidelines requirements for the use of NSLs. The OIG did not find indications of misuse of NSL authorities that constituted criminal misconduct; however, it found that the FBI used NSLs in violation of applicable NSL statutes, Attorney General Guidelines, and internal FBI policies.</p> <p>An OIG follow-up report issued in March 2008 stated that the FBI and Department have made significant progress in implementing the recommendations in the initial OIG report. Improvements include strengthening the controls and automated workflow governing the request, review, and approval of NSLs; field office monthly reconciliations of NSL usage; and the database used for tracking NSL usage. The FBI has issued additional guidance to field offices to assist in identifying possible violations related to NSL use and continues to dedicate personnel and resources to fully remediate the findings reported by the OIG.</p>			
Business Process Area (N/A for Section 2 and Section 4 issues)			
Not Applicable			
Date First Identified	Original Target Completion Date	Current Target Completion Date	Actual Completion Date
2006	03/31/2008	12/31/2008	
Issue Identified By		Source Document Title	
OIG		March 2007 OIG Report, 06-20	
Description of Remediation			
<p>Actions to remediate the OIG-reported findings are summarized in the <i>Milestones</i> section below. The FBI has implemented many of the OIG recommendations and is in the process of completing additional corrective actions. The FBI plans to validate by December 31, 2008, that the enhanced systems and controls implemented fully remediate the reported findings.</p>			
Milestones		Original Target Date	Current Target Date
1. Require all personnel authorized to issue NSLs to create a control file to retain signed copies.		03/31/2008	
			03/09/2007

2. Improve the Office of the General Counsel (OGC) tracking database to ensure it captures accurate, timely, and complete NSL data.	03/31/2008		04/10/2007
3. Improve the OGC tracking database to include NSL requests for individuals who are not investigative subjects.	03/31/2008		04/10/2007
4. Issue additional guidance to field offices that will assist in identifying possible Intelligence Oversight Board violations related to NSL use.	03/31/2008		06/01/2007
5. Take steps to ensure the FBI does not improperly issue exigent letters.	03/31/2008		03/01/2007
6. Ensure that, where appropriate, the FBI makes requests for information in accordance with the requirements of NSL authorities.	03/31/2008		06/01/2007
7. Implement measures to ensure the OGC is consulted about activities undertaken by FBI Headquarters National Security Branch, including its operational support activities.	03/31/2008		06/01/2007
8. Ensure Chief Division Counsel and Assistant Division Counsel (field) provide close and independent reviews of requests to issue NSLs.	03/31/2008		06/01/2007
Reason for Not Meeting Original Target Completion Date			
Not Applicable. Actions addressing each OIG recommendation were completed by the original target date. Validation to ensure that actions taken fully remediate the OIG-reported findings is to be completed by December 31, 2008.			
Status of Funding Available to Achieve Corrective Action			
Funding to complete database enhancements and other remediation/analytical activities has been approved.			
Planned Measures to Prevent Recurrence			
Ongoing oversight of the use of NSLs.			
Validation Indicator			
Results of the OIG follow-up review and reviews by the FBI's OGC and Inspection Division.			
Organization Responsible for Corrective Action			
FBI Office of the General Counsel			