

DEPARTMENT OF JUSTICE

PART ASSESSMENTS¹

¹ For each program that has been assessed using the PART, this document contains details of the most recent assessment. These details are presented in their original form; some programs have revised performance targets and developed or replaced performance measures since the original assessment. The PART summaries published with the 2006 Budget (in February 2005) provide current information on follow-up to recommendations and other updates.

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PART Performance Measurements

Program: ATF Arson & Explosives Program
Agency: Department of Justice
Bureau: Bureau of Alcohol, Tobacco, Firearms and Explosives
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Moderately
100%	88%	100%	67%	Effective

1.1 Is the program purpose clear?

Answer: YES Question Weight 20%

Explanation: ATF's stated mission is to fight violent crime and contribute to the prevention of terrorism by enforcing and training other Federal, State, and local authorities. ATF's presence is founded in its enforcement of the provisions of the National Firearms Act of 1934, the Organized Crime Control Act of 1970, the Arms Export Control Act of 1976, the Anti-Arson Act of 1982, the Antiterrorism and Effective Death Penalty Act of 1996, the U.S. Patriot Act of 2001, and the Safe Explosives Act of 2002.

Evidence: The stated program initiative is to resolve and prevent fire- and explosives-related crime. The drafts of the Bureau's strategic plan and the arson and explosives strategic plan outline the tactics and performance measures that support the stated program initiative.

1.2 Does the program address a specific and existing problem, interest or need?

Answer: YES Question Weight 20%

Explanation: Fire- and explosives-related crimes have been a continual problem for this country. The events of September 11, 2001, only served to underscore the challenges law enforcement and the fire service face in combating the forces behind these crimes. The Administration and Congress recognized the potential for additional terrorist activity in this country, and responded (in part) with the passage of the Safe Explosives Act (SEA) of 2002. The SEA and associated explosives inspections contribute toward the prevention of explosives incidents, both planned and accidental. Provisions of the Act also help ensure that terrorists and criminals do not gain access to explosives. Additionally there is a demand for the training ATF provides in direct support of the first responders in this country. Advanced explosives investigation techniques, complex arson investigation techniques, and cause and origin/courtroom techniques are in the greatest demand.

Evidence: In 2002, according to the Uniform Crime Report, there were 66,308 arson fires in the United States. In 1998, the last year for which compiled statistics are available, there were 1,641 bombings. This number is based on information consolidated by the FBI from various sources, to include ATF. Expanding this data set are the 12,000 explosives licensees/permittees who are subject to ATF's enforcement of licensing, recordkeeping, and storage requirements, and the 80 explosives thefts requiring investigation. The demand for the training is evidenced by the backlog in applications for training, which total more than 2,000 as of April 2004. The latest fire and postblast investigative techniques were combined with interactive computer technology to create CD-ROMs that provide the most comprehensive training tools to date. The fire investigation training CD is complemented by a regularly updated website.

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1.3 Is the program designed so that it is not redundant or duplicative of any other Federal, state, local or private effort? Answer: YES Question Weight 20%

Explanation: ATF uses its unique enforcement authority, investigative skills, industry regulation and partnership, research, and information technology to assist Federal, State, local and foreign law enforcement in the fight against crime and violence, including acts of terrorism. Where ATF jurisdiction may be shared with other agencies, the program is designed to avoid duplication through task forces, and memorandums of understanding. Recently, the Attorney General has appointed a committee, the Explosives Review Group, to study the issues and make recommendations regarding the integration of ATF's assets into the Department of Justice so that duplication or redundancy can be avoided. An independent review by the Department's Justice Management Division concluded that ATF's training activities at the National Center for Explosives Training and Research do not significantly overlap with the training conducted at the FBI's Hazardous Devices School.

Evidence: ATF enforces the licensing, recordkeeping, storage and conduct of business requirements for Federal explosives licensees, maintains the destructive device registry, administers the import provisions of defense articles, maintains an explosives tracing capability, and has jurisdiction in explosives trafficking. ATF's research studies are conducted in an interagency setting, partnering with the Transportation Security Administration on explosives detection and with the Technical Support Working Group on explosives characteristics and effects. MOUs with agencies such as NIST and MSHA make the best use of available resources and foster cooperation between agencies whose respective missions, though different, are related. ATF also provides advanced explosives destruction training not offered elsewhere, maintains a center dedicated to advancing the science of fire investigation and research, and maintains incident-based information systems that provide historical trend data and real-time, standardized reporting.

1.4 Is the program design free of major flaws that would limit the program's effectiveness or efficiency? Answer: YES Question Weight 20%

Explanation: ATF maintains a focused and multi-dimensional program, specifically with regard to the administration of the Federal explosives laws and regulations. The effectiveness of inspector resources is assisted in part through inspection workplans developed for the field, with oversight provided by Headquarters. The implementation of workplans stem from the passage of legislation, such as the Safe Explosives Act, as well as changes within the industry that require additional steps in the inspection process. ATF's training efforts speak directly to its State, local and tribal counterparts and their ability to be effective first responders to fire and explosives incidents. The assessment by the Explosives Review Group will ultimately define how the Attorney General uses ATF's unique technical and investigative expertise in the areas of explosives, destructive devices, and fire within the Department of Justice to ensure that ATF and FBI resources are allocated wisely, effectively, and efficiently. Further ATF has received seven consecutive unqualified audit opinions of its financial operations.

Evidence: The multidimensional program can be illustrated through ATF's explosives tracing function, which would not be effective without the licensing, recordkeeping and inspection requirements of explosives licensees, and through the regulatory data base exclusively maintained by ATF that evidences that destructive devices are illegally manufactured, distributed and possessed. An Inspector General review in 2000 of ATF's explosives inspection program revealed a need for improvement in the documentation of identified explosives inspection violations and the corrective action taken and the date corrected, as well as managerial oversight of the documentation. In response, ATF incorporated a training segment in its Advanced Explosives Training for Inspectors curriculum on work papers and reports of violation. The external agencies who receive ATF training, in committing funds and personnel, become stakeholders in the program. Their satisfaction with the arson and explosives training received is evidenced by a rating of 4.64 and 4.73, respectively, on a scale of 5.

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1.5 **Is the program effectively targeted, so that resources will reach intended beneficiaries and/or otherwise address the program's purpose directly?** Answer: YES Question Weight: 20%

Explanation: ATF's programs function interactively to provide a comprehensive proactive and reactive force against crime and terrorism. Essential to this effort are partnership and open communication with other Federal, State, and local law enforcement agencies and industry members. ATF continually looks for ways to focus its resources where they will have the most impact. For example, the early detection and recovery of missing explosives is vital to preventing explosives from being used for terrorist activity, so ATF strives to investigate 100 percent of all reported explosives thefts. Inspections include verification of safe and secure storage. The involvement of actual users in the design and development of the Bomb Arson Tracking System (BATS) has resulted in a focused and profession-driven application. Through BATS, the effective employment of telecommunications technology has increased real time processing and use of arson and explosives data. ATF's certified fire investigators help raise the level of fire scene examinations to a more sophisticated level.

Evidence: The National Response Team responds to fire/explosion incidents where the magnitude is beyond the resources or capabilities of the State or local jurisdiction, and meet incident sensitivity and estimated property damage criteria. ATF inspectors conduct focused inspections of licensees with public safety violations during previous inspections as well as onsite inspections of storage facilities for all new and renewal applicants. ATF is also prioritizing the mandated inspection of renewing licensees by using a recall inspection program. Further, ATF exchanges information with State fire marshals to ensure compliance with explosives licensing and storage laws and to identify problem offenders. Training is developed collaboratively with the training recipients, resulting in targeting courses to an identified need, such as improved safety for bomb technicians through the Advanced Explosives Destruction Training.

2.1 **Does the program have a limited number of specific long-term performance measures that focus on outcomes and meaningfully reflect the purpose of the program?** Answer: YES Question Weight: 13%

Explanation: ATF has developed a long-term measure to show the impact of training provided by ATF for the bomb disposal community. Bomb technicians and explosives handlers were needlessly being killed during the disposal of deteriorated explosives materials, pyrotechnics, and fireworks. Recognizing this, ATF developed the Advanced Explosives Destruction Techniques training curriculum. ATF has also developed a long-term measure regarding reported inventory shortages.

Evidence: The goal of the bomb technician measures is to show an increase in safety to the bomb technician community through a reduction over time in the number of injuries or deaths that occur during explosives disposal or training operations. An ancillary benefit to the training is that 76 percent of the students who have attended the school have revised or implemented new procedures within their department regarding the destruction/disposal of explosives. The goal of the inventory measure is to reflect the number of inventory shortages due to loss reported and the percentage reduction in the shortages.

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2.2 Does the program have ambitious targets and timeframes for its long-term measures? Answer: YES Question Weight:13%

Explanation: These long-term measures are new for Fiscal Years 2006 and 2007, respectively. There is no centralized repository of information on the injuries and/or deaths of bomb technicians participating in explosives disposal or training operations. The information has been tracked informally within ATF, and is not all inclusive of the incidents and operations that occur. To establish information on which to measure the increased safety resulting from the training it provides, ATF will conduct a survey of the public safety bomb technician community.

Evidence: ATF has trained approximately 15 percent of the civilian bomb technician community since 2002. In that time there have not been any injuries or deaths resulting from explosives disposal or training exercises within the population of bomb technicians that ATF has trained. The long-term goal is to continue to have no deaths occurring within the trained bomb technician community. The long-term goal for injuries will be established at the time of the baseline analysis of the survey data. The base years for the inventory shortage measure allows for a completed inspection cycle based on the SEA mandate to inspect one-third of the licensee population. The reduction in 2007 will be based on a comparison to actuals for the base years.

2.3 Does the program have a limited number of specific annual performance measures that can demonstrate progress toward achieving the program's long-term goals? Answer: YES Question Weight:13%

Explanation: ATF has a limited number of annual measures that support the strategic objectives of enforcing the Federal explosives laws, increasing compliance with explosives laws and regulations, and fostering innovation and cooperation. The measures are the percentage of forensic arson/explosives cases closed within 30 days by the lab, the percentage reduction in public safety violations based on recall inspections, the satisfaction rating for the National Response Team (NRT), the percentage of explosives licensees inspected, and the percentage of explosives applications acted on within 90 days.

Evidence: The NRT provides an immediate, coordinated, and sustained response to fire and explosion incidents. The satisfaction rating for the NRT is based on a minimum standard that was established from survey responses received between 1998 and 2000. The survey is responded to by ATF's peers, i.e., professionals in the fire service or law enforcement community. ATF officially reported on this satisfaction rating in 2001, and has exceeded the minimum standard each year since. The laboratory and the recall inspection measures were not in place prior to Fiscal Year 2004, but results thus far are positive. Additionally, the laboratory measure is a performance factor in the service contract for the senior executive responsible. The percentage of explosives licensees is representative of ATF's inspection mission.

2.4 Does the program have baselines and ambitious targets for its annual measures? Answer: YES Question Weight:13%

Explanation: ATF has a limited number of annual measures that support strategic objectives, two of which are new for Fiscal Year 2006. The new measures are the percentage of forensic arson/explosives cases closed within 30 days by the lab and the percentage reduction in public safety violations based on recall inspections. The third measure is one on which ATF has reported since 2001, the NRT satisfaction rating.

Evidence: The satisfaction rating for the NRT--a minimum of 90 percent satisfaction--is ambitious. ATF has exceeded this rating each year since it began reporting on it in 2001. The goal for the percentage reduction in public safety violations is based on the total number of violations reduced as a result of recall inspections between Fiscal Years 2002 and 2003. The percentage increase per year following the base year of Fiscal Year 2004 must take into consideration new licensees (established as a result of requirements of the SEA) that have not been inspected. With the new licensees comes the potential for an increase in both the number of violations and the number of licensees that warrant a recall inspection. This increase will occur in the short term and decrease over time. The target rate for the completed laboratory cases is based on the type and number of cases received and completed in the last several years.

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2.5 Do all partners (including grantees, sub-grantees, contractors, cost-sharing partners, and other government partners) commit to and work toward the annual and/or long-term goals of the program? Answer: YES Question Weight: 13%

Explanation: ATF partners at the Federal, State, and local enforcement levels are committed to resolving and reducing fire- and explosives-related crimes. Examples are the other agencies that, through interagency enforcement efforts, provide resources to assist ATF in the investigation of arson and explosives-related crime. In addition, other Federal, State, and local regulatory agencies and industry trade associations work with ATF to ensure compliance with safety/ security laws and regulations. These commitment results in benefits for both ATF and the affected agency.

Evidence: Interagency enforcement efforts are defined by memorandums of understanding (MOU). These MOUs establish guidelines for the services to be performed and related reporting requirements. With the canine program, participating agencies, in consideration for the ATF-provided training, make the canine team available to support ATF on NRT activations, National Security Special Events, and other significant investigations involving violations of Federal arson and explosives laws. Similarly, State and local agencies commit resources to ATF in support of law enforcement operations targeting a specific crime problem in a particular area. Moreover, ATF's Fire Research Center has agreements that define roles and partnering efforts with the University of Maryland, the National Institute of Justice, and the Consumer Product Safety Commission on research of interest to ATF in forensic and fire science, as well as fire testing. MSHA partners with ATF in conducting inspections on ATF's behalf in underground mines.

2.6 Are independent evaluations of sufficient scope and quality conducted on a regular basis or as needed to support program improvements and evaluate effectiveness and relevance to the problem, interest, or need? Answer: NO Question Weight: 13%

Explanation: ATF programs have been the subject of Inspector General reviews, as well as external evaluations. These reviews have resulted in recommendations that are subsequently implemented. ATF has also funded the administration of customer surveys to capture customer perception of ATF's arson and explosives services/assistance. However, these evaluations have not addressed ATF's arson and explosives program as a whole by including both inspection and investigative programs.

Evidence: An Inspector General review has been performed on ATF's explosives inspection program. ATF's laboratory system has voluntarily submitted every 5 years to external evaluation by the American Society of Crime Laboratory Directors - Laboratory Accreditation Board. ATF was the first Federal agency to do so. Independent reviews are also sought for detection technology research being conducted by entities under contract with ATF. These reviews are conducted by outside scientific experts to monitor the conceptual and technical progression of the research. Additionally, an independent evaluation has been conducted of select large-scale training programs. The evaluation, termed a level 3 evaluation, will determine if what the student learned is being applied on the job. A survey for the level 3 evaluation has been administered, the analysis has been completed, and a draft of evaluation results is being reviewed.

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2.7 **Are Budget requests explicitly tied to accomplishment of the annual and long-term performance goals, and are the resource needs presented in a complete and transparent manner in the program's budget?** Answer: YES Question Weight:13%

Explanation: ATF's budget requests are aligned with strategic goals. These goals and the corresponding measures, as currently drafted, are now more clearly defined by what ATF does--by program area--toward impacting crime and violence.

Evidence: ATF has realigned its budget and performance measures by commodity, consistent with its revised strategic plan, and performance and workload is detailed by program area. With resources requested in Fiscal Year 2005 and 2006 for the Safe Explosives Act, ATF has projected that it will impact at least 33 percent of the explosives industry annually. Based on experience at this inspection level, ATF expects to respond to and ensure corrective actions are carried out for a projected 850 unsafe conditions.

2.8 **Has the program taken meaningful steps to correct its strategic planning deficiencies?** Answer: YES Question Weight:13%

Explanation: A strategic plan for ATF's arson and explosives enforcement programs is in draft and pending concurrence by the agency's executives. It identifies the objectives as well as the tactics that will be used to achieve those objectives. Correspondingly, ATF has identified performance indicators to measure its efforts toward meeting the plan's goals and objectives. Customer satisfaction surveys are under review at OMB that will measure the performance of the fire and explosives investigative assistance provided to State and local fire service and law enforcement agencies by ATF. The information gathered will be instrumental in developing action plans to ensure the continued effectiveness of ATF's arson and explosives programs. From these actions plans ATF will work to adopt performance goals for any identified deficiencies. It is anticipated that the surveys will be administered late this fiscal year, with results following within the first quarter of the next year.

Evidence: ATF's regulatory responsibility, combined with its criminal enforcement mission, gives ATF an unmatched perspective on activity surrounding explosives in this country. ATF is building on this experience and expanding into new areas through a recently developed threat assessment and prevention strategy. The strategy will enable ATF to identify what is working and build on those successes, identify weaknesses in the explosives-and explosives-related operations and address them, and assess results in order to continue to refine the strategic threat assessment plan. Elements of this strategy will become tactics within ATF's draft arson and explosives strategic plan. Additionally, this strategy is the basis for the newly developed measure to show a reduction in explosives inventory shortages reported to ATF or detected by inspection.

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3.1 Does the agency regularly collect timely and credible performance information, including information from key program partners, and use it to manage the program and improve performance? Answer: YES Question Weight:14%

Explanation: Given its unique enforcement and regulatory mission, ATF has access to a vast amount of information. The agency recently requested the establishment of a directorate-level function to effectively data mine, standardize, analyze, and disseminate this information. The intent of this directorate is to improve information management and create a clearinghouse to provide ATF management with the ability to develop operating plans and determine prioritization and resource allocation. Toward this end, the National Field Office Case Information System will allow for real-time monitoring and oversight of all ATF's criminal enforcement and industry operations activities. ATF's Office of Inspection also conducts operational reviews of each office once every 3 years, in which information about the quality of ATF's services is received from its external customers.

Evidence: The timeframe in which information is collected varies. Investigation and inspection information, on which ATF formulates its performance measures and manages agency program initiatives, is reported quarterly to senior management. Information collected from partners on research and development initiatives to ascertain milestone attainment is collected through monthly progress reports and quarterly onsite visits. Activities of ATF's explosives specialists and explosives officers, components of the explosives mission, are collected quarterly. Training course critiques are compiled and traced in a database, which produces reports that are used to measure program consistency, identify areas for improvements, and customer satisfaction. Additional information that is beyond performance specific, such as that retrieved from the newly implemented Bomb Arson Tracking System (BATS), is timely and in a shareable form that could benefit law enforcement at all levels in solving crimes.

3.2 Are Federal managers and program partners (including grantees, sub-grantees, contractors, cost-sharing partners, and other government partners) held accountable for cost, schedule and performance results? Answer: YES Question Weight:14%

Explanation: ATF's senior executives all sign performance contracts that hold them accountable for performance. Program partners are held responsible by memorandums of understanding and regular auditing procedures.

Evidence: Program partners for ATF's Fire Research Center (FRC) are subject to regular meetings to determine if common goals are being met. The FRC's Partnership Council also meets annually to review and guide FRC progress on fire research and technical information sharing. Additionally, ATF's executives are, by contract, accountable for performance for those programs under their purview.

3.3 Are funds (Federal and partners') obligated in a timely manner and spent for the intended purpose? Answer: YES Question Weight:14%

Explanation: Funds are obligated to program divisions and are obligated for their intended purpose in a timely manner. Supervisory review procedures are in place to ensure that funds are expended appropriately. Any potential problems are addressed through reprogramming actions.

Evidence: ATF's financial management system allows for the tracking of spending by program project code, and regular reviews of expenditures are conducted. Independent audits of ATF's financial operations have resulted in seven unqualified opinions on its financial operations.

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3.4 Does the program have procedures (e.g. competitive sourcing/cost comparisons, IT improvements, appropriate incentives) to measure and achieve efficiencies and cost effectiveness in program execution? Answer: YES Question Weight:14%

Explanation: Information technology improvements are approved and monitored through a process led by the recommendations of the Information Resource Management Council. Examples include upgrades to the Arson and Explosives Incidents System (AEXIS), a mature system based on functionality developed over three decades, and BATS. Data retrievable from AEXIS by only three intelligence specialists 5 years ago is now available to hundreds of ATF employees on their computer. ATF's systematic tracking of explosives from manufacturer to purchaser (and/or possessor) can aid law enforcement in identifying suspects in criminal violations, establishing stolen status, and proving ownership. An upgrade to the explosives licensing system allows the tracking of background clearances for persons responsible for explosives-related operations and all possessors of explosives.

Evidence: ATF has added the capability to submit explosives trace requests electronically. The new AEXIS release adds additional explosives tracing functionality. BATS technology and the data collection and analysis that it facilitates--at the data source--will enable law enforcement to share incident-based information with a degree of precision and cost savings not yet realized. ATF is also a full participant in the Department's Law Enforcement Information System (LEIS) initiative. BATS is viewed as a near-term solution to law enforcement's long-term inaccessibility to real-time, incident-based information. ATF has also instituted the Arson and Explosives Advisory, which is distributed electronically to law enforcement, bomb squads, and military units nationwide to facilitate the exchange of information. ATF can electronically monitor, through the licensing system, the status of any explosives application.

3.5 Does the program collaborate and coordinate effectively with related programs? Answer: YES Question Weight:14%

Explanation: ATF actively collaborates with Federal, State, and local law enforcement and regulatory agencies, industry, and industry associations to accomplish shared missions. In an effort to diminish regulatory burdens, ATF works with others such as the Department of Transportation and the Consumer Product Safety Commission to ensure coordination of activities and cooperation in enforcement actions when needed. This ensures that all Federal, State, and local laws are adhered to, and assists explosives users in overcoming and conflicting requirements that are a residual of this shared mission.

Evidence: ATF maintains open communications with industry through presentations, seminars (there were 26 in 2003), meetings, and conferences on matters of mutual interest, as well as through responses to requests for opinions on regulatory policy affecting the industry and variances prepared on procedural issues involving explosives storage and the corresponding recordkeeping requirements. ATF is also represented on the Interagency Committee on Explosives. This voluntary committee of enforcement and regulatory participants is chaired by the Department of Transportation, and was assembled during the 1970s to ensure the consistent administration and enforcement of all applicable explosives laws and regulations. ATF also provides training in arson and explosives investigative techniques and crime scene processing. ATF has signed MOUs with the FBI for the Joint Terrorism Task Force, the Department of State, the U.S. Coast Guard, the U.S. Forest Service, the Naval Criminal Investigative Service, the Department of Defense, and with MSHA for underground mine inspections.

3.6 Does the program use strong financial management practices? Answer: YES Question Weight:14%

Explanation: ATF has received seven unqualified audit opinions on its financial operations, with no material weaknesses, including the administration of its arson and explosives programs.

Evidence: An independent audit of the financial position of ATF as of September 30, 2003, and the custodial activities for the same period ending September 30, 2003, found ATF to be in conformity with accounting principles generally accepted in the United States.

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3.7 Has the program taken meaningful steps to address its management deficiencies? Answer: YES Question Weight: 14%

Explanation: ATF conducts comprehensive internal reviews, and has implemented OIG recommendations and/or corrected minor deficiencies found during independent reviews by external entities.

Evidence: ATF's Office of Inspection reviews all directorates, field divisions, administrative components, and other offices on a 3-year cycle. The review covers all aspects of management, including funds control, personnel management, and asset utilization. Goals of the respective offices are reviewed, and an assessment is made as to what they are, how ATF works toward the goals, and how the offices know the goals are being met. Inspection advises the Director of any weaknesses identified. Changes will be pursued within the inspection program to better align it with the PART. Results from the IG review on ATF's explosives inspection program prompted curriculum changes to inspector training, and policy memorandums to supervisory inspector personnel in the field to correct the discrepancies. ATF also uses executive level committee meetings as a forum to track and follow up on independent reviews, financial audits, and external audit findings.

4.1 Has the program demonstrated adequate progress in achieving its long-term performance goals? Answer: SMALL EXTENT Question Weight: 20%

Explanation: ATF will report on new long-term performance measures regarding the bomb technician community for the first time in Fiscal Year 2006. However, the information data regarding bomb technician safety can be viewed as demonstrating preliminary progress, though the measure will be refined as baselines are established. ATF will also report on a new measure regarding the reduction in reported explosives inventory shortages. Inventory shortages include lost or missing explosives stemming from record keeping errors or previously unidentified thefts, which pose a potential danger to the public.

Evidence: The goal of the bomb technician measures is to show an increase in safety to the bomb technician community through a reduction over time in the number of injuries or deaths that occur during explosives disposal or training operations. ATF has trained approximately 15 percent of the civilian bomb technician community since 2002. In that time there have not been any injuries or deaths resulting from explosives disposal or training exercises within the population of bomb technicians that ATF has trained. The goal of the explosives inventory shortages measure is to emphasize secure storage of explosives and compliance with regulatory requirements in order to protect the public.

4.2 Does the program (including program partners) achieve its annual performance goals? Answer: LARGE EXTENT Question Weight: 20%

Explanation: ATF has new annual performance goals beginning in Fiscal Year 2004, which will serve as the baseline year. These new measures are the percentage of forensic arson/explosives cases closed within 30 days by the lab and the percentage reduction of public safety violations based on recall inspections. The targets of other measures reported on prior to Fiscal Year 2004--the minimum satisfaction rating for the NRT, the unsafe explosives conditions discovered and resolved, the number of explosives inspections, and the percentage of the total licensees/permittees inspected--were achieved.

Evidence: The NRT earned a satisfaction rating of 98 percent in Fiscal Year 2003, ATF discovered and resolved 1,165 unsafe conditions, completed 7,883 explosives inspections (5,162 applications and 2,721 compliance), and inspected 65 percent of the licensee/permittee population.

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4.3 Does the program demonstrate improved efficiencies or cost effectiveness in achieving program goals each year?

Answer: LARGE EXTENT Question Weight 20%

Explanation: Work processes are in place to help ATF attain results from available resources. Keys to these processes are open communication, technology, partnerships, and training. From the laboratory perspective, gains in efficiency are achieved, in part, through the cross-training of chemists in the forensic fire and explosives disciplines.

Evidence: In 2003, the laboratory completed approximately 920 arson and bombing forensic cases, a 25 percent increase over the previous year. Similarly, there was an increase in investigation and inspection workload in 2003 (31 percent and 59 percent, respectively).

4.4 Does the performance of this program compare favorably to other programs, including government, private, etc., with similar purpose and goals?

Answer: YES Question Weight 20%

Explanation: Although ATF's mission is unique, it does compare favorably to similar programs. ATF investigators are relied upon routinely by others' whether at the State, local or Federal level to provide fire and explosives investigative/ technical expertise. Police and fire departments request assistance from the National Response Team at large-scale fire and explosion scenes. These requesting departments routinely acknowledge the NRT's preparedness and investigative capabilities. ATF is also looked to for assistance at the Federal level, as demonstrated by agreements with such agencies as the Forest Service, U.S. Coast Guard, and the Department of State. At these agencies' request, ATF brings its investigative resources to bear at fire and explosion incidents occurring on or involving facilities and properties domestically and abroad. Also, ATF's explosives enforcement officers (EEOs), as Federal officers, have broader explosives enforcement issue responsibility and capabilities than State and local bomb technicians.

Evidence: ATF's laboratory system has the greatest number of resources for bombing investigations available anywhere (33 dedicated chemists), and can process more evidenced submissions than other forensic laboratories worldwide (630 bombing submissions completed in 2003). The Fire Research Center also provides a one-of-a-kind forensic/investigative support function. Specialized training that is not offered elsewhere has a direct impact on the operational safety of the training recipients. ATF's specialized investigative response capability is lauded routinely by the requestors of this assistance.

4.5 Do independent evaluations of sufficient scope and quality indicate that the program is effective and achieving results?

Answer: LARGE EXTENT Question Weight 20%

Explanation: Independent evaluations of ATF's programs have not indicated major deficiencies. However, the evaluations are focused on the individual programs and not the effectiveness of the arson and explosives program in the aggregate. For example, the IG audit of the explosives inspection program addressed ATF's efforts to resolve explosives violations. Likewise, the external audit to accredit ATF's laboratory system centers on policies, methods, and procedures, not performance.

Evidence: Components of ATF's arson and explosives program have undergone three independent reviews. The focus of the audits was ATF's explosives inspection program, its certified explosives specialist program, and the accreditation of the laboratories. The first involved weaknesses in the documentation and correction of inspection violations, which was addressed through training, education, and policy. This program is currently undergoing another audit by the IG. The second involved the collection of information, opportunities, training, and adequacy of training materials and equipment. The collection of information on the CESs is a work in progress. The original tracking system became obsolete with the advent of the enterprise system architecture. The third involved the review of the laboratory's policies, methods, and procedures; any noted weaknesses were corrected and reported within the deadline required by the accrediting organization. No major deficiencies were cited in any of the reviews, and the majority of the recommendations have been addressed.

PART Performance Measurements

Program: ATF Arson & Explosives Program
Agency: Department of Justice
Bureau: Bureau of Alcohol, Tobacco, Firearms and Explosives
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Moderately
100%	88%	100%	67%	Effective

Measure: Number of incidents involving bomb technician deaths from explosives disposal operations

Additional Information: Increase safety to bomb technician community

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Long-term
2006	0		
2007	0		
2008	0		

Measure: Incidents involving bomb technician injuries from explosives disposal operations

Additional Information: Increase safety to bomb technician community

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Long-term

Measure: NRT Satisfaction Rating

Additional Information: Responses from fire/police departments to gauge satisfaction with NRT assistance. A rating above 90 percent satisfaction is successful.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2003	90%	98%	
2004	90%	100%	
2005	90%		
2006	90%		
2007	90%		
2008	90%		

PART Performance Measurements

Program: ATF Arson & Explosives Program
Agency: Department of Justice
Bureau: Bureau of Alcohol, Tobacco, Firearms and Explosives
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Moderately
100%	88%	100%	67%	Effective

Measure: Percentage of forensic arson cases closed within 30 days
Additional Information: Reflects cases received and completed in 30-day timeframe

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2004	40%	54%	
2005	45%		
2006	50%		
2007	50%		
2008	50%		

Measure: Percentage of forensic explosives cases closed within 30 days
Additional Information: Reflects cases received and completed in 30-day timeframe

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2004	35%	22%	
2005	35%		
2006	35%		
2007	35%		
2008	35%		

Measure: Number and percentage of reported explosives inventory shortages
Additional Information: Reflects the number of inventory shortages reported/identified and the percentage reduction in shortages

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Long-term
2004	112/Base		

PART Performance Measurements

Program: ATF Arson & Explosives Program
Agency: Department of Justice
Bureau: Bureau of Alcohol, Tobacco, Firearms and Explosives
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Moderately
100%	88%	100%	67%	Effective

2005 144/Base

2006 186/Base

Measure: Percentage reduction in public safety violations (recall inspections)
Additional Information: Comparison of inspection results from previous inspections

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2004	20%		
2005	25%		
2006	30%		
2007	35%		
2008	35%		

Measure: Percentage of perfected explosives applications acted on within 90 days
Additional Information: Reflects ATF's effectiveness in meeting the SEA 90-day mandate for processing explosives applications

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2005	80%		
2006	85%		
2007	90%		
2008	95%		

PART Performance Measurements

Program: ATF Arson & Explosives Program
Agency: Department of Justice
Bureau: Bureau of Alcohol, Tobacco, Firearms and Explosives
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Moderately
100%	88%	100%	67%	Effective

Measure: Number and percentage of explosives licensees/ permittees inspected
Additional Information: Reflects the number of licensees inspected and the number inspected in related to the total population of licensees

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2003		7883/66%	
2004	4000/33%	2674/22%	
2005	4000/33%		
2006	4250/35%		
2007	4750/39%		
2008	5250/43%		

PART Performance Measurements

Program: ATF Firearms Programs -- Integrated Violence Reduction Strategy
Agency: Department of Justice
Bureau: Bureau of Alcohol, Tobacco, Firearms and Explosives
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Moderately
80%	75%	100%	67%	Effective

1.1 Is the program purpose clear?

Answer: YES

Question Weight 20%

Explanation: The Integrated Violence Reduction Strategy (IVRS) is part of the President's Project Safe Neighborhoods (PSN) initiative, and has the stated goal of reducing violent firearms crime. ATF's primary statutory responsibilities are under the Gun Control Act, as amended, and the National Firearms Act.

Evidence: The IVRS strategic plan articulates a clear and concise mission: "to identify, investigate, and recommend prosecution of violent firearms offenders and other prohibited individuals, stop illegal firearms traffickers through effective enforcement and regulation of the firearms industry, and promote community participation in an effort to prevent violent behavior". The strategic plan also outlines tactics and performance measures that support the stated mission.

1.2 Does the program address a specific and existing problem, interest or need?

Answer: YES

Question Weight 20%

Explanation: Violent crime remains a significant domestic problem, and IVRS addresses this by using ATF's statutory jurisdiction, information, and technology to enforce existing laws to remove violent offenders from our communities, prevent prohibited persons from possessing firearms, and prevent firearms violence through community outreach.

Evidence: In 2001, more than 1.4 million violent crimes were committed nationwide and 63 percent of all murders in the United States were committed by firearms.

1.3 Is the program designed so that it is not redundant or duplicative of any other Federal, state, local or private effort?

Answer: YES

Question Weight 20%

Explanation: While there are a number of Federal and local agencies that work to reduce violent crime, including firearms-related violence, ATF has the primary jurisdiction in federal firearms crimes. ATF often conducts joint investigations with the FBI, DEA, and state or local police, which usually is synergistic, but also allows for the possibility of duplicative efforts.

Evidence: ATF's has statutory jurisdiction in the following areas: interstate firearms trafficking, firearms dealer registration, and firearms importation. ATF brings expertise, assets, and services to bear in pursuing its mission, often in support of other federal and local investigation efforts with crime gun and ballistics tracing and analysis.

1.4 Is the program design free of major flaws that would limit the program's effectiveness or efficiency?

Answer: NO

Question Weight 20%

Explanation: IVRS takes a multi-pronged approach to firearms violence reduction in order to work collaboratively with federal, local, state, and tribal agencies. This approach simultaneously addresses the sources and demand for firearms through federal firearms licensee (FFL) regulation, community outreach, and enforcement. However, regulation of FFLs is limited by legislative restrictions (for example, the raising of fees, re-inspections within a year, or felony sanctions).

Evidence: ATF provides services where specialized expertise or a national repository can aid in reducing firearms violence, such as federal firearms laws, interstate firearms trafficking, crime gun tracing, and ballistics analysis.

PART Performance Measurements

Program: ATF Firearms Programs -- Integrated Violence Reduction Strategy
Agency: Department of Justice
Bureau: Bureau of Alcohol, Tobacco, Firearms and Explosives
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Moderately
80%	75%	100%	67%	Effective

1.5 Is the program effectively targeted, so that resources will reach intended beneficiaries and/or otherwise address the program's purpose directly? Answer: YES Question Weight: 20%

Explanation: Since firearms violence manifests itself differently across localities, ATF allows for effective targeting by decentralizing prioritization of IVRS activities to the field offices. However, this targeting can be improved with better analytical tools to determine optimum levels of FFL inspections and by performing a cost-benefit analysis of the Youth Crime Gun Interdiction Initiative (YCGII) to indicate where it might be most effective. In addition, ATF will need to articulate a strategy for the important objective of community outreach that builds upon ATF's expertise and indicates the level of resources that should be committed to the objective.

Evidence: ATF is currently planning to develop a statistical risk model for FFL inspections. Although targeting criteria exist for National Integrated Ballistic Information Network (NIBIN) and YCGII implementations, this is not based on a quantified cost-benefit analysis. For example, YCGII is currently implemented in 55 cities, but given the limited level of law enforcement resources, there is no basis to determine whether this number should be higher or lower.

2.1 Does the program have a limited number of specific long-term performance measures that focus on outcomes and meaningfully reflect the purpose of the program? Answer: YES Question Weight: 12%

Explanation: ATF has determined a new long-term performance measure that focuses on outcomes and reflects the federal priority of targeting the areas with the largest firearms violence problems.

Evidence: The new long-term performance measure is to reduce violent firearms crime in the top 50 cities where it is manifested, as determined by 2000 Uniform Crime Report data.

2.2 Does the program have ambitious targets and timeframes for its long-term measures? Answer: YES Question Weight: 12%

Explanation: To meet the long-term goal by 2008, there must be a reduction of firearms violence in 40 out of 50 cities where violent firearms crime is highest and where ATF has a presence.

Evidence: See the long-term performance measure.

2.3 Does the program have a limited number of specific annual performance measures that can demonstrate progress toward achieving the program's long-term goals? Answer: YES Question Weight: 12%

Explanation: ATF has a limited number of annual measures that address IVRS primary strategic objectives of reducing firearms-related violence, and preventing prohibited persons from possessing firearms by looking at the effects of ATF presence and the rate of repeat violations by FFLs.

Evidence: See the annual performance measures.

2.4 Does the program have baselines and ambitious targets for its annual measures? Answer: NO Question Weight: 12%

Explanation: The crime reduction measure is ambitious, but it is not clear that the rate of repeat violations measure is ambitious, given that the 2002 actual result was several times larger than goal for the next few years.

Evidence: See the annual performance measures.

PART Performance Measurements

Program: ATF Firearms Programs -- Integrated Violence Reduction Strategy
Agency: Department of Justice
Bureau: Bureau of Alcohol, Tobacco, Firearms and Explosives
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Moderately
80%	75%	100%	67%	Effective

2.5 Do all partners (including grantees, sub-grantees, contractors, cost-sharing partners, and other government partners) commit to and work toward the annual and/or long-term goals of the program? Answer: YES Question Weight:12%

Explanation: ATF partners at the federal, state, and local law enforcement level are committed to reducing firearms-related crimes. ATF's programs are an important and integrated component of the President's Project Safe Neighborhoods initiative.

Evidence: ATF is regularly called into a criminal investigation by the FBI, DEA, Customs, and local law enforcement for the purpose of pursuing a unique jurisdiction or providing specialized expertise. ATF has executed memoranda of understanding with local agencies participating in NIBIN and YCGII. With NIBIN, agencies must report monthly to ATF on their achievements with the equipment. Although the equipment single-sourced (for standards reasons), ATF is looking into competitive sourcing for maintenance.

2.6 Are independent evaluations of sufficient scope and quality conducted on a regular basis or as needed to support program improvements and evaluate effectiveness and relevance to the problem, interest, or need? Answer: YES Question Weight:12%

Explanation: ATF has had several Inspector General and General Accounting Office (GAO) reviews of its programs over the past several years, in addition to the Department of Justice, resulting in performance recommendations that were subsequently implemented. ATF has also funded customer surveys and external research to monitor progress against program goals.

Evidence: Independent reviews have been performed both at the bureau-wide level and the implementation of programs within localities, such as YCGII in the Boston field division.

2.7 Are Budget requests explicitly tied to accomplishment of the annual and long-term performance goals, and are the resource needs presented in a complete and transparent manner in the program's budget? Answer: NO Question Weight:12%

Explanation: ATF's budget requests are aligned with strategic goals, but there is no direct linkage between budget requests and performance levels.

Evidence: The 2004 Congressional budget request shows money and personnel allocated to the different programs within ATF with no indication on the outcome impact of the requested changes.

2.8 Has the program taken meaningful steps to correct its strategic planning deficiencies? Answer: YES Question Weight:12%

Explanation: The IVRS Strategic plan outlines the strategic planning process.

Evidence: The IVRS Strategic Plan includes a few highly focused objectives and lays out the tactics that will be used to reach those objectives. Furthermore, performance indicators and goals are outlined for several years.

PART Performance Measurements

Program: ATF Firearms Programs -- Integrated Violence Reduction Strategy
Agency: Department of Justice
Bureau: Bureau of Alcohol, Tobacco, Firearms and Explosives
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Moderately
80%	75%	100%	67%	Effective

3.1 Does the agency regularly collect timely and credible performance information, including information from key program partners, and use it to manage the program and improve performance? Answer: YES Question Weight:14%

Explanation: Information is generally collected quarterly, with the exception of violent firearms crime data, which is collected yearly. ATF also conducts operational reviews of each office once every 3 years, in which information about the quality of ATF's services is received from stakeholders.

Evidence: ATF management is provided with quarterly reports and internal operational reviews, including results of interviews with stakeholders. Examples of actions taken to improve program performance include: implementation of an adverse action policy for firearms licensees, a streamlined process to submit crime gun trace requests, and implementation of Access 2000, which enables ATF to have 24-hour access to the records of several major manufacturers.

3.2 Are Federal managers and program partners (including grantees, sub-grantees, contractors, cost-sharing partners, and other government partners) held accountable for cost, schedule and performance results? Answer: YES Question Weight:14%

Explanation: Forty-one percent of ATF managers have performance-based service contracts, exceeding ATF's goal for 2004.

Evidence: NIBIN Program participants are audited to insure that the capital equipment provided to them are being utilized, and a procedure is being developed to reclaim unused equipment.

3.3 Are funds (Federal and partners') obligated in a timely manner and spent for the intended purpose? Answer: YES Question Weight:14%

Explanation: Funds are allocated to program divisions and are obligated for their intended purpose in a timely manner. Supervisory review procedures are in place to ensure that funds are expended appropriately. Any potential problems are addressed through reprogramming actions.

Evidence: ATF's financial management system allows for tracking of spending by project code, and regular reviews of expenditures are conducted.

PART Performance Measurements

Program: ATF Firearms Programs -- Integrated Violence Reduction Strategy
Agency: Department of Justice
Bureau: Bureau of Alcohol, Tobacco, Firearms and Explosives
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Moderately
80%	75%	100%	67%	Effective

3.4 Does the program have procedures (e.g. competitive sourcing/cost comparisons, IT improvements, appropriate incentives) to measure and achieve efficiencies and cost effectiveness in program execution? Answer: YES Question Weight:14%

Explanation: ATF is also working toward the implementation of the Firearms Integrated Technology initiative. IT improvements are approved and monitored through a process led by the recommendations of the Information Resource Management Council, which reviews business cases (which are required for all initiatives) and monitors milestones of approved projects. Examples of such projects are improvements ATF has made in its operations involving firearms tracing, the comparison of ballistics information, and the referral of investigative information.

