

IV

STRATEGIC GOAL 4: Ensure the Fair and Efficient Operation of the Federal Justice System

32% of the Department's Net Costs support this Goal.

An integral role of the Department of Justice is to help in the administration of our federal justice system. To ensure the goal of the fair and efficient operation of our federal system the Department must provide for a proper federal court proceeding by protecting judges, witnesses, and other participants in federal proceedings, ensure the appearance of criminal defendants for judicial proceedings or confinement, and ensure the apprehension of fugitives from justice. As part of the Department's role of bringing a defendant to trial it also affords a safe, secure, and humane confinement of the defendant awaiting trial and/or sentencing. As a just society, it is the Department's objective to provide a safe, secure, humane, and efficient environment to send violators of our justice system. In order to improve our society and reduce the burden on our justice system, the Department puts forth the goal of providing services and programs to facilitate inmates' successful reintegration into society, consistent with community expectation and standards. Additionally, the Department strives to adjudicate all immigration cases promptly and impartially in accordance with due process.

FY 2008 Outcome Goal: *Ensure that no judicial proceedings are interrupted due to inadequate security*
FY 2005 Progress: *The Department is on target to achieve this long-term goal.*

Background/Program Objectives: The USMS maintains the integrity of the judicial security process by: (1) ensuring that each federal judicial facility is secure – physically safe and free from any intrusion intended to subvert court proceedings; (2) guaranteeing that all federal judges, magistrate judges, bankruptcy judges, prosecutors, witnesses, jurors, and other participants have the ability to conduct uninterrupted proceedings; (3) maintaining the custody, protection, and safety of prisoners brought to court for any type of judicial proceeding; and (4) limiting opportunities for criminals to tamper with evidence or use intimidation, extortion, or bribery to corrupt judicial proceedings.

The number of interrupted judicial proceedings due to inadequate security reflects proceedings that required either removal of the judge from the courtroom, or the addition of USMS Deputy Marshals to control a situation.

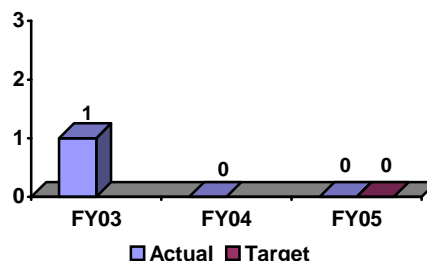
Performance Measure: Number of Judicial Proceedings Interrupted Due To Inadequate Security

FY 2005 Target: 0

FY 2005 Actual: 0

Discussion: In FY 2005, the USMS met its target of zero interrupted proceedings through its continued efforts to provide adequate security for the federal judicial system. By accomplishing all aspects of our judicial mission, from screening entry into courthouses to continually updating security equipment, the USMS is able to achieve its objectives.

Number of Judicial Proceedings Interrupted Due to Inadequate Security



Data Definition: An interruption occurs when a judge is removed as a result of a potentially dangerous incident and/or where proceedings are suspended until the USMS calls on additional deputies to guarantee the safety of the judge, witness, and other participants.

Data Collection and Storage: The USMS uses Weekly Activity Reports and Incident Reports collected at Headquarters as the data source.

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

Data Limitations: This measure was not tracked or reported until FY 2003.

FY 2008 Outcome Goal: Apprehend or clear 51%, or 105,512 fugitives
FY 2005 Progress: The Department is on target to achieve this long-term goal.

Background/Program Objectives: The USMS has primary jurisdiction to conduct and investigate fugitive matters involving escaped federal prisoners, probation, parole, bond default violators, warrants generated by DEA investigations, and certain other related felony cases. The USMS has maintained its own "15 Most Wanted" fugitives list since 1983. Additionally, the USMS sponsors interagency fugitive task forces throughout the United States, focusing its investigative efforts on fugitives wanted for crimes of violence and drug trafficking.

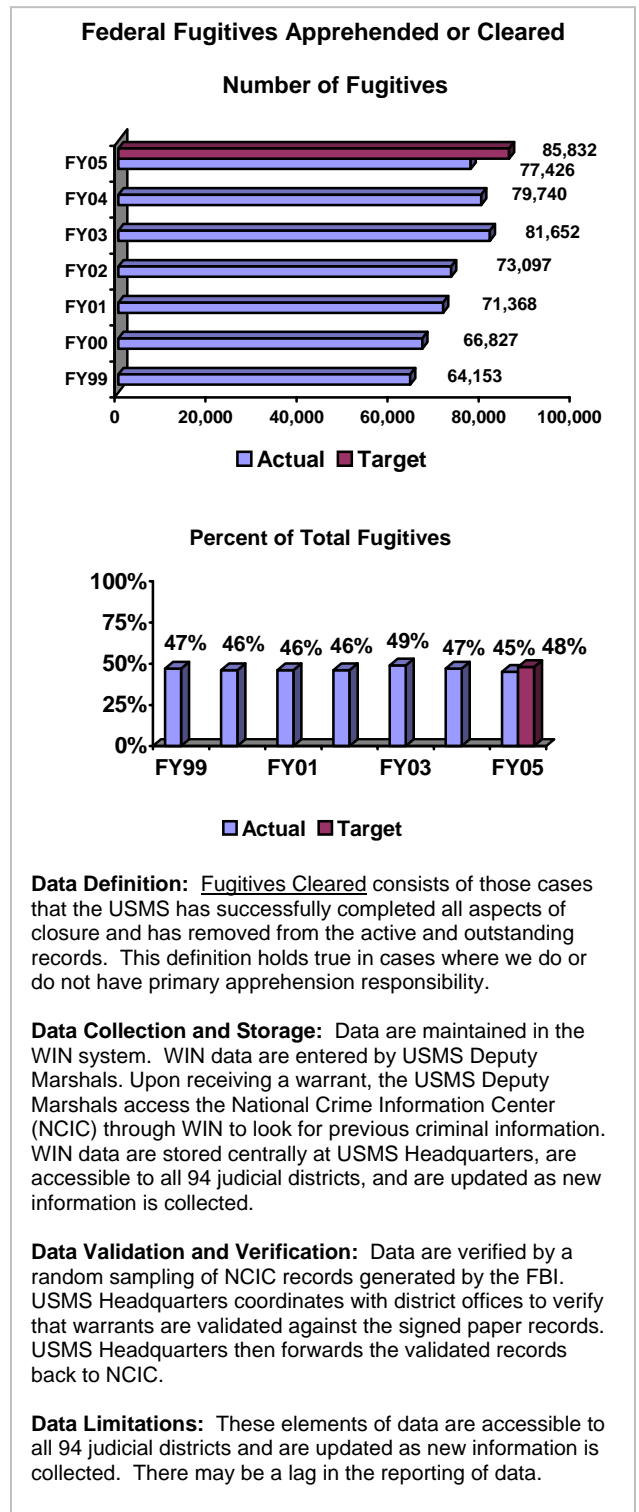
Major Case fugitives are the highest priority fugitives sought by the USMS and consist of all fugitives connected with the USMS 15 Most Wanted and Major Case Programs. Fugitive investigations are designated as major cases according to: a) the seriousness of the offenses charged; b) the danger posed by the fugitive to the community; c) the fugitive's history of violence, career criminal status, or status as a major narcotics distributor; d) the substantial regional, national, or international attention surrounding the fugitive investigation; and/or e) other factors determined by the USMS.

On the international front, the USMS has become the primary American agency responsible for extraditing fugitives wanted in the U.S. from foreign countries. The USMS also apprehends fugitives within the U.S. who are wanted abroad.

In support of its fugitive mission, the USMS provides investigative support such as telephone monitoring, electronic tracking, and audio-video recording. In addition, analysts provide tactical and strategic expertise, and judicial threat analysis. The USMS maintains its own central law enforcement computer system, the Warrant Information Network (WIN), which is instrumental in maintaining its criminal investigative operations nationwide.

In addition, the USMS is able to enhance fugitive investigative efforts through data exchanges with other agencies, such as the Social Security Administration, the DEA, the Department of Agriculture, the Department of Defense, the Department of State, and a variety of State and local task forces around the country.

Performance Measure: Federal Fugitives Cleared or Apprehended



FY 2005 Target: 48% or 85,832

FY 2005 Actual: 45% or 77,426

Discussion: In FY 2005, USMS was unable to meet its total fugitives and percent cleared targets due to a shift of investigative FTE to violent fugitive apprehension, a reduction in misdemeanor and other agency fugitive cases received and the impact of Hurricanes Katrina and Rita.

While the USMS did not reach its 2005 performance targets, it has continued to increase the overall number of fugitives, including State and local, brought to justice. The five operating Regional Fugitive Task Forces (RFTF), in addition to the 83 district task forces are directing their investigative efforts toward reducing the number of violent crimes. These crimes include terrorist activities, organized crime, drugs, and gang violence. Because of the USMS' RFTFs and district task forces, State and local agencies have a way to track down their most violent fugitives across the U.S., territories, and even into foreign countries. Additionally, from FY 2004 to FY 2005, other agency felony and USMS misdemeanor cases received decreased by over 2,000 cases in each category. This affects the ability of the USMS and other federal law enforcement agencies to meet case clearance targets because backlog cases are always harder to clear than newly received cases.

FY 2008 Outcome Goal: Achieve a per-day jail (Federal detention) cost of \$66.13

FY 2005 Progress: The Department is on target with the achievement of this long-term goal; however, the FY 2008 outcome goal is being restated in an effort to clearly communicate the Department's commitment to the effective and efficient expenditure of funds.