Evidence: ATF has added the capability to submit trace requests electronically, speeding up a process that was very time-consuming for local agencies and was the major barrier to full participation in NIBIN. Furthermore, the NIBIN systems will be networked nationwide by the end of FY 2003, allowing comparisons across all of the participant repositories. Access 2000 enables ATF to have 24-hour access to the records of several major manufacturers. Referrals of NICS/Brady violators have been streamlined in response to an audit recommendation, so that information is provided to field offices more quickly. The Firearms Integrated Technology initiative will provide a single source for inputting, reporting, and analyzing firearms data and will consist of a firearms transaction processing database, an integrated firearms intelligence system, and an imaging system.

3.5 Does the program collaborate and coordinate effectively with related programs? Answer: YES Question Weight:14%

Explanation: In implementing the Administration's Project Safe Neighborhoods initiative, ATF actively collaborates with Federal, State, and local law enforcement and regulatory agencies, industry, and industry associations to accomplish shared missions.

Evidence: ATF regularly coordinates training programs and information seminars for partner agencies. In 2002, more than 20 training sessions were conducted for Project Safe Neighborhoods participants. ATF also provides firearms trafficking training and training in tracing procedures for Federal, State, local, and international agencies. ATF has signed memoranda of understanding with the FBI for the Joint Terrorism Task Force and the U.S. Customs Service for investigations.

3.6 Does the program use strong financial management practices? Answer: YES Question Weight:14%

Explanation: ATF has received six unqualified audit opinions on its financial operations (FY 1995-2000), with no material weaknesses, including the administration of its firearms programs.

Evidence: The Department of Treasury's Office of Inspector General (OIG) report titled "Financial Management: Report on Internal Control Over Financial Reporting of the Bureau of Alcohol, Tobacco and Firearms for Fiscal Year 2002" (OIG 03-044) indicates that ATF has effective internal controls for financial reporting.

PART Performance Measurements

Program: ATF Firearms Programs -- Integrated Violence Reduction Strategy
Agency: Department of Justice
Bureau: Bureau of Alcohol, Tobacco, Firearms and Explosives
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Moderately
80%	75%	100%	67%	Effective

3.7 Has the program taken meaningful steps to address its management deficiencies? Answer: YES Question Weight: 14%

Explanation: ATF conducts comprehensive internal reviews, and has implemented OIG recommendations.

Evidence: ATF's Office of Inspection reviews all directorates (divisions, districts, administrative components, and other offices) on a three-year cycle. The review covers all aspects of management, including funds management, procedures, personnel management, and asset utilization. ATF has solicited input from the Department of Justice to determine effective performance measures to provide more meaningful data for ATF managers. In September 2001, ATF published a best practices report in relation to the implementation of the Youth Crime Gun Interdiction Initiative. ATF also utilizes a log to track and follow up on all external audit findings and recommendations.

4.1 Has the program demonstrated adequate progress in achieving its long-term performance goals? Answer: YES Question Weight: 33%

Explanation: A new long-term outcome goals has been identified (see Question 2.1). Based on the existing long-term performance goals, ATF has met or exceeded them.

Evidence: For the three years ending in 2000 and 2001, the cities with significant ATF presence had a 15.8% and 9.3% lower violent firearms crime rate than comparable cities. The long-term goal was set at a 9% difference.

4.2 Does the program (including program partners) achieve its annual performance goals? Answer: SMALL EXTENT Question Weight: 33%

Explanation: ATF has had mixed results in achieving its annual goals for violent firearms crime. The annual performance goal for inspections was not in place for 2002, but current results look promising.

Evidence: For the years ending in 2000 and 2001, the annual differential for violent firearms crime was 3.9% and .3%, respectively, while the goal was a 3% difference.

4.3 Does the program demonstrate improved efficiencies or cost effectiveness in achieving program goals each year? Answer: NA Question Weight: 0%

Explanation: Cost effectiveness measures are not currently being applied to law enforcement operations, which comprise the bulk of activity in the IVRS programs.

Evidence:

4.4 Does the performance of this program compare favorably to other programs, including government, private, etc., with similar purpose and goals? Answer: NA Question Weight: 0%

Explanation: There are no programs with a similar purpose for comparison, given ATF's unique jurisdiction and services of regulation and enforcement at the federal level.

Evidence:

PART Performance Measurements

Program: ATF Firearms Programs -- Integrated Violence Reduction Strategy
Agency: Department of Justice
Bureau: Bureau of Alcohol, Tobacco, Firearms and Explosives
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Moderately
80%	75%	100%	67%	Effective

4.5 Do independent evaluations of sufficient scope and quality indicate that the program is effective and achieving results?

Answer: LARGE
EXTENT

Question Weight 33%

Explanation: Independent evaluations of programs within IVRS (FFL inspections, YCGII and NIBIN) have not indicated major deficiencies. These reports did indicate a lack of performance measures to assess effectiveness, and ATF subsequently implemented an appropriate measure. However, although ATF has implemented an overall effectiveness measure, this looks at results across IVRS programs and does not trace to the individual programs. Without this, we cannot tell conclusively what does and does not work, and there is no systematic basis from which to determine prioritization and resource allocation.

Evidence: In FFL inspections and YCGII, OIG Reports OIG-01-038 and OIG-00-119 indicated that better performance measures were needed. ATF developed a measure in response that compares city violent firearms crime rates with significant ATF presence with comparable control cities. This measure by itself is not sufficient, however, because it does not allow for an assessment of the independent effects of FFL inspections, NIBIN, or YCGII. A study of NIBIN sponsored by the equipment manufacturer is currently underway which looks at the effectiveness of automated ballistics comparison.

PART Performance Measurements

Program: ATF Firearms Programs -- Integrated Violence Reduction Strategy
Agency: Department of Justice
Bureau: Bureau of Alcohol, Tobacco, Firearms and Explosives
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Moderately
80%	75%	100%	67%	Effective

Measure: Percent firearms crime reduction in metroarea w/ substantial ATF presence (yearly).

Additional Information: There will be a two-year lag time for actual data, based on the lag in publication of the annual Uniform Crime Report.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2000	3%	3.9%	
2001	3%		
2002	3%		
2003	3%	4%	
2004	4%	.2%	

Measure: Percent reduction in instances of violations among firearms licensees recommended for recall inspections

Additional Information: Comparison of inspection results from previous inspection

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2002		67%	
2003	10%	5.7%	
2004	4%	3.6%	
2005	4%		
2006	5%		

PART Performance Measurements

Program: ATF Firearms Programs -- Integrated Violence Reduction Strategy
Agency: Department of Justice
Bureau: Bureau of Alcohol, Tobacco, Firearms and Explosives
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Moderately
80%	75%	100%	67%	Effective

Measure: Percent of high-crime cities nationwide with a reduction in violent firearms crime. (Top 50 cities with highest levels of violent crime in which ATF has a presence. Violent crime rates will be determined by Uniform Crime Report data.)

Additional Information: Reductions in violent firearms crime in cities with an ATF presence

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Long-term
2004	5%		

PART Performance Measurements

Program: Bureau of Prisons
Agency: Department of Justice
Bureau: Federal Prison System
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Moderately
80%	85%	86%	75%	Effective

1.1 Is the program purpose clear?

Answer: YES

Question Weight 20%

Explanation: The BOP has a clearly defined and well articulated mission statement.

Evidence: The BOP was established by statute in 1930. The BOP's mission, as stated in the Department's Strategic Plan, is to protect society by confining federal inmates in prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure.

1.2 Does the program address a specific and existing problem, interest or need?

Answer: YES

Question Weight 20%

Explanation: The purpose of the BOP is to provide progressive and humane care for Federal inmates, to professionalize the prison service, to ensure consistent and centralized administration of Federal prisons, and to provide vocational and education opportunities to assist inmates in becoming law-abiding citizens upon their release from prison.

Evidence: Today there are approximately 169,000 inmates in custody of the BOP. These federally sentenced inmates and detainees are confined in a variety of controlled, humane prison environments. The BOP protects public safety by striving to achieve zero escapes and ensure that no disturbances occur in its 103 correctional facilities nationwide. The BOP also provides programming, treatment and counseling to inmates based upon their individual needs.

1.3 Is the program designed so that it is not redundant or duplicative of any other Federal, state, local or private effort?

Answer: NO

Question Weight 20%

Explanation: The BOP is the only agency mandated to be responsible for the care and custody of Federally sentenced offenders. The BOP's critical role in the Federal criminal justice system is at the end of the pipeline where the BOP is responsible for all Federally sentenced inmates, and over a third of pre-trial detainees. The BOP coordinates with FBI, USMS, USA's, BICE (INS), Federal Courts, state and local governments, and communities to ensure that every Federally sentenced inmate serves their term in facilities which provide appropriate programming, work opportunities, and pre-release transitioning to the community.

Evidence: Although the BOP is mandated oversight responsibility for federal felons, it does not mean that the BOP must incarcerate all of these prisoners. The BOP can and should increase its usage of and reliance on state and local and private sector prison service providers. While the number of federal inmates in contract facilities has gone up, the percentage has gone down this year as a result of the December 2002 DOJ OLC Opinion. BOP's goal is to compensate for this effect by increasing placement of all other eligible inmates in Community Corrections Centers (CCCs) as they reach eligibility criteria by the Office of Legal Counsel (OLC) Opinion. The BOP continues to make progress and increase its reliance on the provision of correctional services offered by the private sector and state and local correctional agencies; up from 1.5% in 1980 to 10.7% in 1990, to over 15% today. The BOP has in its custody over 169,000 inmates in 103 BOP owned and operated facilities and in private contract facilities, community corrections centers, and on home confinement.

PART Performance Measurements

Program: Bureau of Prisons
Agency: Department of Justice
Bureau: Federal Prison System
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Moderately
80%	85%	86%	75%	Effective

1.4 Is the program design free of major flaws that would limit the program's effectiveness or efficiency? Answer: NO Question Weight: 20%

Explanation: The BOP maintains a mix of in-house and outside contracts for federal inmate confinement and prison services. Therefore, the BOP is able to achieve an efficient and cost-effective prison system by placing inmates in the least restrictive and costly correctional facility appropriate to their custody and security level requirements. However, until the Taft comparison study (public vs. private sector prison management) is released for critical review and evaluation, it is premature to say that the program is free of major flaws with regard to program effectiveness and efficiency.

Evidence: The BOP strives to develop and implement new programs, i.e., Challenge, Opportunity, Discipline and Ethics (CODE) and Bureau Responsibility and Values Enhancement (BRAVE) programs which have proven to reduce misconduct in the prison setting, and re-entry and job placement programs designed to assist prisoners in successful reintegration back into society upon release. The BOP is requesting initial funding for an additional 5,000 contract beds, working toward the dual goals of lowering crowding in BOP facilities, and housing special population minimum or low security inmates in contract beds. Until the Taft comparison study is released for critical review and evaluation, however, it is premature to say that the program is free of major flaws with regard to program effectiveness and efficiency.

1.5 Is the program effectively targeted, so that resources will reach intended beneficiaries and/or otherwise address the program's purpose directly? Answer: YES Question Weight: 20%

Explanation: The BOP's classification and designation system ensures that offenders are confined in prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure. With this approach, offenders are placed in the most appropriate security level facility with programming specifically suited to their needs. The BOP's capital investment (M&R program) maintains facilities paid for by taxpayer dollars.

Evidence: Offenders are assigned a custody status which relates to the degree of supervision needed and ensures that offenders are placed in the least costly correctional environment appropriate to their custody and security level needs. The result is a grouping of offenders with similar custodial needs in an institution and a significant reduction in the mixing of aggressive and non-aggressive offenders. With efficient and effective unit management as well as other innovative programs (i.e., CODE, BRAVE, RDAP), the BOP has consistently held per capita costs below inflation.

2.1 Does the program have a limited number of specific long-term performance measures that focus on outcomes and meaningfully reflect the purpose of the program? Answer: YES Question Weight: 12%

Explanation: The BOP has ambitious long-term performance measures which are closely monitored and updated on a continuous basis, and annual goals are planned to achieve the long-term goals. The measures focus on outcomes and involve security, a sophisticated population projection model and formal capacity plan, and inmate programming. The long-term performance measures are 1) System-wide crowding in federal prisons 30% by 2010; 2) Inmates who participate in Federal Prison Industries will remain 24 percent less likely to recidivate three to seven years after release from a secure facility, compared to similarly situated inmates who did not participate; 3) zero escapes from secure BOP facilities through 2010.

Evidence: Evidence is found in the public DOJ Performance Plan/Report GPRA document, BOP strategic plan, and in BOP budget submissions. Further, there are numerous BOP documents which contain performance reporting information. The BOP capacity plan is utilized to manage the current Federal inmate population and plan for the future. It contains detailed long-term performance goals based on anticipated resource levels along with projected inmate population levels. Each BOP budget submission contains the inmate population, BOP facilities rated capacity and crowding projected into the outyears.

PART Performance Measurements

Program: Bureau of Prisons
Agency: Department of Justice
Bureau: Federal Prison System
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Moderately
80%	85%	86%	75%	Effective

2.2 Does the program have ambitious targets and timeframes for its long-term measures? Answer: YES Question Weight:12%

Explanation: The BOP has ambitious long-term performance targets and time frames which are closely monitored and updated on a continuous basis, and annual goals are planned to achieve the long-term goals. Long-term plans are reviewed and updated quarterly by the BOPs Executive Staff. Quarterly updates for annual measures are also submitted by program managers. The goals involve a sophisticated population projection model and format capacity plan.

Evidence: Evidence is found in the public DOJ Performance Plan/Report GPRA document, BOP strategic plan, and in BOP budget submissions. Further, there are numerous BOP documents which contain performance reporting information. The BOP capacity plan is utilized to manage the current Federal inmate population and plan for the future. It contains detailed long-term performance targets based on anticipated resource levels along with projected inmate population levels. Each BOP budget submission contains the inmate population, BOP facilities rated capacity and crowding projected into the outyears. For example, the FY 2004 budget projects this information through FY 2010.

2.3 Does the program have a limited number of specific annual performance measures that can demonstrate progress toward achieving the program's long-term goals? Answer: YES Question Weight:12%

Explanation: The BOP annually measures prison crowding, per capita costs, number of assaults, homicides, and escapes, medical costs, inmates completing residential drug treatment programs, and inmates receiving education and vocational training. Measures are being developed to specifically support new long term outcome goals. The BOP has specific targets which are outcome oriented and emphasize the importance of obtaining adequate capacity as well as improving offender skills and training, and providing substance abuse counseling while incarcerated. Three annual goals are : (1) percentage of crowding by security level; (2) escapes from secure prisons; and (3) inmates who participated in Federal Prison Industries (FPI) will be 35 percent less likely to recidivate one year after release from a secure facility compared to similarly situated inmates who did not participate.

Evidence: In accordance with revised long term goals, the BOP is developing annual performance measures that support those goals. The BOP has identified specific targets which are outcome oriented and emphasize the importance of obtaining adequate capacity as well as improving offender skills and treating substance abuse while incarcerated. Based on 3rd quarter data, the FY 2003 performance goals for the three targets will be met or exceeded. The targets for FY 2003 are listed in the performance section of the PART.

PART Performance Measurements

Program: Bureau of Prisons
Agency: Department of Justice
Bureau: Federal Prison System
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Moderately
80%	85%	86%	75%	Effective

2.4 Does the program have baselines and ambitious targets for its annual measures? Answer: NO Question Weight:12%

Explanation: The BOP has historical data to support baseline measures. Baselines and targets are published in the DOJ Performance Plan/Report. The BOP has an active research office who work with DOJ, US Courts, and Sentencing Commission to maintain baseline data and chart future trends. The BOP's automated SENTRY system and Key Indicators/Strategic Support System provides data regularly to permit comparisons across time and for program analyses. The BOP is working on making targets more ambitious. The BOP has established new recidivism measures for FY 2005: inmates who participated in Federal Prison Industries (FPI) will remain 35 percent less likely after one year and 24 percent less likely to recidivate three to seven years after release from a secure facility, compared to similarly situated inmates who did not participate. These new recidivism measures will be considered for more ambitious targets as better baseline data becomes available.

Evidence: Evidence is found in the BOP Performance Plan/Report GPRA document. In addition, the BOP has established baselines which have led to the development of a sophisticated population projection model and continuing research in concert with other agencies on the effect of projections and various cost comparisons. The BOP provides weekly updates to DOJ and OMB on population, capacity, and crowding trends, and monthly updates on construction status. However, these program projections are not annual performance measures and therefore the BOP will need to develop associated measures and targets which support these projections.

2.5 Do all partners (including grantees, sub-grantees, contractors, cost-sharing partners, and other government partners) commit to and work toward the annual and/or long-term goals of the program? Answer: NO Question Weight:12%

Explanation: All contracts contain explicit guidance and criteria which address achievements expected. At this point, the BOP plans to have its new recidivism measure for FY 2005 tie directly to long-time program partner FPI/UNICOR.

Evidence: Specific contract performance standards are included with all solicitations. They outline consequences of non-performance (i.e., failing to complete the work within the time specified in the contract) as well as conditions under which a performance incentive award fee might be earned. The BOP intends to tie program achievements specifically to long term program goals (e.g., reducing recidivism).

2.6 Are independent evaluations of sufficient scope and quality conducted on a regular basis or as needed to support program improvements and evaluate effectiveness and relevance to the problem, interest, or need? Answer: YES Question Weight:12%

Explanation: The BOP is regularly the subject of initial findings, audit and follow-up reports conducted by the American Correctional Association (ACA) and the Joint Commission on Health Care Organizations (JCAHO) for the purposes of achieving and maintaining national facility and operational accreditation. In addition, largely due to the dramatic rise in the Federal inmate population over the past decade, as well as the emergence of the private sector into the incarceration arena, the BOP has been the subject of external evaluations, reviews and analyses sponsored by - and for - the private prison industry.

Evidence: The BOP is the subject of external evaluations and audits conducted by the ACA, the JCAHO, the Government Accounting Office, the Office of the Inspector General and PriceWaterhouseCoopers (audited financial statements). In addition, the BOP has an internal systematic approach to assessing operations and programs at all organizational levels through the BOP Program Review process. Further, the BOP is accountable through the annual performance plan, the strategic plan, the "State of the Bureau" (an annual publication that provides a summary of the BOP's yearly activities, statistical data, and articles on specific aspects of BOP's operations) all of which provide program evaluation information.

PART Performance Measurements

Program: Bureau of Prisons
Agency: Department of Justice
Bureau: Federal Prison System
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Moderately
80%	85%	86%	75%	Effective

2.7 **Are Budget requests explicitly tied to accomplishment of the annual and long-term performance goals, and are the resource needs presented in a complete and transparent manner in the program's budget?** Answer: YES Question Weight: 12%

Explanation: The BOP program budget is strategically aligned by decision unit with program goals and objectives. For example, in the Inmate Programs decision unit, BOP's goal is to provide residential drug treatment to 100% of eligible inmates. Funding requirements to meet these goals take into account the anticipated number of inmates to receive such services. Also, in the Inmate Confinement decision unit, there is a direct and clear relationship between requests for additional capacity (contract and new construction) and impact on capacity and crowding goal targets.

Evidence: The Federal Prison System (FPS), in conjunction with the DOJ and OMB, restructured its FY 2004 budget in accordance with the President's Management Reform Agenda and the Government Performance and Results Act. This accomplished necessary changes to move closer to performance based budgeting by integrating budget and performance, while improving financial flexibility and efficiency. The new structure incorporates the old Salaries and Expenses (S&E), Buildings and Facilities (B&F), Commissary, and Federal Prison Industries (FPI) budgets into one streamlined budget with two decision units. The FPS is currently developing the FY 2005 request under the new structure, clearly tying the requested levels to accomplishment of annual and long term performance targets.

2.8 **Has the program taken meaningful steps to correct its strategic planning deficiencies?** Answer: YES Question Weight: 12%

Explanation: Strategic planning is driven by the BOP's mission and vision statements, which are supported by seven broad, long-term correctional goals. Each of the seven goals is supported by specific objectives and action plans. The BOP Executive Staff holds quarterly planning sessions to ensure that the agency's strategic goals continue to meet the needs of society and reflect the major issues that face the agency, the vision and mission of a modern correctional system, and the challenges confronting the BOP both currently and in the future. During these sessions, the Executive Staff make decisions concerning proposals to revise, eliminate, or add objectives. Additionally, required reports from institutions, regions, and divisions outlining progress toward meeting objectives and action plans are reviewed.

Evidence: Material weaknesses are identified, i.e., crowding, and addressed through the agency plan, the Department Strategic Plan as well as through long-term and annual goals.

PART Performance Measurements

Program: Bureau of Prisons
Agency: Department of Justice
Bureau: Federal Prison System
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Moderately
80%	85%	86%	75%	Effective

3.1 Does the agency regularly collect timely and credible performance information, including information from key program partners, and use it to manage the program and improve performance? Answer: YES Question Weight:14%

Explanation: The BOP has 6 privately managed prison and detention facilities included in its inmate management portfolio. They are required by contract to enter inmates data in the BOP system. The BOP utilizes a Quality Assurance Plan to routinely monitor contractor compliance and improve performance. The key indicator system summarized performance information which BOP Executive Staff use to make management decisions for the agency. Headquarter divisions are asked to run reports regularly, weekly, monthly, quarterly, for different agency reporting requirements and to keep track of and adjust targets as necessary.

Evidence: The BOP routinely maintains on-site contract and other management/security personnel at contract and privately managed facilities. In addition, biannual reviews are conducted utilizing a Quality Assurance Plan to monitor and improve program performance. The BOP relies on its own reporting, compliance records and observations about operations, as well as contract company-entered computer data, to determine whether contract specifications are being met, revisions and modifications are required, and/or contract termination is warranted. The BOP is awaiting completion of the final independent analysis and evaluation on the effectiveness and cost-competitiveness of its privately managed Taft Correctional Institution.

3.2 Are Federal managers and program partners (including grantees, sub-grantees, contractors, cost-sharing partners, and other government partners) held accountable for cost, schedule and performance results? Answer: YES Question Weight:14%

Explanation: All contracts contain explicit guidance and criteria which address achievements expected and how it impacts annual and long-term accomplishment goals.

Evidence: Specific contract performance standards are included with all solicitations. They outline consequences of non-performance (i.e., failing to complete the work within the time specified in the contract) as well as conditions under which a performance incentive award fee might be earned.

3.3 Are funds (Federal and partners') obligated in a timely manner and spent for the intended purpose? Answer: YES Question Weight:14%

Explanation: The BOP has focused on timely obligation of funds over the past several years. Headquarters and regional offices consistently review status of obligation reports monthly and quarterly and meet monthly. In terms of spending funds for intended purposes, there is a certain degree of flexibility in the BOP's decision unit funding structure. When discretion and latitude exceed reasonable interpretation, the BOP requests formal reallocation of funds through reprogramming requests. There are instances, however, when the BOP requires funds for alternative uses. An example would be when funds are necessary to fund higher than requested personnel costs or unanticipated activities, i.e., counterterrorism, war on Iraq.

Evidence: Apportionment requests, Treasury end-of year reports, 133's indicate that funds are obligated in a timely manner. In addition, the BOP has made funding adjustments to accommodate the enacted pay raise (4.1% vs. 2.6% in the President's budget), and unanticipated counterterrorism related expenses.

PART Performance Measurements

Program: Bureau of Prisons
Agency: Department of Justice
Bureau: Federal Prison System
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Moderately
80%	85%	86%	75%	Effective

3.4 Does the program have procedures (e.g. competitive sourcing/cost comparisons, IT improvements, appropriate incentives) to measure and achieve efficiencies and cost effectiveness in program execution? Answer: NO Question Weight:14%

Explanation: While the BOP has several procedures in place which measure progress toward performance targets, no competitive sourcing/cost comparisons have been completed for independent evaluation and scrutiny. Since 1996, the BOP has strived to hold its inmate per capita cost below inflation through cost containment initiatives including: review of functions; reengineering of processes; streamlining of budget decision units; construction and shared services at prison complexes; and identification and achievement of savings goals. Additionally, the BOP also regularly tracks data to determine progress toward goals, i.e., assaults/homicides/suicides/escapes. A new recidivism measure established by the BOP for FY 2005 will further demonstrate the effectiveness of long-time partner Federal Prison Industries (FPI) programs.

Evidence: The FY 2002 annual per inmate cost, \$22,517, is \$1,025 (4.5 percent) lower than that in 1996, \$23,542. This occurred during a time when the rate of inflation rose nearly 20 percent, and despite additional requirements since September 11, 2001, and those levied by the Religious Freedom Restoration Act; Violent Crime Control Law Enforcement Act; D.C. Revitalization Act; Prison Litigation Reform Act; and the DNA Analysis Backlog Elimination Act. In addition, FY 2002 per capita cost at the privately run Taft, CA facility was \$41.42 per day; per capita at comparable facilities included in the ongoing study for FY 2002 were: Yazoo City, MS - \$39.84; Forrest City, AR - \$41.52; Elkton, OH - \$43.47. The difference between all comparable facilities and the Taft facility is less than five percent. However, until the Taft study is released for critical review and evaluation, the results are not available for public and independent evaluation and scrutiny.

3.5 Does the program collaborate and coordinate effectively with related programs? Answer: YES Question Weight:14%

Explanation: The BOP coordinates with FBI, USMS, USA's, BICE (INS), Federal Courts, state and local governments, and communities to ensure that every Federally sentenced inmate serves their term in facilities which provide appropriate programming, work opportunities, and pre-release transitioning to the community. In addition, the BOP houses inmates for the USMS, BICE (INS) and other state and local correctional systems. The BOP has served as a model for many of these systems and institutions.

Evidence: In addition to collaborating with other criminal justice systems, the National Institute of Corrections (NIC) provides assistance to international, Federal, state and local correctional agencies. Memorandums of Understanding (MOUs) with the USMS and FBI are in existence which ensure smooth and efficient operations and use of resources. Further, the BOP regularly participates in joint task forces with other organizations (i.e., Joint Terrorism Task Force). The BOP also utilizes Public Health Service (PHS) personnel on a reimbursable basis to help carry out BOP medical services programs as appropriate.

3.6 Does the program use strong financial management practices? Answer: YES Question Weight:14%

Explanation: The BOP has consistently received "unqualified" opinions (clean) on its Audited Financial Statements for the past four years.

Evidence: The BOP received "Unqualified" (clean) opinions on its Audited Financial Statements in FY 1999, FY 2000, FY 2001 and FY 2002. Since 1997, the BOP designed and teaches an "appropriations class" to financial, facilities, and procurement personnel to ensure a better understanding of the process and implement that knowledge accordingly in spending decisions.

PART Performance Measurements

Program: Bureau of Prisons
Agency: Department of Justice
Bureau: Federal Prison System
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Moderately
80%	85%	86%	75%	Effective

3.7 Has the program taken meaningful steps to address its management deficiencies? Answer: YES Question Weight: 14%

Explanation: The BOP is regularly the subject of initial findings, audit and follow-up reports conducted by the American Correctional Association (ACA) and the Joint Commission on Health Care Organizations (JCAHO) for the purposes of achieving and maintaining national facility and operational accreditation.

Evidence: The BOP is the subject of external evaluations and audits conducted by the ACA, the JCAHO, the Government Accounting Office, the Office of the Inspector General, and PriceWaterhouseCoopers (audited financial statements). In addition, the BOP has an internal systematic approach to assessing operations and programs at all organizational levels through the BOP Program Review Process.

4.1 Has the program demonstrated adequate progress in achieving its long-term performance goals? Answer: YES Question Weight: 25%

Explanation: The BOP has ambitious long-term performance goals which are closely monitored and updated on a continuous basis, and annual goals are planned to achieve the long-term goals. The goals involve a sophisticated population projection model and formal capacity plan. The DOJ FY 2002 Performance Plan/Report reflects the BOP has made adequate progress in short-term measures which are directly tied to our outcome performance goals. For FY 2005, the BOP has added a new long-term goal: Inmates who participated in Federal Prison Industries (FPI) will remain 24 percent less likely to recidivate three to seven years after release from a secure facility, compared to similarly situated inmates who did not participate.

Evidence: The BOP capacity plan is utilized to manage the current Federal inmate population and plan for the future. It contains detailed long-term performance measures based on anticipated resource levels along with projected inmate population levels. Each BOP budget submission contains the inmate population, BOP facilities rated capacity and crowding, projected into the outyears. For example, the FY 2005 budget projects this information through FY 2011.

4.2 Does the program (including program partners) achieve its annual performance goals? Answer: NO Question Weight: 25%

Explanation: The performance goals for inmates having a high school/GED within 7 months of release, enrollment in vocational training programs and residential drug treatment programs have been met or exceeded in both FY 2001 and FY 2002 (the most recent years for which final data is available). For FY 2005, a new annual goal has been added for the BOP: Inmates who participated in FPI will be 35 percent less likely to recidivate one year after release from a secure facility compared to similarly situated inmates who did not participate.

Evidence: In the past two years, the BOP has graduated, certified or issued diplomas to over 60% of inmates in high school or GED programs within 7 months of their release from prison; ensured 9,000 inmates completed at least one vocational training program; and enrolled 100% of eligible inmates in its residential drug treatment program.

PART Performance Measurements

Program: Bureau of Prisons
Agency: Department of Justice
Bureau: Federal Prison System
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Moderately
80%	85%	86%	75%	Effective

4.3 Does the program demonstrate improved efficiencies or cost effectiveness in achieving program goals each year? Answer: YES Question Weight 25%

Explanation: Since 1996, the BOP has strived to hold its inmate per capita cost below inflation through cost containment initiatives including: review of functions; reengineering of processes; streamlining of budget decision units; construction and shared services at prison complexes; and identification and achievement of savings goals.

Evidence: The FY 2002 annual per inmate cost, \$22,517, is \$1,025 (4.5 percent) lower than that in 1996, \$23,542. This occurred during a time when the rate of inflation rose nearly 20 percent, and despite additional requirements since September 11, 2001, and those levied by the Religious Freedom Restoration Act; Violent Crime Control Law Enforcement Act; D.C. Revitalization Act; Prison Litigation Reform Act; and the DNA Analysis Backlog Elimination Act.

4.4 Does the performance of this program compare favorably to other programs, including government, private, etc., with similar purpose and goals? Answer: NA Question Weight: 0%

Explanation: The Department contracted for an outside, independent evaluation of the BOP's privately managed Taft facility. The study is envisioned to evaluate and compare services, security, and costs with other similar BOP managed facilities. The BOP is awaiting completion and verification of the study through an independent analysis and evaluation.

Evidence: Favorable comparison of the BOP and other comparable programs has not yet been determined. The BOP continues to monitor and report actual per capita costs on an annual basis by security level. The FY 2002 annual per inmate cost, \$22,517, is \$1,025 (4.5 percent) lower than that in 1996, \$23,542. This occurred during a time when the rate of inflation rose nearly 20 percent, and despite additional requirements since September 11, 2001, and those levied by the Religious Freedom Restoration Act; Violent Crime Control Law Enforcement Act; D.C. Revitalization Act; Prison Litigation Reform Act; and the DNA Analysis Backlog Elimination Act. Since 1996, the BOP has strived to hold its inmate per capita cost below inflation through cost containment initiatives including: review of functions; reengineering of processes; streamlining of budget decision units; construction and shared services at prison complexes; and identification and achievement of savings goals.

4.5 Do independent evaluations of sufficient scope and quality indicate that the program is effective and achieving results? Answer: YES Question Weight 25%

Explanation: The BOP facilities are routinely and systematically reviewed for accreditation by independent, external organizations.

Evidence: The ACA, the JCAHO and others conduct independent, external assessment of BOP facilities and operations on a routine basis. 95 percent of eligible BOP facilities were accredited by ACA during FY 2001, and 100 percent of eligible BOP facilities accredited by JCAHO.

PART Performance Measurements

Program: Bureau of Prisons
Agency: Department of Justice
Bureau: Federal Prison System
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Moderately
80%	85%	86%	75%	Effective

Measure: Systemwide crowding in Federal Prisons as measured by rated capacity: 100% double bunking in low and minimum security, 50% double bunking in medium security and 25% double bunking in high security prisons.

Additional Information: While optimum operating conditions would be at rated capacity, the BOP recognizes the fiscal constraints under which the Federal Government is currently operating and has set a goal of 30 percent above rated capacity as the level it will operate under through 2010 in order to conserve federal dollars.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Long-term
2010	30%		

Measure: Systemwide crowding rates. The number of inmates as a percentage of overall rated capacity.

Additional Information:

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2001	34%	32%	
2002	34%	33%	
2003	37%		
2004	36%		
2005	35%		

Measure: Recidivism Rate: Percent of FPI employed inmates who return to prison 3-7 years from release compared to other similar, non-FPI employed inmates.

Additional Information: The goal is for inmates who participated in Federal Prison Industries to remain 24 percent less likely to recidivate three to seven years after release from a secure facility, compared to similarly situated inmates who did not participate.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Long-term
2008	24%		

PART Performance Measurements

Program: Bureau of Prisons
Agency: Department of Justice
Bureau: Federal Prison System
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Moderately
80%	85%	86%	75%	Effective

Measure: Recidivism Rate: Percent of FPI employed inmates who return to prison 1 year from release compared to other similar, non-FPI employed inmates.
Additional Information: The goal is for inmates who participated in FPI to be 35 percent less likely to recidivate one year after release from a secure facility compared to similarly situated inmates who did not participate.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual	(Efficiency Measure)
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Measure: Escapes from secure BOP facilities through 2010.
Additional Information:

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Long-term
2010	0		

Measure: Escapes from secure BOP facilities
Additional Information:

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2001	0	4	
2002	0	0	
2003	0		
2004	0		
2005	0		

OMB Program Assessment Rating Tool (PART)

Competitive Grant Programs

Name of Program: Community Oriented Policing Services

Section I: Program Purpose & Design (Yes, No, N/A)

	Questions	Ans.	Explanation	Evidence/Data	Weight	Weighted Score
1	<i>Is the program purpose clear?</i>	YES	The legislation establishing COPS outlined the following purposes: substantially increase the number of law enforcement officers interacting with the community, provide law enforcement training on problem-solving and community interaction, and encourage innovative crime prevention programs and new law enforcement technologies. The presumed end result of these activities is reduced crime and improved public safety.	1994 Crime Act and current COPS Office mission statement	20%	0.2
2	<i>Does the program address a specific interest, problem or need?</i>	No	COPS was designed to support the advancement of community policing and 'long standing' needs for additional law enforcement personnel and technology. As local law enforcement has since widely adopted community policing and deployed roughly 80,000 officers with COPS funding, the program has widened its focus include the "emerging and changing needs of law enforcement as well as school safety." While such a definition is consistent with becoming a "one-stop grants shop" for law enforcement agencies, it fails to target a particular problem other than the shortage of state and local funds.	CEO symposium has outlined emerging law enforcement needs and the demand for program resources consistently exceeds available funding. However these needs are not specific, as merely attest to the fact that law enforcement agencies have a range of funding needs that change over time. Furthermore it is not clear to what extent departments desire funding for expanding community policing vs. sustaining their normal hiring efforts.	20%	0.0
3	<i>Is the program designed to have a significant impact in addressing the interest, problem or need?</i>	No	As originally formulated, the COPS program was designed to have a significant impact on the nascent 'community policing' movement by conditioning grants upon the deployment of community policing officers. These grants were supplemented with national and regional training programs. COPS continues to require that grantees within its various programs use community policing practices, but these are now sufficiently widespread that it is unclear why a substantial Federal subsidy is required to sustain them.	Grants required the addition of new positions and community policing strategies. Examples of COPS teaching strategies include Problem Oriented Policing guides, and the Regional Community Policing Institutes. COPS has not been able to define or quantify the remaining unmet "need" for community policing beyond the number of grant applications it receives.	20%	0.0

	Questions	Ans.	Explanation	Evidence/Data	Weight	Weighted Score
4	<i>Is the program designed to make a unique contribution in addressing the interest, problem or need (i.e., not needlessly redundant of any other Federal, state, local or private efforts)?</i>	YES	The program is somewhat unique two respects: the focus on community policing and the direct relationship to state and local law enforcement agencies. OJP formula programs such as Byrne grants and LLEBG can support new hires and technology, but there are few conditions for such funds which are actually distributed to state and local governments, not directly to law enforcement. While a variety of law enforcement organizations promote community policing, the only other grant program that requires it is Weed & Seed, but it focuses on the neighborhood level. The vast proportion of law enforcement salaries are funded by state and local government, with COPS underwriting no more than 5% at its height. Additional hiring grants may increase the total number of police officers, but as these grants are limited to three years, reducing future funding does not affect officers currently on duty.	1994 Crime Act. LLEBG and Byrne authorization language. In 1999, aggregate payroll for state and local law enforcement was approximately \$36 billion, vs. roughly \$0.9 billion in COPS hiring/More grants. COPS office cites Zhao report, which correlated COPS funding with changes in crime, but does not address program design. Law enforcement constituency groups have supported COPS funding on the grounds that state and local governments only provide them with a portion of DOJ block grant funds.	25%	0.3
5	<i>Is the program optimally designed to address the interest, problem or need?</i>	NO	The program does have some legislative constraints. The "population split" requirement requires that hiring funding be divided equally between large and small agencies. As a result, many small agencies with quality applications go unfunded. A 'national coverage' requirement to ensure that no state gets less than 0.5% of total funding results in the approval of some lower-quality applications. The COPS office believes the cap of \$75,000 per grant should be adjusted for inflation, with additional flexibility for high-cost areas; though such steps would reduce the number of officers and would benefit only a few cites with high costs of living. Furthermore, the need for a direct Federal subsidy of community policing officers now questionable, as the concept could be sustained and enhanced through training and technical assistance.	Restrictions are dictated by the 1994 Crime Act. COPS has not provided data on what percentages of qualified applications from large and small agencies have been rejected.	15%	0.0

Total Section Score	100%	45%
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Section II: Strategic Planning (Yes,No, N/A)

Questions	Ans.	Explanation	Evidence/Data	Weighting	Weighted Score
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	Questions	Ans.	Explanation	Evidence/Data	Weight	Weighted Score
1	<i>Does the program have a limited number of specific, ambitious long-term performance goals that focus on outcomes and meaningfully reflect the purpose of the program?</i>	No	In the FY03 Budget COPS established a new set of specific, long-term performance goals: reduction in locally identified, targeted crime and disorder; reduction in fear of crime in surveyed communities; increase in trust in local law enforcement in surveyed communities. However, the COPS program has not set specific targets or timelines for achieving these goals. There is no long term goal for "sustaining, strengthening, and enhancing" community policing.	These goals are laid out in DOJ's 2003 Annual Performance Report and Plan.	14%	0.0
2	<i>Does the program have a limited number of annual performance goals that demonstrate progress toward achieving the long-term goals?</i>	YES	The outputs that link to the long term goals are: # of officers funded and on the street, # of training hours delivered and people trained in community policing topics. 'Officers funded' is based on the grants have that been awarded to law enforcement agencies, while 'officers on the street' is defined as the number of COPS-funded officers employed by grantees. COPS does not have measures for the effectiveness of technology grants.	These goals are laid out in DOJ's 2003 Annual Performance Report and Plan.	14%	0.1
3	<i>Do all partners (grantees, sub-grantees, contractors, etc.) support program planning efforts by committing to the annual and/or long-term goals of the program?</i>	YES	As a condition of receiving COPS funds, grantees agree to report on the annual performance goals, but there is no requirement on reporting towards the long-term goals. COPS solicits input from law enforcement executives in its planning process through the CEO Symposium, but the new long-term goals were not discussed at 2001 & 2002 symposium meetings, except for a general discussion of public trust issues.	Award documents include grant terms and conditions. CEO symposium reports for 2001 & 2002.	14%	0.1

	Questions	Ans.	Explanation	Evidence/Data	Weight	Weighted Score
4	<i>Does the program collaborate and coordinate effectively with related programs that share similar goals and objectives?</i>	No	The program does collaborate and coordinate with other programs through joint grant programs/awards, conferences, and other efforts. However these grants account for a relatively small proportion of its total portfolio, and there is little formal coordination with DOJ's primary grant agency, the Office of Justice Programs. The COPS Office does coordinate with national law enforcement organizations through the Community Policing Consortium.	No documentation of systematic coordination with OJP on grant awards or community policing strategies. Other examples of formal arrangements include BJA & Dept. of Education (Safe Schools), Tribal program (coordinate with OJP, OTJ); Mental Health and Community Safety Initiative - Education, HHS, and OJJDP; DEA (Meth); INS VideoTeleconferencing Initiative; Project Safe Neighborhoods (ATF), Seat Belt Safety (DOT); town hall meeting videos (EOUSA, NCPC, ATF, OJJDP, NAPAL; BJS studies (LEMAS), Volunteers in Police Service. Community Policing Consortium website: http://www.communitypolicing.org/	14%	0.0
5	<i>Are independent and quality evaluations of sufficient scope conducted on a regular basis or as needed to fill gaps in performance information to support program improvements and evaluate effectiveness?</i>	Yes	COPS has funded three national-level evaluations covering community policing issues, administrative issues, and research issues. However, two of the studies were funded as cooperative agreements in which the COPS Office retained the right to approve the final report. While COPS should continue to support such evaluations, it should take further steps to guarantee the independence of their findings.	The Institute for Law and Justice study (2000) examined the impact of Problem-Solving Partnership grants, a 1997 initiative with less than 500 grantees. The NIJ/Urban Institute study (2000) surveyed a cross-section of roughly 2100 grantee and non-grantee agencies over the period 1996-1998. The 2001 U.of Neb. study examined the relative impact of COPS funding on local crime rates in 6100 cities over 1995-99. The Heritage Institution released a similar, county-level study the same year.	14%	0.1
6	<i>Is the program budget aligned with the program goals in such a way that the impact of funding, policy, and legislative changes on performance is readily known?</i>	NO	The 'unit cost' of hiring and training programs is well established, so changes in funding, policy and legislation are reflected in their annual performance measures. However, the budget-performance linkage for smaller, earmarked programs is much less clear. Furthermore, COPS has not devised a methodology for determining how much funding is required to achieve its long-term goals.	Given the elimination of hiring funds in the 2003 Budget, COPS is moving away from the "officers funded" measures towards broader outcome measures in the 2004 Budget. Draft performance tables for 2004 provide output measures for requested programs, but do not explicitly link these measure to the overall program goals	14%	0.0