FY 2008 Outcome Goal: Maintain a per-day jail (Federal detention) cost below \$66.13

Background/Program Objectives: The Office of Federal Detention Trustees' (OFDT) mission is to provide oversight of detention management, and improvement and coordination of detention activities, including the effective and efficient expenditure of appropriated funds with a consistent approach, to ensure federal agencies involved in detention provide for the safe, secure and humane confinement of persons in the custody of the United States.

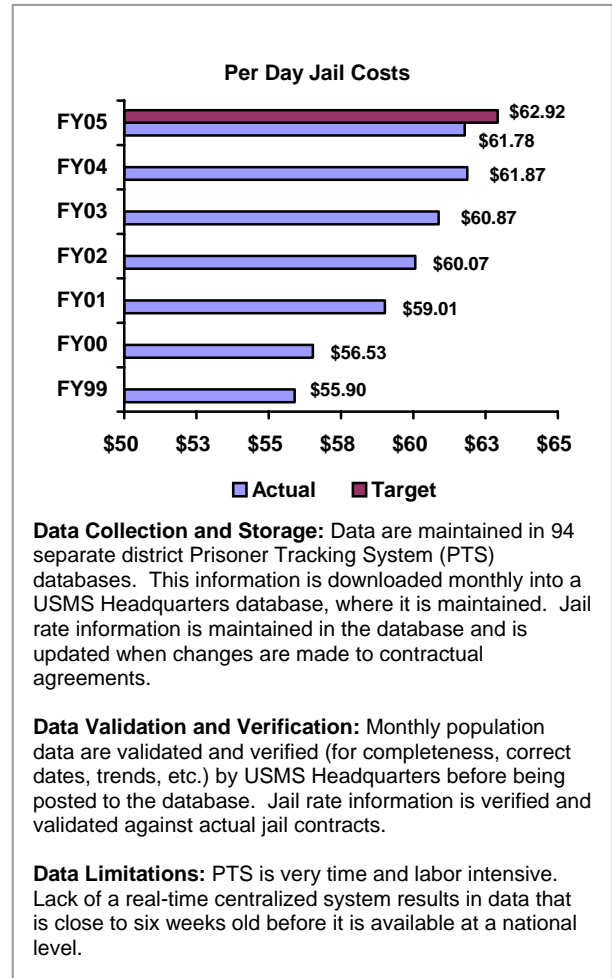
Performance Measure: Per Day Jail Costs

FY 2005 Target: \$62.92

FY 2005 Actual: \$61.78

Discussion: In FY 2005, OFDT was able to maintain the per-day jail (federal detention) cost below its targeted amount. OFDT works with the USMS, BOP, ICE, and the federal Judiciary to contain costs. OFDT continues to merge the procurement process to the budget process. Interagency strategic planning for bed space acquisitions (USMS, BOP, ICE) allows for joint procurements when bed space is required in the same location. This results in better rates and prevents detention agencies from competing with each other.

Additionally, working groups are critical to sharing and merging information between agencies responsible for detention. Better sharing of information allows for quicker resolution to potential problem areas, such as rising costs by district and pending procurement actions. One such group, the Intergovernmental Agreement (IGA) Pricing Working group, was formed to review the costs associated with IGAs and to explore the possibility of standardizing them for use by all participating agencies. This inter-agency working group developed a methodology to standardize agreements, which is under review by government and external experts.



FY 2008 Outcome Goal: Ensure that there are no escapes during confinement in Federal detention
FY 2005 Progress: The Department is on target to achieve this long-term goal.

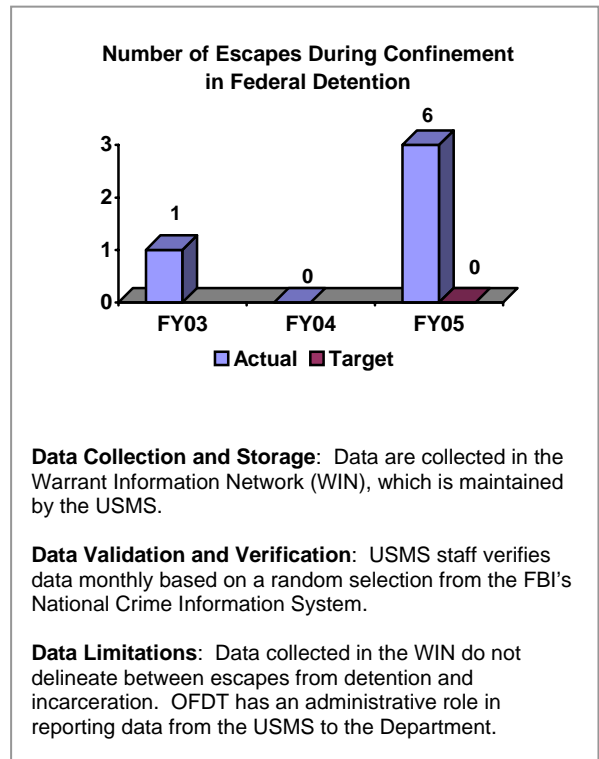
Background/Program Objectives: When contracting with State, local, and private facilities, OFDT ensures that detainees be housed in a safe, secure and humane manner. For example, the facility must have a comprehensive inmate accountability program that ensures every inmate is accounted for while in custody. The OFDT evaluates and ensures through quality control mechanisms and checks that these contract facilities have constant and effective security measures and practices in place to minimize escapes and protect the community.