	Questions	Ans.	Explanation	Evidence/Data	Weight	Weighted Score
7	<i>Has the program taken meaningful steps to address its strategic planning deficiencies?</i>	YES	COPS is revising and improved its long-term performance goals to focus on the ultimate benefits from program funding. COPS has taken action on some of the weaknesses identified by external evaluations.	After the Urban Institute questioned whether all COPS-funded officers would be deployed, COPS developed a Retention Toolkit clarifying the definition of retention, strengthened the retention language in grant-related materials, and required a Retention Certificate form be completed by the grantee prior to receiving a grant.	14%	0.1

Total Section Score					100%	57%
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Section III: Program Management (Yes,No, N/A)

	Questions	Ans.	Explanation	Evidence/Data	Weighting	Weighted Score
1	<i>Does the agency regularly collect timely and credible performance information, including information from key program partners, and use it to manage the program and improve performance?</i>	YES	Programmatic Progress Reports are submitted on an annual basis, and a comprehensive 'COPS Count' is performed on a annual basis. COPS Count has discovered problems with MORE redeployment which were addressed with workshops and technical assistance. The Monitoring Division utilizes progress reports when preparing for grantee site visits. Grant Program Specialists incorporate progress reports in their technical assistance efforts.	COPS Count questionnaire forms and executive summary memo; UHP, MORE, CIS programmatic progress reports	9%	0.1
2	<i>Are Federal managers and program partners (grantees, subgrantees, contractors, etc.) held accountable for cost, schedule and performance results?</i>	YES	The primary accountability documents during the grant award period are quarterly financial reports and programmatic progress reports. Failure to submit these documents can result in the freezing of grant funds, but it is not clear how often this occurs. During the grant period, accountability is enforced by the Monitoring Division's detailed review of selected grantees, IG audits, and OJP Controller Financial Audits, but these can only examine a fraction of grantees.	Copy of Financial Clearance Memo (FCM), Copy of Award document including terms and conditions, copy of a grant owner manuals for UHP, CIS, MORE; Certifications, Assurances; Financial Guide. The COPS Office utilizes the Issue Resolution Module, a component of the comprehensive COPS Management System, to track grantee compliance issues. This database logs the alleged infraction, actions taken to resolve the infraction, including any grant dollars recovered. Of the 5,941 compliance issues identified from FY99-02, the COPS Office has resolved 93%.	9%	0.1

	Questions	Ans.	Explanation	Evidence/Data	Weight	Weighted Score
3	<i>Are all funds (Federal and partners') obligated in a timely manner and spent for the intended purpose?</i>	NO	While the program strives to obligate all appropriated funding, and has reduced its typical carryover level from 10% to 1%. Due to grant application cycle, obligations primarily occur in the 4th Quarter, though carryover can also occur because lack of interest in a program (INS VideoTeleconferencing program); or appropriations language (prohibited the program from using recoveries). Recoveries and deobligations are approximately \$100M annually due to COPS' grant management efforts to reclaim unused funds.	Copy of SF-269 (Quarterly Financial Status Report). Year-by-year funding charts show carryover levels, including deobligations and recoveries. Carryover from FY01 to FY02 was \$56 million due to restrictions on the use of recoveries. Recoveries/deobligations from grantees totaled \$95 million in FY02. The IG has found numerous instances of grantees failing to use funds for their intended purpose, though it is hard to establish how representative these findings are as its audits combine random selections and referrals from the COPS Office itself.	9%	0.0
4	<i>Does the program have incentives and procedures (e.g., competitive sourcing/cost comparisons, IT improvements) to measure and achieve efficiencies and cost effectiveness in program execution?</i>	Yes	The Office does outsource activities such as IT support, training, and technical assistance; and as established a Business Practices Group to identify efficiency savings in the grant administration process.	Cooperative agreements for Regional Community Policing Institutes.	9%	0.1
5	<i>Does the agency estimate and budget for the full annual costs of operating the program (including all administrative costs and allocated overhead) so that program performance changes are identified with changes in funding levels?</i>	No	The COPS Office appropriation includes a separate line item for management and administration (\$33 million in the FY03 Budget), which covers all operational costs. The FY03 and FY04 requests include all indirect costs. The COPS Office requires little or no overhead support from main Justice. Support activities conducted by OJP (such as the IG) are supported on a reimbursable basis from COPS funds. While the full program costs are known, as discussed in Section II, Question 6, there is not a clear linkage between funding and the new long-term performance goals. Therefore the answer is no.	Copy of COPS Management and Administration operating plans	9%	0.0

	Questions	Ans.	Explanation	Evidence/Data	Weight	Weighted Score
6	<i>Does the program use strong financial management practices?</i>	YES	Auditors have found no material internal control weaknesses through the Trust Fund Audit performed by PricewaterhouseCoopers. COPS guards against erroneous payments by requiring that grantees have a current SF-269 on file before they can draw down funds. This prevents grantees from drawing down more than is available through their grant. Grantees must notify the program office if they wish to modify their award by more than 10%. The program office has the ability to freeze grantee funds if the grantee has violated terms and conditions (such as failing to file progress reports, Financial Status Reports) of active grants.	Copy of SF-269 (Quarterly Financial Status Report).	9%	0.1
7	<i>Has the program taken meaningful steps to address its management deficiencies?</i>	YES	The program has taken meaningful steps to address its management deficiencies. The program has improved its grant management system by housing data on audits, compliance, awards, and closeouts in one system. In addition, the office created a Compliance Division dedicated to audit resolution. The Legal Division has been reorganized to mirror the Grants and Monitoring divisions, improving customer service. The Grants Division is currently revising and improving the Closeout Policy and Procedure manual. Finally, records management has been strengthened with additional staff resources.	Copy of Closeout Policy and Procedure, User manuals for IRM, CMS, Monitoring Division Strategic Plan	9%	0.1
8 (Co 1.)	<i>Are grant applications independently reviewed based on clear criteria (rather than earmarked) and are awards made based on results of the peer review process?</i>	YES	The majority of COPS programs, including hiring grants, are competitive but earmarks have consumed an increasing part of its budget. For FY02, total COPS funding is \$738.6 million, of which \$228 million is earmarked (31%), with programs such as meth, law enforcement technology, and school safety hit the hardest. The competitive programs do follow a criteria-based scoring process for all applications, but internal subject matter experts actually score the applications, with several layers of review and quality control. Solicitations for policy support and evaluation grants do use an external peer review process.	The Grants Administration Division uses competitive criteria for all grant programs. Applications will experience initial reviews, 1st and 2nd reviews and final quality control. Application grading sheets for MORE, hiring grants, and 'cops in schools.' PPSE contract for external peer reviews and example.	9%	0.1

Questions	Ans.	Explanation	Evidence/Data	Weight	Weighted Score
9 (Co 2. <i>Does the grant competition encourage the participation of new/first-time grantees through a fair and open application process?</i>)	YES	Previously unfunded agencies are given priority in the competitive grant programs (Universal Hiring Program, COPS in Schools, Making Officer Redeployment Effective), and current grantees have no advantage when applying to grant programs. Applications are graded based on grantees' needs and their plans for using community policing strategies. Earmarked grants do not have a competitive process, and are heavily weighted towards states and localities represented by appropriation committee members.	Application grading sheets for UHP, MORE, CIS. CJS report language for law enforcement technology grants, Methamphetamine grants, and Safe school grants.	9%	0.1
10 (Co 3. <i>Does the program have oversight practices that provide sufficient knowledge of grantee activities?</i>)	No	COPS has a detailed oversight protocol and direct communication between grantees and grant advisors. These procedures include quarterly Financial Status Reports (SF-269s), programmatic progress reports, COPS count surveys, and final reports/deliverables from grantees. However as each advisor oversees 200+ grantees, the level of detailed oversight is fairly low. The Grants Monitoring and Compliance Divisions also play a significant role, but only 50% of all grant funds have been subject to site visits.	Copy of SF-269 (Quarterly Financial Status Report), UHP, MORE, CIS programmatic progress reports; Monitoring Division strategic plan	9%	0.0
11 (Co 4. <i>Does the program collect performance data on an annual basis and make it available to the public in a transparent and meaningful manner?</i>)	NO	COPS has released grantee data primarily via the FOIA process, though it has agreed to make such data more readily accessible in the near future. The COPS website does include aggregate information, such as grant announcements and the amount and type of each grant, by jurisdiction and state. COPS-funded evaluations are also available on-line.	COPS Websites: http://www.usdoj.gov/cops/foia/default.htm http://www.usdoj.gov/cops/foia/foia_err.htm	9%	0.0
Total Section Score				100%	64%

Section IV: Program Results (Yes, Large Extent, Small Extent, No)

Questions	Ans.	Explanation	Evidence/Data	Weight	Weighted Score
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	Questions	Ans.	Explanation	Evidence/Data	Weight	Weighted Score
1	Has the program demonstrated adequate progress in achieving its long-term outcome goal(s)?	No	A no response must be given because the program cannot identify any targets for timelines for achieving its new goals. At its inception, COPS long-term goals were to fund 100,000 additional law enforcement officers and advance community policing. By 1999, COPS had reached the funding goal (though only 60,600 officers were on the street) and almost 2/3 of law enforcement agencies used community policing practices. Given such progress, COPS is moving towards new, outcome-based measures, but these are still under development.	COPS Count survey found 60,600 funded officers on duty as of 1999, and 88,028 as of Aug 2002. Due to attrition, it is unlikely that 100,000 officers will ever be on street simultaneously. The 1999 BJS/LEMAS study found that 64% of all law enforcement agencies (and 90% of large cities) were using community policing to some extent. The Univ. of Nebraska found some correlation with local crime rates over 1995-1999, but there is not a clear methodology for tracking future progress.	20%	0.0

<p>Long-Term Goal I: Measures are currently under development. Target: n/a Actual Progress achieved toward n/a goal:</p>
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2	Does the program (including program partners) achieve its annual performance goals?	Small extent	Until this year, COPS has met its goals for funding officers (i.e. awarding grants). It will not make the FY02 target due to revisions in prior year data. Deployment of 100,000 officers on the street has been slowed by the challenge of recruiting and hiring qualified candidates, as well as realizing time savings from technology grants. Each year COPS trains thousands of law enforcement officers, local government officials, and citizens in community policing through the RCPIs and other training providers.	DOJ performance report and plan; Draft performance table. Aug 2002 COPS count found 88,028 officers on the street out of 113,941 funded at that point. The number of officers funded actually dropped in the first half of FY02, due to the revised data on officers funded in prior years.	25%	0.1
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<p>Key Goal I: additional officers funded/cumulative number of officers funded Performance Target: in 2002: 3,602 additional officers; 117,726 cumulative Actual Performance: FY02: 113,941 cumulative total,</p>
<p>Key Goal II: number of training hours delivered/people trained Performance Target: 12,254 hours delivered in FY 2002 Actual Performance: complete training hours data not yet available/over 180,000 law enforcement officers trained to date.</p>
<p>Key Goal III: Total number of funded officers on the street (at present) Performance Target: in 2001: 91,000; in 2002: 100,000 Actual Performance: in 2001: 83,024; in 2002 88,028</p>

	Questions	Ans.	Explanation	Evidence/Data	Weight	Weighted Score
3	<i>Does the program demonstrate improved efficiencies and cost effectiveness in achieving program goals each year?</i>	small exte	Improved data collection has reduced the number of annual COPS count surveys from 3 to 1. To simplify grants management for its grant advisors (who often have hundreds of grants) COPS developed an automated monthly mass mailing of extension requests for hiring grants expiring within 90 days. While this saves staff time, it also demonstrates the extent to which many grantees don't use their funds in the allotted time. Other reporting procedures are being moved on-line, such as the COPS Count survey and routine updates of grantee data, saving time and paperwork.	Redeployment and Retention fact sheets, E-grants initiative summary memo. COPS Count evidence: As of 9/2002, approximately 3,000 grant surveys have been completed online (out of 12,000 grants to be surveyed). This, already, is an improvement over last year's online COPS Count figures. During the last round of COPS Count, only about 15% of the total grants to be surveyed completed the COPS Count survey online.	20%	0.1
4	<i>Does the performance of this program compare favorably to other programs with similar purpose and goals?</i>	Large extent	No other program has focused the same effort on advancing community policing, but there have been no comparative studies of COPS performance vs. the OJP block grant programs. Studies such as NIJ/Urban have argued that these programs should be viewed as complementary, because they can fund a wider range of needs than a single program could.	In COPS favor, local law enforcement agencies generally find it to be more 'customer friendly,' and the program has tried to measure and report on performance, though the sheer number of grantees makes this difficult. In OJP's favor, block grant funds can be used for a wider variety of activities and the reliance on state intermediaries simplifies grant execution and oversight.	10%	0.1

	Questions	Ans.	Explanation	Evidence/Data	Weight	Weighted Score
5	<i>Do independent and quality evaluations of this program indicate that the program is effective and achieving results?</i>	Small extent	The Nebraska study showed a correlation between COPS funding (per capita) and a partial reduction in crime for cities larger than 10,000. COPS believes this proves the program's effectiveness. However, the relatively small "innovative grants" displayed a much stronger correlation than hiring grants, and MORE grants did not have a statistically significant correlation. Furthermore, for the entire populations of cities (over 1,000) in the model, only the "innovative grants" had statistically significant correlation with reduced crime -- a result strikingly similar to a 2001 study by the Heritage Institute. The Nebraska study also found a positive correlation between COPS hiring grants and increased crime in cities <u>under</u> 10,000. The NIJ/Urban Institute study credited COPS with accelerating, but not launching, the spread of community policing, but did not address its impact on crime. This study also questioned whether 100,000 COPS officers would ever be on the street <u>simultaneously</u> given officer turnover and the failure of agencies to retain positions.	"A National Evaluation of Effect of COPS Grants on Crime from 1994 to 1999," by Jihong Zhao, Dec. 2001. The study's independence is open to question because the executive summary ignores results that do not reflect favorably on the program, and equates correlation with causation despite the absence of other policy variables, i.e. changes in local law enforcement spending over the study period. The COPS Office disclaimed any influence on the final report, and notes that the study was published in a peer reviewed journal, "Criminology and Public Policy." However, the COPS Office and the study author have refused to make the underlying data available to other researchers.	25%	0.1
Total Section Score					100%	30%

PART Performance Measurements

Program: Criminal Justice Services
Agency: Department of Justice
Bureau: Federal Bureau of Investigation (FBI)
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Moderately
100%	88%	86%	67%	Effective

1.1 Is the program purpose clear?

Answer: YES

Question Weight 20%

Explanation: The FBI's Criminal Justice Services (CJS) represent several programs within the FBI, mainly in the Criminal Justice Information Services (CJIS) and Laboratory Divisions, that are dedicated to supporting state and local law enforcement efforts. The specific purpose behind most of these programs stems from legislation, and is further defined in the FBI's strategic plan. Major programs included are 1) fingerprint services (IAFIS); 2) criminal information services (NCIC); 3) national crime statistics (UCR); 4) handgun control background checks (NICS); 5) national DNA database management (NDIS).

Evidence: IAFIS- Title 28, U.S. Code (U.S.C.) Sec. 534; Title 28 Code of Federal Regulations (C.F.R.), Sec. 0.85(b). Federal and Non-federal Applicant User Fee Programs - Public Law 101-515, Title II, 11/5/1990, Stat. 2112, 28 U.S.C. 534, Sec. 614; NCIC- Title 28, U.S.C. 534, Title 28, C.F.R., Chapter I-Part 20 - Criminal Justice Information Systems - Title 28, C.F.R. Title 22, U.S.C. Section 263 (a); Title 28 C.F.R. Sections 34, 534, 85, 50.12; UCR- UCR Act of 1988 - Title 28, U.S.C., Sec. 534 - Hate Crime Statistics Act of 1990. Public Law 92-544. UCR Reporting Act mandating Federal law enforcement participation in the UCR effective January 1989; and Hate Crime Statistics Act of 1990; NICS- Brady Handgun Violence Prevention Act (Brady Bill), Public Law 103-159 (107 Stat. 1536); Gun Control Act of 1968, as amended (18 U.S.C. Chapter 44); NDIS- DNA Identification Act of 1994 (42 U.S.C §14132); & the DNA Analysis Backlog Act of 2000 (P.L. 106-546). General regulatory guidance- 28 C.F.R. Sec. 0.85(b) and (g).

1.2 Does the program address a specific and existing problem, interest or need?

Answer: YES

Question Weight 20%

Explanation: In general, CJS programs operate at a scope beyond that available to state or locally based law enforcement. In a mobile society, having accurate and timely information is crucial for today's law enforcement and civil organizations when they need to know suspects criminal history and other identifying characteristics (e.g., fingerprints, DNA). The FBI is striving for real-time response times by updating its systems, utilizing the Internet, and integrating information data bases to provide fast, one-stop shopping. In addition, state and local law enforcement often are unable to process unusually large or complex crime scenes with their resources alone in the time frame required by the judicial system. The FBI is able to provide forensic services to help out in these special circumstances. Criminals are especially mobile in today's society and the need to link crime data and information across the country still exists.

Evidence: Besides the above-cited legislation, program strategies that define the strategic necessity of CJS programs can be found in the DOJ Strategic Plan and the CJIS and Laboratory Division Program Plans. In addition, output statistics compiled by the different programs demonstrate the demand for these services from state and local law enforcement entities throughout the country. The FBI keeps records of the amount of information processed and cases assisted. For example, to date in FY 2004: 1) the Federal Convicted Offender Program (FCOP) has received 25,558 samples from Federal convicted offenders; 2) NCIC has logged 1.3 billion transactions; & 3) 9,138,106 criminal fingerprints have been received and processed.

PART Performance Measurements

Program: Criminal Justice Services
Agency: Department of Justice
Bureau: Federal Bureau of Investigation (FBI)
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Moderately
100%	88%	86%	67%	Effective

1.3 **Is the program designed so that it is not redundant or duplicative of any other Federal, state, local or private effort?** Answer: YES Question Weight 20%

Explanation: Many state and local programs with similar functions do not have the authority to engage in the same activities as CJS programs. CJS information systems allow for inter-jurisdictional identification checks, unlike their state and local counterparts. The simultaneous data searches across jurisdictions offered by CJS programs are not redundant of any single jurisdiction's services. NCIC, in particular, is a one-of-a-kind system. The Federal Governemnet is required to analyze DNA samples from federally convicted offenders. Some CJS programs, such as NDIS, the Mitochondrial DNA (mtDNA) program and the Hazardous Devices School (HDS) are the only programs of their type in the country. State & local law enforcement are highly unlikely to have any source for these services with the comparable scope and resources that are offered by CJS programs.

Evidence: The FBI works with other federal, state, and local agencies to ensure that services are not duplicated. For example, FBI has arrangements with other federal agencies (e.g., BICE, Department of State (DOS), Department of Homeland Security (DHS)) in using its fingerprint processing services rather than unnecessarily creating their own systems. CJIS supports the National Fingerprint File which reduces the duplication of having two respositories retaining duplicate sets of criminal history records. The CJIS NICS program does not conduct checks where states conduct such checks. The NCIC is a one-of-a-kind system.

1.4 **Is the program design free of major flaws that would limit the program's effectiveness or efficiency?** Answer: YES Question Weight 20%

Explanation: The FBI improves efficiency and corrects flaws in CJS programs on a continuous basis, often through implementing or enhancing automated systems. In 1999, fingerprint identification services and NCIC performance capabilities received major technological upgrades. Ongoing technical refreshment continues to improve identification services. In 2004, FBI delivered an internal billing system to address identified civil identification service billing problems. While some issues remain in select programs, such as state participation in NICS and UCR and limits on the expansion of the CODIS program, these are not program design problems. Participation in these programs is voluntary, and some jurisdictions choose not to participate. The FBI cannot impose services or training upon state organizations, nor force submission of samples or reports.

Evidence: CJS automated systems have experience increased usage and performance, particularly in fingerprint identification and NCIC processes since 1999. Recent processes have been designed to improve the timeliness of UCR/National Incident-Based Reporting System (NIBRS) by automating the process. The FBI cannot force a state or local law enforcement agency to participate in these activities, and thus the option for these types of programs is voluntary participation. However, the FBI continues to provide outreach to help create a more effective system. The FBI approaches state and local governments as partners in law enforcement, and conducts its assistance efforts with a customer service-oriented model.

PART Performance Measurements

Program: Criminal Justice Services
Agency: Department of Justice
Bureau: Federal Bureau of Investigation (FBI)
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Moderately
100%	88%	86%	67%	Effective

1.5 Is the program effectively targeted, so that resources will reach intended beneficiaries and/or otherwise address the program's purpose directly? Answer: YES Question Weight: 20%

Explanation: Any Federal, State or local law enforcement agency is a beneficiary of the services provided by CJS. There are cases such as the Forensic Services where prioritization is required to ensure that the limited FBI resources reach the intended beneficiaries. For example, the lab has the following prioritization: a) No examination will be conducted on evidence that has been previously subjected to the same type of examination. Exceptions may be granted when there are reasons for a reexamination. b) No request for an examination will be accepted from laboratories having the capability of conducting the examination. Exceptions may be granted upon approval of the FBI Laboratory Assistant Director or a designee. c) No testimony will be furnished if testimony on the same subject and in the same case is provided for the prosecution by another expert. d) No request for an examination will be accepted from a nonfederal law enforcement agency in civil matters. Other materials required such as terminal/workstations for automated systems are available to customer agencies.

Evidence: See 28 C.F.R. sec. 0.85 (b) and (g). All customer agencies that have access to CJS programs are on record.

2.1 Does the program have a limited number of specific long-term performance measures that focus on outcomes and meaningfully reflect the purpose of the program? Answer: YES Question Weight: 13%

Explanation: CJS long-term measures: 1) percentage of electronic fingerprint identifications (IAFIS) completed within target time (a) 2 hours criminal and (b) 24 hours civil and 2) the number of bomb squads that meet HDS compliance

Evidence: FBI and DOJ Budget/Performance Plan documents; automated statistical reports.

2.2 Does the program have ambitious targets and timeframes for its long-term measures? Answer: YES Question Weight: 13%

Explanation: 1) electronic fingerprints identified in target time frame: (a) 95% for criminal (b) 98% civil; 2) 508 active bomb squads that meet HDS compliance by 2008

Evidence: FBI and DOJ Budget/Performance Plan documents; automated statistical reports.

2.3 Does the program have a limited number of specific annual performance measures that can demonstrate progress toward achieving the program's long-term goals? Answer: YES Question Weight: 13%

Explanation: A) percentage of electronic fingerprint identifications (IAFIS) completed within target time (2 hours criminal, 24 hours civil), B) annual NICS immediate proceed rate of 90%

Evidence: FBI and DOJ Budget/Performance Plan documents; automated statistical reports.

2.4 Does the program have baselines and ambitious targets for its annual measures? Answer: YES Question Weight: 13%

Explanation: Baselines and targets have been established for all performance measures in the Measures section

Evidence: FBI and DOJ Budget/Performance Plan documents; automated statistical reports.

PART Performance Measurements

Program: Criminal Justice Services
Agency: Department of Justice
Bureau: Federal Bureau of Investigation (FBI)
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Moderately
100%	88%	86%	67%	Effective

2.5 Do all partners (including grantees, sub-grantees, contractors, cost-sharing partners, and other government partners) commit to and work toward the annual and/or long-term goals of the program? Answer: YES Question Weight: 13%

Explanation: CJIS Division receives commitment and support from the Advisory Policy Board (APB), which is made up of state and local law enforcement agencies working with the CJIS to deliver effective identification programs. Other federal and state stakeholders are working toward improving response times and data quality of fingerprint and criminal history records being sent to CJIS to improve the effectiveness of the fingerprint, NCIC, and NICS programs. The long-term goals of the CODIS program are supported by all partners as are the mtDNA program partners in research, CODIS development, NMPDD and Regional Labs. The HDS conducts weekly program reviews with its partner, the US Army to define milestones and objectives.

Evidence: APB Reports and Workshops, Department of Justice (DOJ) Strategic Plan, CJIS Program Plan, Laboratory Division Program Plan; tasks and goals are provided to project contractors through Statements of Work (SOW).

2.6 Are independent evaluations of sufficient scope and quality conducted on a regular basis or as needed to support program improvements and evaluate effectiveness and relevance to the problem, interest, or need? Answer: YES Question Weight: 13%

Explanation: FBI is initiating a periodic, independent program evaluation process of all of its programs by the Inspection Division. CJS programs are currently scheduled for this review in FY 2004. Scheduled evaluations will cycle every 5 years. CJIS division has Advisory Policy Board (APB) reviews of the effectiveness and relevance of its automation systems. Periodic reviews of the CJS programs, such as GAO, are used to make program improvements.

Evidence: The FBI Inspection Division schedule/evaluations; ASCLD-LAB accreditation reviews; QATU annual evaluations; DOJ-OIG audits; GAO and contractor reports; CJIS APB Reports; & CJIS Auditor's Reports.

2.7 Are Budget requests explicitly tied to accomplishment of the annual and long-term performance goals, and are the resource needs presented in a complete and transparent manner in the program's budget? Answer: NO Question Weight: 13%

Explanation: The CJS program submits a budget request in accordance with the FBI's Internal Budget Submission Guidance. This procedure does not tie the budgets to all of the performance measures. There is no narrative discussion of how performance targets will be met with resource changes. The new FBI budget structure now being constructed will help remedy this deficiency.

Evidence: FBI budget presentations; FBI Division budget requests; Exhibit 300b forms; annual Capital Asset Plans and CJIS Information Technology Resource Management Board (ITRMB) documents.

PART Performance Measurements

Program: Criminal Justice Services
Agency: Department of Justice
Bureau: Federal Bureau of Investigation (FBI)
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Moderately
100%	88%	86%	67%	Effective

2.8 **Has the program taken meaningful steps to correct its strategic planning deficiencies?** Answer: YES Question Weight:13%

Explanation: CJS programs have been proactive in reducing potential deficiencies. The following practices have been instituted to solicit additional input from internal and external sources: created long-term planning staff positions; worked with special review boards of external customers to ensure that major acquisitions support program mission and to ensure that long-term goals will meet customer requirements; created new contract administration offices to ensure that contracts meet requirements and deliverables; conducted strategic planning workshops to improve internal understanding of the strategic planning process; engaged partners/customers in annual conferences and meetings; and created job posting review groups to assist in managing personnel resources.

Evidence: Scientific Working Group on DNA Analysis Methods (SWGDM) records; CODIS Conference and semiannual CODIS State Administrators meeting documents; CJIS High-Level Planning Staff (HLPS), ITRMB, and Contract Administration Office (CAO) documents; APB (Advisory Policy Board) and CJIS training files.

3.1 **Does the agency regularly collect timely and credible performance information, including information from key program partners, and use it to manage the program and improve performance?** Answer: YES Question Weight:14%

Explanation: CJS programs collect the following types of information for tracking and enhancing performance: surveys and feedback from working groups and other end-user data; monthly contractor reports; earned value analyses of major IT refreshment contracts; output data from statistical reports; & adhoc studies to identify value of services to customers. For some systems, these performance data are shared with state or local customers.

Evidence: FBI and DOJ Budget/Performance Plan documents.; monthly CODIS reports, HDS course critiques, NMPDD technical working group feedback for mtDNA program; APB reports; Earned Value evaluations (; CJIS statistical reports on automated systems (daily, weekly, monthly); BJS reports; letters to state users; Customer Service Satisfaction Surveys (IAFIS, NCIC, NICS, III, UCR, LEO).

3.2 **Are Federal managers and program partners (including grantees, sub-grantees, contractors, cost-sharing partners, and other government partners) held accountable for cost, schedule and performance results?** Answer: NO Question Weight:14%

Explanation: The FBI makes considerable effort to evaluate Federal Managers, but the performance evaluation program in place does not include performance management contracts. Contractors are accountable for cost, schedule and performance goals: delivery schedules; project team meetings; project cost accounting; and project progress summary reporting. However, they are not required to meet establish performance goals.

Evidence: Annual performance appraisals; Contracting Officer reviews; project manager expenditure and performance reports; contract files.

PART Performance Measurements

Program: Criminal Justice Services
Agency: Department of Justice
Bureau: Federal Bureau of Investigation (FBI)
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Moderately
100%	88%	86%	67%	Effective

3.3 Are funds (Federal and partners') obligated in a timely manner and spent for the intended purpose? Answer: YES Question Weight:14%

Explanation: A spending plan is developed for each FBI division annually. CJS program expenditures, obligated expenses, and available funds are reviewed by program managers on a quarterly basis at a minimum, often on a monthly basis. FBI Finance Division also does a quarterly enterprise-wide review of obligations, expenditures, available funds, and contracts.

Evidence: FBI Spending Plans; CJIS Budgetary Evaluation and Analysis Reporting System (BEAR) System; Activity-based Costing (ABC) data; ITRMB documents; time and attendance reports.

3.4 Does the program have procedures (e.g. competitive sourcing/cost comparisons, IT improvements, appropriate incentives) to measure and achieve efficiencies and cost effectiveness in program execution? Answer: YES Question Weight:14%

Explanation: CJS programs engage in the following practices to improve public value: oversight by review boards to ensure that limited financial resources are spent on the highest priorities; earned value analysis on major technology refreshment contracts; strategic planning staff reviews to identify and track performance measures to ensure programs are efficient and effective in delivering identification services; & track program costs using activity-based costing (ABC) to measure efficiency.

Evidence: CODIS contracting plans; BEARS reports; CAO, regular statistical reports, and ITRMB documents; IAFIS, NICS, NCIC performance measurements.

3.5 Does the program collaborate and coordinate effectively with related programs? Answer: YES Question Weight:14%

Explanation: CJIS works closely with other government agencies (DOD, DOS, DHS, ATF), in meeting the statutory and mission requirements for identification programs (e.g., fingerprint, gun purchases). DNA units within FBI Lab Division coordinate and participate in joint planning sessions. The NDIS Procedures Board, which is responsible for the protocols and procedures governing participation on the National Index, includes State and local representatives as well as representatives of the various DNA units. HDS collaborates with other Federal partners in public safety bomb squad response to include ATF, CIA and the US Secret Service by providing bomb technician training to fulfill the missions of both agencies. The mtDNA program is an active participant in the Scientific Working Group on DNA Analysis Methods (SWGDM) and its various subcommittees.

Evidence: Interagency correspondence; CODIS grant program documents; CJIS APB documents; SWGDAM correspondence.

3.6 Does the program use strong financial management practices? Answer: YES Question Weight:14%

Explanation: All programs follow all federal and FBI regulations, at a minimum, for managing funding. Spending plans are developed annually for the programs and spending plan reviews are conducted on a quarterly basis to determine timely expenditure of funds. Independent auditors are contracted to inspect financial records and assist in preparation of an independent financial audit.

Evidence: FBI financial audits; CJIS, Lab, and Finance Division financial reports. The FBI's annual report under the FMFIA indicates no material weaknesses associated with CJS programs.

PART Performance Measurements

Program: Criminal Justice Services
Agency: Department of Justice
Bureau: Federal Bureau of Investigation (FBI)
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Moderately
100%	88%	86%	67%	Effective

3.7 Has the program taken meaningful steps to address its management deficiencies? Answer: YES Question Weight: 14%

Explanation: Any deficiencies in programs are reviewed and discussed to determine how to solve the problem. Issues are resolved through additional training or with the establishment of committees that provide input to the program's needs. For example, the CODIS Unit identified a major deficiency resulting from a lack of user input in the development of the program's long-term goals. That deficiency has been corrected by the establishment of the CODIS Committee, which provides specific input relating to the program's needs. Additional users were also added to the NDIS Procedures Board. CJIS also noted a need to maintain long-term continuity in managing CJIS programs, so it replaced senior Special Agent managers (who served an average of two years) with experienced and seasoned non-agent managers.

Evidence: Internal audits; strategic planning documents; personnel records and organization charts.

4.1 Has the program demonstrated adequate progress in achieving its long-term performance goals? Answer: LARGE EXTENT Question Weight: 25%

Explanation: Each of the CJS long-term measures is on track to meet its FY 2008 targets

Evidence: FBI and DOJ Budget/Performance Plan documents; automated statistical reports.

4.2 Does the program (including program partners) achieve its annual performance goals? Answer: YES Question Weight: 25%

Explanation: Each of the CJS annual measures is on track to meet its FY 2004 targets

Evidence: FBI and DOJ Budget/Performance Plan documents; automated statistical reports.

4.3 Does the program demonstrate improved efficiencies or cost effectiveness in achieving program goals each year? Answer: YES Question Weight: 25%

Explanation: Two of the three measures defined by the program are efficiency measures that demonstrate progress or success at achieving its program goals each year.

Evidence: FBI and DOJ Budget/Performance Plan documents; automated statistical reports.

4.4 Does the performance of this program compare favorably to other programs, including government, private, etc., with similar purpose and goals? Answer: NA Question Weight: 0%

Explanation: Some CJS programs are standards unto themselves, having no basis for comparison. For example, there are no similar national DNA database programs for convicted offenders. Similarly, state and local DNA databases, while similar in purpose, rely upon the CODIS software, training and support provided by the FBI. For programs where there is a basis of comparison, CJS programs perform equal to or greater than any other identification bureaus in the United States or the rest of the world. Much of the current operating capacity results from automation enhancements since 1999. The NICS handles more gun checks transactions than all state NICS programs combined. NCIC is the largest such data base with a response time of under 1 second while handling over 4 million transactions a day. The FBI handles over 50,000 fingerprint submissions a day.

Evidence: FBI and DOJ Budget/Performance Plan documents; automated statistical reports. CJIS files, Accomplishment Reports, Program Plan, Statistical and Performance Reports and BJS Web site.

PART Performance Measurements

Program: Criminal Justice Services
Agency: Department of Justice
Bureau: Federal Bureau of Investigation (FBI)
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Moderately
100%	88%	86%	67%	Effective

4.5 Do independent evaluations of sufficient scope and quality indicate that the program is effective and achieving results? Answer: NO Question Weight 25%

Explanation: A new system of regular independent evaluations is being implemented in 2004. The results of the evaluation will be reflected in the next PART for this program.

Evidence: Inspection Division report and schedule.

PART Performance Measurements

Program: Criminal Justice Services
Agency: Department of Justice
Bureau: Federal Bureau of Investigation (FBI)
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Moderately
100%	88%	86%	67%	Effective

Measure: % of Electronic Fingerprints Identified within 2 Hours - Criminal

Additional Information: Data from IAFIS system; measures 1-4 are inter-related

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Long-term
2003	Baseline	91.6%	
2008	95%		

Measure: % of Electronic Fingerprints Identified within 24 Hours - Civil

Additional Information: Data from IAFIS system; measures 1-4 are inter-related

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Long-term
2003	Baseline	97.5%	
2008	98%		

Measure: % of Electronic Fingerprints Identified within 2 Hours - Criminal

Additional Information: Data from IAFIS system; measures 1-4 are inter-related

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2002		90.3%	
2003	Baseline	91.6%	
2004	91%	91.9%	
2005	92%		
2006	93%		

PART Performance Measurements

Program: Criminal Justice Services
Agency: Department of Justice
Bureau: Federal Bureau of Investigation (FBI)
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Moderately
100%	88%	86%	67%	Effective

Measure: % of Electronic Fingerprints Identified within 24 Hours - Civil
Additional Information: Data from IAFIS system; measures 1-4 are inter-related

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2002		98.9%	
2003	Baseline	97.5%	
2004	98%	98.7%	
2005	98%		
2006	98%		

Measure: % of background checks with an Immediate Determination on Firearms Transactions Eligibility
Additional Information: Data are based upon FBI call center / transfer process Immediate Determination Rate on a gun sale (allowed/not-allowed)

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2002	90%	84.11%	
2003	90%	91.20%	
2004	90%	92.08%	
2005	90%		
2006	90%		

Measure: Number of Accredited Bomb Squads
Additional Information: Based upon creation of 6-person bomb squads, requiring training of new techs and recertification of existing techs

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Long-term
2003	452	444	

PART Performance Measurements

Program: Criminal Justice Services
Agency: Department of Justice
Bureau: Federal Bureau of Investigation (FBI)
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Moderately
100%	88%	86%	67%	Effective

2008

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PART Performance Measurements

Program: Cybercrime
Agency: Department of Justice
Bureau: Federal Bureau of Investigation
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	75%	86%	33%	

1.1 Is the program purpose clear?

Answer: YES

Question Weight 25%

Explanation: The FBI Cyber Division coordinates, supervises, and facilitates the FBI's investigation of those federal violations in which the Internet, computer systems, or networks are exploited as the principal instruments or targets of terrorist organizations, foreign government-sponsored intelligence operations, or criminal activity.

Evidence: The FBI's general investigative authority for cyber-crime is contained in Title 18 Section, 1030; White House National Strategy to Secure Cyber Space, February, 2003; and PDD/NSC-39, 6/21/95, and related Interagency Guidelines, 10/9/2000. In addition, program strategies are detailed in the FBI's Cyber National Strategy, March 2003.

1.2 Does the program address a specific and existing problem, interest or need?

Answer: YES

Question Weight 25%

Explanation: The FBI Cyber Division addresses specific federal violations that involve computer systems as significant tools or targets. These specific crimes include illegal computer intrusions, theft of intellectual property, online sexual exploitation of children, and various forms of Internet fraud. As use of the Internet expands, so will these crime problems.

Evidence: Several sources are used to monitor and evaluate the nature and level of cyber crime, including: the FBI Cyber Threat Assessment (1/16/2003); the CERT Coordination Center, which is a Federally-funded research and development center operated by Carnegie Mellon University and provides technical information on cyber vulnerabilities which may be exploited; Business Software Alliance referral of cases on the theft of Intellectual Property Rights; the National Center for Missing and Exploited Children, which provides statistics and data about complaints; the 2002 Internet Fraud Report from the FBI's Internet Fraud Complaint Center; and the Annual Computer Security Institute/FBI joint study of cyber crime (survey of Government, businesses, and educational facilities to develop overview of cyber crime trends).

1.3 Is the program designed so that it is not redundant or duplicative of any other Federal, state, local or private effort?

Answer: YES

Question Weight 25%

Explanation: The FBI's responsibility for cyber crime is unique and distinct among federal agencies. Its mandate is broader than that of other agencies, covering a wide array of cyber violations. In particular, no other federal agency investigates federal violations in which the Internet, computer systems, or networks are exploited by terrorist organizations or foreign government sponsored intelligence operations. However, there are some areas of concurrent jurisdiction with other agencies. The White House National Strategy to Secure Cyber Space delineates the roles of the various agencies in cyber security and cyber investigations. In addition, the FBI ensures that its efforts compliment, not duplicate, the efforts of other agencies, by using MOUs, Task Forces, joint investigations, and Inter-Agency working groups.

Evidence: The FBI partners with the DHS Bureau of Immigration and Customs Enforcement, U.S. Secret Service, DoD, NSA, USPS, SSA and IRS to address specific computer-related threats and crimes. Such collaborations include Innocent Images Task Forces (sexual exploitation of children); Cyber Task Forces (Computer Intrusions, Internet Fraud, Intellectual Property Rights, Identity Theft); Joint U.S. Secret Service/FBI Task Forces, which were formed to improve coordination after USSS attained concurrent jurisdiction in Computer Intrusion matters pursuant to the PATRIOT Act; and the Intellectual Property Rights Center. In addition, the FBI partners with the private sector National White Collar Crime Center on internet fraud.

PART Performance Measurements

Program: Cybercrime
Agency: Department of Justice
Bureau: Federal Bureau of Investigation
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	75%	86%	33%	

1.4 Is the program design free of major flaws that would limit the program's effectiveness or efficiency? Answer: YES Question Weight: 25%

Explanation: The FBI has recently taken steps to improve the efficiency and effectiveness of the cybercrime program. In the past, resources for cyber investigations were dispersed among many divisions and programs. This approach did not allow for a strategic response to the problem. Cyber resources are now consolidated under one Division, and resources are coordinated and leveraged for maximum benefit. There is no evidence that a different program design would better address federal violations that involve the use of computers or the Internet.

Evidence: The FBI Cyber Division National Strategy, March 2003, provides a strategic and coordinated approach to the problem. The strategy emphasizes leveraging the resources of international, federal, state and local partners for maximum results.

1.5 Is the program effectively targeted, so that resources will reach intended beneficiaries and/or otherwise address the program's purpose directly? Answer: NA Question Weight: 0%

Explanation: The purpose of the question is to determine if the program is designed to reach beneficiaries efficiently, and that there are no unintended subsidies. For the cybercrime program, the beneficiaries are many and varied--protecting children and consumers using the internet and safeguarding the Nation from terrorists and the illegal cyber activities of foreign nations. These beneficiaries are very different from those receiving entitlements or other benefits. There is no subsidy for the Cyber Program in the context of the question.

Evidence:

2.1 Does the program have a limited number of specific long-term performance measures that focus on outcomes and meaningfully reflect the purpose of the program? Answer: YES Question Weight: 12%

Explanation: The FBI is proposing three new long-term outcome measures. Each measure will cover a major component of the Cybercrime Program.

Evidence: The FBI has proposed outcome measures for theft of intellectual property, sexual exploitation of children, and internet fraud/crime. These measures will be incorporated into the DOJ Performance and Accountability Report.

2.2 Does the program have ambitious targets and timeframes for its long-term measures? Answer: YES Question Weight: 12%

Explanation: The three measures are supported by specific, actionable, and measurable objectives and actions.

Evidence: FBI Cyber Division National Strategy, March 2003, and other strategic planning documents.

2.3 Does the program have a limited number of specific annual performance measures that can demonstrate progress toward achieving the program's long-term goals? Answer: YES Question Weight: 12%

Explanation: Annual performance measures have been defined for each of the three long-term goals.

Evidence: FBI Cyber Division National Strategy, March 2003, and other strategic planning documents. These measures have been incorporated into the DOJ Performance Plan.

PART Performance Measurements

Program: Cybercrime
Agency: Department of Justice
Bureau: Federal Bureau of Investigation
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	75%	86%	33%	

2.4 Does the program have baselines and ambitious targets for its annual measures? Answer: YES Question Weight: 12%

Explanation: The Cyber Division has developed baselines and ambitious targets for the annual performance measures.

Evidence: March 2003, Cyber Implementation Plan and other strategic planning documents. These targets will be incorporated into the DOJ Performance and Accountability Report.

2.5 Do all partners (including grantees, sub-grantees, contractors, cost-sharing partners, and other government partners) commit to and work toward the annual and/or long-term goals of the program? Answer: YES Question Weight: 12%

Explanation: Cyber task forces and other governmental joint efforts are created and designed to support the long-term goals of the Cyber Program. Contractors operate under Statements of Work and required deliverables that also support the goals and objectives of the Cyber Program.

Evidence: Memoranda of Understanding (MOUs) are required for all partners in Cyber task forces to ensure a common goal. Investigative results from task forces are included in annual performance reporting.

2.6 Are independent evaluations of sufficient scope and quality conducted on a regular basis or as needed to support program improvements and evaluate effectiveness and relevance to the problem, interest, or need? Answer: NO Question Weight: 12%

Explanation: Although subject to GAO audits and reviews, there has been only one evaluation in recent years (2002), and it covered the Cyber Program before the transfer of certain functions to DHS. There also have been GAO audits in which specific areas of the Cyber Division were addressed. The FBI Inspection Division reviews all programs every three years, but these are more management and financial audits than program evaluations envisioned by the PART process.

Evidence: GAO Report 01-323, and associated testimony of Robert Dacey, Director, Information Security Issues, on July 9, 2002.

2.7 Are Budget requests explicitly tied to accomplishment of the annual and long-term performance goals, and are the resource needs presented in a complete and transparent manner in the program's budget? Answer: NO Question Weight: 12%

Explanation: The Department, FBI, and OMB have worked together to develop a new budget structure that is more closely aligned with program mission. However, additional work is required to explicitly tie funding with program performance.

Evidence: The new budget structure was used in the 2004 request to Congress. As part of this process, all administrative and overhead costs were allocated to program areas.

PART Performance Measurements

Program: Cybercrime
Agency: Department of Justice
Bureau: Federal Bureau of Investigation
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	75%	86%	33%	

2.8 **Has the program taken meaningful steps to correct its strategic planning deficiencies?** Answer: YES Question Weight:12%

Explanation: The FBI has acted to address organizational and strategic planning deficiencies. In response to shortcomings identified in the PART prepared for the 2004 budget, the FBI has addressed the need for improved performance measures.

Evidence: In June 2002, Director Mueller approved the establishment of the Cyber Division, establishing a focal point for previously dispersed activities. A National Strategy was issued March 2003. Four long-range outcome goals have been proposed, along with annual performance measures and targets.

3.1 **Does the agency regularly collect timely and credible performance information, including information from key program partners, and use it to manage the program and improve performance?** Answer: YES Question Weight:14%

Explanation: The Cyber Program is just starting to collect performance information related to long-range goals. However, the program has been collecting workload, output, and other forms of performance information and using this data for management purposes. Once the new performance measures are instituted, the program plans to implement a balanced scorecard methodology as part of its effort to ensure adequate program performance and management.

Evidence: Cyber Program Managers regularly review: statistics on cyber-related indictments, arrests, convictions, recoveries, and fines; Annual Field Office Reports and crime/threat surveys regarding resource needs and crime trends; the Time Utilization reports on utilization of personnel resources; and data on the number of cases opened/closed. Also reviewed are: statistics and data on complaints compiled by the National Center for Missing and Exploited Children; data collected by the FBI regarding the number of compromised computer systems identified and notified; data from CERT on cyber vulnerabilities; the Internet Fraud Complaint Center Annual report on crime by state, victim demographics, and other statistical data; and crime trend data from the Intellectual Property Center.

3.2 **Are Federal managers and program partners (including grantees, sub-grantees, contractors, cost-sharing partners, and other government partners) held accountable for cost, schedule and performance results?** Answer: NO Question Weight:14%

Explanation: Each manager is held accountable for results within his/her program. Program results are discussed in annual performance reviews. In addition, the FBI Inspection Division conducts management audits of the Cyber Division each three years. Audits are also conducted every three years of each Field Office; however, these audits cover all field activities, and therefore provide fewer details about individual programs. The primary shortcoming of the current approach is the lack of formal contracts with managers containing measurable performance goals.

Evidence:

3.3 **Are funds (Federal and partners') obligated in a timely manner and spent for the intended purpose?** Answer: YES Question Weight:14%

Explanation: A Spending Plan is developed annually based on goals and objectives identified by Cyber Program managers. An accounting system is in place to ensure that funds are obligated in a timely manner and support only those items identified in the Plan.

Evidence: Expenditures are tracked by Cyber Program Operational Support Staff; time and attendance reports track personnel costs and utilization. Independent audit is conducted annually by private accounting firm.

PART Performance Measurements

Program: Cybercrime
Agency: Department of Justice
Bureau: Federal Bureau of Investigation
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	75%	86%	33%	

3.4 Does the program have procedures (e.g. competitive sourcing/cost comparisons, IT improvements, appropriate incentives) to measure and achieve efficiencies and cost effectiveness in program execution? Answer: YES Question Weight:14%

Explanation: The Cyber Program was created in part to promote cost efficiency. Prior to its creation, cyber-related crimes were addressed in an ad-hoc manner that often resulted in duplication of efforts and inefficient use of resources. With the formation of the program, a central point for addressing cyber violations was established. In addition, technology investments -- which represent a significant portion of the Cyber program budget -- are subject to a variety of outside reviews.

Evidence: Technology investments by the Cyber Program are subject to the FBI IT Investment Management process; the DOJ IT review process; and the OMB capital investment review. In addition, the program follows all FAR regulations, as well as good industry practices, with regard to competitive bidding for all IT equipment.

3.5 Does the program collaborate and coordinate effectively with related programs? Answer: YES Question Weight:14%

Explanation: As indicated previously, there are some areas of concurrent jurisdiction with other agencies. In such cases the FBI ensures that its efforts compliment, not duplicate, the efforts of other agencies, using MOUs, Task Forces, joint investigations, and Inter-Agency working groups. The FBI regularly conducts coordinated operations with the Department of Defense, U.S. Secret Service and other Department of Homeland Security components, CIA, U.S. Postal Service Inspectors, Federal Trade Commission, Social Security Administration, and Internal Revenue Service, as well as state and local law enforcement agencies involved in cyber matters.

Evidence: Currently, the FBI participates in Cyber Task Forces in field offices across the United States. The FBI has also managed the nation's Intellectual Property Rights Center with the U.S. Customs Service (now part of DHS) since 1999. The FBI also joint supports the Internet Fraud Complaint Center with the National White Collar Crime Center. In addition, FBI Legal Attaché Offices coordinate with foreign law enforcement services in the investigation of cyber matters.

3.6 Does the program use strong financial management practices? Answer: YES Question Weight:14%

Explanation: The Cyber program utilizes effective financial management and accounting controls that are in compliance with procedures mandated by the Federal Managers' Financial Integrity Act (FMFIA).

Evidence: The FBI's annual report under the FMFIA indicates no material weaknesses associated with the Cyber Program or the FBI's financial management system.

3.7 Has the program taken meaningful steps to address its management deficiencies? Answer: YES Question Weight:14%

Explanation: There is an established FBI process for resolving weaknesses and tracking corrective actions for issues identified in formal evaluations. In addition, the Cyber Program addresses deficiencies through the performance evaluation process.

Evidence: Weaknesses may be identified in financial audits, GAO studies, Inspection Division Reviews, and other evaluations. Examples of corrective actions include the reengineering of Cyber Inspection Interrogatories to address deficiencies, and the reengineering of questions on the Annual Field Office Report to better delineate the cyber crime problem, including traditional crime which has migrated to the Internet.

PART Performance Measurements

Program: Cybercrime
Agency: Department of Justice
Bureau: Federal Bureau of Investigation
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	75%	86%	33%	

4.1 Has the program demonstrated adequate progress in achieving its long-term performance goals? Answer: SMALL EXTENT Question Weight: 25%

Explanation: Although its performance measures and targets are new, there is sufficient baseline data, as well as output data in the DOJ Performance Plan and other sources, to indicate that the program is meeting its long-term performance goals.

Evidence: The Cyber Program currently collects data on computer intrusions investigated; number of compromised computer systems identified and notified; and the number of computer intrusion convictions/pre-trial diversions. Data is also being collected on convictions/pre-trial diversions for crimes against children via online computer usage. Data is collected by the Cyber Crime Section on both Internet Fraud and Intellectual Property Rights matters regarding convictions/pre-trial diversions.

4.2 Does the program (including program partners) achieve its annual performance goals? Answer: NO Question Weight: 25%

Explanation: The FBI has three new long-term outcome measures, as well as annual performance goals. Since measurement is just starting, there are no data to document progress against targets. As indicated above, the program has been collecting workload, output, and other forms of performance information and using this data for management purposes. However, no annual targets have ever been established, primarily because of concerns about "bounty hunting."

Evidence:

4.3 Does the program demonstrate improved efficiencies or cost effectiveness in achieving program goals each year? Answer: NA Question Weight: 0%

Explanation: The FBI believes there are no meaningful measures of cost-effectiveness for law enforcement programs. Since the majority of the FBI is excluded from the A-76 inventory, no outsourcing comparisons have been made. Cyber Program Managers note that they have continued to accomplish significant results in spite of having resources transferred to the new Department of Homeland Security.

Evidence:

4.4 Does the performance of this program compare favorably to other programs, including government, private, etc., with similar purpose and goals? Answer: YES Question Weight: 25%

Explanation: Comparisons are difficult, as the FBI's responsibility for cyber crime is unique and distinct among federal agencies. Its mandate is broader than that of other agencies, covering a wide array of cyber violations. In particular, no other federal agency investigates federal violations in which the Internet, computer systems, or networks are exploited by terrorist organizations or foreign government sponsored intelligence operations. However, the many task forces encompassing a range of federal, state and local agencies provide an opportunity to demonstrate the FBI's leadership and performance in fighting cyber crime.

Evidence: Currently, the FBI participates in Cyber Task Forces in field offices across the United States. The FBI has also managed the nation's Intellectual Property Rights Center with the U.S. Customs Bureau (now part of DHS) since 1999. The FBI also supports the Internet Fraud Complaint Center jointly with the National White Collar Crime Center.

PART Performance Measurements

Program: Cybercrime
Agency: Department of Justice
Bureau: Federal Bureau of Investigation
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	75%	86%	33%	

4.5 Do independent evaluations of sufficient scope and quality indicate that the program is effective and achieving results? Answer: NO Question Weight 25%

Explanation: As noted in question 2.6, the Cyber program is subject to GAO audits and reviews, but there has been only one evaluation in recent years (2002). This report covered the Cyber Program before the transfer of certain functions to DHS. Therefore, there is insufficient data to judge program performance. PART guidance requires that such situations be answered as "No."

Evidence:

PART Performance Measurements

Program: Cybercrime
Agency: Department of Justice
Bureau: Federal Bureau of Investigation
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	75%	86%	33%	

Measure: Cumulative value of stolen intellectual property over 6 years (constant dollars in billions)

Additional Information: This measure represents the economic loss in the U.S. and by U.S. companies overseas due to the theft of intellectual property facilitated by computers and computer networks (in constant dollars).

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Long-term
2002		\$30	
2008	\$190		

Measure: Cumulative number of child pornography websites or web hosts shut down over 6 years

Additional Information: In contrast to the actions of individuals, websites/web hosts represent efforts equivalent to organized criminal enterprises. Attacking these threats will realize the most benefits for vulnerable children.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Long-term
2002		18	
2008	1,850		

Measure: Cumulative number of top-ten Internet Fraud targets neutralized over 6 years

Additional Information: The top-ten targets represent organized criminal enterprises and are, therefore, are priority for the FBI's efforts.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Long-term
2008	35		

Measure: Value of stolen intellectual property (constant dollars in billions)

Additional Information: This measure represents the economic loss in the U.S. and by U.S. companies overseas due to the theft of intellectual property facilitated by computers and computer networks.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2002		\$30	
2003	\$32	\$32	
2004	\$34		

PART Performance Measurements

Program: Cybercrime
Agency: Department of Justice
Bureau: Federal Bureau of Investigation
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	75%	86%	33%	

2005 \$34

2006 \$34

Measure: Number of Child pornography websites or web hosts shut down.

Additional Information: In contrast to the actions of individuals, websites/web hosts represent efforts equivalent to organized criminal enterprises. Attacking these threats will realize the most benefits for vulnerable children.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2002		18	
2003	100	201	
2004	150		
2005	250		
2006			

Measure: Number of top-ten Internet Fraud targets neutralized

Additional Information: The top-ten targets represent organized criminal enterprises and are, therefore, are priority for the FBI's efforts.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2003	5	5	
2004	6		
2005	7		
2006			

OMB Program Assessment Rating Tool (PART)
Competitive Grant Programs

Name of Program: Drug Courts

Section I: Program Purpose & Design (Yes,No, N/A)

	Questions	Ans.	Explanation	Evidence/Data	Weighting	Weighted Score
1	<i>Is the program purpose clear?</i>	Yes	The purpose is to provide financial and technical assistance for state, local, and tribal governments to break the cycle of substance abuse and crime by implementing drug courts, which employ the coercive power of courts to subject non-violent offenders to an integrated mix of, substance abuse treatment, drug testing, and graduated incentives and sanctions.	This purpose is based on Section 2201 of the 1994 Omnibus Crime Control and Safe Streets Act, and is repeatedly cited in the annual grant application kits and presentations delivered by the Bureau of Justice Assistance.	20%	0.2
2	<i>Does the program address a specific interest, problem or need?</i>	Yes	Drug courts are an innovative approach to dealing with challenges posed by low level, non-violent drug offenders. The 'traditional' court system is not well equipped to deal with such offenders, and was particularly overwhelmed by dramatic increase in drug arrests in the late 80's and early 90's. Low level offenders were typically released back on the street unsupervised or incarcerated with more serious offenders. In either case their underlying substance abuse problems can deteriorate further.	OJP has pointed to evidence demonstrating the high rate of drug abuse among arrestees, such as the most recent multi-city survey of arrestees indicating that 62.6% tested positive for drugs (ADAM survey 2001).	20%	0.2
3	<i>Is the program designed to have a significant impact in addressing the interest, problem or need?</i>	Yes	The Drug Courts Program is the primary source of 'start-up' funds for communities implementing a new drug court, as well as training and technical assistance for both new and existing courts. Such funding is significant given the scarcity of local judicial funds for new initiatives. Only 27% of the 844 active drug courts were started without drug court grants.	As of July 2002, there are 848 operational drug courts nationwide. Of that number, 616 (73%) received start-up funds or training from BJA's Drug Court program. Over FY95-01, 503 communities received planning support or completed training programs. Of these, 99% have either implemented or are planning to implement a drug court.	20%	0.2
4	<i>Is the program designed to make a unique contribution in addressing the interest, problem or need (i.e., not needlessly redundant of any other Federal, state, local or private efforts)?</i>	Yes	There are a variety of funding resources for state and local drug courts, including Local Law Enforcement Block Grants, state and local funding, and new \$10M SAMHSA initiative for drug court <u>treatment</u> services. However, the Drug Court program is unique because its grants cover all phases of drug court operations, and the program criteria requires grantees to adopt the 'best practices' associated with effective drug court programs.	Drug courts receiving LLEBG funds are not required to meet any criteria or standard. In FY02, the Substance Abuse and Mental Health Administration (SAMHSA) received \$10 million to provide treatment services for drug courts. This program is limited to substance abuse treatment services and is advertised as a one time grant. The drug court discretionary grant program provides funding for all drug court operations, e.g., supervision, drug testing, evaluation, management information systems development, etc.	20%	0.2

	Questions	Ans.	Explanation	Evidence/Data	Weighting	Weighted Score
5	<i>Is the program optimally designed to address the interest, problem or need?</i>	Yes	The program is optimally designed because it provides funding based on clear guidelines, yet retains a considerable flexibility over the type of assistance (grants, training, technical assistance) provided.	The program has sufficient flexibility to support a range of drug court models, which can include courts on focused on juveniles, families, and tribal members. The program was also able to extend its grant duration from one to two years in order to jurisdictions more time to become operational and secure long-term state and local funding.	20%	0.2
Total Section Score					100%	100%

Section II: Strategic Planning (Yes,No, N/A)

	Questions	Ans.	Explanation	Evidence/Data	Weighting	Weighted Score
1	<i>Does the program have a limited number of specific, ambitious long-term performance goals that focus on outcomes and meaningfully reflect the purpose of the program?</i>	No	The current long-term goal is to reduce criminal recidivism by funding the creation of new drug courts, as well as training and technical assistance to both new and existing grantees. However OJP has not developed long-term measures or targets for how many courts are enough, their overall quality level, or their long-term impact on offenders' drug use.	These goals are outlined in Section 2201 of the 1994 Omnibus Crime Control and Safe Streets Act.	14%	0.0
2	<i>Does the program have a limited number of annual performance goals that demonstrate progress toward achieving the long-term goals?</i>	Yes	OJP tracks the number of new and operational drug courts funded, the number of drug court program participants, and the percent of drug court participants in grantee programs that do not commit crimes while participating in those programs. These support the long term goals by tracking the spread of the drug court concept as well as the grantees impact on short-term recidivism. While sufficient for a yes answer, these goals could be strengthened further, such as by measuring how many active drug courts follow the program's 'best practices.'	Performance Measurement Table for OJP's "Drug Court Program," OJP Office of Budget and Management Services' Performance Measurement Table, June 6, 2002, Data Verification Report.	14%	0.1
3	<i>Do all partners (grantees, sub-grantees, contractors, etc.) support program planning efforts by committing to the annual and/or long-term goals of the program?</i>	Yes	As part of their application process the partners must commit to following the ten key components of an effective drug court, agree to participate in national evaluation efforts, and agree to submit data on their programs.	The program application kit and forms include these commitments.	14%	0.1

	Questions	Ans.	Explanation	Evidence/Data	Weighting	Weighted Score
4	<i>Does the program collaborate and coordinate effectively with related programs that share similar goals and objectives?</i>	Yes	The program has collaborated with other DOJ components, as well as the Department of Health and Human Services' Center for Substance Abuse Treatment (CSAT), the Office of National Drug Control Policy (ONDCP), the State Justice Institute, and the Department of Transportation's National Highway Traffic Safety Administration. To better coordinate the planning and implementation of drug court, BJA has signed memoranda of understanding and inter-agency agreements with these agencies	CSAT and OJP have collaborated on application materials and evaluations. OJP works with ONDCP on training programs for drug court practitioners. The State Justice Institute and BJA jointly funded a training and technical assistance project. The program provides assistance to communities that want to their block grant funds for drug court activities. BJA is collaborating with the National Institute on Drug Abuse (NIDA) on a data collection methodology for drug court grant recipients.	14%	0.1
5	<i>Are independent and quality evaluations of sufficient scope conducted on a regular basis or as needed to fill gaps in performance information to support program improvements and evaluate effectiveness?</i>	Yes	The National Institute of Justice and BJA have developed a broad evaluation strategy for drug courts, covering both individual courts and comparative analyses. There are five ongoing studies, and plans for a longitudinal outcome study using a random sample of participants in six to ten courts. There have also been several locally-funded evaluations, and comparative study by Columbia's National Center on Addiction and Substance Abuse.	Three evaluation studies have been completed (see Section IV) and several others are underway: 1) a cost study of the Portland Drug Court; 2) an assessment of treatment methods in four courts and 3) an evaluation of the reentry court programs in Nevada; 4) cross-cutting analysis of 6 juvenile drug courts; 5) and a study for formulate a consistent 'recidivism' definition.	14%	0.1
6	<i>Is the program budget aligned with the program goals in such a way that the impact of funding, policy, and legislative changes on performance is readily known?</i>	No	BJA has standardized its grant awards, training, and technical assistance so that it knows how much 'output' can be supported by a given increment of funding. However, the linkage between these outputs and grantee outcomes is uncertain as the cost per drug court varies widely, and the program does not track the quality of all drug courts. It should possible to compute an average drug court cost, as well as an average cost per individual processed.	Data on grant awards available from OJP, and OJP budget requests tie funding levels to the number of courts and trainings. Court processing and treatment costs vary widely between jurisdictions. Drug court treatment costs range from \$1,000 to \$4,000 per participant.	14%	0.0
7	<i>Has the program taken meaningful steps to address its strategic planning deficiencies?</i>	No	BJA has cited efforts to improve its grant application kit and make training more efficient, this has more bearing on the internal efficiencies of program management. A 'yes' to this question would require progress on clarifying the long-term goals and implementing a broad evaluation strategy.		14%	0.0
Total Section Score					100%	57%

	Questions	Ans.	Explanation	Evidence/Data	Weighting	Weighted Score
Section III: Program Management (Yes,No, N/A)						
	Questions	Ans.	Explanation	Evidence/Data	Weighting	Weighted Score
1	<i>Does the agency regularly collect timely and credible performance information, including information from key program partners, and use it to manage the program and improve performance?</i>	Yes	The program has established several mechanisms for collecting and reporting on the performance of grantees. The data are routinely used to improve the grant program and the training and technical assistance program. Grant recipients (i.e., drug court awards to individual jurisdictions) are required to submit semi-annual progress reports on program implementation, quarterly financial reports, and data collection surveys. However, only half of grantees file the data collection surveys in a timely fashion.	The collection of this information has lead to several improvements. In FY2000, implementation grants were increased from one to three years in length because these surveys indicated that grantees required more time to implement a program and obtain state and/or local funding for sustaining the program after the grant. Based on the evaluation reports, BJA expanded its training program to cover pharmacology, cultural competency, program evaluation, and the role specific court functions (i.e. attorneys, clerks, case workers.)	9%	0.1
2	<i>Are Federal managers and program partners (grantees, subgrantees, contractors, etc.) held accountable for cost, schedule and performance results?</i>	Yes	BJA managers are held accountable for adhering to a detailed schedule for the grant award process. Grant recipients are also held accountable for complying with the statutory requirements and standard grant rules and regulations. The primary means of ensuring accountability is to make continuation funding contingent on performance, with poor performers ruled ineligible.	BJA has also frozen grant funds in the past for grantee non-compliance with the program criteria. OJP is currently implementing a system for freezing grantee funds for non-compliance with reporting requirements, set to begin in January 2003.	9%	0.1
3	<i>Are all funds (Federal and partners') obligated in a timely manner and spent for the intended purpose?</i>	Yes	Federal funds are obligated in a timely manner. DCPO uses a monitoring protocol and grant recipient terms and conditions to ensure accountability. If a grant recipient is not in compliance with the applicable terms and conditions or the 10 key program criteria, action is taken against the grant recipient, ranging from required training and technical assistance, the submission of corrective action plans, to freezing or terminating funds.	In FY2001, DCPO obligated 92% of its available funding.	9%	0.1

	Questions	Ans.	Explanation	Evidence/Data	Weighting	Weighted Score
4	<i>Does the program have incentives and procedures (e.g., competitive sourcing/cost comparisons, IT improvements) to measure and achieve efficiencies and cost effectiveness in program execution?</i>	Yes	BJA has procedures for eliminating unnecessary costs within its training and technical assistance program. The Drug Court Program has benefited from OJP's adoption of an automated Grants Management System (GMS) for approve and process grants. In concert with the Integrated Financial management Information System (IFMIS), GMS enables grant managers to more efficiently administer grants by maintaining and processing grant data electronically.	OJP has documented efficiency savings within its training and technical assistance program. It has measured the time savings associated the GMS system	9%	0.1
5	<i>Does the agency estimate and budget for the full annual costs of operating the program (including all administrative costs and allocated overhead) so that program performance changes are identified with changes in funding levels?</i>	Yes	The total administrative costs for the program (\$2.7 million) are included in the Drug Court appropriation. Of this amount \$1.6M supports central OJP support costs, such as payroll and grants management. The portion allocated to OJP is based on a fixed percentage (2%) of the drug court appropriation. In this way, the Drug Court funding level reflects the full costs of achieving the program goals. The FY04 submission to OMB includes all indirect costs for OJP. Because BJA has standardized its grant awards, training, and technical assistance it can tie changes in program performance to a given increment of funding.	OJP Budget submissions FY03-04.	9%	0.1
6	<i>Does the program use strong financial management practices?</i>	Yes	Like other programs at OJP, the Drug Court Program is subject to the OJP Financial Guide's rules and guidelines, whose primary focus is to ensure that grant recipients use funds for intended purposes and comply with all applicable standards. This is primarily achieved through the audit process, though other checks include the quarterly financial statements required by the Office of the Comptroller before the grantees are permitted to draw down on funds. The Drug Court Program is free of material weaknesses and has been found to have adequate financial management by OJP's Comptroller.	DCPO programs are free of material internal control weaknesses.	9%	0.1
7	<i>Has the program taken meaningful steps to address its management deficiencies?</i>	Yes	There are relatively few management deficiencies, and OJP has begun to address many grantees failure to submit timely status reports and performance data. Beginning with the FY02 award cycle, grantees that are delinquent in their reports will be unable to draw down additional funds. Further, the Bureau of Justice Assistance (BJA) is establishing a fulltime Quality Assurance manager responsible for developing monitoring programs and schedules based on the risk-assessment protocols of the Office of the Comptroller, as well as ensuring that any matters or issues identified during site visits or desk monitoring are acted upon.		9%	0.1

Questions	Ans.	Explanation	Evidence/Data	Weighting	Weighted Score
8 (Co 1.) <i>Are grant applications independently reviewed based on clear criteria (rather than earmarked) and are awards made based on results of the peer review process?</i>	Yes	Since its inception the Drug Courts Program has used a competitive peer review process to rate and rank applications. Drawing from a rotating pool of 150 reviewers, a contractor assigns establishes application panels. Peer review criteria are based on 10 key components of a drug court. There has never been an earmark.	Potential peer reviewers (including judges, prosecutors, public defenders, coordinator, treatment providers, probation officers, law enforcement officers, school representatives, and researchers) are identified by other drug court practitioners, federal managers, and training and technical assistance providers. OMB has requested supporting information on this process.	9%	0.1
9 (Co 2.) <i>Does the grant competition encourage the participation of new/first-time grantees through a fair and open application process?</i>	Yes	The bulk of drug court grants are either 'implementation grants' for new programs, or 'enhancement' grants for existing courts, though even these give priority to new awardees. An announcement of the application is posted on the web, postcards are mailed to over 1000 state and local governments agencies. Applicant workshops are conducted regionally and are designed for new applicants.	In Fiscal Year 2002, 50 of 94 (53%) grant recipients had never received BJA funding for drug court activity. This is a high level of outreach as 73% of all existing drug courts have program funds.	9%	0.1
10 (Co 3.) <i>Does the program have oversight practices that provide sufficient knowledge of grantee activities?</i>	No	The program has good reporting procedures, but grantees have not followed them consistently. Grantees are required to submit semi-annual progress reports, data collection surveys, and quarterly financial reports. The drug court field participated in survey design. While the data has been collected for seven different reporting periods, because of a low response rate the data has not been analyzed or released. Efforts are currently underway to increase compliance with this requirement. Additionally, BJA has instituted a monitoring protocol that includes desk monitoring and on-site monitoring and a 'triage' process for conducting site visits.	From FY95-01, BJA conducted just 155 monitoring visits of 453 grants.	9%	0.0
11 (Co 4.) <i>Does the program collect performance data on an annual basis and make it available to the public in a transparent and meaningful manner?</i>	No	Since 1998, DCPO and BJA have required that grant recipients submit semi-annual data collection surveys, but compliance has been uneven. OJP also lacks a system for making grantee data readily accessible to the public.		9%	0.0
Total Section Score				100%	82%

Questions	Ans.	Explanation	Evidence/Data	Weighting	Weighted Score
Section IV: Program Results (Yes, Large Extent, Small Extent, No)					

Questions	Ans.	Explanation	Evidence/Data	Weighting	Weighted Score
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1	<i>Has the program demonstrated adequate progress in achieving its long-term outcome goal(s)?</i>	No	Progress towards the long term goal of reducing criminal recidivism is yet undetermined. There is no target for the 'right' number of drug courts, and there is no measure for how many drug courts sustain their quality once their grant expires.	Data on the number of drug courts is provided in GPRA reports, the DOJ strategic plan, the ONDCP strategy, the national evaluation reports submitted to NIJ, and the grant awards to states made by BJA.	20%	0.0
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<p>Long-Term Goal I: Reduce criminal recidivism among those participating in drug court programs. (Measure under development)</p> <p>Target: n/a</p> <p>Actual Progress achieved n/a toward goal:</p>					
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2	<i>Does the program (including program partners) achieve its annual performance goals?</i>	Large extent	The program has routinely achieved its annual performance goal for the recidivism rate of program participants. The annual performance goal for the number of new drug courts becoming operational was achieved annually until FY2001, when some funded courts were unable to finalize their implementation strategy, hire staff, or finalize state and local approval. These drug courts became operational in FY 2002.	These data are documented on the GPRA charts. Data on rearrests drawn from surveys and grantee reports.	20%	0.1
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<p>Key Goal I: Reduce recidivism among those participating in drug court programs.</p> <p>Performance Target: For FY01-03, 80% of participants remain arrest free during participation</p> <p>Actual Performance: Achieved stated 80% goal in FY 2001</p>					
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<p>Key Goal II: Number of drug courts that have become operational</p> <p>Performance Target: 56 in FY 2001; 50 in FY 2002 and 2003</p> <p>Actual Performance: FY2000: 56; FY2001: 49; FY2002: 46 (mid-year).</p>					
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3	<i>Does the program demonstrate improved efficiencies and cost effectiveness in achieving program goals each year?</i>	Large extent	The Grants Management System enabled BJA to shorten the grant process by 4 months in FY02. Additionally, it developed a more cost effective mechanism to provide logistical support services for the National Drug Court Training and Technical Assistance Program (NDCTTAP). A blank purchase order has enabled greater economies of scale in procuring meeting space throughout the country. This resulted in reducing the overall meeting costs incurred while effectively meeting the training needs.	Using the same cities and hotels each year allows BJA to negotiate cost savings up to \$1800 per hotel, reducing hotel and per diem charges by 9%, and a savings of approximately \$140,000 in FY02. In addition, the labor categories have been discounted from the GSA rates by 12%. Supporting documents: Drug Court program timeline; Memorandum from AAG Daniels on Non-compliance policy; Internal Memo to DAAG Henke; OJP Financial Guide; Drug Courts Program Monitoring Protocol.	20%	0.1
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	Questions	Ans.	Explanation	Evidence/Data	Weighting	Weighted Score
4	<i>Does the performance of this program compare favorably to other programs with similar purpose and goals?</i>	Yes	The performance of OJP's Drug Court Program compares favorably with the limited number of programs with similar goals. There is no evaluation history or strategy for drug courts funded by LLEBG or the new HHS grants. In comparison to RSAT, the Drug Court Program has a stronger reporting process and has subjected more grantees to detailed evaluations.	Inter-Agency Agreements and MOUs supporting DCPO's mission: (1) HHS' Center for Substance Abuse Treatment. (2) Office of National Drug Control Policy. (3) State Justice Institute. (4) DOT's National Highway Traffic Safety Administration.	20%	0.2
5	<i>Do independent and quality evaluations of this program indicate that the program is effective and achieving results?</i>	Small extent	There have been a limited number of drug court evaluations to date, but they indicate that such courts are an effective crime control tool, and provide effective intervention for drug abusers who might not otherwise receive substance abuse treatment. It is generally accepted that drug court participants exhibit reduced recidivism rates when compared to other groups of defendants, though evaluations have used varying standards of "success" including program participation, drug court graduation, and short and long term rearrest rates. Such data issues have hampered efforts to conduct broader, multi-site evaluations, though several are underway. Until such studies completed it is uncertain whether the successes of the first drug courts have been replicated in other jurisdictions.	The National Institute of Justice evaluated drug courts in Las Vegas, Portland, Pensacola, and Kansas City. The findings showed a dramatic and consistent crime reduction effect, with graduates generally showing substantially lower rearrest rates than non-graduates over the follow-up periods. However, there was great variation among participant commitment and recidivism. Other single-site drug court evaluations have generally been positive, though many were small in scope or had methodological flaws. Comparing results among programs has been difficult due to varying definitions of recidivism.	20%	0.1
Total Section Score					100%	53%

PART Performance Measurements

Program: Drug Enforcement Administration
Agency: Department of Justice
Bureau: Drug Enforcement Administration
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	88%	83%	26%	

1.1 Is the program purpose clear?

Answer: YES

Question Weight 20%

Explanation: DEA has a clear and unambiguous mission; there is consensus among interested parties (ONDCP, other Federal law enforcement agencies, and State and local law enforcement entities) on DEA's purpose.

Evidence: DEA's mission is 'to enforce the controlled substances laws and regulations of the United States and bring to the criminal and civil justice system of the United States, or any other competent jurisdiction, those organizations and principal members of organizations, involved in the growing, manufacture, or distribution of controlled substances appearing in or destined for illicit traffic in the United States; and to recommend and support non-enforcement programs aimed at reducing the availability of illicit controlled substances on the domestic and international markets.'

1.2 Does the program address a specific and existing problem, interest or need?

Answer: YES

Question Weight 20%

Explanation: Drug trafficking, drug use, and associated violent crimes are national problems. DEA is the Federal government's single-mission agency for enforcing the Federal drug laws.

Evidence: Estimated annual cost to society of drug abuse is \$160B; 1/3 of all violent acts and 1/2 of all homicides are drug related; 2.8M Americans are dependent on illegal drugs.

1.3 Is the program designed so that it is not redundant or duplicative of any other Federal, state, local or private effort?

Answer: YES

Question Weight 20%

Explanation: DEA is the only single mission agency responsible for drug enforcement and the only agency concerned with the full spectrum of drug activity, from the source to the user. Other Federal drug control agencies directly involved in supply reduction efforts, e.g. Customs, Coast Guard, and Border Patrol, focus exclusively on drug interdiction, not drug investigations. The FBI, which also investigates drug trafficking organizations, is scaling back its involvement in response to homeland security needs and is no longer included in the National Drug Control Budget. In terms of State and local law enforcement agencies, the enforcement focus of these organizations is regional and local in nature, with street gangs a primary target. DEA is the only law enforcement organization looking at the national impact of specific local, national, and international drug trafficking organizations. In addition, DEA is responsible for providing unique services, such as training to State and Local law enforcement agencies, clandestine laboratory certification school, and laboratory services.

Evidence: National Drug Control Strategy, FY 2004 Drug Control Budget Summary.

1.4 Is the program design free of major flaws that would limit the program's effectiveness or efficiency?

Answer: YES

Question Weight 20%

Explanation: There is no conclusive evidence that another approach to drug law enforcement is more efficient/effective. In addition, DEA extends its impact by leveraging resources of State and local law enforcement and foreign governments.

Evidence:

PART Performance Measurements

Program: Drug Enforcement Administration
Agency: Department of Justice
Bureau: Drug Enforcement Administration
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	88%	83%	26%	

1.5 Is the program effectively targeted, so that resources will reach intended beneficiaries and/or otherwise address the program's purpose directly? Answer: YES Question Weight: 20%

Explanation: DEA addresses the problem by targeting major drug trafficking organizations and by placing significant importance on interagency cooperation and information sharing and leveraging resources of State and local law enforcement and foreign governments.

Evidence: DEA's revised Strategic Plan and DEA's FY 2005 Budget Request to Congress.

2.1 Does the program have a limited number of specific long-term performance measures that focus on outcomes and meaningfully reflect the purpose of the program? Answer: YES Question Weight: 12%

Explanation: DEA's has established a general long-term goal of contributing to DOJ's Goal to Reduce the Availability of Drugs in America and more specific long-term goals related to disrupting and dismantling Priority Target Organizations (PTOs) and ensuring that all required registrants comply with the Controlled Substances Act.

Evidence: DEA's revised FY 2003 - FY 2008 Strategic Plan.

2.2 Does the program have ambitious targets and timeframes for its long-term measures? Answer: YES Question Weight: 12%

Explanation: Baselines have been established for each of the long-term performance measures and ambitious targets have been set for FY 2005 and FY 2008.

Evidence: DEA's revised FY 2003 - FY 2008 Strategic Plan.

2.3 Does the program have a limited number of specific annual performance measures that can demonstrate progress toward achieving the program's long-term goals? Answer: YES Question Weight: 12%

Explanation: DEA's has established annual goals related to disrupting and dismantling Priority Target Organizations (PTOs) and ensuring that all required registrants comply with the Controlled Substances Act.

Evidence: DEA's revised FY 2003 - FY 2008 Strategic Plan.

2.4 Does the program have baselines and ambitious targets for its annual measures? Answer: YES Question Weight: 12%

Explanation: Baselines have been established for each of the nine annual performance measures and ambitious targets set through FY 2005.

Evidence: DEA's revised FY 2003 - FY 2008 Strategic Plan.

PART Performance Measurements

Program: Drug Enforcement Administration
Agency: Department of Justice
Bureau: Drug Enforcement Administration
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	88%	83%	26%	

2.5 Do all partners (including grantees, sub-grantees, contractors, cost-sharing partners, and other government partners) commit to and work toward the annual and/or long-term goals of the program? Answer: YES Question Weight: 12%

Explanation: DEA's major partners are State and local law enforcement agencies, other federal agency participants in High Intensity Drug Trafficking Areas (HIDTA) Task Forces and Organized Crime and Drug Enforcement Task Forces (OCDETF), and National Guard organizations. DEA has Memoranda of Understanding with each of these partners. The MOUs include specific objectives, policies, procedures, time frames, etc. For example, DEA's "Guidelines for Establishing a State and Local Task Force", as published in the DEA Agents Manual, require that the specific objectives of the State and Local task force are outlined in the MOU to include: (1) disrupt the illicit drug traffic in specified areas by immobilizing the highest levels of targeted violators and trafficking organizations; (2) increase the effectiveness of participating agencies by providing extended on-the-job training to assigned officers and exposing them to the benefits of selective targeting; etc.

Evidence: Memoranda of Understanding with DEA's State and Local Law Enforcement Partners and Federal programs such as HIDTA, OCDETF etc., Guidelines for Establishing State and Local Task Forces as published in DEA's Agents Manual, Guidelines for Establishing State and Local Task Forces, and HIDTA Program Policy and Budget Guidance.

2.6 Are independent evaluations of sufficient scope and quality conducted on a regular basis or as needed to support program improvements and evaluate effectiveness and relevance to the problem, interest, or need? Answer: NO Question Weight: 12%

Explanation: Although DEA has a large number (42) on-going General Accounting Office (GAO) and Office of the Inspector General (OIG) audits, these audits do not meet the requirements of regularly scheduled, objective, independent evaluations that examine how well the program is accomplishing its mission and meeting its long-term goals.

Evidence: Copies of audit scope letters for on-going/completed GAO and OIG audits.

2.7 Are Budget requests explicitly tied to accomplishment of the annual and long-term performance goals, and are the resource needs presented in a complete and transparent manner in the program's budget? Answer: YES Question Weight: 12%

Explanation: The FY 2004 President's Budget included DEA's proposed restructuring of decision units (from 10 units to four) to align resources with the draft DEA Strategic Plan and make it possible to tie accomplishments to resources, the Congress did not provide funding according to that restructuring. DEA's FY 2005 Budget has been formulated in the revised decision unit structure that will align resources with DEA's four proposed long-term strategic goals. Since all of the activities and programs associated with DEA's Salaries and Expenses appropriation were assessed as one program during the FY 2004 budget process, the full annual costs of operating the program are estimated and budgeted.