Performance Measure: Number of Escapes During Confinement in Federal Detention

FY 2005 Target: 0

FY 2005 Actual: 6

Discussion: In FY 2005, OFDT missed its target and continues to evaluate quality control mechanisms. The U.S. Marshals Service (USMS) has the day-to-day responsibility for detainees (approximately 55,000), who are primarily housed in private, State and local facilities. The contracts and agreements with the private, State, and local entities require that the facilities have effective security practices and measures in place to minimize escapes. Five of the escapes were reported in two separate escape incidents (three detainees escaped in one incident; two in a separate incident). The report of one remaining at large is from the District of Guam. Five of the six detainees have been recaptured.



FY 2008 Outcome Goal: Limit the rate of assaults in Federal detention facilities

NOTE: This measure was too new to establish a long-term goal in the Strategic Plan, however, it was identified as key measure for the Department and is reported accordingly.

Background/Program Objectives: In non-federal facilities, federal detainees are frequently intermingled with individuals detained by State and local authorities. This intermingling can cause problems related to detainee handling. For example, "administrative" detainees should not be housed alongside criminals. OFDT is taking every reasonable precaution to ensure that inmates, according to their needs, are provided with a safe and secure environment.

Performance Measure: Rate of Assaults (Federal Detention)

FY 2005 Target: Establish Baseline

FY 2005 Actual: Re-establish data collection method

Discussion: In FY 2005, OFDT planned to establish a baseline for this performance measure. Instead, OFDT worked throughout FY 2005 to re-establish the data collection methodology for this performance measure. Review of the methodology used in previous years to define and report assaults uncovered data validation and verification issues in OFDT reporting.

Rate of Assaults (Federal Detention)

Data Collection and Storage: Data are reported by the Jail Inspector on the Detention Facility Investigative Report (USM 216).

Data Validation and Verification: Jail Inspector verifies data when reported by facility.

Data Limitations: OFDT must rely on state and local facilities to report assaults. Additionally, the definition of assault varies by facility.

In FY 2005, the OFDT and USMS have been working together to identify and resolve issues that have been severely limiting the collection of consistent and accurate assault information. A working group is under way to negotiate a standard definition of assaults (expected January 2006). Additionally, because assault data is not routinely being collected in a standardized manner for approximately 55,000 detainees, who are primarily housed in State, local and private facilities, the OFDT is exploring data collection sources in order to establish reliable, reportable data collection methodologies.

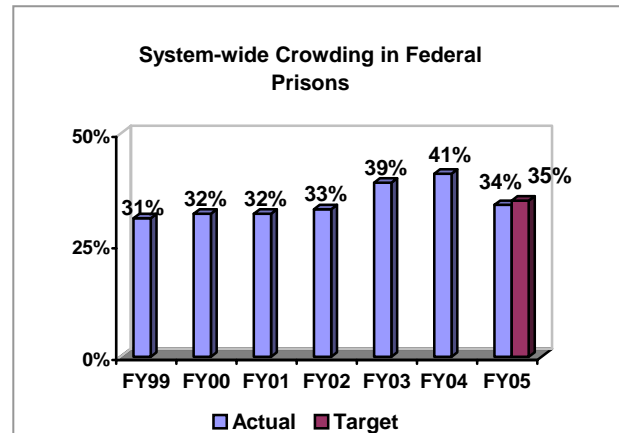
FY 2008 Outcome Goal: Reduce system-wide crowding in Federal prisons to 34%
FY 2005 Progress: The Department is on target to achieve this long-term goal.

Background/Program Objectives: The BOP constantly monitors facility capacity, population growth, and prisoner crowding. As federal inmate population levels are projected to increase and continue to exceed the rated capacity of the BOP, every possible action is being taken to protect the community, while keeping institutional crowding at manageable proportions to ensure that federal inmates continue to serve their sentences in a safe and humane environment.

Performance Measure: System-wide Crowding in Federal Prisons

FY 2005 Target: 35%
FY 2005 Actual: 34%

Discussion: The BOP exceeded the FY 2005 target of 35% and ended the year with a 34% system-wide crowding rate. In fiscal year 2005, the BOP continued the activation of ten new facilities: USP Victorville, CA; United States Penitentiary (USP) Hazelton, WV; USP Canaan, PA; Federal Correctional Institution (FCI) Bennettsville, SC; FCI Williamsburg, SC; FCI Yazoo City, MS; FCI Forrest City, AR; USP Terre Haute II, IN; FCI Herlong, CA, and FCI Victorville II, CA. In addition, the BOP began the activation process of USP Coleman II, FL.



Data Definition: The low, medium and high crowding levels are based on a mathematical ratio of the number of inmates divided by the rated capacity of the institutions at each of the specific security levels. System-wide: represents all inmates in BOP facilities and all rated capacity, including secure and non-secure (minimum security) facilities, low, medium and high security levels, as well as administrative maximum, detention, medical, holdover, and other special housing unit categories. Low security facilities: double-fenced perimeters, mostly dormitory housing, and strong work/program components. Medium security facilities: strengthened perimeters, mostly cell-type housing, work and treatment programs and a higher staff-to-inmate ratio than low security facilities. High security facilities: also known as U.S. Penitentiaries, highly secure perimeters, multiple and single cell housing, highest staff-to-inmate ratio, close control of inmate movement.

Data Collection and Storage: Data are gathered from several computer systems. Inmate data are collected on the BOP on-line system (SENTRY) and financial data are collected on the DOJ Financial Management Information System (FMIS). The BOP also utilizes a population forecast model to plan for future contracting and construction requirements to meet capacity needs.

Data Validation and Verification: Subject matter experts review and analyze population and capacity levels daily, both overall and by security level. BOP institutions print a SENTRY report, which provides the count of inmates within every institution cell house. The report further subdivides the cell houses into counting groups, based on the layout of the institution. Using this report, institution staff conduct an official inmate count five times per day to confirm the inmate count within SENTRY. The BOP Capacity Planning Committee (CPC), comprised of top BOP officials, meets bi-monthly to review, verify, and update population projections and capacity needs for the BOP. Offender data is collected regularly from the Administrative Office of the U.S. Courts by the BOP Office of Research in order to project population trends. The CPC reconciles bed space needs and crowding trends to ensure that adequate prison space is maintained, both in Federal prisons and in contract care.

Data Limitations: None known at this time.

FY 2008 Outcome Goal: Ensure that there will be no escapes from secure BOP facilities
FY 2005 Progress: The Department is on target to achieve this long-term goal.

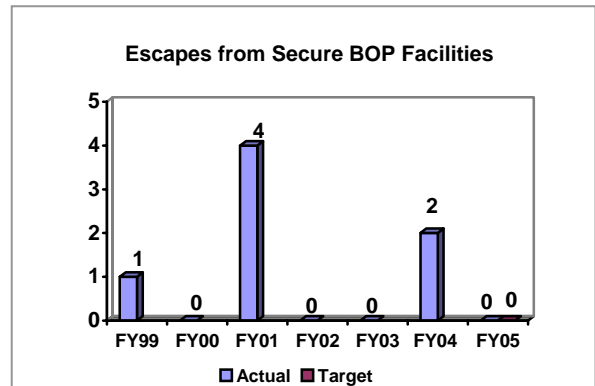
Background/Program Objectives: The BOP significantly reduces the possibility of escape with long-term emphasis on security enhancements, physical plant improvements, enhanced training, and increased emphasis on staff supervision of inmates.

Performance Measure: Escapes from Secure BOP Facilities

FY 2005 Target: 0

FY 2005 Actual: 0

Discussion: During FY 2005, the BOP had no escapes from secure BOP facilities.



Data Definition: All BOP institutions are assigned a security classification level based in part on the physical design of each facility. There are four security levels: minimum; low; medium; and high. Additionally, there is an administrative category for institutions that house a variety of specialized populations such as pre-trial, medical, mental health, sex offenders, and U.S. Department of Homeland Security, Immigration and Customs Enforcement (ICE) detainees. Low, medium, and high security levels and administrative institutions are defined as secure based on increased security features and type of offenders designated. Minimum security are non-secure facilities that generally house non-violent, low risk offenders with shorter sentences. These facilities have limited or no perimeter security fences or armed posts.

Data Collection and Storage: Data for this measure are taken from the Significant Incident Reports (recorded on BOP form 583) submitted by the institution where the incident occurred (in this case, escapes). The form is submitted to the BOP's Central Office where it is recorded in a log. Copies of the report are also sent to the respective regional office where the information is reviewed. The information from the log is transferred to, and maintained by, the Office of Research and Evaluation, which analyzes the data and makes it available through the Key Indicators Management Information System.