Evidence: DOJ's FY 2004 Congressional Justification and Performance Plan.

PART Performance Measurements

Program: Drug Enforcement Administration
Agency: Department of Justice
Bureau: Drug Enforcement Administration
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	88%	83%	26%	

2.8 Has the program taken meaningful steps to correct its strategic planning deficiencies? Answer: YES Question Weight:12%

Explanation: DEA has made numerous changes in the past year to improve its strategic planning. These steps include: revising budget submissions to track performance, developing a new strategic plan with appropriate long term and annual measures and a strategic focus that more accurately reflects all of DEA's programs, and implementing targeting and reporting systems to enable DEA HQs to review the allocation of investigative resources.

Evidence: Over the past two years, DEA has made progress in the area of strategic planning and aligning resource allocations with performance. DEA has developed a process for setting goals and tracking progress against priority targeted organizations.

3.1 Does the agency regularly collect timely and credible performance information, including information from key program partners, and use it to manage the program and improve performance? Answer: YES Question Weight:16%

Explanation: Data on the number of PTOs disrupted/dismantled will be reported quarterly as part of a quarterly status reports proposed by DEA. The data are maintained by the Priority Target Activity and Resource Reporting System (PTARRS) on a real-time basis. The targets and accomplishments for disrupting/dismantling used to adjust priorities, make resource allocations and take other management actions. For example, DEA reprogrammed 100 positions in FY 2002 based in part upon an internal threat assessment. In addition, data associated with the Diversion Control program are maintained by several information systems that provide monthly and quarterly reports on enforcement and regulatory activities which are provided to the Deputy Assistant Administrator, Office of Diversion Control.

Evidence: Examples of PTARRS and Diversion Control (QRDB) reports and systems documentation.

3.2 Are Federal managers and program partners (including grantees, sub-grantees, contractors, cost-sharing partners, and other government partners) held accountable for cost, schedule and performance results? Answer: NO Question Weight:16%

Explanation: DEA is revising the format of the domestic Field Management Plans and foreign Country Office Plans to ensure consistency with and accountability to DEA's revised FY 2003 - FY 2008 Strategic Plan. In addition, the current Special Agent in Charge (SAC) performance appraisal requires that SACs identify, target, investigate and immobilize significant violators and organizations within their division's area of responsibility. However, there is no explicit link between the performance against DEA's goals and the performance appraisal of DEA managers. DEA has proposed adding additional standards to enhance accountability.

Evidence: DEA Annual Personnel Performance Appraisal for Special Agents in Charge.

3.3 Are funds (Federal and partners') obligated in a timely manner and spent for the intended purpose? Answer: YES Question Weight:16%

Explanation: Funds are obligated consistent with DEA's operating plan. DEA rarely lapses annual funds and has a small carryover in its no-year account. All DEA funds are spent on drug enforcement or related support activities.

Evidence: Periodic and year-end spending reports; Decision Unit Reconciliation Reports; SF 132s, SF 133s.

PART Performance Measurements

Program: Drug Enforcement Administration
Agency: Department of Justice
Bureau: Drug Enforcement Administration
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	88%	83%	26%	

3.4 Does the program have procedures (e.g. competitive sourcing/cost comparisons, IT improvements, appropriate incentives) to measure and achieve efficiencies and cost effectiveness in program execution?

Answer: NA

Question Weight: 0%

Explanation: Efficiency measures are not appropriate for law enforcement programs. In addition, the majority of DEA FTEs are inherently governmental and therefore exempt from competitive sourcing requirements.

Evidence: Available measures, such as costs per arrest, drugs seized, or investigations initiated are not sufficiently refined to reflect the varied nature of law enforcement responsibilities.

3.5 Does the program collaborate and coordinate effectively with related programs?

Answer: YES

Question Weight: 16%

Explanation: DEA representative sits on the Advisory Council of each of the nine OCDETF regions and the majority of the 28 HIDTA executive boards. This coordination results in meaningful actions in management and resource allocation. For example, in response to FBI's reduction in drug-related investigations and an internal DEA threat assessment, DEA reallocated agents and other positions to the southwest border. In addition, DEA recently established agreements with the Department of Homeland Security's Immigration and Customs Enforcement (ICE) to expand information sharing, improve coordination of drug investigations, and implement a pilot program to determine the efficacy of DEA's proposal to co-locate Title 21 cross-designated ICE agents with DEA personnel.

Evidence: Memoranda of Understanding with DEA's State and Local Law Enforcement Partners and Federal programs such as State and Local Task Forces, HIDTA Task Forces, and OCDETF Task Forces, and the joint Memorandum from DEA and ICE concerning agency coordination.

3.6 Does the program use strong financial management practices?

Answer: YES

Question Weight: 16%

Explanation: DEA's financial management system is in compliance with the requirements of the FFMIA. DEA has received an unqualified opinion for FY 2002, with no internal control weaknesses reported and no reportable conditions related to financial management.

Evidence: DOJ FY 2002 Accountability Report and the Draft Audit Report of DEA's FY 2002 Annual Financial Statement.

3.7 Has the program taken meaningful steps to address its management deficiencies?

Answer: YES

Question Weight: 16%

Explanation: DEA has several connected systems for addressing management deficiencies, many of which are mentioned in its annual FFMIA and accountability reporting. DEA has its own Inspections Program which reviews all offices and divisions on a cyclical basis. DEA also has the required audit liaison and follow-up function to assure that it addresses findings and recommendations from outside auditors. Lastly, DEA has a specific system for tracking its progress toward addressing any deficiencies identified in the annual financial audit.

Evidence: Over the last three years, DEA has made significant progress on a range of management issues including inventory control, reprogramming controls, and other financial management functions. DEA has eliminated its material internal control weaknesses.

PART Performance Measurements

Program: Drug Enforcement Administration
Agency: Department of Justice
Bureau: Drug Enforcement Administration
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	88%	83%	26%	

-
- 4.1 Has the program demonstrated adequate progress in achieving its long-term performance goals?** Answer: SMALL EXTENT Question Weight: 40%
- Explanation: Performance data demonstrates some small progress toward long-term and annual goals to disrupt and/or dismantle PTOs.
 Evidence: Revised DEA FY 2003 - FY 2008 Strategic Plan and DOJ FY 2004 Performance Plan.
- 4.2 Does the program (including program partners) achieve its annual performance goals?** Answer: SMALL EXTENT Question Weight: 40%
- Explanation: Performance data demonstrates some small progress toward long-term and annual goals to disrupt and/or dismantle PTOs.
 Evidence: DEA's FY 2005 Spring Call Submission to DOJ.
- 4.3 Does the program demonstrate improved efficiencies or cost effectiveness in achieving program goals each year?** Answer: NA Question Weight: 0%
- Explanation: Efficiency measures are not appropriate for law enforcement programs. In addition, the majority of DEA FTEs are inherently governmental and therefore exempt from competitive sourcing requirements.
 Evidence: Efficiency measures that are not appropriate for law enforcement include cost per arrests, seizure, or investigation. Targets are generally not accepted for these types of measures and are not helpful in determining a law enforcement program's effectiveness.
- 4.4 Does the performance of this program compare favorably to other programs, including government, private, etc., with similar purpose and goals?** Answer: NA Question Weight: 0%
- Explanation: Similar drug law enforcement programs such as HIDTA, FBI, and Customs do not have good performance indicators so a comparison is difficult to make.
 Evidence:
- 4.5 Do independent evaluations of sufficient scope and quality indicate that the program is effective and achieving results?** Answer: NO Question Weight: 20%
- Explanation: The findings and recommendations associated with the relevant GAO and OIG audits indicate results.
 Evidence: Competed GAO and OIG Reports.

PART Performance Measurements

Program: Drug Enforcement Administration
Agency: Department of Justice
Bureau: Drug Enforcement Administration
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	88%	83%	26%	

Measure: Contribute to DOJ's Goal to Reduce the Availability of Drugs in America. The FY 2008 target is to reduce drug availability by 10 percent from the FY 2002 baseline as published by the Drug Availability Steering Committee in December 2002.

Additional Information: The FY 2008 target represents DOJ's goal to reduce drug availability by 10 percent from the FY 2002 baseline as published by the Drug Availability Steering Committee in December 2002. No current data on drug availability are available.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Long-term
2002	Establish baseline		
2008	-10%		
2005			
2006			

Measure: Number of drug trafficking organizations (Foreign and Domestic) linked to the AG's Consolidated Priority Target (CPOT) List that are dismantled. The CPOT list identifies the major organizations responsible for distributing drugs in the United States.

Additional Information: Targets represent cumulative number of organizations reported dismantled.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Long-term
2004	18		
2005	36		
2006			
2008	90		

Measure: Number of drug trafficking organizations (Foreign and Domestic) linked to the AG's Consolidated Priority Target (CPOT) List that are disrupted. The CPOT list identifies the major organizations responsible for distributing drugs in the United States.

Additional Information: Targets represent cumulative number of organizations reported disrupted.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Long-term
2004	19		

PART Performance Measurements

Program: Drug Enforcement Administration
Agency: Department of Justice
Bureau: Drug Enforcement Administration
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	88%	83%	26%	

2005	38
2006	
2008	110

Measure: Number of drug trafficking organizations (Foreign and Domestic) not linked to the AG's Consolidated Priority Target (CPOT) List that are dismantled.

Additional Information: Targets represent cumulative number of organizations reported dismantled.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Long-term
2001		50	
2002		102	
2003		147	
2004	168		
2005	363		
2008	1019		

Measure: Number of drug trafficking organizations (Foreign and Domestic) not linked to the AG's Consolidated Priority Target (CPOT) List that are disrupted.

Additional Information: Targets represent cumulative number of organizations reported disrupted.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Long-term
2001		49	
2002		84	
2003		129	
2004	148		

PART Performance Measurements

Program: Drug Enforcement Administration
Agency: Department of Justice
Bureau: Drug Enforcement Administration
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	88%	83%	26%	

2008 900

Measure: Ensure CSA compliance among all registrants.

Additional Information: This measure tracks the percent of the registrant population compliant with the CSA. The targets reported represent two-year (FY 2005) and five-year (FY 2008) objectives.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Long-term
2001		97.7%	
2002		97.8%	
2003		97.9%	
2005	100%		
2008	100%		
2006			

Measure: Number of Administrative/Criminal Sanctions Imposed on CSA Registrants/Applicants

Additional Information: Registrant loses or forfeits the DEA registration or is convicted of a drug felony. Registrant is premanently denied access to controlled substances pending a reversal of circumstances.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2002		473	
2003	473	519	
2004	519		
2005	519		

OMB Program Assessment Rating Tool (PART)

Block/Formula Grants

Name of Program: Juvenile Accountability Incentive Block Grants

Section I: Program Purpose & Design (Yes, No, N/A)

	Questions	Ans.	Explanation	Evidence/Data	Weighting	Weighted Score
1	<i>Is the program purpose clear?</i>	Yes	The JAIBG program purpose is to promote greater accountability among juvenile offenders and within the juvenile justice system by providing States and local communities with funds to develop or improve juvenile justice programs.	HR 3, JAIBG Guidance Manual and numerous other JAIBG publications	20%	0.2
2	<i>Does the program address a specific interest, problem or need?</i>	No	It is difficult to determine the actual need because there is no single definition or measure of accountability in the juvenile justice system. For the juvenile offender, accountability means an assurance of facing individualized consequences (i.e., a system of graduated sanctions). For the juvenile justice system, accountability can include: better tracking of juveniles in the system, or innovative sentencing options, such as restitution and restorative sanctions. Under the most recent authorization, grant funds can support a 24 different juvenile justice activities.	HR 3, JAIBG Guidance Manual, OJP Program Plan, JAIBG Bulletins and Fact sheets. Conference mark of HR 2215.	20%	0.0
3	<i>Is the program designed to have a significant impact in addressing the interest, problem or need?</i>	No	The significance of JAIBG funding cannot be established because there is no way to measure its impact. The grant funds are almost completely fungible with state and local resources. OJP contends the JAIBG is significant because juvenile programs are vulnerable to state and local budget cuts, but the program was created while state budgets were still expanding, and its current share of state and local juvenile justice funding is unknown.	HR 3, JAIBG Guidance Manual	20%	0.0
4	<i>Is the program designed to make a unique contribution in addressing the interest, problem or need (i.e., not needlessly redundant of any other Federal, state, local or private efforts)?</i>	Yes	While JAIBG essentially duplicates state and local funding, it has two claims to uniqueness. 1) There is no other Federal program focused on juvenile offender sanctions or accountability within the juvenile justice system. 2) States and local grantees are required to have Juvenile Crime Enforcement Coalitions (JCECs), which must develop a crime enforcement plan for allocating of funds. JCECs may have representatives from law enforcement, prosecutor, State or local probation services, juvenile court, schools, business and religious affiliated, fraternal, nonprofit, or social service organizations.	OJJDP Program Plan, JAIBG Guidance Manual, HR 3	20%	0.2

	Questions	Ans.	Explanation	Evidence/Data	Weighting	Weighted Score
5	<i>Is the program optimally designed to address the interest, problem or need?</i>	Yes	A block grant is probably the best means of equitably distributing funds for this purpose, given the wide variation in state juvenile justice systems. Each State's Manual formula is based on juvenile population (under age 18). Each State distributes 75% of its funds to local governments, unless it receives a waiver due to having primary financial responsibility for juvenile justice. The lack of clear authority to require performance data or real improvements in accountability is a significant design flaws.	HR3, JAIBG Guidance	20%	0.2

Total Section Score					100%	60%
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Section II: Strategic Planning (Yes,No, N/A)

	Questions	Ans.	Explanation	Evidence/Data	Weighting	Weighted Score
1	<i>Does the program have a limited number of specific, ambitious long-term performance goals that focus on outcomes and meaningfully reflect the purpose of the program?</i>	No	OJP is in the process of establishing long-term goals and objectives, such as "reduce juvenile offending through accountability-based programs focused on both the offender and on the juvenile justice system" and "ensure that States are addressing one or more of the 12 purpose areas and receiving information on best practices from OJJDP." However specific performance targets for individual and/or community outcomes are still being developed.	Goals, objectives and measures are derived from HR3 and will be incorporated into the FY 2003 JAIBG application and revised JAIBG Guidance Manual.	17%	0.0
2	<i>Does the program have a limited number of annual performance goals that demonstrate progress toward achieving the long-term goals?</i>	No	At present, the JAIBG has no annual performance measures (other than the number of grants awarded etc.) and grantees have not been required to submit any performance data. OJJDP hopes to develop measures based on the required State Juvenile Crime Enforcement Plans, as well as community-based measures linked to progress towards long-term goals.	JAIBG and Formula Grants conferences, Progress reports, monitoring reports and technical assistance provider reports	17%	0.0
3	<i>Do all partners (grantees, sub-grantees, contractors, etc.) support program planning efforts by committing to the annual and/or long-term goals of the program?</i>	No	In the past, all program partners have made nominal commitments to improved "accountability" but were not required to demonstrate improvements. While the JAIBG program goals, objectives and measures are being refined by OJP, program partners have not yet been apprised of these changes.		10%	0.0

	Questions	Ans.	Explanation	Evidence/Data	Weighting	Weighted Score
4	<i>Does the program collaborate and coordinate effectively with related programs that share similar goals and objectives?</i>	Yes	OJJDP encourages, via training national and regional conferences, on-site visits and technical assistance, that the JAIBG program be incorporated into the Three-Year Plan and Plan Updates submitted by States in order to receive Title II—Formula Block Grants Program funding. These plans describe how funds (federal and State) will be used to address state juvenile justice issues. The State agency receiving JAIBG grants usually manages other federal juvenile grants, allowing it to better leverage. The mandated Juvenile Crime Enforcement Coalitions also help coordinate state and local enforcement plans.	Title II Formula Block Grants Program Three Year Plan and Plan Updates.	17%	0.2
5	<i>Are independent and quality evaluations of sufficient scope conducted on a regular basis or as needed to fill gaps in performance information to support program improvements and evaluate effectiveness?</i>	No	The JAIBG authorization allows 3% of funds to be used for research, evaluation, and program development. A process evaluation was funded when grants were first awarded to states in FY99, but will not be completed until December 2002. OJJDP hopes it will provide information on States' use of program funds, and will use the results to better manage the program. OJJDP is collecting and analyzing data on the juvenile justice system, including youth in detention and corrections and new curriculum in juvenile corrections programs.	Current study administered by NIJ, conducted by Abt Associates. Survey of Youth in Residential Placement; Department of Labor's Correctional Education Program.	7%	0.0
6	<i>Is the program budget aligned with the program goals in such a way that the impact of funding, policy, and legislative changes on performance is readily known?</i>	No	OJJDP cannot link funding levels and specific performance at this time. This is attributed to the program's underlying statute, which allows great flexibility in how funds are used and provides little leverage for demanding performance accountability. However, OJP does not believe additional statutory authority is required to address these problems.	OJP Financial Guide	17%	0.0
7	<i>Has the program taken meaningful steps to address its strategic planning deficiencies?</i>	Yes	OJJDP held a focus group with State JAIBG program managers to discuss strengthening the program. The JAIBG Guidance Manual will be revised in October 2002 to require more performance data from grantees. At the Spring 2003 JAIBG conference, OJJDP will engage grantees on the program's long-term goals and direction. OJJDP also points to improvements in training and technical assistance, but their link to strategic planning is unclear.	JAIBG Focus Group; 2003 JAIBG Guidance Manual; FY 2003 JAIBG Application; and JAIBG Bulletins and Fact sheets	17%	0.2
Total Section Score					100%	33%

	Questions	Ans.	Explanation	Evidence/Data	Weighting	Weighted Score
Section III: Program Management (Yes,No, N/A)						
	Questions	Ans.	Explanation	Evidence/Data	Weighting	Weighted Score
1	<i>Does the agency regularly collect timely and credible performance information, including information from key program partners, and use it to manage the program and improve performance?</i>	No	Grantees are required to submit semiannual progress reports on project implementation and performance. However there is not a consistent reporting framework, as each grantee may select their own performance measures or no measures at all. OJJDP plans to require new program-level measures to be included in future progress reports.	State JCEC Plan; Categorical Assistance progress reports, Follow-Up Information Forms	10%	0.0
2	<i>Are Federal managers and program partners (grantees, subgrantees, contractors, etc.) held accountable for cost, schedule and performance results?</i>	No	While OJJDP managers are held accountable for ensuring that grantees follow statutory requirements and program guidelines, the lack of performances measures and long-term goals means there is no standard to which either program managers or grantees are held.	JAIBG Special Conditions, JAIBG Guidance Manual, OJP Financial Management Guide, and monitoring reports	10%	0.0
3	<i>Are all funds (Federal and partners') obligated in a timely manner and spent for the intended purpose?</i>	Yes	OJJDP awards grants in a timely manner. In FY02, JAIBG applications were processed much earlier than in the past years. This process is being moved up again for FY03. Through the use of the Follow-Up Information Form, OJJDP can track how funds are allocated across JAIBG purpose areas. Almost 10% of the initial FY98 JAIBG funds have been deobligated because grantees did not use them within the grant period. Under the statute, States are required to repay any unexpended funds after 2 years. FY98 was the program's first year, and many grantees were unable to use their funds within this time frame.	FY 2002 JAIBG application; FY 2002 JAIBG grant awards; JAIBG special conditions; Follow-Up Information Forms; Progress Reports; and OJP Financial Management Guide.	10%	0.1
4	<i>Does the program have incentives and procedures (e.g., competitive sourcing/cost comparisons, IT improvements) to measure and achieve efficiencies and cost effectiveness in program execution?</i>	No	Starting in FY02, the program is using the OJP Grants Management System (GMS) to approve and process grants. GMS provides automated support in managing the application for and approval of federal resources administered by OJP. However, no procedures or incentives specific to the JAIBG program have been identified.	OJP GMS System; JAIBG Application and grant awards	10%	0.0

	Questions	Ans.	Explanation	Evidence/Data	Weighting	Weighted Score
5	<i>Does the agency estimate and budget for the full annual costs of operating the program (including all administrative costs and allocated overhead) so that program performance changes are identified with changes in funding levels?</i>	No	The total administrative costs for the program (\$6.8 million in FY02, and \$3.2 million in FY03) are included in the appropriation. This amount supports central OJP support costs, such as payroll and grants management. The portion allocated to OJP is based on a fixed percentage (2%) of net JAIBG funds. In this way, the funding level reflects the full costs of achieving the program goals. The FY04 submission to OMB includes all indirect costs for OJP. While this program does budget for its full operating costs, it receives a 'no' because of the lack of performance measures.	JAIBG was assessed a carve-out of \$6.835 million in FY 2002. This amount was reduced to \$3.2 million due to exclusion of ChildSafe funds from the block grant total.	10%	0.0
6	<i>Does the program use strong financial management practices?</i>	Yes	JAIBG, like all other programs at OJP, is subject to the rules and guidelines of the OJP Financial Guide, which has the primary focus of ensuring that grant recipients use funds for the intended purposes and comply with all applicable standards. This is primarily monitored through the audit process, though other checks include the quarterly financial statements required by the Comptroller before the grantees are permitted to draw down funds	OJP Financial Management Guide.	10%	0.1
7	<i>Has the program taken meaningful steps to address its management deficiencies?</i>	Yes	OJJDP held a focus group with State JAIBG program managers to discuss strengthening the program. As result, the JAIBG Guidance Manual will be revised in October 2002 and the FY03 application kit will revised accordingly. A recent needs assessment of State coordinators provided useful information for improving training events and grant administration, and JAIBG believes that additional grantee training address other program deficiencies.	JAIBG Focus Group; 2003 JAIBG Guidance Manual; FY 2003 JAIBG Application; and JAIBG Bulletins and Factsheets	20%	0.2
8 (B 1.)	<i>Does the program have oversight practices that provide sufficient knowledge of grantee activities?</i>	Yes	OJJDP staff visited 45 grantees and subgrantees in FY01, during which they interviewed staff on management/monitoring practices and reviewed program files. OJJDP staff also meet with grantees during conferences to discuss implementation and performance. The grantees also submit semi-annual progress reports and follow-up forms on funding allocations.	Programmatic Site Visit Reports, Categorical Assistance Progress Reports; and Follow-Up Information Forms.	10%	0.1
9 (B 2.)	<i>Does the program collect grantee performance data on an annual basis and make it available to the public in a transparent and meaningful manner?</i>	No	The JAIBG authorizing legislation does not require performance data to be collected; and States do not provide such data voluntarily. There is no system for disseminating or summarizing grantee progress reports. The OJJDP website provides JAIBG program information with links to training and technical assistance information. Information about JAIBG is also published in the OJJDP Annual Report.	www.ojjdp.ncjrs.org and www.dsgonline.com	10%	0.0
Total Section Score					100%	50%
Section IV: Program Results (Yes, Large Extent, Small Extent, No)						
	Questions	Ans.	Explanation	Evidence/Data	Weighting	Weighted Score

	Questions	Ans.	Explanation	Evidence/Data	Weighting	Weighted Score
1	<i>Has the program demonstrated adequate progress in achieving its long-term outcome goal(s)?</i>	No	There is no data to demonstrate progress towards the program's unspecified long-term goals.	JAIBG State Plans and Progress Reports.	15%	0.0
Long-Term Goal I: None Target: n/a Actual Progress achieved toward N/A goal:						
2	<i>Does the program (including program partners) achieve its annual performance goals?</i>	No	OJJDP's hopes to make JAIBG's annual performance measures more outcome based and tied to long-term goals. Listed below are previous output measures.	JAIBG GPRA Chart FY 02.	40%	0.0
Key Goal I: None Performance Target: Actual Performance:						
3	<i>Does the program demonstrate improved efficiencies and cost effectiveness in achieving program goals each year?</i>	Small extent	The Grants Management System (GMS) enabled OJJDP to modify the review process and award the grants 4 months earlier in FY 2002.	OJP GMS System; JAIBG Application and grant awards	30%	0.1
4	<i>Does the performance of this program compare favorably to other programs with similar purpose and goals?</i>	No	While OJJDP believes this question is not applicable given JAIBG's unique focus on sanctions, the ultimate purpose of JAIBG is to reduce juvenile crime and recidivism. Accordingly, it is somewhat comparable to juvenile crime <u>prevention</u> programs administered by OJJDP and other agencies. While these other programs may have difficulties in evaluating performance, JAIBG's compares poorly due to the lack of clear goals or performance measures at this time.		15%	0.0
5	<i>Do independent and quality evaluations of this program indicate that the program is effective and achieving results?</i>	N/A	As explained in the response to I15, results are not yet available from the first process evaluation of the JAIBG program, which was initiated the same year that funds were initially awarded to the states. Additionally, OJJDP is currently developing an impact evaluation for the JAIBG program.		0%	
Total Section Score					100%	10%

PART Performance Measurements

Program: National Criminal History Improvement Program
Agency: Department of Justice
Bureau: Office of Justice Programs/Bureau of Justice Assistance
Type(s): Block/Formula Grant

Section Scores				Rating
1	2	3	4	Moderately
80%	100%	100%	75%	Effective

1.1 Is the program purpose clear?

Answer: YES

Question Weight 20%

Explanation: Program goals and objectives are clearly and consistently stated in various published documents and the BJS website. These include program announcements, strategic plans, and performance related documents. The NCHIP Program consolidates criminal records improvement funding authorized under the Brady Handgun Violence Prevention Act (P.L. 103-159); the National Child Protection Act (P.L. 103-209); the Crime Identification Technology Act (P.L. 105-251); the Violence Against Women Act provisions of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322); Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386); and various provisions of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, Megan's Law, and the Pam Lychner Sexual Offender Tracking and Identification Act.

Evidence: Program goal: To ensure that accurate records are available for use in law enforcement, including sex offender registry requirements, and to permit States to identify ineligible firearm purchasers; persons ineligible to hold positions involving children, the elderly, or the disabled; persons subject to protection orders or wanted, arrested, or convicted of stalking and/or domestic violence; persons ineligible to be employed or hold licenses for specified positions; and persons potentially presenting threats to public safety. Source documents: Improving Criminal History Records for Background Checks (p.1) Bureau of Justice Statistics Strategic Plan FY 2003-2004 (p.18) National Criminal History Improvement Program: FY 2003 Program Announcement (p. 8) U.S. Department of Justice, FY 2002 Performance Report and FY 2003 and FY 2004 Performance Plan (p.75) BJS website <http://www.ojp.usdoj.gov/bjs/nchip.htm>

1.2 Does the program address a specific and existing problem, interest or need?

Answer: YES

Question Weight 20%

Explanation: Improved criminal history records are needed to support the immediate identification of persons prohibited from firearms purchases or holding positions of responsibility involving children, the elderly, or the disabled. Interstate access to complete/accurate criminal records also is needed for criminal justice decisions on pretrial release, career criminal charging, sentencing, and correctional assignments, as well as assisting law enforcement in criminal investigations. Federal funds have enhanced the quality of records and state participation in the national records systems, but there is much room for improvement. Completeness of records remains a problem. Automated disposition reporting is improving, but States still need to link dispositions to arrests and charges. Interstate access and availability of records is key to effective background checks for national security and related purposes--45 States participate in the FBI's Interstate Identification Index System and 42 States submit data to the FBI's Protection Order Files. NCHIP aims to build the capacity of States not yet participating and to get participating States to increase records access. New uses of records are continuously emerging, such as the National Sex Offender Registry, the National Protection Order File (the Anti-Stalking Database requirements of the Violence Against Women Act), and most recently, the mental health records requirements (under the Our Lady of Peace bill) and background checks for volunteers (provisions under the Protect Act).

Evidence: Continued need for Improvement: About 23 million criminal records are either not automated or not accessible by the National Instant Background Check System (NICS) and another 15 million criminal records that are automated and accessible are missing critical data such as arrest dispositions. 25 States have automated less than 60% of their felony criminal conviction records. 8 States do not automate or make accessible domestic violence restraining order records to NICS. 14 States do not automate or make accessible domestic violence misdemeanor conviction records to NICS. 31 States do not automate or make accessible disqualifying mental health records to NICS.

PART Performance Measurements

Program: National Criminal History Improvement Program
Agency: Department of Justice
Bureau: Office of Justice Programs/Bureau of Justice Assistance
Type(s): Block/Formula Grant

Section Scores				Rating
1	2	3	4	Moderately
80%	100%	100%	75%	Effective

1.3 Is the program designed so that it is not redundant or duplicative of any other Federal, state, local or private effort? Answer: YES Question Weight 20%

Explanation: While there are multiple sources of funding addressing the issue of criminal records upgrades, NCHIP can be viewed as somewhat unique as it, alone, requires the States to conform to the national standards and requirements established by the FBI to insure that accurate and reliable national background check system can be fully accessed for those purposes established under law. In addition to NCHIP, some limited Federal funding for criminal records improvements also has been provided under the Byrne grant program. States also dedicate their own funding for improving the accessibility and accuracy of their records. The NCHIP authorizing legislation requires the Federal share of a State's program or proposal may not exceed 90% of the cost of the program. Accordingly States report the match in their funding requests. In FY 2002, as part of their funding request, over a third of the States contributed more than the required match. In the aggregate, for FY 2002, the Federal share of State proposed spending was 83%. Nevertheless, NCHIP is the primary vehicle for building the national infrastructure to support the background check systems required under the Brady Act and other legislation. NCHIP strongly encourages States to allocate state funds to expand upon NCHIP-supported efforts. This has the effect of ensuring State commitment to the goals of the program and maximizes the impact of Federal funding. Further, the Byrne and NCHIP funds are coordinated to achieve the NCHIP program's goals. BJS also considers other sources of funding used by the States when reviewing and awarding the NCHIP grants.

Evidence: Multiple Federal funding sources include: the Bureau of Justice Assistance (BJA) Edward Byrne Memorial Grant Program, which requires States to use at least 5 percent of award money for improvement of criminal justice information systems; and CITA funds earmarked by Congress to particular jurisdictions for improvement of criminal justice information systems and infrastructure. States are required to report their Byrne-related activities in their funding application. For example, NC submitted in its 2003 application, "The 2002 Byrne 5% set-aside in the total amount of \$696,160 was allocated to four projects throughout the state. Two projects were used to upgrade the Computerized Criminal History files for the state, one was for a terrorism information management system, and one was for the Statewide Warrant Repository." The primary authorizing legislation of NCHIP, the Crime Identification Technology Act (CITA), explicitly assigns BJS as the principal administrator of the CITA program. Source documents: Continuing Criminal History Records Improvement Evaluation, Final 1994-1998; Official grant file 2000-RH-CX-K041, application #2003-30024-NC-RU; Crime Identification Technology Act of 1998 (CITA), P.L. 105-251; Edward Byrne Memorial Grant Program Announcement; and List of FY 2003 CITA earmarks.

PART Performance Measurements

Program: National Criminal History Improvement Program
Agency: Department of Justice
Bureau: Office of Justice Programs/Bureau of Justice Assistance
Type(s): Block/Formula Grant

Section Scores				Rating
1	2	3	4	Moderately
80%	100%	100%	75%	Effective

1.4 **Is the program design free of major flaws that would limit the program's effectiveness or efficiency?** Answer: YES Question Weight 20%

Explanation: By using comparatively few Federal resources to leverage potentially larger State resources, the program is less costly to the Federal government than a variety of other approaches, including increased direct Federal funding. However, the authorizing legislation of NCHIP specifies that the Federal share of a State's program or proposal may not exceed 90% of the cost of the program, possibly reducing State efficiency incentives. A regulatory approach would be coercive and hinder a two-decade Federal/State partnership. When States accept the Federal funds they are agreeing to comply with the standards and requirements established by the FBI to participate in the national systems. The result is a more comprehensive and effective background check system with a comparatively small Federal investment. Performance data indicate the progress the Federal government and the States have made toward reaching the goals of increasing the access to and availability of national criminal history and other related records. Although not a program flaw, per se, it may be worth considering consolidating the limited Byrne grant funds used for criminal records upgrades into the NCHIP grant.

Evidence: Since the inception of NCHIP, the number of criminal history records held nationwide grew 29% while the number of automated records increased 35%. Over the same period, the number of records available for sharing under the FBI's Interstate Identification Index climbed 75%. The State NICS infrastructure, developed through NCHIP funding, is now supporting over 8 million checks annually at the presale stage of firearms purchases. In a May 2003 Department of Justice press release, Attorney General Ashcroft stated, "The improvements in the NICS system are helping make our country safer by barring access to firearms by felons, illegal aliens, and others who cannot legally own guns."

1.5 **Is the program effectively targeted, so that resources will reach intended beneficiaries and/or otherwise address the program's purpose directly?** Answer: NO Question Weight 20%

Explanation: BJS attempts to target specific problems and deficiencies in each State's efforts. BJS conducts several statistical series to ascertain the quality of record-holdings in each State and collects performance data from the FBI and the States on the States' progress in participating in the FBI's national systems. Funding allocations are based primarily on the quality of the record-holdings in each State, the amount of funding previously received, and the capacity of the State to spend the funds in a timely manner. The implementation of the Record Quality Index (RQI), to be implemented by the FY 2004 funding cycle, will permit BJS to identify very specific problems and deficiencies at the individual state level and better target each State's need for continued funding. Such "refined" targeting is needed in order to continue to build on the record of success demonstrated by the program in the past.

Evidence: The Survey of State Criminal History Information Systems collects data on the status of State criminal history records systems at yearend 1999. The data are used as the basis for estimating the percentage of total State records that are immediately available through the FBI's Interstate Identification Index and the percentage that include dispositions. Other data include the number of records maintained by each State, the percentage of automated records in the system, and the number of States participating in the FBI's Interstate Identification Index. The National Instant Background Checks System (NICS) Survey collects data from the States to identify major impediments to disposition completeness, with a primary focus on the linkage between criminal record repositories and the courts and prosecutors. The RQI collects data from the States on a measurable set of key indicators which uniformly characterize the performance of each State and the national system. These measures are combined into an index to continuously ascertain the performance of the system. Source documents: Improving Criminal History Records for Background Checks; 2001-2002 NICS Operations Report, FBI and related DOJ Press Release dated May 29, 2003; Background Checks for Firearms Transfers, 2001; Survey of State Criminal History Information Systems 2001 (forthcoming); BJS Fact Sheet: Records Quality Index.

PART Performance Measurements

Program: National Criminal History Improvement Program
Agency: Department of Justice
Bureau: Office of Justice Programs/Bureau of Justice Assistance
Type(s): Block/Formula Grant

Section Scores				Rating
1	2	3	4	Moderately
80%	100%	100%	75%	Effective

2.1 Does the program have a limited number of specific long-term performance measures that focus on outcomes and meaningfully reflect the purpose of the program? Answer: YES Question Weight: 12%

Explanation: The purpose of the program is to improve the quality and accuracy of criminal history and related records and to increase the access to and availability of these records for conducting presale firearms and other background checks, goals which the following measures support: "The percentage of recent State records that are automated" provides an estimated level of automation of records as reported by State criminal records repositories and is an indicator of the States' progress in upgrading records and improving their records systems. "The percentage of automated records made accessible through the Interstate Identification Index" is a good indicator of the States' progress in providing interstate access to information about offenders for presale firearms and other background checks. "The percentage of applications for firearms transfers rejected primarily for the presence of a prior felony conviction history" tracks information provided by States on background checks for persons applying to purchase a firearm from a federally licensed firearm dealer and is an indicator of the success of meeting a national objective to block sales of firearms to prohibited purchasers.

Evidence: Long term measure #1: Percentage of recent state records which are automated Long term measure #2 Percentage of records accessible through the FBI's Interstate Identification Index System
 Long term measure #3: Percentage of applications for firearms transfers rejected primarily for the presence of a prior felony conviction history
 Source documents: U.S. Department of Justice, FY 2002 Performance Report and FY 2003 and FY 2004 Performance Plan (p.75) , Annual GPRA plans, BJS Strategic Plan FY 2003-2004 (p.19)

2.2 Does the program have ambitious targets and timeframes for its long-term measures? Answer: YES Question Weight: 12%

Explanation: BJS establishes long term and annual targets based on continuing independent evaluations, state self reporting, and interagency dialogue between BJS, DOJ, and the FBI, which manages the interstate record systems. Facts considered are levels of current state capacity, anticipated levels of annual funds, and periods of time required for completion of major record upgrades. The number of records available under the FBI's Interstate Identification Index is probably the most significant measure since it incorporates levels of record automation and FBI coordination, and serves as a measure of interstate record availability. The available records are projected at 48 million in 2005, representing 67.7% of the total number of criminal history records. This reflects an increase of nearly 4 million records over the 2003 estimate, an increase that is somewhat higher than in the two year periods preceding. Given limited Federal funding and State fiscal limitations, the increase is ambitious.

Evidence: Improved Records: Since the inception of NCHIP, the number of criminal history records held nationwide grew 29% while the number of automated records increased 35%. Over the same period, the number of records available for sharing under the FBI's Interstate Identification Index climbed 75%. From the inception of the Brady Act on March 1, 1994, to December 31, 2001, about 38 million applications for firearm transfers were subject to background checks. About 840,000, or 2.2% of all applications, were rejected, primarily for the presence of a prior felony conviction history.

PART Performance Measurements

Program: National Criminal History Improvement Program
Agency: Department of Justice
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Type(s): Block/Formula Grant

Section Scores				Rating
1	2	3	4	Moderately
80%	100%	100%	75%	Effective

2.3 Does the program have a limited number of specific annual performance measures that can demonstrate progress toward achieving the program's long-term goals? Answer: YES Question Weight: 12%

Explanation: The annual measures are indicators of the progress toward meeting the long term goal of improving the accuracy, utility, and interstate accessibility of records and increasing state participation in the FBI's national records systems. "Number of States in Interstate Identification Index (III) System" is an important indicator of the quality of criminal records in each State and the extent to which they may be conforming to national record quality standards. "Number of States participating in the FBI's Integrated Automated Fingerprint Identification System" indicates the transition among the States to digital finger-print systems from rolled and inked prints. "Number of States providing data to the FBI's National Sex Offender Registry (NSOR)" indicates States' progress in submitting data to the FBI's national sex offender registry as an important component of the national background check system. "Number of States participating in the FBI's protection order file (POF)" indicates States' progress in submitting State and local data in protection orders issued by local courts as an important component of the national background check system. "Number of States submitting data to the FBI's Denied Persons File and/or other NICS Index Files" indicates State participation in submitting data on denied persons based on other unspecified prohibiting reasons (i.e., mentally disabled, drug use) to the National Instant Background Check System (NICS). The program does not have an efficiency measure, but the development of the Records Quality Index will assist in the development of one or more such measures.

Evidence: Annual measure #1: Number of States in Interstate Identification Index (III) System Annual measure #2: Number of States participating in the FBI's Integrated Automated Fingerprint Identification System (IAFIS) Annual measure #3: Number of States providing data to the FBI's National Sex Offender Registry (NSOR) Annual measure #4: Number of States participating in the FBI's protection order file (POF) Annual measure #5: Number of States submitting data to the FBI's Denied Persons File and/or other NICS Index Files However, these Annual measures do not indicate data quality within the various national systems. For example, a recent GAO report indicated that up to 37% of records in the Interstate Identification Index (III) System (Annual measure #1) may not be fully useful for an instant background check due to lack of data on arrest dispositions. While BJS is working with States to improve data quality, these measures do not fully reflect this important program goal. Source documents: U.S. Department of Justice, FY 2002 Performance Report and FY 2003 and FY 2004 Performance Plan (p.75), Annual GPRA plans, BJS Strategic Plan FY 2003-2004 (p.19), July 2002 GAO Report: "Opportunities to Close Loopholes in the National Instant Criminal Background Check System"

PART Performance Measurements

Program: National Criminal History Improvement Program
Agency: Department of Justice
Bureau: Office of Justice Programs/Bureau of Justice Assistance
Type(s): Block/Formula Grant

Section Scores				Rating
1	2	3	4	Moderately
80%	100%	100%	75%	Effective

2.4 Does the program have baselines and ambitious targets for its annual measures? Answer: YES Question Weight: 12%

Explanation: In contrast to the long term goals which focus on increasing the total number of records available on an interstate basis over an extended period of time, the annual measures focus on state achievement of the technical and policy agreements to participate in one of the national records systems, such as the FBI's Interstate Identification Index, National Sex Offender Registry (NSOR), etc. Participation is important since it represents a threshold that must be met before the state can start submitting records for interstate sharing. Since the start of NCHIP, the majority of states have become participants in the National Protection Order System, NSOR, the Interstate Identification Index, and the Integrated Automated Fingerprint Identification System (IAFIS). Remaining progress often involves policy or technical impediments that take time (more than additional funding) to resolve. Accordingly, annual increases are small. As in the case of long term goals, estimated measures are developed based on knowledge of current levels of activity in states and the nature of problems which preclude current participation.

Evidence: Interstate Identification Index Participation: Since 1993, the number of States participating in III grew from 26 to 45. New Identification Technologies: 43 States, 3 Territories, and the District of Columbia now participate in the FBI's Integrated Automated Fingerprint Identification System. Sex Offender Registries: As of February 2003, all 50 States plus 3 Territories and the District of Columbia have provided more than 280,000 records to the NSOR. Domestic Violence and Protection Orders: Forty-two States and the Virgin Islands now submit data to the NCIC. Protection Order File, which became operational in May 1997 and included over 754,000 records of protection orders in February 2003.