Data Validation and Verification: The most senior managers in the agency conduct annual reviews of institution performance including escapes. Additionally, during Program Reviews (which are conducted at least every three years), annual operational reviews, and Institution Character Profiles (which are conducted every three years), reviews of escapes (including attempts) are conducted, along with other inmate misconduct.

Data Limitations: None known at this time.

FY 2008 Outcome Goal: Realize a 24% reduction in the rate of comparative recidivism for Federal Prison Industries (FPI) inmates vs. non-FPI inmates

FY 2005 Progress: The Department is not on target for the achievement of this long-term goal. Following the Department's FY 2002 Program Assessment Rating Tool (PART) review of this program, the baseline data was suppose to be established in FY 2004; however, it was not established until FY 2005. FPI is currently examining the feasibility of a 25% reduction against the established baseline.

Background/Program Objectives: The FPI's goal of reducing recidivism is to provide inmates, through the development of basic work ethics and job skills training, the opportunity to become productive, law-abiding citizens after release.

Performance Measure: Comparative Recidivism for FPI Inmates vs. Non-FPI Inmates

FY 2005 Target: Establish Baseline

FY 2005 Actual: Baseline Established
(Comparative Recidivism data collected for FPI Inmates vs. Non-FPI Inmates)

Discussion: Baseline data for this measure was established in FY 2005. A study to establish a baseline was conducted of 15,406 FPI participants and an equal number of comparison subjects released between 1994 and 1998. Results indicate that inmates who participate in FPI are significantly less likely to recidivate. The long term and annual target contained in the FY 2004 Program Assessment Rating Tool (PART) is: Inmates who participate in FPI will remain 24% less likely to recidivate 3 to 7 years after release from a secure facility, compared to similarly situated inmates who did not participate. Now that baseline information is available, FPI will begin targeting and collecting data to report in outyears against a long-term and annual measure.

Comparative Recidivism for FPI vs. Non-FPI Inmates

Data Definition: Recidivism means a tendency to relapse into a previous mode of behavior, such as criminal activity resulting in arrest and incarceration.

Data Collection and Storage: Data are gathered from the BOP's on-line computer system (SENTRY) and from the FBI's Interstate Identification Index (III). The FBI's system file contains all recorded state and federal arrests through a given period of time. Other information (i.e., age, sex, race, security level, prior record, current offense, and year of release) comes from the BOP's SENTRY system. All data is transferred to and analyzed by the BOP's Office of Research and Evaluation.

Data Validation and Verification: The data from the BOP SENTRY system and the FBI III are fluid and thereby subject to verification and validation on a nearly daily basis; field staff modify offenders' status on an on-going basis and update the files as appropriate. The BOP data undergoes a number of quality control procedures ensuring its accuracy. The FBI's III file is the primary source of offender information used by courts.

Data Limitations: Although non-citizens make up a substantial number of the BOP population, they are excluded from analyses because many of them are deported following release from prison. Projected targets are based on earlier studies done on recidivism of the FPI participating inmates and their non-participating counterparts. The results of ongoing research may differ as inmate population demographics have changed in recent years.

FY 2008 Outcome Goal: Limit the rate of assaults in Federal prisons to 130 assaults per 5,000 inmates
FY 2005 Progress: The Department is on target to achieve this long-term goal.

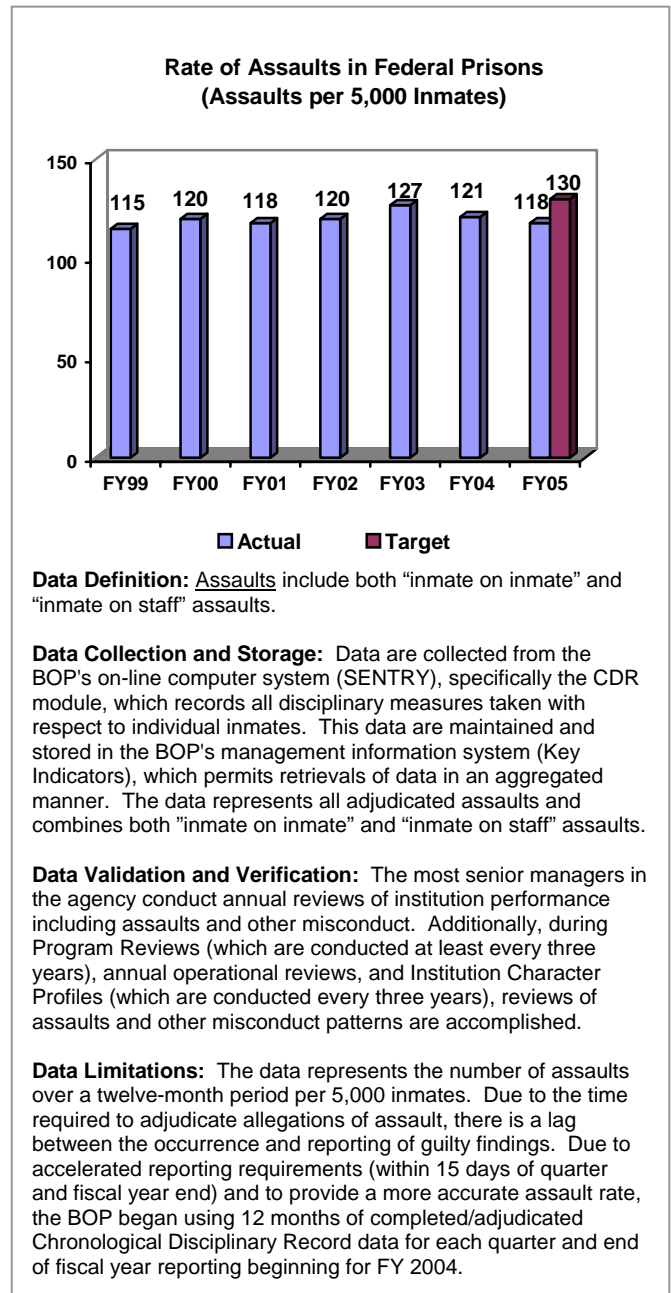
Background/Program Objectives: Every reasonable precaution is taken to ensure that inmates are provided with a safe and secure environment in facilities according to their needs. While it is the objective of the DOJ and BOP to eliminate all assaults, the target reflects projections based on historical data and observed trends. This data represents the number of assaults over a twelve month period per 5,000 inmates of all adjudicated assaults and combines both “inmate on inmate” and “inmate on staff” assaults. Due to the time required to adjudicate allegations of assault, there is a lag between the occurrence and reporting guilty findings. Accordingly, the figure reported represents incidents that were reported for the preceding twelve months ending several months before the end of the fiscal year.

Performance Measure: Rate of Assaults in Federal Prisons (Assaults per 5,000 Inmates)

FY 2005 Target: 130

FY 2005 Actual: 118

Discussion: From FY 2004 to FY 2005, the rate of serious assaults per 5,000 inmates was lowered. The BOP exceeded its FY 2005 target of 130 assaults per 5,000 inmates by achieving an actual rate of 118 per 5,000 inmates.



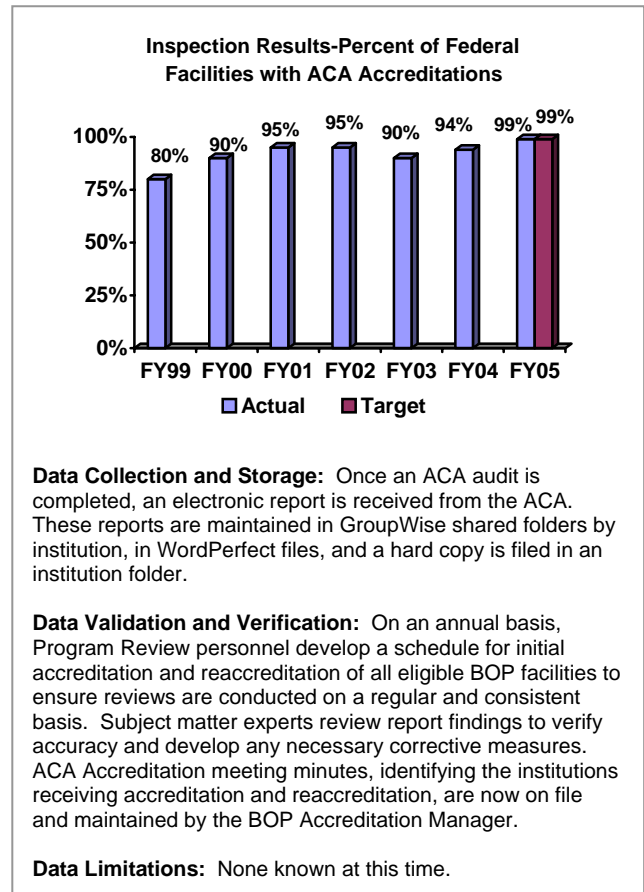
FY 2008 Outcome Goal: Achieve a 99% positive rate in inspection results (accreditations)
FY 2005 Progress: The Department is on target to achieve this long-term goal.

Background/Program Objectives: The BOP has the highest regard for human rights and public safety. Therefore, it strives to maintain facilities that meet the accreditation standards of several professional organizations. The BOP's comprehensive audit process exceeds the standards set by the American Correctional Association (ACA). Independent teams, led by the BOP staff with specific program expertise and staffed with field experts using published guidelines to direct them, conduct reviews that enable them to get a comprehensive view of the program being evaluated. Each program area must be evaluated once every three years. Also, institutions' ACA accreditation must be renewed tri-annually.