PART Performance Measurements

Program: National Criminal History Improvement Program
Agency: Department of Justice
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Type(s): Block/Formula Grant

Section Scores				Rating
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80%	100%	100%	75%	Effective

2.5 Do all partners (including grantees, sub-grantees, contractors, cost-sharing partners, and other government partners) commit to and work toward the annual and/or long-term goals of the program? Answer: YES Question Weight: 12%

Explanation: From the beginning, NCHIP has been a partnership among BJS, the FBI, and the States to build a national infrastructure and system of sharing information which can be accessed and used in an instant to check the background of an individual for both criminal justice purposes (sentencing, pretrial release decisions) and for non-criminal justice purposes (firearms checks, child-care provider checks, etc.). States are committing significant resources and tremendous effort to upgrade the architecture and coverage of criminal records information systems. BJS requires states to assure that all records activities being undertaken must comply with FBI standards and guidance for the various national identification systems in place or under development. BJS monitors the States' commitment to the goals of the program by requiring the States to provide performance data and specific accomplishments as part of its semi-annual progress reports, quarterly financial reports, and annual funding applications. In addition, there is frequent on-site and telephone contact between the program managers and the State agencies, including the courts. BJS encourages State representatives from the executive and judicial branches to attend BJS-sponsored national and regional conferences and meetings. BJS program managers attend these conferences and convene meetings with each State's executive and judicial representatives to discuss the progress of their projects. The FBI Criminal Justice Information Systems Division is responsible for maintaining the national systems and monitors state progress in meeting the established standards for participation in the national systems. The FBI and BJS work closely in coordinating these efforts. Successful implementation of the NICS and other national systems is a high priority for the Department and as such the FBI reports directly to the AG on these matters.

Evidence: By providing ongoing funding since the beginning of the Criminal History Record Improvement (CHRI) program in 1990, the Department of Justice has demonstrated a commitment to improving criminal history records. Between 1990 and 2002, BJS has awarded a total of \$418 million directly to the States -- \$27 million through the CHRI program (FY 1990-93) and \$391 million through NCHIP (FY 1995-2002). The FBI has invested millions in developing and maintaining the national records systems. The States also have dedicated a substantial amount of funds for these purposes and the commitment is demonstrated by the significant progress they have made toward the goals of the program. See "Improving Criminal History Records for Background Checks, May 2003," for State accomplishments in automating their records and participating in the national systems.

PART Performance Measurements

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Agency: Department of Justice
Bureau: Office of Justice Programs/Bureau of Justice Assistance
Type(s): Block/Formula Grant

Section Scores				Rating
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80%	100%	100%	75%	Effective

2.6 Are independent evaluations of sufficient scope and quality conducted on a regular basis or as needed to support program improvements and evaluate effectiveness and relevance to the problem, interest, or need? Answer: YES Question Weight: 12%

Explanation: BJS has established three separate contracts to independently evaluate the program and measure a wide variety of performance criteria. Between them, the evaluations provide a good depiction of program outcomes, as well as improved information for targeting future investments: (1) The Regional Justice Information Center (REJIS) surveys the States annually on firearms applications and rejections and the contingencies associated with the Point-of-Contact (POC States) sales background checks and changes in firearms purchase procedures implemented by regulation or under State law. Also, periodically surveys the States on the utilization of records from the mental health system for prohibited purchasers and the availability of records of misdemeanor convictions for domestic violence. (2) SEARCH Group, Inc. conducts the biennial survey on record holdings, data quality, and deficiencies in record coverage; collects annual data on privacy and confidentiality governing the use of criminal records data; and manages the advisory task force utilized by BJS to identify areas of both continuing and emerging problems for the national background check system. (3) Structured Decisions Corporation (SDC) is conducting an ongoing national evaluation of NCHIP; a first-stage evaluation of criminal history records improvement efforts from 1994-98 has been completed. SDC also manages the implementation of the Record Quality Index, a set of uniformly collectible measures and carries out research on criminal history record information systems, such as the study examining the effectiveness of the POC model for background checks versus the NICS.

Evidence: The products of these data collection efforts are a series of reports and analyses which serve to identify areas for programmatic intervention, training and technical assistance, and transmission of 'best practices.' BJS staff and management utilize the data for targeting new initiatives and to measure achievement. Continuing Criminal History Records Improvement Evaluation: Final 1994-98 evaluated the NCHIP Program's effectiveness in meeting its goals relating to improving criminal history record completeness, record automation, record quality, and reporting of criminal history information.

2.7 Are Budget requests explicitly tied to accomplishment of the annual and long-term performance goals, and are the resource needs presented in a complete and transparent manner in the program's budget? Answer: YES Question Weight: 12%

Explanation: The Justice budget submission includes the program's accomplishments and discusses how the requested resources relate to accomplishing the goals of the program. The FY 2004 budget request explicitly provides information on the program's accomplishments by delineating the program objectives, demonstrating how funds were used in working toward each objective, and presenting recent performance outcomes for each objective. \In determining the level of funding to request, BJS takes into account several factors: (1) Base funds needed to support long-term activities -- State activities typically involve major system and infrastructure changes that take considerable time to complete and are scheduled in phases over time. (2) New issues and uses of criminal history records and background checks emerge--enhancements may be requested to address such recent issues as State anti-terrorism activities and inclusion of mental health records in check systems, which may place an increased burden on States; and (3) Address challenging problems and impediments--enhancements may be requested to address such problems as the record completeness and improved disposition availability and linkage with the State criminal history record system.

Evidence: Source documents: 2004 Justice Budget submission.

PART Performance Measurements

Program: National Criminal History Improvement Program
Agency: Department of Justice
Bureau: Office of Justice Programs/Bureau of Justice Assistance
Type(s): Block/Formula Grant

Section Scores				Rating
1	2	3	4	Moderately
80%	100%	100%	75%	Effective

2.8 **Has the program taken meaningful steps to correct its strategic planning deficiencies?** Answer: YES Question Weight: 12%

Explanation: BJS is developing a criminal history records quality index (RQI) to provide for monitoring performance across jurisdictions and over time. This performance measurement system is a direct outgrowth of the ongoing evaluation BJS has maintained for the NCHIP. Initially, BJS examined the potential in each State for collecting a wide array of performance data. The RQI represents a distillation of those performance measures which could be collected from most States.

Evidence: As a barometer of performance, the RQI will be used to (i) assess the progress of records quality at both the state and national levels; (ii) identify critical records improvement activities by pinpointing areas of deficiency; and (iii) permit BJS to target very specific problems and deficiencies for allocating future funding at the individual state level. By design, the RQI reflects progress towards achieving the common goals of the federally-funded records improvement programs and their respective underlying legislative mandates. The RQI will be a tool for uniformly and consistently identifying targets of opportunity to be addressed through NCHIP. In addition to the RQI, BJS systematically collects data from the FBI (NICS and NCIC record holdings) and from the State repositories in order to target gaps in the national background check system. Source documents: Continuing Criminal History Records Improvement Evaluation; Fact Sheet: Criminal History Records Quality Index (RQI); Survey of State Criminal History Information Systems, 2001 (forthcoming)

3.1 **Does the agency regularly collect timely and credible performance information, including information from key program partners, and use it to manage the program and improve performance?** Answer: YES Question Weight: 11%

Explanation: BJS collects a variety of performance data to inform program management, make resource decisions, and assess program performance: (1) BJS requires that each State agency provide performance data and its specific accomplishments as a part of its annual funding application, as well as submit semi-annual progress reports and quarterly financial reports. These data are reviewed to ensure that State activities are on track, meeting all established timelines, and relate to the goals and priorities of the program. (2) BJS conducts several statistical series to produce estimates of the results of background checks and to ascertain the quality of record-holdings in each State and to quantitatively identify areas where additional resources or concentrations of effort are required. (3) BJS collects data through the Criminal History Record Quality Index (RQI) which will be used to identify and address the strengths and weaknesses of state criminal history record systems. Future NCHIP grants will be targeted to the critical activities and deficiencies identified for each state. (4) BJS systematically collects data from the FBI (NICS and NCIC record holdings) and from the State repositories in order to target gaps in the national background check system.

Evidence: Data collections designed to measure performance include: (1) BJS collects annual statistics on applications for the purchase of a firearm and the processing of those applications. See the most recent publication in this series, Background Checks for Firearms Transfers, 2001. (2) BJS administers biennial surveys of all state criminal history record holdings, criminal history record systems, state practices for auditing their systems, and related issues. The most recent publication in this series, Survey of State Criminal History Information Systems 2001 is forthcoming. (3) BJS commissioned an evaluation of the NCHIP Program which analyzed over 1,500 federally funded criminal history improvement activities undertaken by the states. See Continuing Criminal History Records Improvement Evaluation: Final 1994-98 Report. (4) For additional information on RQI, see Fact Sheet: Criminal History Records Quality Index (RQI)

PART Performance Measurements

Program: National Criminal History Improvement Program
Agency: Department of Justice
Bureau: Office of Justice Programs/Bureau of Justice Assistance
Type(s): Block/Formula Grant

Section Scores				Rating
1	2	3	4	Moderately
80%	100%	100%	75%	Effective

3.2 Are Federal managers and program partners (including grantees, sub-grantees, contractors, cost-sharing partners, and other government partners) held accountable for cost, schedule and performance results? Answer: YES Question Weight: 11%

Explanation: Federal managers are held accountable for the performance of the States in meeting the goals of the program through: (1) formal performance evaluations conducted annually, as well as two mid-year progress reviews; (2) regularly scheduled meetings between the program managers and the Director, BJS to discuss States' progress and issues that may need to be addressed; (3) routine contacts and meetings between the Director, BJS and state representatives which provide opportunity for grantees to raise concerns relating to the management of the program; (4) monitoring reports prepared by the program managers to the Director, BJS outlining state accomplishments, deficiencies, and corrective actions as appropriate; and (5) routine financial reports generated by the Office of the Comptroller and sent to the BJS Director for assessment of whether administrative requirements are being handled adequately by the program managers (i.e., progress and financial reports are sent on schedule, agreements are programmatically reviewed and closed on schedule). Funding recipients are held accountable for the cost of the program through quarterly financial status reports and Grant Adjustment Notices (GANS) detailing expenditures and the transfer of funds for program activities. Financial monitoring visits and audits are conducted by the Office of the Comptroller to ensure grantees adhere to the financial rules and regulations of the program. Progress reports are submitted by grantees to show the schedule of progression for completing program activities as well as provide detailed descriptions of their accomplishments in their annual funding application. Program managers continually contact the State representatives to discuss programmatic and financial issues.

Evidence: The program manager's work plan includes specific elements designed to evaluate the employee on the performance results. BJS authorizes changes in grants through the use of a Grant Adjustment Notice (GAN) for the following circumstances: Deviations from approved budgets; change in scope of grant; contracting for or transferring of grant-supported effort; date changes; name change agreements; successor in interest agreements; temporary absence of the project director; withdrawal of or change in project director; change in grant manager; no cost grant extension, and grant closeout.

3.3 Are funds (Federal and partners') obligated in a timely manner and spent for the intended purpose? Answer: YES Question Weight: 11%

Explanation: BJS awards its NCHIP grants within the fiscal year of the appropriation. The program announcement is generally published in February, applications received by the end of April, and awards made by September 30th. The Office of the Comptroller and program offices monitor grantee draw down of funds and expenditure of funds. Financial reviews of State-submitted Financial Status Reports (FSRs) are conducted ensuring that the grantee has complied with federal cash management regulations; and has complied with OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations. Onsite financial reviews conducted by the Office of the Comptroller determine if: (1) grantees are properly accounting for the receipt and expenditure of federal funds, and (2) expenditures are in compliance with federal requirements and award special conditions. BJS program managers closely review Comptroller-generated reports.

Evidence: NCHIP appropriations and obligations by fiscal year: FY Appropriation Obligation
 1995 \$100,000,000 \$75,661,818
 1996 \$26,500,000
 1997 \$48,896,365 \$51,750,000
 1998 \$48,047,501 \$72,750,000
 1999 \$74,485,464 \$45,000,000
 2000 \$46,166,064 \$45,000,000
 2001 \$42,930,189
 2002 \$47,361,000 \$47,789,393 \$38,000,000 \$40,645,334
 Refer to OC financial report (PALrpt166C) for funds spent by each funding recipient.

PART Performance Measurements

Program: National Criminal History Improvement Program
Agency: Department of Justice
Bureau: Office of Justice Programs/Bureau of Justice Assistance
Type(s): Block/Formula Grant

Section Scores				Rating
1	2	3	4	Moderately
80%	100%	100%	75%	Effective

3.4 Does the program have procedures (e.g. competitive sourcing/cost comparisons, IT improvements, appropriate incentives) to measure and achieve efficiencies and cost effectiveness in program execution?

Answer: YES

Question Weight: 11%

Explanation: The program does not have efficiency measures, per se. However, a number of steps have been taken to improve program efficiency, including:--The NCHIP program, along with other OJP grant programs, are currently undergoing activity-based costing as part of the government-wide competitive sourcing effort. The grant management function has been targeted for competitive sourcing by the Department. --NCHIP program managers participate in the OJP Gains-Sharing Travel Program which provides an incentive (50% of savings) for employees traveling on business (i.e. onsite monitoring visits) to reduce their travel costs.--OJP's new Grants Management System will permit access to data on grants management workflow and processing and will ease the exchange of information among staff by creating an online repository of relevant information for each grant. Another area in which efficiency improvements are possible involves State match funding. The authorizing legislation of NCHIP only requires States to provide a 10% in-kind match of award funding, reducing State efficiency incentives. Though NCHIP monitors State resource allocation through a variety of reporting mechanisms, State award applications are not evaluated based on willingness to match or leverage Federal awards. A higher match threshold, combined with appropriate waiver provisions for hardship, could further increase program efficiency.

Evidence: OJP competitive sourcing is identified as part of the President's Management Agenda (Source: FY 2004 Performance and Management Assessments, p. 175). The OJP Management Plan, April 2003 provides additional information on recent and planned improvement efforts focusing on the efficient management of OJP resources, top-to-bottom accountability, and the standardization and streamlining of its processes and automated systems.

PART Performance Measurements

Program: National Criminal History Improvement Program
Agency: Department of Justice
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Section Scores				Rating
1	2	3	4	Moderately
80%	100%	100%	75%	Effective

3.5 Does the program collaborate and coordinate effectively with related programs? Answer: YES Question Weight: 11%

Explanation: The NCHIP program is closely coordinated with relevant Federal agencies, other OJP offices, and affiliated offices within each of the states. Federal partners include the FBI (which has oversight responsibility for the operation of NICS), the DOJ Office of Legal Policy (which responsibility for coordinating departmental activities), and the ATF (which has oversight for firearms retrievals under the NICS). Coordination is accomplished through BJS sponsorship of joint task forces, regular BJS participation in FBI sponsored meetings, and ongoing coordination with the OLP and the ATF. Moreover, to ensure state input into FBI planning, FBI and ATF representatives are regularly scheduled as speakers and participants in BJS supported NCHIP conferences. This effort encourages the exchange of information between Federal and State representatives. In addition, at the start of each funding cycle, drafts of the NCHIP Program Announcement are reviewed by the FBI Criminal Justice Information Systems (CJIS) Division, OLP, and ATF. NCHIP is also coordinated with other OJP offices that support related activity, including the Byrne 5% program. NCHIP Program Announcements require that states coordinate their proposed NCHIP efforts with other state activities and plans as a condition of NCHIP funding. Specifically, copies of the application are required to be sent to the Governor appointed Information Technology Point of Contact, and a statement to that effect included in the application. Moreover, all grants require that state expenditures and purchases with NCHIP funds be consistent with--not only FBI standards--but also any relevant state IT plans or plans for systems integration. These requirements were developed to ensure that NCHIP supported efforts are consistent with and support a state's overall system improvement plan.

Evidence: Recent task forces, meetings, and conferences facilitating coordination among partners: Joint Task Force on Rap Sheet Standardization; Protection Order and Domestic Violence Information Workshop; National Workshop on Sex Offender Registries; Focus Group on Impact of Terrorist Acts on Criminal History Activity; National Task Force on the Role of the Private Sector in the Management of Justice Information; National Conference on the Interstate Identification Index, National Fingerprint File, and the National Crime Prevention and Privacy Compact. Special conditions included in the funding agreement related to coordination: (1) The recipient of the funds is prohibited from drawing funds against the award until the recipient notifies the State Information Technology Point of Contact, by written correspondence, of the information technology project. (2) Recipient agrees that activities supported under this award will be coordinated with Federal, State, and local activities relating to homeland security and presale firearm checks, as appropriate.

PART Performance Measurements

Program: National Criminal History Improvement Program
Agency: Department of Justice
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Type(s): Block/Formula Grant

Section Scores				Rating
1	2	3	4	Moderately
80%	100%	100%	75%	Effective

3.6 Does the program use strong financial management practices? Answer: YES Question Weight: 11%

Explanation: Program managers submit all awards in a timely manner so that obligations are recorded prior to the end of the fiscal year, close funding agreements in a timely manner, and review all State-submitted financial reports and OJP Office of the Comptroller-generated reports to ensure that State spending is on track and in compliance with guidelines set forth in the OJP Financial Guide. Program managers coordinate with the Office of the Comptroller on administrative and fiscal monitoring. The Office of the Comptroller ensures grantee financial capability and integrity; certifies grant awards; monitors OJP and grantee operations to prevent waste, fraud, and abuse; provides training and technical assistance to build financial management capacity within funding recipient agencies; ensures accurate accounting and timely payments, and prepares OJP's financial statements for audit. The OJP Comptroller's Monitoring Division is responsible for providing financial monitoring and technical assistance to grantees. Comptroller-based financial reviews of official grant files are conducted to ensure that the grantee organization: (1) has timely submitted all Financial Status Reports (FSRs); (2) has accurately completed FSRs submitted; (3) has complied with federal cash management regulations; and (4) has complied with OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations. Based on the issues noted during the Comptroller-based review, the Comptroller's Monitoring Branch staff provides technical assistance to the grantee and obtains and forwards to the Official Grant File any missing documentation identified. Onsite financial reviews are conducted to determine if: (1) grantees are properly accounting for the receipt and expenditure of federal funds, and (2) expenditures are in compliance with federal requirements and award special conditions. Also, the Office of the Comptroller provides financial advice and recommends changes in the grantee's financial policies and procedures as appropriate. The audits of the OJP Annual Financial Statement for fiscal years 1998-2001 resulted in an unqualified ("clean") audit opinion with no material weaknesses. The audit of FY 2002 is currently being conducted.

Evidence: The Comptroller's Monitoring Branch conducts financial monitoring of grantees in accordance with the Office of the Comptroller financial Monitoring Guidebook, the Comptroller's Onsite Financial Review Guide, and the annual Monitoring Plan. The Comptroller's Monitoring Branch ensures that proper documentation on Comptroller financial monitoring activities is prepared and distributed. This documentation includes a record of all contacts between the Office of the Comptroller and the grantee. Documentation on financial monitoring activities is included in the Official Grant File and is sent to the grant manager and other bureau or program offices, as appropriate. KPMG's Independent Auditors' Report in OJP Financial Statements states: "In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of OJP as of September 30, 2001 and 2000, and its net costs, changes in net position, budgetary resources, and reconciliation of net costs to budgetary obligations, for the years then ended, in conformity with accounting principles generally accepted in the United States."

3.7 Has the program taken meaningful steps to address its management deficiencies? Answer: YES Question Weight: 11%

Explanation: OJP and BJS have established procedures and policies to reasonably ensure that (1) the program achieves its intended results; (2) resources are used consistent with agency mission; (3) the program and resources are protected from waste, fraud, and mismanagement; (4) laws and regulations are followed; and (5) reliable and timely information is obtained, maintained, reported and used for decision making.

Evidence: Source documents include: The OJP Management Plan, April 2003; OJP Financial Guide; OJP Grants Management Manual; Fact Sheet: Criminal Records Quality Index.

PART Performance Measurements

Program: National Criminal History Improvement Program
Agency: Department of Justice
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Type(s): Block/Formula Grant

Section Scores				Rating
1	2	3	4	Moderately
80%	100%	100%	75%	Effective

3.BF1 Does the program have oversight practices that provide sufficient knowledge of grantee activities? Answer: YES Question Weight: 11%

Explanation: BJS uses cooperative agreements as the funding vehicle for the NCHIP program. Cooperative agreements, as opposed to grants, permit a higher degree of Federal involvement in the use of the funds by the recipient. Cooperative agreements allow BJS to impose conditions on each award to improve oversight including, provision for compliance with FBI standards, grant monitor notification and approval of all changes in the project, and the submission of performance data as needed. Program managers develop and implement monitoring plans for each project. The plan is an evolving document used throughout the life cycle of a project to ensure that goals and objectives are being met and that activities and products are being completed in a timely fashion. BJS conducts various data collections designed to measure performance. BJS regularly participates in major FBI-sponsored meetings on the NICS and receives monthly status reports from the FBI on participation in national databases.

Evidence: OJP uses cooperative agreements to reflect the relationship between OJP and an eligible recipient when (1) the principal purpose of the relationship is the transfer of money or anything of value to accomplish a public purpose of support or stimulation authorized by federal statute, and (2) substantial involvement is anticipated between OJP and the recipient during performance of the contemplated activity. Each cooperative agreement includes an explicit statement of the nature, character, and extent of federal involvement agreed to by the recipient that causes it to be differentiated from a grant. Monitoring and oversight mechanisms: -- BJS grant monitors communicate with NCHIP grantees on a regular basis via site visits, training sessions, and electronic mail communications for purposes of management oversight and to resolve outstanding issues.-- OJP/BJS require all NCHIP grant recipients to submit quarterly financial reports and semi-annual progress reports to the OJP Office of the Comptroller as part of the official grant file. Copies of these reports are reviewed by the BJS program managers to assess whether projects and spending are on track and all financial requirements are being met (i.e., amount of funds on hand is within the dollar and time limit).-- BJS requires that each funding recipient applicant enumerate its specific accomplishments with respect to program goals as a part of the application and discuss other sources of funding and related activities (i.e., Byrne). These performance data are provided on the BJS website.-- BJS collects annual statistics on applications for the purchase of a firearm and the processing of those applications. These data provide national estimates as well as State-by-State data. See the most recent publication in this series, Background Checks for Firearms Transfers, 2001. Reviewed by BJS program managers to monitor States' progress in the level and type of records accessible for background checks.--BJS administers biennial surveys of all state criminal history record holdings, criminal history record systems, state practices for auditing their systems, and related issues. See the most recent publication in this series, Survey of State Criminal History Information Systems 1999. The 2001 edition is forthcoming. Program managers review to assess grantee activities relating to record automation, audits, and participation in national systems.-- BJS commissioned an evaluation of the NCHIP Program which analyzed over 1,500 federally funded criminal history improvement activities undertaken by the states. See Continuing Criminal History Records Improvement Evaluation: Final 1994-98 Report. State data and recommendations used for identifying management and program deficiencies.-- BJS receives monthly status reports from the FBI on the level of state participation in national databases. Provides real time progress of the States to enable BJS to identify where additional resources are most needed.-- BJS regularly participates in major FBI-sponsored meetings that concern critical elements of the NICS. Federal, as well as particular State or regional issues, may be identified and addressed.-- BJS conducts the Criminal History Record Quality Index (RQI) to identify activity in the processing stages for each State and address the strengths and weaknesses of their criminal history record systems (see handout on the RQI). Future NCHIP grants will be targeted to the critical activities and deficiencies identified for each state.

PART Performance Measurements

Program: National Criminal History Improvement Program
Agency: Department of Justice
Bureau: Office of Justice Programs/Bureau of Justice Assistance
Type(s): Block/Formula Grant

Section Scores				Rating
1	2	3	4	Moderately
80%	100%	100%	75%	Effective

3.BF2 Does the program collect grantee performance data on an annual basis and make it available to the public in a transparent and meaningful manner? Answer: YES Question Weight: 11%

Explanation: BJS requires that each State agency submit performance data and enumerates its specific accomplishments with respect to program goals as a part of its annual funding application and the conditions of the award. BJS collects annual data on state participation in the National Instant Background Check System. State level data are provided on number of firearm purchase applications received and rejected by State agencies. BJS administers biennial surveys of all state criminal history record holdings, criminal history record systems, state practices for auditing their systems, and related issues. Data are made available for each State.

Evidence: The NCHIP, FY 2003 Program Announcement requires "applicants to provide performance data which are used to measure the progress and achievements of the program. Applicants agree to: (1) provide information, quantitative where available, as part of the program narrative on results achieved under the program (see pages 18 and 19 for details); (2) respond in a timely manner to informational requests and formal evaluations sponsored by BJS and/or the FBI; and (3) provide Brady Act related data to the Firearm Inquiry Statistics Program (FIST) in a prescribed format. Individual state performance data are available on the BJS website at <http://www.ojp.usdoj.gov/bjs/nchipaccp.htm> For data on State participation in NICS, see Background Checks for Firearms Transfers, 2001 available on the BJS website at <http://www.ojp.usdoj.gov/bjs/pub/pdf/bcft01.pdf> 2002 annual report is forthcoming. For data on status of State criminal history record systems, see Survey of State Criminal History Information Systems 1999 <http://www.ojp.usdoj.gov/bjs/pub/pdf/bcft01.pdf> The 2001 edition is forthcoming.

4.1 Has the program demonstrated adequate progress in achieving its long-term performance goals? Answer: LARGE EXTENT Question Weight: 25%

Explanation: The overarching long term goal of the NCHIP program is to ensure that complete and accurate records are collected within each state and made available for interstate exchange through the FBI's systems, primarily the Interstate Identification Index. This capability is the baseline requirement for exchange of data for law enforcement and non law enforcement purposes such as background check systems for firearms and homeland security purposes. FBI standards require that for state records to be accessible through the Interstate Identification Index they must be fingerprint supported, automated, and compliant with various accuracy and technical standards for exchange. States also must adopt policies ensuring that they will provide data originating within their own state in response to out of state inquiries routed through the Index system. The measure used to evaluate progress on this goal is the increase in the number of records accessible through the Interstate Identification Index since the start of the NCHIP program. After 8 years and more than \$400 million in awards to States, demonstrable progress is being made in meeting this long term goal.

Evidence: The most recent data available indicate that of the approximately 64 million criminal history records held by the states, 90% are automated. Of these, about 75% are accessible to inquiries under the Interstate Identification Index. Moreover, since 1995, the year in which NCHIP started, the number of records accessible under the Index has increased by 75%. This is in contrast to the a 28% increase in total number of records over the same time period. The number of records accessible through the Interstate Identification Index has increased at almost three times the rate of increase for number of records overall. Source: Improving Criminal History Records for Background Checks: National Criminal History Improvement Program (NCHIP), May 2003.

PART Performance Measurements

Program: National Criminal History Improvement Program
Agency: Department of Justice
Bureau: Office of Justice Programs/Bureau of Justice Assistance
Type(s): Block/Formula Grant

Section Scores				Rating
1	2	3	4	Moderately
80%	100%	100%	75%	Effective

4.2 Does the program (including program partners) achieve its annual performance goals? Answer: YES Question Weight 25%

Explanation: Since the inception of the NCHIP program, BJS has provided targeted and actual data on its performance measurements via DOJ's GPRA efforts. Measurement data are collected from a variety of sources: FBI reports, BJS reports, and BJS published survey findings. All target areas established for FY 2001 and FY 2002 regarding number of State participants have been met or exceeded. However, these performance targets and annual measures do not indicate data quality within the various national systems. For example, a recent GAO report indicated that up to 37% of records in the Interstate Identification Index (III) System (Annual measure #1) may not be fully useful for an instant background check due to lack of data on arrest dispositions. BJS should consider including a data quality metric as one of its GPRA performance measures for NCHIP. BJS is working with States to improve data quality, and the measures should reflect this important program goal. BJS currently collects and reports annual data on background checks conducted for firearm transfers. The most recent data quality indicator shows that of nearly 8 million background checks associated with firearm transfers in 2001, the error rate was less than half of 1%.

Evidence: The 2002 target for number of States participating in the FBI's Integrated Automated Fingerprint Identification System (IAFIS) was set at 34 and was surpassed with an actual of 43. The target for the number of States' participation in NSOR was set at 28 and was exceeded with an actual of 49. The target for the number of States in Interstate Identification Index System was 43 and was met with an actual of 43. The target established for the number of States participating in the FBI's protection order file (POF) was 33 which was surpassed with an actual of 42.

4.3 Does the program demonstrate improved efficiencies or cost effectiveness in achieving program goals each year? Answer: LARGE EXTENT Question Weight 25%

Explanation: During FY 2002, a number of program efficiencies improvements were implemented: (1) BJS deobligated over \$1,510,000 in "older" NCHIP program funds for reobligation. (2) BJS reduced the NCHIP staffing level by 25%, and the Office of the Comptroller reduced OJP Management and Administration costs by 20% streamlining functions. (3) OJP fully migrated from a paper and pencil grant management operation to an electronic Grants Management System (GMS) that has significantly reduced the receipt, review, and processing times of funding applications. (4) The Office of the Comptroller streamlined its financial transactions by implementing Treasury's 'One-Stop' payment system, ASAP (Automated Standard Application for Payments). This offers grantees a one-stop payment system to access all of their Federal grant funds. (5) The Office of the Comptroller decreased grant cycle time and eased administrative burden on applicants by interfacing with the Department of Health and Human Services government-wide indirect cost system, eliminating the need for paper indirect cost rate agreements by applicants and making OJP negotiated indirect costs rates available in electronic form, and by interfacing with the Federal Audit Clearinghouse database to eliminate reliance on paper audit transmittal letters in its financial integrity/capability reviews. However, the authorizing legislation of NCHIP specifies that the Federal share of a State's program or proposal may not exceed 90% of the cost of the program, possibly reducing State efficiency incentives. Though NCHIP monitors State resource allocation through a variety of reporting mechanisms, review of State award applications are not evaluated based on a State's willingness to match or leverage federal awards. A higher match threshold, combined with appropriate waiver provisions for State hardship cases, could possibly further increase program efficiency.

Evidence: Sources: OJP Office of the Comptrollers FY 2002 Annual Report, p. 17-20; OJP Office of Personnel files.

PART Performance Measurements

Program: National Criminal History Improvement Program
Agency: Department of Justice
Bureau: Office of Justice Programs/Bureau of Justice Assistance
Type(s): Block/Formula Grant

Section Scores				Rating
1	2	3	4	Moderately
80%	100%	100%	75%	Effective

4.4 Does the performance of this program compare favorably to other programs, including government, private, etc., with similar purpose and goals? Answer: NA Question Weight: 0%

Explanation: The other programs with similar purposes and goals include the Byrne 5% grants used for criminal records upgrades and the individual State efforts dedicated to criminal records improvement. Since NCHIP funds are used to leverage State efforts, and those State efforts contribute to the measures used to monitor NCHIP performance, NCHIP cannot fare better than these programs in their aggregate performance. There are no specific performance measures for the Byrne program funds used for related purposes.

Evidence:

4.5 Do independent evaluations of sufficient scope and quality indicate that the program is effective and achieving results? Answer: LARGE EXTENT Question Weight: 25%

Explanation: BJS contracts with an independent evaluator to conduct evaluations of State processes and practices that impact the ability to fully participate in the FBI's national systems and the operation of the program. The most recent evaluation published in February 2000 provides findings on the effectiveness of the program. Key findings include: (1) the establishment of a federal program has helped states place a high priority on criminal history records improvement; (2) Byrne 5% and NCHIP funds are coordinated, in the sense that they complement each other in related efforts, rather than supplement one another in the same efforts; (3) BJS works closely with the FBI, BJA, and the Bureau of Alcohol, Tobacco and Firearms (BATF) to ensure that all NCHIP-funded efforts support development of NICS; (4) federal funds have been instrumental in progress towards improving the quality of criminal history records; (5) participation in the FBI's Interstate Identification Index improves the integrity of all Index inquiries; and (6) improvements were needed to continue to develop a measures framework to assess individual State efforts and aggregate improvement of records quality over time. BJS followed through on this last recommendation and in May 2003 created a structured performance measures system called the Records Quality Index or RQI. When fully operational, the RQI will provide an improved basis for identifying aggregate program improvements as well as State level deficiencies and targets of opportunity. The "independence" of the evaluator possibly could be enhanced by using a "third party" (e.g., NIJ or OJP) to manage the evaluation contract or develop the contract requirements.

Evidence: Source: Continuing Criminal History Records Improvement Evaluation, Final 1994-98 Report, published in February 2000.

PART Performance Measurements

Program: National Criminal History Improvement Program
Agency: Department of Justice
Bureau: Office of Justice Programs/Bureau of Justice Assistance
Type(s): Block/Formula Grant

Section Scores				Rating
1	2	3	4	Moderately
80%	100%	100%	75%	Effective

Measure: Number of States in Interstate Identification Index (III) System.

Additional Information: This measure targets an increase in States' participation in III

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2001	43	43	
2002	43	43	
2003	45	45	
2004	46		
2005	47		

Measure: Number of States participating in the FBI's Intergrated Automated Fingerprint Identification System (IAFIS).

Additional Information: This measure targets an increase in the States' participation in IAFIS.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2001	33	36	
2002	34	43	
2003	43	43	
2004	43		
2005	44		

PART Performance Measurements

Program: National Criminal History Improvement Program
Agency: Department of Justice
Bureau: Office of Justice Programs/Bureau of Justice Assistance
Type(s): Block/Formula Grant

Section Scores				Rating
1	2	3	4	Moderately
80%	100%	100%	75%	Effective

Measure: Percentage of records accessible through III.

Additional Information: This measure indicates the number of automated records made accessible through III for conducting presale firearms and other background checks.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Long-term
2001	60.7%	63.0%	
2002			
2003	65.5%		
2004			
2005	67.6%		

Measure: Number of States providing data to the FBI's National Sex Offender Registry (NSOR)

Additional Information: This measure targets an increase in the States' participation in NSOR.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2001	27	31	
2002	28	49	
2003	49		
2004	50		
2005	50		

Measure: Number of States participating in the FBI's protection order file (POF)

Additional Information: This measure indicates an increase in States' participation in the POF.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2001	32	34	

PART Performance Measurements

Program: National Criminal History Improvement Program
Agency: Department of Justice
Bureau: Office of Justice Programs/Bureau of Justice Assistance
Type(s): Block/Formula Grant

Section Scores				Rating
1	2	3	4	Moderately
80%	100%	100%	75%	Effective

2002	33	42
2003	42	
2004	43	
2005	44	

Measure: Percentage of applications for firearms transfers rejected primarily for the presence of a prior felony conviction history

Additional Information: This measure tracks information provided by State point of contacts to identify ineligible firearm purchasers and to identify persons subject to a qualifying protection order related to domestic violence and persons convicted of a qualifying domestic violence misdemeanor who attempt to purchase firearms.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Long-term
2001		1.9%	
2002		1.7%	
2003	1.6%		
2004	1.5%		
2005	1.4%		

Measure: Number of States submitting data to the FBI's Denied Persons File and/or other NICS Index Files

Additional Information: The measure targets an increase in States' participation in the National Instant Criminal Background Check System (NICS) Prohibited Persons Index.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2001			
2003	17		
2004	20		
2005	25		

PART Performance Measurements

Program: National Criminal History Improvement Program
Agency: Department of Justice
Bureau: Office of Justice Programs/Bureau of Justice Assistance
Type(s): Block/Formula Grant

Section Scores				Rating
1	2	3	4	Moderately
80%	100%	100%	75%	Effective

Measure: Percentage of recent state records which are automated

Additional Information: This measure is an indicator of the States' progress in upgrading records and improving their records systems.

Year

Target

Actual

Measure Term: Long-term

PART Performance Measurements

Program: Organized Crime/Drug Enforcement
Agency: Department of Justice
Bureau: Federal Bureau of Investigation
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	75%	83%	45%	

1.1 Is the program purpose clear?

Answer: YES

Question Weight 25%

Explanation: The Organized Crime Program (OCP) and the Drug Program (DP) are both part of the Criminal Investigative Division (CID). A primary focus of that division is the disruption and dismantlement of Organized Criminal Enterprises, including Drug Trafficking Criminal Enterprises (DTCEs), that are posing the greatest risk to the country. The OCP focuses on four distinct groups of organized criminal enterprises (OCEs) while the Drug Program focuses on the DTCEs that have been included on the DOJ Consolidated Priority Organization Target (CPOT) list. The FBI initiates investigations when evidence indicates that crimes are being committed by a continuing criminal conspiracy having a firm organizational structure. The FBI Organized Crime Program Plan and Drug Program Plan set out a clear, succinct and unambiguous mission designed to support the FBI's Strategic Plan and address the FBI's sixth priority to combat transnational and national criminal organizations and enterprises.

Evidence: The FBI's investigative authority is in Title 28, CFR, Section 0.85 and Title 21, the OC Program Plan dated September 2002, the Drug Program Plan date April 2003, and Director Mueller's FBI priorities dated May 2002.

1.2 Does the program address a specific and existing problem, interest or need?

Answer: YES

Question Weight 25%

Explanation: Organized Criminal Enterprises (OCEs) and engage in a variety of serious criminal activity including murder, corruption, drug trafficking, theft, racketeering, white-collar frauds, the infiltration of labor unions, weapons smuggling, money-laundering and trafficking in human beings. Multiple billions of losses have been attributed to identified OCEs. Drug Trafficking Criminal Enterprises (DTCEs) engage in similar activities involving the illegal drug trade. An estimated \$160 billion in economic losses, including costs associated with health care, crime and lost productivity, are attributed to illegal drug abuse. This criminal activity is an immediate threat to economic growth and social stability in the U.S. and abroad.

Evidence: The FBI as part of its strategic planning continually assesses the threat of OCEs and DTCEs to ensure that the Bureau has the right scope, groups, and methods. FBI field offices prepare an Annual Field Office Report (AFOR) that includes an assessment of the OC and drug problem in its jurisdiction. FBIHQ conducts an overall review of the AFORs to determine the nature and scope of the OC and drug threat. The FBI also receives reports of significant international OC activity from a variety of sources including: (a) formal working groups with foreign law enforcement; (b) the U.S. intelligence community; and (c) FBI Legal Attaches. In addition, FBI field offices maintain liaison with foreign counterparts to further specific investigations and investigative priorities.

1.3 Is the program designed so that it is not redundant or duplicative of any other Federal, state, local or private effort?

Answer: YES

Question Weight 25%

Explanation: As the primary criminal investigative agency in the federal government, the FBI has the authority and responsibility to investigate all criminal violations of federal law not exclusively assigned to another federal agency. Within the FBI, the OC Section is tasked with conducting sustained and coordinated long-term investigations of criminal and civil violations of the Racketeering Influenced and Corrupt Organizations (RICO) statute. No other federal or state agency conducts OC investigations that are similar in size or scope. Similarly, the Drug Program engages in long-term investigations of DTCEs where other FBI resources such as financial analysis can be utilized.

Evidence: The OC Program and Drug Program avoid duplication of efforts by coordinating multi-divisional investigations at FBIHQ and by the use of task forces and joint investigations with other local, state, and federal law enforcement agencies. Such coordination includes an MOA with the State Department for the Budapest Project, an MOU with DEA for the Resolution 6 Program (foreign drug investigations), a working group with Italian law enforcement and other State and local task forces.

PART Performance Measurements

Program: Organized Crime/Drug Enforcement
Agency: Department of Justice
Bureau: Federal Bureau of Investigation
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	75%	83%	45%	

1.4 **Is the program design free of major flaws that would limit the program's effectiveness or efficiency?** Answer: YES Question Weight: 25%

Explanation: The FBI focuses its investigative assets on those criminal enterprises deemed most significant in scope. The FBI's Organized Crime Program focuses on four distinct groups of Organized Criminal Enterprises (OCEs) and the Drug program focuses on groups on the Consolidated Priority Organization Target (CPOT) list that pose the greatest risk to the U.S. Due to the finite amount of resources available to combat OC and drugs the FBI applies this focused methodology to yield the maximum impact. Investigations are conducted and supervised in FBI field offices with the intent to dismantle entire organizations responsible for crime problems. Significant field investigations and certain sensitive investigative techniques are supervised and coordinated at FBIHQ. Criminal intelligence coordinated at the HQ level is used to support field operations and strategic planning. When appropriate, the FBI will establish joint task forces with other law enforcement agencies to effectively dismantle OCEs and DTCEs.

Evidence: The Organized Crime Program Plan, September 2002, identifies the targeted groups, the program objectives and measures and an overall program strategy to meet the program goal of dismantling OCEs. The Drug Program Plan outlines the methodology that targets the DTCEs that pose the greatest risk. The CPOT List reflects the most significant international narcotic supply and related money laundering organizations, poly-drug traffickers, clandestine drug manufacturers and producers, and major drug transporters supplying the United States. This list is updated periodically to remain current.

1.5 **Is the program effectively targeted, so that resources will reach intended beneficiaries and/or otherwise address the program's purpose directly?** Answer: NA Question Weight: 0%

Explanation: There are clearly communities and individuals that benefit from the program, but the program serves the entire country and some benefit more than others. The scope of the program is so broad that it would be difficult to identify actual beneficiaries.

Evidence:

2.1 **Does the program have a limited number of specific long-term performance measures that focus on outcomes and meaningfully reflect the purpose of the program?** Answer: YES Question Weight: 12%

Explanation: The Criminal Investigative Division has two long-term outcome measures for these programs: To dismantle the most significant OCEs that threaten U.S. interests and to dismantle the most significant DTCEs that threaten U.S. interests. Dismantlement targets are selected using threat list that contains the OCEs and DTCEs that are identified by the FBI as the most threatening. The long-term measures are based on a five-year cumulative effect of the annual targets for dismantlements.

Evidence: The FBI has been using these measures for several years, but will add a target in 2008 to be incorporated into the DOJ Performance and Accountability Report.

PART Performance Measurements

Program: Organized Crime/Drug Enforcement
Agency: Department of Justice
Bureau: Federal Bureau of Investigation
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	75%	83%	45%	

2.2 Does the program have ambitious targets and timeframes for its long-term measures? Answer: YES Question Weight:12%

Explanation: Using data developed in the OC Strategic Plan and the CPOT list, the FBI has established investigative targets and timeframes that serve as performance measures for the program. The performance targets are reviewed annually by the FBI and adjustments are made as necessary. In conjunction with establishing annual performance measures, the programs develop investigative strategies to strengthen its efforts to disrupt and dismantle priority OCEs and DTCEs. Meeting these established targets will be significant since CID has redirected agents to critical Counterterrorism efforts and does not expect any resource enhancements in the near future.

Evidence: The OC Strategic Plan, September 2002, Drug Program Plan, April 2003 and other strategic planning documents also contain the performance measures.

2.3 Does the program have a limited number of specific annual performance measures that can demonstrate progress toward achieving the program's long-term goals? Answer: YES Question Weight:12%

Explanation: This portion of the CID has four specific annual performance measures: 1) To dismantle the most significant OCEs that threaten U.S. interests; 2) To disrupt the most significant OCEs that threaten U.S. interests; 3) To dismantle the most significant DTCEs that threaten U.S. interests; and 4) To disrupt the most significant DTCEs that threaten U.S. interests

Evidence: The annual performance measures and targets are in the DOJ Performance Plan. The OC Strategic Plan, September 2002, Drug Program Plan, April 2003 and other strategic planning documents.

2.4 Does the program have baselines and ambitious targets for its annual measures? Answer: YES Question Weight:12%

Explanation: The annual targets selected for these measures are the actual number of dismantlements and disruptions for 2002. The targets for the following years are the same. Any slippage of established annual targets will require the program to 'catch-up' to meet the established long-term goals. Meeting these established targets will be significant since CID has redirected agents to critical counterterrorism efforts and does not expect any resources enhancements in the near future.

Evidence: OC Strategic Plan, the Drug Program Plan and performance measures tab.

2.5 Do all partners (including grantees, sub-grantees, contractors, cost-sharing partners, and other government partners) commit to and work toward the annual and/or long-term goals of the program? Answer: YES Question Weight:12%

Explanation: Successful implementation of the stated goals require work with other local, state, and foreign agencies. This is accomplished in a variety of ways by using MOUs, task forces and other collaborative efforts with other law enforcement entities. It is rare to dismantle a Criminal Enterprise without the use of investigative assets from other agencies.

Evidence: There are a variety of MOUs and long-term liaisons in place, including: FBI/Russian Ministry of Interior (MVD) working group, FBI/Hungarian National Police OC task force, the Central Intelligence Agency, the National Security Agency, Italian OC working group, Japanese OC working group, the Department of Defense, and the Defense Intelligence Agency. In addition, FBI field offices establish MOUs and cross-agency task forces locally. These arrangements provide investigative reports and data that contribute to the performance measures.

PART Performance Measurements

Program: Organized Crime/Drug Enforcement
Agency: Department of Justice
Bureau: Federal Bureau of Investigation
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	75%	83%	45%	

2.6 **Are independent evaluations of sufficient scope and quality conducted on a regular basis or as needed to support program improvements and evaluate effectiveness and relevance to the problem, interest, or need?** Answer: NO Question Weight:12%

Explanation: The FBI Inspection Division reviews all programs every three years, but these are more management and financial audits than program evaluations envisioned by the PART process.

Evidence:

2.7 **Are Budget requests explicitly tied to accomplishment of the annual and long-term performance goals, and are the resource needs presented in a complete and transparent manner in the program's budget?** Answer: NO Question Weight:12%

Explanation: The CID submits a budget request in accordance with the FBI's Internal Budget Submission Guidance. This procedure does not explicitly tie the budget to performance targets (e.g. dismantlements and disruptions). Instead, the CID budget request is composed of an historical baseline (established by the Criminal Investigative Division) and additions to fund initiatives not explicitly tied to target measures.

Evidence: The CID does not attach resource levels/funding to dismantlements and disruptions because the level of effort required can vary dramatically between investigations. An effort will be made to try and identify the resources need to meet the performance goals.

2.8 **Has the program taken meaningful steps to correct its strategic planning deficiencies?** Answer: YES Question Weight:12%

Explanation: The OC program and the Drug Program in CID conduct an annual review of strategic plans and goals. During this process, strategic planning deficiencies are identified and corrected.

Evidence: In FY 2003 the programs have taken steps to change strategic planning to create meaningful outcome measures and performance targets. The Drug Program has taken steps that have resulted in the adoption of the CPOT list. DOJ intends to present the FY 2005 budget request in a "performance budget" format that more closely ties resources with performance.

3.1 **Does the agency regularly collect timely and credible performance information, including information from key program partners, and use it to manage the program and improve performance?** Answer: YES Question Weight:17%

Explanation: The CID collects information from the Integrated Statistical Reporting and Analysis Application (ISRAA) database to manage the Programs. Dismantlement accomplishments in the field are entered into the database verified by Supervisory Special Agents and then reviewed and authorized by supervisory personnel at FBIHQ. The information is compiled in quarterly reports that allow a side-by-side comparison of long-term and annual performance measures for each FBI field office. The CID uses a variety of quantitative and non-quantitative performance information to review and adjust program priorities and resource allocations and to determine management initiatives and issues.

Evidence: Mechanisms for performance information include the annual field office Crime Survey, evaluation of national initiatives, on-site inspection and reviews of select investigative operations, Quarterly Comparative Reports and ISRAA accomplishments. Additional data is collected and share through other sources such as the National Drug Intelligence Center, Office of National Drug Control Policy and High Intensity Drug Trafficking Area initiatives.

PART Performance Measurements

Program: Organized Crime/Drug Enforcement
Agency: Department of Justice
Bureau: Federal Bureau of Investigation
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	75%	83%	45%	

3.2 Are Federal managers and program partners (including grantees, sub-grantees, contractors, cost-sharing partners, and other government partners) held accountable for cost, schedule and performance results? Answer: NO Question Weight: 17%

Explanation: FBI makes a considerable effort to evaluate Federal managers, but the performance evaluation program in place does not include performance management contracts. Each manager is held accountable for results within the program managed. The process involves accountability for work performed and utilizes a performance rating system. Managers are held accountable for expenditures and costs associated with respective field office investigations which they oversee. Audits are conducted at the field level and at FBIHQ to monitor expenses as being commensurate with the level of investigation they support.

Evidence: The Performance Appraisal System is used to monitor overall employee performance. Each manager is given an annual Performance Appraisal based on the review of several critical elements, but does not include a performance contract. Managers are rated on each critical element to determine if efficient standards of work are met, but not how they relate to the established performance measures.

3.3 Are funds (Federal and partners') obligated in a timely manner and spent for the intended purpose? Answer: YES Question Weight: 17%

Explanation: An annual spending plan is developed based on goals, objectives, and resource demands identified by the Program managers, the OC Program Plan and the Drug Program Plan. An accounting system has been established to ensure funds are obligated in a timely manner and support investigative needs deemed essential to the success of OC investigations.

Evidence: Financial reports are prepared by the Finance Division and the Criminal Investigative Division which are used to monitor spending. Time Utilization and Record Keeping (TURK) records are used to track personnel costs, utilization, and allocations. An independent financial audit is conducted by KPMG which examines and identifies expenditures and how they relate to the Programs. No material weaknesses have been reported.

3.4 Does the program have procedures (e.g. competitive sourcing/cost comparisons, IT improvements, appropriate incentives) to measure and achieve efficiencies and cost effectiveness in program execution? Answer: NA Question Weight: 0%

Explanation: Efficiency measures that compare the dollar cost per unit of output measure (e.g. arrest, seizure, or conviction) are inappropriate in the fair and objective administration of law enforcement. Competitive sourcing and IT coordination are not a significant part of the OC Program.

Evidence: The efficiency measure of performances such as dismantlements and disruptions cannot be calculated, so cost per each is not available.

PART Performance Measurements

Program: Organized Crime/Drug Enforcement
Agency: Department of Justice
Bureau: Federal Bureau of Investigation
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	75%	83%	45%	

3.5 Does the program collaborate and coordinate effectively with related programs? Answer: YES Question Weight: 17%

Explanation: The OC Program and the Drug Program coordinate with a host of federal and state agencies, both foreign and domestic. The extent of the criminal enterprise problem requires that multiple investigative agencies' assets be utilized to dismantle CEs. The programs attempt to leverage the resources of a variety of agencies, seeking a collaborative effort in combating CEs.

Evidence: In general, the Programs maintain contact and corroborates with other federal agencies including DEA, USSS, the Bureau of Immigration and Customs Enforcement, DOS, and other components of DOJ. Each unit is also in contact with foreign and domestic programs such as working groups and special projects. Meaningful actions, resource allocation, referral systems, and joint performance goals are integral components of MOUs with other law enforcement entities.

3.6 Does the program use strong financial management practices? Answer: YES Question Weight: 16%

Explanation: The CID has limited financial management responsibilities. Most of the financial management responsibilities are handled centrally. The Programs has financial management responsibilities over the travel and operational budget dedicated to specific initiatives. The Programs apply internal control procedures for all expenditures and is free of internal weaknesses.

Evidence: Outside audit conducted by Inspection Division during 09/2002 which indicated no internal weaknesses.

3.7 Has the program taken meaningful steps to address its management deficiencies? Answer: YES Question Weight: 16%

Explanation: The FBI's Inspection Division is responsible for conducting the inspection process which is designed to identify program management deficiencies. The Inspection Division conducts an extensive process to identify weaknesses and provides corrective actions for federal managers and their programs.

Evidence: The inspection process provides a comprehensive analysis and evaluation of key management and financial issues. Once deficiencies are identified, program managers are provided with corrective actions to be taken and status reports are submitted which track the progress of the identified weaknesses.

4.1 Has the program demonstrated adequate progress in achieving its long-term performance goals? Answer: LARGE EXTENT Question Weight: 34%

Explanation: The most important objective of the Programs is the commitment to dismantle targeted OCEs and DTCEs. This measure includes a specific number of targeted OCEs and DTCEs that the Programs intend to dismantled each year. The Programs also track investigations with links to the OC Threat List and the CPOT. The Programs have shown demonstrated progress in the identification of OC Threat List organizations and CPOT organizations and their subsequent dismantlements.

Evidence: Documentation of the long-term measures will be published in the Department's 2005 Annual Performance Plan and Report. The FBI's Annual Field Office Reports and ISRAA document the progress in the Programs' achievement toward its long-term performance goals.

PART Performance Measurements

Program: Organized Crime/Drug Enforcement
Agency: Department of Justice
Bureau: Federal Bureau of Investigation
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	75%	83%	45%	

4.2 Does the program (including program partners) achieve its annual performance goals? Answer: LARGE EXTENT Question Weight: 33%

Explanation: The Programs were very close to meeting the annual target of dismantling 25 OCEs and 173 DTCEs. The program fell short of the goal due to the events of September 11th. Resources were diverted from the CID to meet the needs of the Counterterrorism division in response to the attacks. The OC program will also begin targeting disruptions which were not counted in prior years.

Evidence: Documentation of the annual measures and targets are published in the Department's Annual Performance Plan and Report. The FBI's Annual Field Office Reports and ISRAA document the progress in the OC Program and Drug Program's achievement toward its annual performance goals.

4.3 Does the program demonstrate improved efficiencies or cost effectiveness in achieving program goals each year? Answer: NA Question Weight: 0%

Explanation: As explained in Question 3.4, the CID does not demonstrate efficiencies or cost effectiveness in achieving program goals because it would be inappropriate in the fair and objective administration of law enforcement.

Evidence:

4.4 Does the performance of this program compare favorably to other programs, including government, private, etc., with similar purpose and goals? Answer: NA Question Weight: 0%

Explanation: There are no comparable programs in size and scope. Investigative responsibility within the CID is unique to the FBI in that there are no other U.S. law enforcement agencies structured to investigate national and international criminal enterprises engaged in racketeering and drug activities.

Evidence: The FBI is uniquely qualified to target, disrupt, and dismantle national and international criminal enterprise groups through the application of the Enterprise Theory of Investigation.

4.5 Do independent evaluations of sufficient scope and quality indicate that the program is effective and achieving results? Answer: NO Question Weight: 33%

Explanation: As noted in question 2.6, the inspection division audits are not appropriate independent evaluations therefore, there is insufficient data to judge the program performance.

Evidence:

PART Performance Measurements

Program: Organized Crime/Drug Enforcement
Agency: Department of Justice
Bureau: Federal Bureau of Investigation
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	75%	83%	45%	

Measure: Number of organized criminal enterprises dismantled (cumulative since FY 2002)

Additional Information: A dismantlement occurs when an identified organization is incapacitated to the point that it is no longer capable of operating as a coordinated criminal enterprise. The data for this measure based on a five year period starting in 2002.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Long-term
2002			
2008	139		

Measure: Number of drug trafficking criminal enterprises dismantled (cumulative since FY 2002)

Additional Information: A dismantlement occurs when an identified organization is incapacitated to the point that it is no longer capable of operating as a coordinated criminal enterprise. The data for this measure based on a five year period starting in 2002.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Long-term
2002	baseline		
2008	586		

Measure: Number of organized criminal enterprises dismantled

Additional Information: A dismantlement occurs when an identified organization is incapacitated to the point that it is no longer capable of operating as a coordinated criminal enterprise.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2002	25	19	
2003	19	25	
2004	19		
2005	19		

PART Performance Measurements

Program: Organized Crime/Drug Enforcement
Agency: Department of Justice
Bureau: Federal Bureau of Investigation
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	75%	83%	45%	

Measure: Number of organized criminal enterprises disrupted

Additional Information: A disruption occurs when the usual operation of an identified organization is significantly impacted so that it is temporarily unable to conduct criminal operations for a significant period of time.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2002		62	
2003	50	63	
2004	50		
2005	50		

Measure: Number of drug trafficking criminal enterprises dismantled

Additional Information: A dismantlement occurs when an identified organization is incapacitated to the point that it is no longer capable of operating as a coordinated criminal enterprise. In limited cases, this measure may include an organized crime enterprise also reported in the organized criminal enterprises disrupted measure.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2002	173	119	
2003	160	102	
2004	123		
2005	130		

Measure: Number of drug trafficking criminal enterprises disrupted

Additional Information:

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2002	230	242	
2003	250	294	

PART Performance Measurements

Program: Organized Crime/Drug Enforcement
Agency: Department of Justice
Bureau: Federal Bureau of Investigation
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	75%	83%	45%	

2004	392
2005	412
2006	412

OMB Program Assessment Rating Tool (PART)
Block/Formula Grants

Name of Program: Residential Substance Abuse Treatment

Section I: Program Purpose & Design (Yes,No, N/A)

	Questions	Ans.	Explanation	Evidence/Data	Weight	Weighted Score
1	<i>Is the program purpose clear?</i>	Yes	RSAT assists state and local governments in developing, implementing, and providing residential substance abuse treatment programs within state and local correctional systems.	Authorized under 42 USC Sec. 3796ff.	20%	0.2
2	<i>Does the program address a specific interest, problem or need?</i>	Yes	There is a well established link between substance abuse and criminal behavior. Though 50-60% of state prisoners have some type of substance abuse problem, only about 15% receive treatment in a given year. RSAT is designed to encourage states to address this problem during incarceration, and for a limited time after release.	Data on drug use from National Center on Addiction and Substance Abuse. Studies by Texas Christian Univ., BOP, and others have linked prison treatment to lower recidivism. In the 1997 Survey of Inmates in State and Federal Correctional Facilities, over 570,000 of the Nation's prisoners (51%) reported the use of alcohol or drugs while committing their offense. While only 20% of state prisoners are drug offenders, 57% were using drugs in the month before their offense, and 37% were drinking at the time of their offense.	20%	0.2
3	<i>Is the program designed to have a significant impact in addressing the interest, problem or need?</i>	No	RSAT funding accounts for about 20% of the estimated \$300+ million that states spend on adult offender substance abuse treatment, yet in 2001 it supported the treatment of roughly 10,500 prisoners, less than 10% of those estimated to be in treatment (roughly 187,000).	Data on state treatment expenditures from National Center on Addiction and Substance Abuse report on state expenditures related to substance abuse. RSAT treatment data based project reports for 2001 submitted by grantees. Treatment estimate based upon 2001 state prison population.	20%	0.0
4	<i>Is the program designed to make a unique contribution in addressing the interest, problem or need (i.e., not needlessly redundant of any other Federal, state, local or private efforts)?</i>	Yes	While RSAT essentially subsidizes a state and local function, it makes a unique contribution by requiring funded programs to follow "best practices," including separate housing, drug testing, and 6-12 months of treatment prior to release. RSAT is not redundant of other Federal programs. BOP treats only Federal prisoners and HHS' Substance Abuse and Mental Health Services Administration generally does not fund offender treatment.	Program criteria on 'best practices' are specified in the FY02 RSAT grant application kit.	20%	0.2

Questions	Ans.	Explanation	Evidence/Data	Weight	Weighted Score
5 <i>Is the program optimally designed to address the interest, problem or need?</i>	No	The grant criteria have not been updated since RSAT's creation in 1994. The most significant gap in state and local resources for treating offenders is in the post-release phase, rather than pre-release, particularly as more states abolish parole. RSAT effectiveness might be improved if grantees were allowed to use a greater percentage of grant funds for post-release aftercare, though this would shift the program's current focus considerably.	Requirements outlined in grant application criteria. Recently-enacted DOJ reauthorization legislation would provide more flexibility to support post-release programs.	20%	0.0
Total Section Score				100%	60%

Questions	Ans.	Explanation	Evidence/Data	Weight	Weighted Score
Section II: Strategic Planning (Yes,No, N/A)					
Questions	Ans.	Explanation	Evidence/Data	Weighting	Weighted Score
1 <i>Does the program have a limited number of specific, ambitious long-term performance goals that focus on outcomes and meaningfully reflect the purpose of the program?</i>	No	The RSAT program seeks to reduce the number of those rearrested within one year of release through the provision of substance abuse treatment. By increasing the number of offenders treated and being able to measure the effectiveness of such treatment, the RSAT hopes to demonstrate progress towards long-term outcomes of reducing recidivism and dependency on illegal drugs. However, OJP has not incorporated clear time frames or targets into these goals.	DOJ 2003 Performance Plan provides the aggregate number treated. Recidivism targets are described in congressional justification materials.	14%	0.0
2 <i>Does the program have a limited number of annual performance goals that demonstrate progress toward achieving the long-term goals?</i>	Yes	The primary annual performance measure is the number of inmates treated by RSAT-funded programs, which OJP is reformulating in FY04 to focus on the annual treatment level, rather than a cumulative total. A secondary goal is the number of programs funded and in compliance with "best practices" for treatment.	Grantees must submit annual project evaluation reports with data on the number of offenders treated. OJP's FY04 request sets targets of 40,000 inmates treated in F03 and FY04.	14%	0.1
3 <i>Do all partners (grantees, sub-grantees, contractors, etc.) support program planning efforts by committing to the annual and/or long-term goals of the program?</i>	Yes	Grantees must agree to comply with the RSAT criteria for separate housing, drug/alcohol testing, and a focused treatment regiment. Additionally, grantees and sub grantees collect data on the number of offenders in treatment, which is sent to the state-level grantee, and then OJP.	RSAT grant application kits outline these criteria.	14%	0.1
4 <i>Does the program collaborate and coordinate effectively with related programs that share similar goals and objectives?</i>	No	RSAT coordinates well with other OJP programs, such as the prisoner reentry initiative. However it has had only limited coordination with SAMHSA and almost none with the federal Bureau of Prisons, which has an extensive treatment program for Federal prisoners.		14%	0.0

	Questions	Ans.	Explanation	Evidence/Data	Weight	Weighted Score
5	<i>Are independent and quality evaluations of sufficient scope conducted on a regular basis or as needed to fill gaps in performance information to support program improvements and evaluate effectiveness?</i>	Yes	CPO and the National Institute of Justice (NIJ) have developed an evaluation program that reflects the broad spectrum of the 400 active RSAT programs, that include program for adults, juveniles, males or females; State correctional facilities and local jails; programs based on different theoretical approaches; and programs in different regions of the United States. Initial results have led to increased focus on sustaining treatment after release into the community.	In FY97 and FY99, 38 independent implementation/process RSAT evaluations were competitively funded by NIJ. A few of these evaluators were given funds to continue their studies with outcome evaluations, many of which are still in progress today. Currently, there are eleven outcome evaluations being conducted that should be completed later this year. However, few of these studies are available for public review.	14%	0.1
6	<i>Is the program budget aligned with the program goals in such a way that the impact of funding, policy, and legislative changes on performance is readily known?</i>	Yes	There is a relationship between the annual BA level and the number of RSAT participants, although new funding may show a lag of a year or more in order to implement a new or expanded RSAT program. Furthermore, the expense of treatment has gone up faster than RSAT funding in many jurisdictions. OJP is encouraged develop a methodology for estimating how RSAT funds are allocated, based on each state's average treatment cost.	The average treatment cost per inmate (\$4665) can be used to estimate the impact of funding or policy changes, although it can vary +/- \$1500 among states. When the RSAT program began in FY 96, it took states a year or two to plan, establish, and implement the program. Many are just now obligating past years awards because they had early delays. With additional funding, there will again be delays and start-up costs as the states bring new capacity on-line.	14%	0.1
7	<i>Has the program taken meaningful steps to address its strategic planning deficiencies?</i>	Yes	RSAT is reformulating its performance goals to provide more useful information, and is beginning to assess data on treatment costs.	FY04 performance goals will more accurately reflect annual performance. The program is working with state grantees to improve the transparency of how grant funds are used.	14%	0.1
Total Section Score					100%	71%

	Questions	Ans.	Explanation	Evidence/Data	Weight	Weighted Score
Section III: Program Management (Yes,No, N/A)						
	Questions	Ans.	Explanation	Evidence/Data	Weighting	Weighted Score
1	<i>Does the agency regularly collect timely and credible performance information, including information from key program partners, and use it to manage the program and improve performance?</i>	No	While most grantees provide annual progress reports, in FY01 less than half provided requested data on drug testing and rearrests. Provision of 'within year' status reports is also highly inconsistent. However, OJP does use what data it does receive to help manage the program.	Grant managers have used Annual Evaluation reports to identify grantees with high drop-out rates to recommend technical assistance on better screening for program candidates. OJP also monitors the length of stay data to ensure compliance with program requirements. Additionally, CPO collects quarterly Financial Status Reports (SF-269), and Semi-annual Status Reports.	11%	0.0
2	<i>Are Federal managers and program partners (grantees, sub grantees, contractors, etc.) held accountable for cost, schedule and performance results?</i>	No	Federal grant managers are responsible for grant monitoring to ensure that grantees are compliant with the specific grant program requirements and are utilizing the funding on allowable purposes. This generally does not include grantee performance. OJP believes it has little ability to hold grantees accountable for costs or performance. Treatment costs vary widely among states, and the RSAT statute does not provide OJP with leverage to withhold funding based on poor performance.	OJP has recently instituted controls that make the release of funds contingent upon receiving all required status reports.	11%	0.0
3	<i>Are all funds (Federal and partners') obligated in a timely manner and spent for the intended purpose?</i>	Yes	Obligations and budget authority were closely aligned, though there was some carryover from FY00 into FY01. An audit of RSAT grantees in 2000 found no evidence of improper use of funds.	In FY2001, obligations were \$61 million out of a \$63 million appropriation.	11%	0.1
4	<i>Does the program have incentives and procedures (e.g., competitive sourcing/cost comparisons, IT improvements) to measure and achieve efficiencies and cost effectiveness in program</i>	No	OJP has implemented an automated grant processing system through the web-based Grant Management System (GMS), however it has not been able to quantify level of efficiency savings for RSAT and most other OJP programs.		11%	0.0

	Questions	Ans.	Explanation	Evidence/Data	Weight	Weighted Score
5	<i>Does the agency estimate and budget for the full annual costs of operating the program (including all administrative costs and allocated overhead) so that program performance changes are identified with changes in funding levels?</i>	Yes	The total administrative costs for the program are included in the RSAT appropriation. The portion is allocated to OJP based on a fixed percentage (2%) of the RSAT appropriation. In this way, the RSAT funding level reflects the full costs of achieving the program goals. The FY04 submission to OMB includes all indirect costs for OJP. The total funding level can be tied to the number of inmates treated, and their eventual recidivism rates.	The M&A set aside from RSAT funds was \$1.4 million in FY02, about 2% of the total. Conversely, total admin and payroll for the Correction Programs Office (which also administers holdover prison construction grants and the Offender Reentry initiative) was \$1.7 million.	11%	0.1
6	<i>Does the program use strong financial management practices?</i>	Yes	RSAT dollars are drawn down based on OJP Comptroller standards. Recipient organizations request funds based upon immediate disbursement requirements. Funds are not paid in lump sum, but rather disbursed over time as project costs are incurred or anticipated. Recipients time their drawdown requests to ensure that Federal cash on hand is the minimum needed for disbursements to be made immediately or within a few days. RSAT funds are statutorily mandated to go to Byrne agencies, which are typically the state Criminal Justice Planning agency.	OJP Comptroller standards specify procedures for distributing funds. Internal audit reports and a 2000 IG audit did not identify any significant financial weaknesses.	11%	0.1
7	<i>Has the program taken meaningful steps to address its management deficiencies?</i>	Yes	During an Office of Inspector General (OIG) review of the RSAT program, preliminary findings revealed that CPO's grant files did not contain all the grantees' reports for reporting periods that were past due and some of the grantees' files were missing. However, before the OIG completed its review, the CPO's grant files had been updated with most of the missing reports.	OJP has recently instituted controls that make the release of grant funds contingent upon receiving all required status reports.	11%	0.1
8 (B 1.)	<i>Does the program have oversight practices that provide sufficient knowledge of grantee activities?</i>	Yes	OJP places a considerable importance on monitoring of grantees use of Federal funds. CPO conducts site visits at least once every 18 months, in addition to an extensive amount of desk monitoring. Additionally, the OJP's Office of the Comptroller conducts inspections of the grantees and ensures their compliance with the OJP Financial Guide.	As the data gathered from visits is not consolidated with financial data and status reports, RSAT should make more effective use of the OJP's grant management system.	11%	0.1

Questions	Ans.	Explanation	Evidence/Data	Weight	Weighted Score
9 (B 2.) <i>Does the program collect grantee performance data on an annual basis and make it available to the public in a transparent and meaningful manner?</i>	No	While grantees submit annual performance data, OJP has only made the aggregate data public. RSAT program staff has expressed misgivings about releasing state or program-level data to the public because it might lead grantees to skew their self-reported data. Grantee evaluations are not readily accessible to the public.		11%	0.0
Total Section Score				100%	56%

Questions	Ans.	Explanation	Evidence/Data	Weight	Weighted Score
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Section IV: Program Results (Yes, Large Extent, Small Extent, No)

Questions	Ans.	Explanation	Evidence/Data	Weighting	Weighted Score
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1	<i>Has the program demonstrated adequate progress in achieving its long-term outcome goal(s)?</i>	No	The program currently lacks "long term" goals other than outyear projections of its annual performance goals. OJP is trying to recast the goal to focus on the percentage of offenders rearrested within one year of release.	While the limited post-release data appears promising, it is not comprehensive and lacks baseline data. For example, North Dakota reports a recidivism rate of 33% (after 1 year) among offenders completing the program, compared to a national rearrest rate of 39.3%. However North Dakota's overall recidivism rate is unknown.	20%	0.0
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Long-Term Goal I: Percentage of treated offenders rearrested within one year of release.
 Target: Under development.
 Actual Progress achieved toward N/A goal:

2	<i>Does the program (including program partners) achieve its annual performance goals?</i>	large extent	The RSAT program has exceeded its goals of supporting incremental increases in substance abuse treatment to prisoners, however these goals were not ambitious as they were based on obsolete cumulative estimates.	Data is presented in DOJ's FY03 performance plan, and FY04 congressional justification.	20%	0.1
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Key Goal I: To enhance the capability of states and local government to provide residential substance abuse treatment for incarcerated inmates
 Performance Target: Support treatment for 7293 in FY01, and 4,375 in FY02.
 Actual Performance: Supported 10,546 offenders in FY01, and 38,639 in FY02.

Key Goal II: Support cost-effective treatment.
 Performance Target: \$4665 per inmate in FY02 (new goal)
 Actual Performance: Actual cost per inmate was \$4317 in FY01.

3	<i>Does the program demonstrate improved efficiencies and cost effectiveness in achieving program goals each year?</i>	No	OJP has implemented an automated grant processing system through the web-based Grant Management System (GMS), which has improved the efficiency with which OJP processes grants. However, OJP has not quantified either the aggregate or program-specific savings.	OJP has not provided any evidence of specific improvements within RSAT. The program appears to becoming less efficient over time, as its FY03-04 goals project a drop in the number of inmates treated.	20%	0.0
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Questions	Ans.	Explanation	Evidence/Data	Weight	Weighted Score
4 <i>Does the performance of this program compare favorably to other programs with similar purpose and goals?</i>	No	While RSAT is a unique grant program, the services its funds are somewhat comparable to those provided by HHS' Center for Substance Abuse Treatment (CSAT) and DOJ's Bureau of Prisons. There has been no cross-cutting analysis of these treatment efforts, but it appears that RSAT-funded treatment is significantly more expensive than BOP treatment.	BOP spent approximately \$22 million in FY02 on residential or community transition treatment for 29,000 Federal inmates. RSAT spent more than twice as much to treat a smaller number of state inmates.	20%	0.0
5 <i>Do independent and quality evaluations of this program indicate that the program is effective and achieving results?</i>	Small extent	The only comprehensive evaluation (completed in 1998) focused on states' progress towards starting or expanding their treatment programs. It gave the RSAT credit for jump-starting these efforts, but did not offer conclusive findings on the effectiveness of treatment. NIJ has funded almost 40 site or state evaluations, but most of these are either underway or are available only in draft. Other studies cited by OJP appear to simply validate the potential of in-prison substance abuse treatment, rather than effectiveness of RSAT-funded programs.	A Texas Christian University researcher found that in-prison substance treatment is effective when it is integrated with aftercare. Additionally, the Federal Bureau of Prisons found that, "offenders who completed a drug abuse treatment program and had been released to the community for a minimum of six months were less likely to be re-arrested or to be detected for drug use than were similar inmates who did not participate in the drug abuse treatment program."	20%	0.1
Total Section Score				100%	20%

PART Performance Measurements

Program: State Criminal Alien Assistance Program
Agency: Department of Justice
Bureau: Office of Justice Programs
Type(s): Block/Formula Grant

Section Scores				Rating
1	2	3	4	Results Not
40%	0%	33%	0%	Demonstrated

1.1 Is the program purpose clear?

Answer: YES

Question Weight 20%

Explanation: The statute, program guidelines, and application system support the identification and payment of certain costs for the incarceration of undocumented criminal aliens. The statute directs the Attorney General, on written request of the head of a State or locality incarcerating undocumented criminal aliens, to provide compensation from funds appropriated for the purpose.

Evidence: The State Criminal Alien Assistance Program (SCAAP) is governed by the Immigration and Nationality Act, 8 U.S. 1252, Section 242 as Amended and Title II, Subtitle C, Section 20301, Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322. In general terms, if a chief executive officer of a State or a political subdivision exercises authority over the incarceration of undocumented criminal aliens and submits a written request to the U.S. Attorney General, the Attorney General may provide compensation to that jurisdiction for those incarceration costs.

1.2 Does the program address a specific and existing problem, interest or need?

Answer: NO

Question Weight 20%

Explanation: Some undocumented aliens are incarcerated for criminal offenses. To the extent that these expenses are ones that localities would not undertake if the Federal government took such aliens into custody, then SCAAP may be understood to address a specific interest on the part of many States and communities. However, there is no requirement that program funds be used to pay for the costs of incarceration. In fact, funds may be used for any purpose and often simply enhance State/local revenue--possibly at the expense of correctional facilities. As such, the program funds do not address the specific problem or need.

Evidence: In FY 2002, over 650 SCAAP applicant jurisdictions submitted data about possible undocumented criminal aliens in their systems totaling more than 310,000. Of those, about 30% were determined by INS to meet all eligibility criteria. Interviews with program managers. FY 2003 State Criminal Alien Assistance Program Guidelines, Updated June 2003.

1.3 Is the program designed so that it is not redundant or duplicative of any other Federal, state, local or private effort?

Answer: YES

Question Weight 20%

Explanation: There are no other known programs designed to provide compensation for incarceration of undocumented criminal aliens.

Evidence: According to BJA, jurisdictions routinely testify to the fact that SCAAP is the only program available to meet some of their incarceration costs for this special population. Interviews with program managers.

PART Performance Measurements

Program: State Criminal Alien Assistance Program
Agency: Department of Justice
Bureau: Office of Justice Programs
Type(s): Block/Formula Grant

Section Scores				Rating
1	2	3	4	Results Not
40%	0%	33%	0%	Demonstrated

1.4 Is the program design free of major flaws that would limit the program's effectiveness or efficiency? Answer: NO Question Weight 20%

Explanation: A major flaw in the program design is that it permits States/jurisdictions to use the SCAAP payments for any purpose, not just incarceration of criminal aliens--nor necessarily any criminal justice purpose. For many jurisdictions, this means that correctional facilities never benefit from the funding, nor do local police or prosecutors. Further, by not tying payments to any specific uses, it becomes impossible to monitor use of funds and program outcomes. Verification issues surrounding criminal aliens inhibit the design of the program, as well as an accurate accounting for actual State/local costs that are eligible for reimbursement. States/localities often do not know with certainty the citizenship and/or immigration status of inmates. On the other hand, States/localities are only required to verify foreign birth--not to query inmates about nationality or citizenship. Therefore, when in doubt, jurisdictions have an incentive to submit costs for inmates of questionable nationality. The program requires verification of the status of inmates by the Dept. of Homeland Security's Bureau of Citizenship and Immigration Services (BCIS). Typically, these checks return about 50% of inmates as "unknowns," meaning that the citizenship and immigration status of the inmate is unknown, and 20% as "ineligible." Because neither States/localities nor the Federal government know the true status of the unknowns, DOJ reimburses a smaller share of these costs. Reimbursement of these costs exposes the Federal government to potential overpayments.

Evidence: The INS vetting process has only been able to identify, on average, about 30% of the submitted aliens as verified, with another 50% in the unknown category and the remaining 20% as definitely ineligible. Interviews with program managers. In its review of SCAAP, the OIG has found that many jurisdictions show insufficient attention to the quality of the inmate data submitted. Some of the names submitted are found ineligible because they are naturalized U.S. citizens or lawfully in the U.S.. (BJA does not require jurisdictions to ask the inmate for--and document--his/her nationality.) However, many of the "unknowns" also are U.S. citizens or lawfully in the U.S., as well. INS databases used for screening have problems with completeness and accuracy. Interview with OIG staff. Office of Justice Programs State Criminal Alien Assistance Grant Program, Report No. 00-13, May 2000. Office of the Inspector General

1.5 Is the program effectively targeted, so that resources will reach intended beneficiaries and/or otherwise address the program's purpose directly? Answer: NO Question Weight 20%

Explanation: Funding is allocated proportionally among the jurisdictions reporting significant costs eligible for reimbursement, based on applications. However, some jurisdictions have reported inmate/cost data inaccurately in the past, which distorts funding decisions, and inadequate controls are in place to ensure accurate inmate/cost data reporting. Once funding decisions are made, the payments go directly to the jurisdiction of record and may be used by that jurisdiction for any lawful purpose--not just covering the cost of criminal alien incarcerations. Therefore, the funding often does not reach the correctional facilities housing the criminal aliens.

Evidence: Interviews with program managers. Interview with OIG staff.

PART Performance Measurements

Program: State Criminal Alien Assistance Program
Agency: Department of Justice
Bureau: Office of Justice Programs
Type(s): Block/Formula Grant

Section Scores				Rating
1	2	3	4	Results Not
40%	0%	33%	0%	Demonstrated

2.1 Does the program have a limited number of specific long-term performance measures that focus on outcomes and meaningfully reflect the purpose of the program? Answer: NO Question Weight:12%

Explanation: DOJ has not developed performance measures for the program. One example of a possible outcome measure for the program would be "Percentage of State/local costs for incarcerating criminal aliens compensated by the program." Note that in order for the measure to be valid, DOJ cannot simply restate the costs as identified by the States, but will need to develop a better verification scheme (whether based on a sampling or total costs) for evaluating whether those costs are valid and based on actual eligible criminal alien incarcerated.

Evidence: Interviews with program managers.

2.2 Does the program have ambitious targets and timeframes for its long-term measures? Answer: NO Question Weight:12%

Explanation: DOJ has not developed performance measures for the program.

Evidence: Interviews with program managers.

2.3 Does the program have a limited number of specific annual performance measures that can demonstrate progress toward achieving the program's long-term goals? Answer: NO Question Weight:12%

Explanation: DOJ has not developed performance measures for the program.

Evidence: Interviews with program managers.

2.4 Does the program have baselines and ambitious targets for its annual measures? Answer: NO Question Weight:12%

Explanation: DOJ has not developed performance measures for the program.

Evidence: Interviews with program managers.

2.5 Do all partners (including grantees, sub-grantees, contractors, cost-sharing partners, and other government partners) commit to and work toward the annual and/or long-term goals of the program? Answer: NO Question Weight:12%

Explanation: DOJ has not developed performance measures/goals for the program.

Evidence: Interviews with program managers.

PART Performance Measurements

Program: State Criminal Alien Assistance Program
Agency: Department of Justice
Bureau: Office of Justice Programs
Type(s): Block/Formula Grant

Section Scores				Rating
1	2	3	4	Results Not
40%	0%	33%	0%	Demonstrated

2.6 Are independent evaluations of sufficient scope and quality conducted on a regular basis or as needed to support program improvements and evaluate effectiveness and relevance to the problem, interest, or need? Answer: NO Question Weight:12%

Explanation: Justice has not contracted for independent evaluation of the program. While the OIG has not conducted a comprehensive review of the program, evaluations in 1997, 2000, and 2002 have raised issues questioning the effectiveness of the program.

Evidence: Memorandum Audit Report, Report No. 97-16, Office of the Inspector General Office of Justice Programs State Criminal Alien Assistance Grant Program , Report No. 00-13, May 2000 Office of the Inspector General Immigration and Naturalization Service Institutional Removal Program, Report No. 02-41 , September 2002, Office of the Inspector General

2.7 Are Budget requests explicitly tied to accomplishment of the annual and long-term performance goals, and are the resource needs presented in a complete and transparent manner in the program's budget? Answer: NO Question Weight:12%

Explanation: DOJ has not developed performance measures/goals for the program. The Administration has not requested funding for the program in either the FY 2003 or 2004 Budgets. However, the Congress provided funding in FY 2003.

Evidence: Interviews with program managers. President's FY 2003 Budget. President's FY 2004 Budget.

2.8 Has the program taken meaningful steps to correct its strategic planning deficiencies? Answer: NO Question Weight:12%

Explanation: DOJ has no plans to correct the program's strategic planning deficiencies because the Administration has proposed eliminating the program.

Evidence: Interviews with program managers. President's FY 2003 Budget. President's FY 2004 Budget.

3.1 Does the agency regularly collect timely and credible performance information, including information from key program partners, and use it to manage the program and improve performance? Answer: NO Question Weight:11%

Explanation: Although DOJ does not collect performance information for the program, BJA does partner with the Bureau of Immigration and Customs Enforcement for the verifications of the names submitted by the state and local applicants for funds.

Evidence: Interviews with program managers. FY 2003 State Criminal Alien Assistance Program Guidelines, Updated June 2003.

PART Performance Measurements

Program: State Criminal Alien Assistance Program
Agency: Department of Justice
Bureau: Office of Justice Programs
Type(s): Block/Formula Grant

Section Scores				Rating
1	2	3	4	Results Not
40%	0%	33%	0%	Demonstrated

3.2 Are Federal managers and program partners (including grantees, sub-grantees, contractors, cost-sharing partners, and other government partners) held accountable for cost, schedule and performance results? Answer: NO Question Weight:11%

Explanation: Justice does not monitor performance for the program. BJA uses the online Grants Management System to flag records that appear to be in error. Jurisdictions are required to attest that the data submitted by in applying for funds is accurate to prevent overpayment and insure correct payment. However, requiring an affirmation of accuracy does not ensure accuracy. Applicants are not required to expend the SCAAP funds received in any particular manner. Applicants generally use the funds to reimburse the state or local treasury. The only routine and/or comprehensive audits are conducted under the general rules of the Single Audit Act by local auditors. These are infrequent compliance audits and look primarily at the jurisdiction's adherence to specific program requirements, which are limited to the information submitted at the time of the award.