Performance Measure: Inspection Results—Percent of Federal Facilities with ACA Accreditations

FY 2005 Target: 99%
FY 2005 Actual: 99%

Discussion: The BOP met its target at the end of FY 2005 with 99% of BOP facilities accredited.



FY 2008 Outcome Goal: Complete 90% of EOIR priority cases within established time frames
FY 2005 Progress: The Department is on target to achieve this long-term goal.

Background/Program Objectives: The Executive Office for Immigration Review (EOIR) is an independent agency with jurisdiction over various immigration matters relating to the Department of Homeland Security (DHS), aliens, and other parties. EOIR comprises three adjudicating components: the Board of Immigration Appeals (BIA), the Immigration Courts, and the Office of the Chief Administrative Hearings Officer. EOIR's mission is to be the best administrative tribunals possible, rendering timely, fair, and well-considered decisions in the cases brought before it. EOIR's ability to achieve its mission is critical to the guarantee of justice and due process in immigration proceedings, and public confidence in the timeliness and quality of EOIR adjudications. Included in this context are the timely grants of relief from removal in meritorious cases, the expeditious removal of criminal and other inadmissible aliens, and the effective utilization of limited detention resources. To assure mission focus, EOIR has identified adjudication priorities and set specific time frames for most of its proceedings. These priorities include court cases involving criminal aliens, other detained aliens, and those seeking asylum as a form of relief from removal; and adjudicative time frames for all appeals filed with the BIA.

Performance Measure: Percent of EOIR Cases Completed Within Target Time Frames

FY 2005 Target: 90% (all cases)

FY 2005 Actual:

Immigration Court Expedited Asylum Cases Completed Within 180 Days: 92%

Immigration Court Institutional Hearing Program (IHP) Cases Completed Prior to Release from Incarceration: 89%

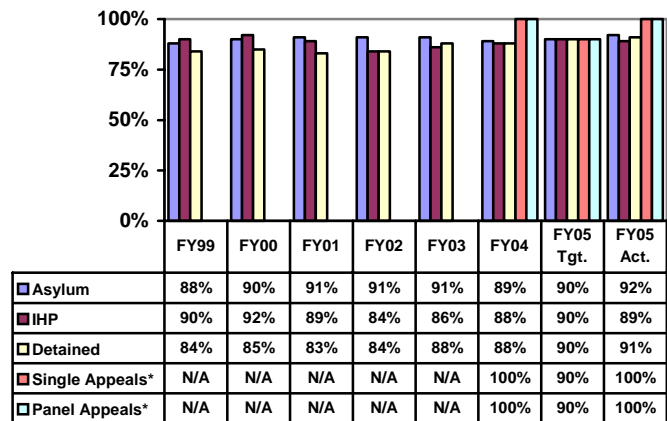
Immigration Court Detained Cases (Without Applications for Relief) Completed Within 30 Days: 91%

Appeals Assigned to a Single Board Member Adjudicated within 90 Days: 100%

Appeals Assigned to a Three Board Member Panel Adjudicated within 180 Days: 100%

Discussion: In FY 2005, EOIR exceeded four of its targets and missed one target by just one percentage point. EOIR exceeded its goal of completing 90 percent of expedited asylum cases within 180 days. These cases include both cases filed affirmatively with DHS and referred to EOIR for a decision and cases filed with EOIR by aliens in proceedings. In addition, EOIR exceeded its target of completing 90 percent of detained cases (without applications for relief) within 30 days through the effective management of resources.

Percent of EOIR Cases Completed Within Target Time Frames



*In FY 2004, Appeals were broken down into two categories.

Data Collection and Storage: Data are collected from the Automated Nationwide System for Immigration Review (ANSIR) a nationwide case-tracking system at the trial and appellate levels.

Data Validation and Verification: All data entered by courts nationwide are instantaneously transmitted and stored at EOIR headquarters, which allows for timely and complete data. Data are verified by on-line edits of data fields. Headquarters and field office staff have manuals that list the routine daily, weekly and monthly reports that verify data. A 2002 data validation study conducted by an independent contractor found an observed error rate of 2.8 percent, which is considered within an acceptable range given the complexity and high volume of records for the system. Data validation is also performed on a routine basis through data comparisons between EOIR and Department of Homeland Security databases.

Data Limitations: None known at this time.

Since the establishment of the 2002 regulation, the BIA has been very successful in meeting the adjudicatory time frames. In fact, EOIR exceeded its goals of completing 90 percent of appeals assigned to both single Board Members and three Board Member panels within 180 days of assignment with a perfect completion rate of 100 percent.

Finally, EOIR came within one percentage point of meeting its goal of completing 90 percent of IHP cases before release from incarceration. One factor that contributed to EOIR missing this target was unrest at an IHP location in California, which caused a lockdown situation and prohibited Immigration Judges from hearing cases at that location.