Evidence: Interviews with program managers.FY 2003 State Criminal Alien Assistance Program Guidelines, Updated June 2003.OIG staff believe that the affirmation of accuracy required from jurisdictions applying for funding is an insufficient accuracy check and that BJA should capture additional information, including the inmate's stated nationality and information about the eligible crimes for which the inmate is being held.Interview with OIG staff.

3.3 Are funds (Federal and partners') obligated in a timely manner and spent for the intended purpose? Answer: NO Question Weight:11%

Explanation: Each year, the full appropriation is committed and provided to applying jurisdictions in a timely manner. There are no unobligated balances carried over from year to year.BJA does not collect information on obligations or uses of funds once they are transferred to States/local jurisdictions. The funds are not transferred to correctional facilities for use in covering the costs of incarcerated criminal aliens.

Evidence: The program allocation formula is designed to allocate all dollars, based upon application totals.FY 2003 State Criminal Alien Assistance Program Guidelines, Updated June 2003.Interviews with program managers.

3.4 Does the program have procedures (e.g. competitive sourcing/cost comparisons, IT improvements, appropriate incentives) to measure and achieve efficiencies and cost effectiveness in program execution? Answer: YES Question Weight:11%

Explanation: (1) SCAAP, along with other OJP grant programs, is currently undergoing activity-based costing as part of the government-wide competitive sourcing effort. The grant management function has been identified for possible competitive sourcing by the Department. (2) SCAAP relies on the recently established Grants Management System (GMS), a web-based application that permits access to data on grants management workflow and processing and eases the exchange of information among staff by creating an online repository of relevant information for each grant. Applicants transmit data and request payment through this internet-based system. GMS was developed in 2000 and continues to be refined with SCAAP-specific functionality improvements in 2003, including improved error reporting for applicants uploading program data.(3) Justice provides assistance to grantees through the Grants Management System help desk, which is staffed by contractors.

Evidence: Interviews with program managers.FY 2003 State Criminal Alien Assistance Program Guidelines, Updated June 2003.The OJP Management Plan, April 2003 provides additional information on recent and planned improvement efforts focusing on the efficient management of OJP resources, top-to-bottom accountability, and the standardization and streamlining of its processes and automated systems. IT improvement processes are outlined in the OJP Business Case Analysis Process Policy Statement, April 1, 2003.

PART Performance Measurements

Program: State Criminal Alien Assistance Program
Agency: Department of Justice
Bureau: Office of Justice Programs
Type(s): Block/Formula Grant

Section Scores				Rating
1	2	3	4	Results Not Demonstrated
40%	0%	33%	0%	

3.5 Does the program collaborate and coordinate effectively with related programs? Answer: NO Question Weight:11%

Explanation: The effectiveness of the collaboration is unclear. BJA does collaborate with the Bureau of Immigration and Customs Enforcement to verify inmate data before making payment to applicants. However, Immigration has devoted only limited staffing and resources to alien verification.

Evidence: Interviews with program managers.FY 2003 State Criminal Alien Assistance Program Guidelines, Updated June 2003.Interview with OIG staff.

3.6 Does the program use strong financial management practices? Answer: YES Question Weight:11%

Explanation: Program managers submit all awards in a timely manner so that obligations are recorded prior to the end of the fiscal year. Program managers coordinate with the Office of the Comptroller on administrative and fiscal monitoring. The Office of the Comptroller certifies awards; monitors OJP operations to prevent waste, fraud, and abuse; ensures accurate accounting and timely payments, and prepares OJP's financial statements for audit. Comptroller-based financial reviews of official grant files are conducted to ensure that the grantee organization has complied with OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations. The audits of the OJP Annual Financial Statement for fiscal years 1998-2001 resulted in an unqualified ("clean") audit opinion with no material weaknesses. The audit of FY 2002 is currently being conducted.

Evidence: KPMG's Independent Auditors' Report in OJP Financial Statements states: "In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of OJP as of September 30, 2001 and 2000, and its net costs, changes in net position, budgetary resources, and reconciliation of net costs to budgetary obligations, for the years then ended, in conformity with accounting principles generally accepted in the United States."

3.7 Has the program taken meaningful steps to address its management deficiencies? Answer: YES Question Weight:11%

Explanation: BJA has taken a number of steps to make improvements in the processing of applications through the electronic filing system, to provide better instructions to grantees, and to provide technical assistance associated with grant applications. However, no goals or measures have been set for the program, and data verification remains problematic. Further, payments made for inmates of "unknown" status create a risk of overpayment to recipients for incarcerations ineligible for reimbursement.

Evidence: Interviews with program managers.The INS vetting process has only been able to identify, on average, about 30% of the submitted aliens as verified, with another 50% in the unknown category and the remaining 20% as definitely ineligible.

3.BF1 Does the program have oversight practices that provide sufficient knowledge of grantee activities? Answer: NO Question Weight:11%

Explanation: BJA does not monitor grantee activities on a post-award basis, as the funds may be used for any lawful purpose by the jurisdictions applying for reimbursement. BJA monitors and controls the process by which jurisdictions applying for funding and submit inmate data. In order for the program to meet its statutory mandate to provide for reimbursement for eligible costs, BJA needs to have a means to verify submitted cost data through regular audit or other means. It is not clear that BJA has this capability. Alternatively, State/local jurisdictions could be held to a higher standard for data submitted by requiring the submission of additional data with applications (e.g., inmate's stated nationality and information about the charges for which inmates are incarcerated).

Evidence: Interviews with program managers.Interview with OIG staff.

PART Performance Measurements

Program: State Criminal Alien Assistance Program
Agency: Department of Justice
Bureau: Office of Justice Programs
Type(s): Block/Formula Grant

Section Scores				Rating
1	2	3	4	Results Not
40%	0%	33%	0%	Demonstrated

- 3.BF2 Does the program collect grantee performance data on an annual basis and make it available to the public in a transparent and meaningful manner?** Answer: NO Question Weight: 11%
- Explanation: BJA does not collect grantee performance data for the program.
 Evidence: Interviews with program managers.
- 4.1 Has the program demonstrated adequate progress in achieving its long-term performance goals?** Answer: NO Question Weight: 25%
- Explanation: DOJ has not developed performance measures/goals for the program.
 Evidence: Interviews with program managers.
- 4.2 Does the program (including program partners) achieve its annual performance goals?** Answer: NO Question Weight: 25%
- Explanation: DOJ has not developed performance measures/goals for the program.
 Evidence: Interviews with program managers.
- 4.3 Does the program demonstrate improved efficiencies or cost effectiveness in achieving program goals each year?** Answer: NO Question Weight: 25%
- Explanation: DOJ has not developed performance measures/goals for the program.
 Evidence: Interviews with program managers.
- 4.4 Does the performance of this program compare favorably to other programs, including government, private, etc., with similar purpose and goals?** Answer: NA Question Weight: 0%
- Explanation: There are no comparable Federal, State, local or private sector programs.
 Evidence: There are no other known programs designed to provide compensation for incarceration of undocumented criminal aliens.
- 4.5 Do independent evaluations of sufficient scope and quality indicate that the program is effective and achieving results?** Answer: NO Question Weight: 25%
- Explanation: Justice has not contracted for independent evaluation of the program. While the OIG has not conducted a comprehensive review of the program, evaluations conducted in 1997, 2000, and 2002 have raised questions about the accuracy/quality of inmate data and reimbursements. For example, in 2000, the OIG found overpayments made to a number of States--in part because of inadequate State screening of inmate listings before submission to OJP. The OIG also recommended changes to DOJ's methodology for compensating States/localities for inmates of "unknown" status.
 Evidence: Memorandum Audit Report, Report No. 97-16, Office of the Inspector General Office of Justice Programs State Criminal Alien Assistance Grant Program , Report No. 00-13, May 2000 Office of the Inspector General Immigration and Naturalization Service Institutional Removal Program, Report No. 02-41 , September 2002, Office of the Inspector General

PART Performance Measurements

Program: State Criminal Alien Assistance Program
Agency: Department of Justice
Bureau: Office of Justice Programs
Type(s): Block/Formula Grant

Section Scores				Rating
1	2	3	4	Results Not
40%	0%	33%	0%	Demonstrated

Measure:
Additional
Information:

_____ Year _____ Target _____ Actual **Measure Term:**

PART Performance Measurements

Program: U.S. Attorneys
Agency: Department of Justice
Bureau: United States Attorneys
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
80%	88%	86%	33%	

1.1 Is the program purpose clear?

Answer: YES

Question Weight 20%

Explanation: The United States Attorneys (USAs) serve as the nation's principal litigators, conducting the vast majority of litigation in which the United States is a party. The USAs have three statutory responsibilities under Title 28, Section 547: the prosecution of criminal cases brought by the federal government, the prosecution and defense of civil cases in which the United States is a party, and the collection of debts owed the Federal government which are administratively uncollectible.

Evidence: There are 93 USAs stationed throughout the United States, Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands. One USA is assigned to each of the judicial districts, with the exception of Guam and the Northern Mariana Islands where a single USA serves in both districts. Each USA is the chief federal law enforcement officer of the United States within his or her particular jurisdiction. Although the distribution of caseload varies between districts, each USA handles every category of cases.

1.2 Does the program address a specific and existing problem, interest or need?

Answer: YES

Question Weight 20%

Explanation: The USAs prosecute and defend diverse and complex cases. These include international and domestic terrorism; white collar crime; corporate and health care fraud; firearms crimes; public corruption and organized crime; violent crime including organized drug trafficking; crimes against children; program fraud and immigration crimes. These also include representing the United States and its agencies in medical malpractice and other tort cases; discrimination cases, Habeas Corpus cases including immigration appeals and other cases in which the United States is a defendant. USAs also represent the United States as plaintiff in actions to assert and protect government interests, recover monies obtained by fraud, and bankruptcy litigation, representing the United States as creditor, intervener, or other party in interest, and in a variety of other matters.

Evidence: The USAOs received a total of 102,563 criminal matters for review and prosecuted 59,998 cases in FY03. This represented an increase of 6,308 matters received or 6.3% over FY02. The cases prosecuted were presented by investigative agencies including INS, FBI, DEA, ATF, IRS, HHS-OIG, Postal and other federal, state and local agencies. The attorneys in the USAOs are the US' primary litigators. They have prosecuted cases such as: US v Olis (former Dynergy executive who was prosecuted for corporate fraud resulting in a \$300 million market capitalization loss to stockholders) and US v. Traficant (former Ohio Congressman convicted of corruption). Additionally, the USAOs opened a total of 13,415 affirmative civil matters and filed a total of 8,950 ACE cases during FY03. Many of these matters resulted in settlement prior to filing in court resulting in substantial recoveries to the government. In FY03, the USAOs defended 54,208 civil cases filed against the US and its agencies, and also represented the interests of the US in a total of 18,373 bankruptcy cases in FY03.

PART Performance Measurements

Program: U.S. Attorneys
Agency: Department of Justice
Bureau: United States Attorneys
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
80%	88%	86%	33%	

1.3 Is the program designed so that it is not redundant or duplicative of any other Federal, state, local or private effort? Answer: YES Question Weight 20%

Explanation: The structure, policy and practice of the USAs are designed to avoid duplicity and redundancy with other federal, state and local efforts. The United States Attorneys' Manual (USAM) outlines specific guidelines for its AUSAs in the performance of their duties. When potentially multi-jurisdictional cases arise, the affected USAs follow policies promulgated by the Attorney General (AG) and well established practices to avoid duplication of effort. The DOJ litigating component may send trial attorneys to the district to handle the cases with the assistance of the USAO. Each USAO primarily prosecutes and defends cases arising within the geographic limits of its unique district. In cases of concurrent jurisdiction, USAOs focus primarily on large scale, multi-jurisdictional activity that cannot be prosecuted effectively by any single state or local authority with well-established procedures and lines of communication to avoid duplication. Because private parties cannot prosecute federal criminal cases, there is no redundancy with private efforts.

Evidence: Division of responsibility within DOJ for litigation is determined by statute, regulation, AG and Deputy AG (DAG) directive, USAM provisions, and historical practice. 28 C.F.R. Subpart CC provides the mechanism to resolve any jurisdictional disagreements between organizational units, with the AG being the final arbiter of any disagreement. Title 4 of the USAM outlines the responsibilities and delegation of authority associated with civil litigation in which the US is a party. In addition, USAM § 4-1.322 states that the USAOs should assist DOJ Civil Division attorneys when they appear in their districts. Each year the USAOs represent some 200 federal agencies in defensive litigation including tort and discrimination actions. The USAOs also handle the vast majority of civil debt collection and virtually all of the criminal debt collection on behalf of the US. Criminal investigations and prosecutions handled totally or in part by other DOJ litigating components are coordinated through the USAOs for grand jury utilization, and investigative and logistical support.

1.4 Is the program design free of major flaws that would limit the program's effectiveness or efficiency? Answer: NO Question Weight 20%

Explanation: The United States Constitution and the Judiciary Act of 1789 define the organizational structure of the USAOs. Over the last 215 years, federal legislation has increased the number of judicial districts, as the population increases, to 94 and the number of USAs has been set accordingly. USAs are nominated by the President and confirmed by the Senate. This organizational structure serves to appropriately and effectively meet the manifest need of the government to provide professional legal services on behalf of the United States that are closely tied to and tailored by the distinct characteristics of each federal judicial district. USAOs are either co-located with federal courthouses in which the judges for the judicial district sit, or in close proximity, which allows for effective use of attorney time. USAO personnel are in district court or before a magistrate judge on virtually a daily basis for trials, hearings, meetings with judges, or filing materials with the Clerk of Court.

Evidence: Federal statutes, regulations, and rules of court provide guidance during the litigation process. Within that framework, the USAOs maximize their finite resources by focusing efforts in the priorities defined in the AG's Strategic Plan, their unique district needs, and their statutorily mandated responsibilities. Caseload data from the USAOs confirms the increasing volume of investigations and prosecutions in priority areas, as well as the dramatic increase in terrorism prevention efforts, which does not necessarily result in prosecutions. The USAOs accomplished this while continuing to enforce other federal laws and defend the United States in civil actions. Increased public awareness of crime prevention and decreasing crime rates in relevant categories in most parts of the United States are also indicators of the effectiveness of these programs. To increase efficiency when cases appear to impact multiple federal jurisdictions, it is common practice for USAOs to coordinate prosecution with other affected USAOs.

PART Performance Measurements

Program: U.S. Attorneys
Agency: Department of Justice
Bureau: United States Attorneys
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
80%	88%	86%	33%	

1.5 **Is the program effectively targeted, so that resources will reach intended beneficiaries and/or otherwise address the program's purpose directly?** Answer: YES Question Weight: 20%

Explanation: The beneficiaries of the actions taken by the USAs are the people who live in the districts they represent and the victims of crimes committed in the district no matter where they reside. They benefit by the USAs' prosecution and incarceration of those who violate the nation's laws, protection of the federal fisc, and vigorous defense of the US and its agencies. The USAs are constantly reviewing and assessing the needs of their particular districts to ensure that they are effectively targeting resources to address issues unique to their geographic areas. In addition, the USAs review information such as case activity, local/regional involvement by the district, previous allocations, and federal, state and local law enforcement resources in the district to better identify the need for resources in specific program areas. To develop standards for the prioritization and declination of cases, USAs consider not only their unique priorities, but also the availability of local, state, and federal investigative resources, and law enforcement needs.

Evidence: An essential component of the USA's successful prosecution of fraud, waste, and abuse is the Affirmative Civil Enforcement (ACE) program. In FY03, the USAs report recovery of \$1.8 billion through this program. In determining which cases should take precedence, the USA will consider not only the district's unique priorities, but also the fact that many investigative agencies have their own set of prioritization and declination standards. Major considerations also include: whether the USA believes that the allegations have legal merit; whether a factual basis for the case can be proven in court; and whether the matter could more appropriately be handled in another venue. The reason for declination is entered into the USAO's case management system. Should a criminal case be declined by a USA but considered for prosecution by another authority, a declination code in the case management system indicates that status and once the case is officially declined by the USAO, the referral is returned to the originating federal investigative agency.

2.1 **Does the program have a limited number of specific long-term performance measures that focus on outcomes and meaningfully reflect the purpose of the program?** Answer: YES Question Weight: 13%

Explanation: The USAs have a long-term measure that was developed to comply with GPRA that focuses on a favorably resolved outcome. The measure covers all programs for the USAs with the distinction being output data. The long-term measure-- percentage of cases favorably resolved for the civil programs is designed to capture case resolution that includes those cases that resulted in court judgments favorable to the government as well as settlements. For the criminal programs, the measure is designed to capture resolution of cases based on total defendants terminated and total defendants guilty. This measure represents the USAs' mission because it helps to establish results oriented performance and it protects the public and the government by holding the USAs to high-quality performance. The efficiency measure 'overhead costs vs. mission costs' is designed to compare the cost of accomplishing the overall mission of litigation to the cost of supporting the mission. The objective of this measure is to identify efficient ways of accomplishing the mission of the USAs.

Evidence: Data is taken from the USAs' central case management system, which contains district information including matters, cases, and appeals. The USAOs are required to submit bi-yearly case data certifications to EOUSA. Data is reviewed by supervisory-attorneys and legal clerks in each district. Attorneys and support personnel are responsible for ensuring that local procedures are followed for maintaining the integrity of the system data. As an example of EOUSA's efforts to ensure that cases are accurately classified, a copy of a data quality process information sheet for terrorism has been added as evidence. Data is collected from USA pay system and the DBM.

PART Performance Measurements

Program: U.S. Attorneys
Agency: Department of Justice
Bureau: United States Attorneys
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
80%	88%	86%	33%	

2.2 Does the program have ambitious targets and timeframes for its long-term measures? Answer: NO Question Weight:13%

Explanation: To meet the long-term goal by 2008, there are annual targets that have been established to measure progress. Historical data was used to establish baselines for these targets. Meeting these established targets will be significant because of adverse factors such as, sufficient resources, and the quality of referrals. Matters referred for consideration of prosecution to USAOs are carefully evaluated to determine sufficient evidence of criminal intent and weak or insufficient admissible evidence. Sufficient attorney resources are needed to prosecute the referrals brought by the litigating agencies. If not, then the AUSAs will be forced to turn away potential cases. The USAs feel that setting targets higher would encourage the AUSA to take those cases they feel they can win rather than more complex cases in order to achieve the target. The USAs don't want to be perceived by the public as bounty hunters. The increasing effectiveness of the program over the last five years is the reason why the USAs have exceeded the targets of 80% for civil and 90% for criminal.

Evidence: Data is taken from the USAs' central case management system, which contains district information including matters, cases, and appeals. The USAOs are required to submit bi-yearly case data certifications to EOUSA. Data is reviewed by supervisory-attorneys and legal clerks in each district. Attorneys and support personnel are responsible for ensuring that local procedures are followed for maintaining the integrity of the system data. Enclosed are the USAs' Annual Statistical Report for FY 2003 and the FY 2005 Performance Tables.

2.3 Does the program have a limited number of specific annual performance measures that can demonstrate progress toward achieving the program's long-term goals? Answer: YES Question Weight:13%

Explanation: There are four specific annual performance measures: 1) The number of terrorism and terrorism-related convictions; 2) Total defendants terminated and defendants guilty; 3) Total Judgments and Settlements in Favor of U.S; and 4) Percentage of debt collected . These measures represent the primary mission of the USAs to prosecute cases, defend the United States and the collection of debts owed the federal government that are administratively not collectible. The goal of the USAs is to fairly achieve the maximum amount of recovery of debt due the United States.

Evidence: The annual performance measures are in the DOJ Performance Plan, and the USAs Performance Tables. The debt collection measure is a new measure that measures the USAOs recovered debt. Each USAO has a FLU charged with collecting all criminal debts and most civil debts owed to the U.S. arising in that district. In FY 2003, the USAOs recovered close to \$750 million in criminal debts and \$2.3 billion in civil debts. Enclosed are the Debt Collection Management Users Manual that provides USAOs instruction on using the Users Reports within the FMIS II Debt management Module and the Financial Litigation Plan ' that provides instruction on the debt collection process.

2.4 Does the program have baselines and ambitious targets for its annual measures? Answer: YES Question Weight:13%

Explanation: According to the Department policy, the annual target for the number of Terrorism and Terrorism-Related Convictions is not projected for this measure. The annual targets selected for the rest of the measures are the actual number of defendants guilty, actual number of defendants terminated, and the actual number of total judgments and settlements for 2003. The criminal debts remain on the books until the debt is collected, vacated, remitted, or has expired. As a result of the Mandatory Victims Restitution Act of 1995 (MVRA), restitution is mandatory in all violent crimes and most property crimes and all restitution debts enforceable for 20 years plus any period of incarceration, the outstanding debt balance has grown exponentially. The upgraded system may help with the collection but it may not reduce the collection substantially since debts can stay on the books for 20 years or more.

Evidence: The annual performance measures are in the DOJ Performance Plan, and the USAs Performance Tables.

PART Performance Measurements

Program: U.S. Attorneys
Agency: Department of Justice
Bureau: United States Attorneys
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
80%	88%	86%	33%	

2.5 Do all partners (including grantees, sub-grantees, contractors, cost-sharing partners, and other government partners) commit to and work toward the annual and/or long-term goals of the program? Answer: YES Question Weight: 13%

Explanation: Successful litigation of the stated goals requires work with other federal, local and state law enforcement agencies. This is accomplished by using MOUs, task forces and other collaborative efforts. It is nearly impossible for the USAs to prosecute cases and defend the United States without the use of investigative assets from other agencies.

Evidence: There are a variety of long-term liaisons in place including: Law Enforcement Committee Coordination, Anti-Terrorism Advisory Councils, and Project Safe Neighborhoods. These arrangements provide investigative reports and data that contribute to the performance measures. USAs also work with state and local task force partners in programs such as Weed & Seed. USAO representatives are involved in, and often co-chair, the Weed & Seed Steering Committee, assist with planning and developing the initial Weed and Seed Strategy, and oversee the law enforcement strategy. Evaluation of expenditures and management of Weed & Seed grant funding is performed throughout the duration of the partnership. Weed & Seed grants are terminated for Sites that do not follow their Weed and Seed strategy or do not conform to the financial and programmatic guidelines for implementing the strategy.

2.6 Are independent evaluations of sufficient scope and quality conducted on a regular basis or as needed to support program improvements and evaluate effectiveness and relevance to the problem, interest, or need? Answer: YES Question Weight: 13%

Explanation: The USAs have been reviewed by outside agencies such as the GAO and independent financial auditors. The USAs have received Unqualified Opinions on Financial Statements for FY 2002 and FY 2003. On May 2004, GAO published a report on the USAs: Performance-Based Initiatives are Evolving. GAO's conclusions are that the Department, EOUSA, and USAs have taken or are considering various steps that are designed to move USAOs toward a more results oriented, performance based environment consistent with GPRA and government wide efforts to strategically manage human capital. On January 2003, GAO published a report: Justice Department: Better Management Oversight and Internal Controls Needed to Ensure the Accuracy of Terrorism-Related Statistics. The report set forth GAO's findings and recommendations following their audit of terrorism cases reporting by the Department. While five of the six findings that GAO made were favorable, the sixth finding revealed the misclassification of 132 of 288 FY 2002 terrorism cases.

Evidence: FY 2003 Performance and Accountability Report. GAO Report -04-422, May 2004 ' USAs: Performance-Based Initiatives Are Evolving. GAO's conclusions are that the USAs have taken or are considering various steps that are designed to move USAOs toward a more result oriented, performance based environment consistent with GPRA and government wide efforts to strategically manage human capital. GAO Report 03-266, January 2003- Justice Department: Better Management Oversight and Internal Controls Needed to Ensure the Accuracy of Terrorism-Related Statistics. Data Quality Process Instructions for Terrorism and Anti-Terrorism Matters and Cases.

PART Performance Measurements

Program: U.S. Attorneys
Agency: Department of Justice
Bureau: United States Attorneys
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
80%	88%	86%	33%	

2.7 Are Budget requests explicitly tied to accomplishment of the annual and long-term performance goals, and are the resource needs presented in a complete and transparent manner in the program's budget? Answer: YES Question Weight:13%

Explanation: The United States Attorneys' budget requests are aligned with the Department's strategic goals based on the direction of the President and Attorney General.

Evidence: The United States Attorneys, at the direction of the Department and the Office of Management and Budget, restructured its Fiscal Year 2005 President's budget in accordance with the President's reform agenda and the Government Performance and Results Act. This accomplished necessary changes to move closer to performance based budgeting by integrating budget and performance, while improving financial flexibility and efficiency.

2.8 Has the program taken meaningful steps to correct its strategic planning deficiencies? Answer: YES Question Weight:13%

Explanation: EOUSA has implemented changes in the FMIS-2 reporting system to identify litigative resources by strategic goals and objectives. By direction of the Deputy Attorney General, USAOs are required to submit annual performance reports.

Evidence: The annual performance reports consist of three parts: 1) The Accomplishment of National Priorities, 2) The Accomplishment of District Priorities, and 3) The Introduction and Maintenance of Sound Management. Districts also expend significant resources on Civil Defensive and Affirmative Civil. Also sound management practices are reported including Quality of Work, Productivity, Partnerships, Morale, Administration and Resources Management, and Ethics and Professionalism. EARS guidance for conducting evaluations has been revised to now include a section entitled "Strategic Plan and District Priorities." Under the new guidelines, evaluators are asked to interview key USA managers about various aspects of USA operations, including strategic planning and priority issues. EARS "red flag" system identifies and reacts to particularly vexing issues identified during evaluations whereby senior EOUSA officials and or AUSAs who are experts in specific areas would provide quick assistance and support to the district under evaluation.

3.1 Does the agency regularly collect timely and credible performance information, including information from key program partners, and use it to manage the program and improve performance? Answer: YES Question Weight:14%

Explanation: Workyear usage data or (time usage) is collected and maintained for USA programs in the USA-5 system that summarizes time usage by program category and includes court time and time expended in priority programs. Caseload data is also maintained, including data on referrals or matters as well as cases and appeals, in a central LIONS system. Performance information is used for management decisions such as the allocation of existing or new resources. Also, data is collected from the centralized TALON system that records actions taken and amounts collected on civil and criminal debts.

Evidence: USAOs are required to bi-annually submit case data accuracy certifications to EOUSA. Attorney and support personnel are required to follow published procedures for maintaining the integrity of system data. The Data Analysis Staff analyzes information from the USAs' case management system and numerous other sources to determine caseload composition, activity, and results, and to identify workload trends and management issues. The Data Analysis staff also produces the United States Attorneys' Annual Statistical Report that is made up of narrative information describing the USAs' programs and initiatives over the past year.

PART Performance Measurements

Program: U.S. Attorneys
Agency: Department of Justice
Bureau: United States Attorneys
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
80%	88%	86%	33%	

3.2 Are Federal managers and program partners (including grantees, sub-grantees, contractors, cost-sharing partners, and other government partners) held accountable for cost, schedule and performance results? Answer: NO Question Weight:14%

Explanation: Supervisory review procedures are in place for both the criminal and civil programs to ensure that funds are expended appropriately. Program status and results are discussed in annual evaluation reviews. Throughout the year, supervisors monitor the progress of cases and matters assigned to AUSAs by conducting periodic case reviews, biannual reviews and/or quarterly reviews. The effectiveness of USAOs' prosecution and civil defensive efforts are examined in periodic evaluations which include interviews with federal, state, and local senior law enforcement officers, as well as with district and appellate judges before whom the AUSAs in each district appear. The districts are requested to complete annual district self-evaluation study (DSES) and management survey that is submitted to EOUSA that discusses effectiveness on priority programs.

Evidence: USAOs are committed to sound fiscal management. Monthly reports are created and reviewed by budget officers, administrative officers, and senior management. During the mid-year review process, funding plans are reviewed to ensure that districts meeting their funding targets. USAs are frequently communicating with local, state, and federal investigative agencies as a result of Law Enforcement Coordinating Committee (LECC) involvement within each district. In the USAOs, the responsibility for achieving key program results and establishing performance standards for the managers are those of the Senior Legal Counsel and the Supervisory Assistant USAs. For example, the senior litigation counsel is responsible for case development, case presentation, case resolution and program responsibility that includes responses to FOIA/PA requests and ensuring integrity of cases and resources. The Supervisor AUSA is responsible for administration management, the practice of law that includes case preparation, case development and case resolution.

3.3 Are funds (Federal and partners') obligated in a timely manner and spent for the intended purpose? Answer: YES Question Weight:14%

Explanation: Funds are allocated to United States Attorneys' offices and obligated in a timely fashion.

Evidence: Operating plans and periodic mid-year reviews are used to monitor and track performance. FMIS-2 allows for tracking of spending by project code, and regular reviews of expenditures are conducted. As a result of the performance reviews, EOUSA and USAOs are better able to identify and respond to potential resource needs. Districts are required to quarterly submit reviews of spending and projections for the remainder of the year, which has to be signed by the United States Attorney. Second and third quarter reviews are prepared by the analysts and during the review process the analysts identify and resolve problems. For example, over or under obligation issues, etc. The analysts present their analysis and recommendation to the Assistant Director (AD), for Execution and the AD presents recommendations to the CFO. The CFO then gets approval for any adjustments from the Director. The Distribution Budget Module System which includes the districts' budget and operating plans is the system the analysts use during the review process.

PART Performance Measurements

Program: U.S. Attorneys
Agency: Department of Justice
Bureau: United States Attorneys
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
80%	88%	86%	33%	

3.4 Does the program have procedures (e.g. competitive sourcing/cost comparisons, IT improvements, appropriate incentives) to measure and achieve efficiencies and cost effectiveness in program execution?

Answer: YES

Question Weight:14%

Explanation: EOUSA is currently in the process of developing a new efficiency measure of mission-related costs vs. overhead costs that will be included in the 2006 performance budget. Competitive outsourcing is considered during the acquisition process where appropriate. Technology investments are subject to the United States Attorneys Investment Review Board, the Department of Justice Information Technology review process, and the Office of Management and Budget capital investment review. The EOUSA and USAOs appropriately compete all requirements that exceed the micro-purchase threshold of \$2,500. Government cost estimates are based on market research and the end user's knowledge of products or services. Through the acquisition process, USAOs almost always realize cost savings for products and services through use of Federal Acquisition Regulation (FAR) competitive and commercial procedures.

Evidence: EOUSA is committed to continue working with OMB during the 2006 budget review in order to implement the new efficiency measure. In the Financial Litigation area, each United States Attorneys' Office must submit a semi-annual and annual report which details the collection activity in four areas (1) pending debt balance, (2) net effective rate of recovery, (3) dollar recovery, and (4) cost to collect. These reports are the basis for the United States Attorneys Annual Statistical Report. The USA can also monitor the amount of collections in certain areas (such as health care fraud) and other trends.

3.5 Does the program collaborate and coordinate effectively with related programs?

Answer: YES

Question Weight:14%

Explanation: The United States Attorneys work effectively with other members of the law enforcement community. They also carry out the important role of liaison with federal, state and local law enforcement officers, and with members of the community on various crime reduction programs. The United States Attorney serves as the the chief law enforcement officer within the judicial district.

Evidence: Currently, the United States Attorneys within each judicial district participate in multiple task forces addressing different subject areas such as drug trafficking, health care fraud, asset forfeiture, immigration, violent gun crime and anti-terrorism measures. Membership within the task forces vary in size, scope and can include federal, state and local components. There are also multi-jurisdictional task forces designed to address issues that are regional in nature and not confined to the borders of a particular judicial district. The importance of inter-agency cooperation in the investigation and prosecution of corporate wrong-doers is evidenced by the inclusion of members on the Corporate Task Force from other agencies. The Anti-Terrorism task forces are other examples of effective interagency cooperation & information sharing. Project Safe Neighborhoods has been credited for helping reduce violent crime rates by moving more gun offenses into the federal system.

PART Performance Measurements

Program: U.S. Attorneys
Agency: Department of Justice
Bureau: United States Attorneys
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
80%	88%	86%	33%	

3.6 Does the program use strong financial management practices? Answer: YES Question Weight:14%

Explanation: The Departments financial management system used by the Offices, Boards, and Divisions (OBD) is in compliance with the requirements of the FFMIA. The United States Attorneys, along with all the other OBD, has received an unqualified opinion for Fiscal Years for the third consecutive year, which is an unprecedented accomplishment in the history of the Department of Justice. This accomplishment demonstrates the integrity of our financial management and ensures accountability to the taxpayers.

Evidence: Please see the attached report of independent auditors on internal control. The report did, however, suggest that changes were needed in the OBD's internal controls to ensure that financial information could be provided timely to manage the OBD's. In an effort to proactively address the issues, a new internal control is being rolled out. This process will enable the USA to be better prepared for future reviews and able to better manage. Districts are now required to quarterly submit certification of open obligations which is then signed by a reviewer and certified by the USA or his designee. These documents are provided to independent auditors as evidence of our review. Additionally, upon receipt of the certifications, eight to ten districts will be asked to provide copies of all documentation supporting selected balances.

3.7 Has the program taken meaningful steps to address its management deficiencies? Answer: YES Question Weight:14%

Explanation: EOUSA determined that certain internal controls and/or procedures within a USAOs are critical to provide management with reasonable, but not absolute, assurance that fraud, waste and abuse is not possible. The Operations Staff is responsible for planning and monitoring all corrective actions after the review. The Evaluation Staff provides legal management consulting to USAOs at the request of USAs or as a result of needs identified during an evaluation or other review. The Evaluation Staff also coordinates on-site management training referred to as "The Road Show." The Road Show is a tailored one to two day training program presented on-site in the USAOs. It is a newly developed "nuts and bolts" program that was created as a result of a number of USAO for assistance with common management issues. Also the District Assistance Program provides the United States Attorneys' Offices with advice on policy and procedures related to administrative, fiscal, and technological matters as well as debt collection.

Evidence: Under the Evaluation review process, a finding that indicates a weakness in a process or internal control that is a critical element of management's ability to be reasonably assured of adequate controls against fraud, waste, or abuse. The Operations Staff's Red Flag program has been in place since May 2001 and is responsible for the institution of adequate internal controls associated with the review program. There were six instances of district assistance visits during Fiscal Year 2003 and three "Road Shows" conducted. The USAOs are in the second year of providing a performance report outlining their efforts on National Priority areas (for example Anti-Terrorism, Corporate Fraud/White Collar Crime, Project Safe Neighborhood, OCDETF/Narcotics, and Civil Rights) as well as District Priorities. The purpose of the report is to highlight successes, identify obstacles, and gauge our overall effectiveness in meeting the Department's mission.

4.1 Has the program demonstrated adequate progress in achieving its long-term performance goals? Answer: SMALL
EXTENT Question Weight:20%

Explanation: Based on the existing long-term performance goals the criminal and civil programs are meeting or exceeding their long-term performance goals.

Evidence: For the Criminal Unit, the long-term outcome goal for Fiscal Year 2003 is 90% of Favorable Resolutions in Criminal Cases. The United States Attorneys exceeded that goal by 1.7%. For the Civil Litigation Program, the long-term outcome goal for Fiscal Year 2003 is 80% of Favorable Resolutions in Civil Cases. The United States Attorneys exceeded the goal by 5.6%.

PART Performance Measurements

Program: U.S. Attorneys
Agency: Department of Justice
Bureau: United States Attorneys
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
80%	88%	86%	33%	

4.2 Does the program (including program partners) achieve its annual performance goals? Answer: SMALL EXTENT Question Weight 20%

Explanation: The USAs' achieve its annual performance goals by working effectively with other members of the law enforcement community. The AUSAs carry out the important role of liaison with federal, state and local law enforcement officers, and with members of the community on various crime reduction programs with the partnership of other federal, local and state law enforcement agencies.

Evidence: The USAOs received a total of 102,563 criminal matters for review and prosecuted 59,998 cases in FY03. This represented an increase of 6,308 matters received or 6.3% over FY02. Additionally, the USAOs opened a total of 13,415 affirmative civil matters and filed a total of 8,950 ACE cases during FY03. Many of these matters resulted in settlement prior to filing in court resulting in substantial recoveries to the government. During that same fiscal year, the USAOs defended 54,208 civil cases filed against the United States and its agencies. These included Social Security actions, prisoner and immigration appeals, torts and other program litigation. Also, the USAOs represented the interests of the United States in a total of 18,373 bankruptcy cases in FY03.

4.3 Does the program demonstrate improved efficiencies or cost effectiveness in achieving program goals each year? Answer: SMALL EXTENT Question Weight 20%

Explanation: EOUSA is currently in the process of developing a new efficiency measure of mission-related costs vs. overhead costs that will be included in the 2006 performance budget. The United States Attorneys have implemented cost savings strategies locally and nation-wide.

Evidence: EOUSA is committed to continue working with OMB during the 2006 budget review in order to implement the new efficiency measure. To increase efficiency when cases appear to impact multiple federal jurisdictions, it is common practice for USAOs to coordinate prosecution with other affected USAOs. This is often facilitated by one of the litigating components of DOJ. A cost savings measure that is in the implementation stage is: the reduction of hard copy materials contained in law libraries and subscriptions since information is available on-line.

4.4 Does the performance of this program compare favorably to other programs, including government, private, etc., with similar purpose and goals? Answer: SMALL EXTENT Question Weight 20%

Explanation: USAs performance in prosecution, as demonstrated by high success rates of cases favorably resolved, compares advantageously to other programs. State and local officials collaborate heavily with USAs to combat crime by bringing cases in federal court, often in lieu of local venues since prosecution under Federal criminal statutes offers powerful advantages.

Evidence: Evidence for this favorable comparison can found in research on federal-local collaboration such as the National Institute of Justice study, "Fighting Urban Crime: The Evolution of Federal-Local Collaboration" (2003). The report found that the advantages of federal prosecution are many and varied, including the unique characteristics of the federal grand jury, immunity, search warrants, preventive detention, electronic surveillance, witness protection, accomplice testimony, and discovery.

PART Performance Measurements

Program: U.S. Attorneys
Agency: Department of Justice
Bureau: United States Attorneys
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
80%	88%	86%	33%	

Measure: Percent of Civil Cases Favorably Resolved

Additional Information: By securing favorable resolutions in civil cases, protects the public and the government by holding the USAs to high-quality performance.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Long-term
2003		85.6%	
2004	80%	83.5%	
2005	80%		
2006	80%		
2008	80%		

Measure: Number of Total Judgments and Settlements

Additional Information: This output measure represent the number of judgments in favor of the U.S., judgments against the U.S. and Settlements.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2003	47,352	48,038	
2004	50,335	47,352	
2005	50,673		
2006	47,200		

Measure: Number of Judgments in Favor of U.S. and Settlements

Additional Information: This output measure represents the number of judgments in favor of the U.S. and Settlements.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2003	39,523	41,121	

PART Performance Measurements

Program: U.S. Attorneys
Agency: Department of Justice
Bureau: United States Attorneys
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
80%	88%	86%	33%	

	2004	43,086	39,523
	2005	43,375	
	2006	40,120	

Measure: Overhead vs. Mission Costs

Additional Information: The purpose of this measure is to compare the USAs• cost of accomplishing the overall mission of litigation to the cost of providing overhead support.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Long-term
2006			

Measure: Percent of Criminal Cases Favorably Resolved

Additional Information: By securing favorable resolutions in criminal cases, protects the public and the government by holding the USAs to high-quality performance.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Long-term
2008	90%		

Measure: Percent of Civil Debt Collected

Additional Information: By collecting the maximum amount of civil debt due, recompenses victims of crime and protects the interests of the United States

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2008	65%		

Measure: Percent of Criminal Debt Collected

Additional Information: By collecting the maximum amount of criminal debt due, recompenses victims of crime and protects the interests of the United States

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2008	7%		

PART Performance Measurements

Program: USMS Apprehension of Fugitives
Agency: Department of Justice
Bureau: United States Marshals Service
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	63%	57%	50%	

1.1 Is the program purpose clear?

Answer: YES

Question Weight 20%

Explanation: The purpose of the fugitive apprehension program is to investigate and apprehend all Federal fugitives identified by a warrant emanating from the Federal judiciary.

Evidence: The USMS has the authority to investigate and apprehend fugitives as indicated in: Title 28 U.S.C. 566 (e)(1) (B); Title 18 U.S.C. 3184, 28 C.F.R. 0.111 (q); the Attorney General's fugitive apprehension policy dated August 11, 1988; and, the Presidential Threat Protection Act of 2000 (P.L. 106-544).

1.2 Does the program address a specific and existing problem, interest or need?

Answer: YES

Question Weight 20%

Explanation: The purpose of the program is to apprehend federal fugitives from justice.

Evidence: Investigations carried out by Deputy U.S. Marshals in FY 2002 resulted in the apprehension of over 30,000 Federal fugitive felons. Over the past five years, USMS personnel apprehended more than 130,000 Federal fugitive felons.

1.3 Is the program designed so that it is not redundant or duplicative of any other Federal, state, local or private effort?

Answer: YES

Question Weight 20%

Explanation: The USMS is the Federal government's lead agency for conducting and investigating cases that include escaped Federal prisoners; bail jumpers; parole, probation, and supervised release violators; and other fugitives wanted because of complaints or indictments. The USMS ensures that it does not cross jurisdictions or engage in duplicative investigative operations by entering into MOU's and task forces with other Federal, state, and local law enforcement agencies that clearly outline each agencies responsibilities. These MOU's are based on the Attorney General's 1988 fugitive apprehension policy which establishes the rules of the USMS, DEA, and FBI, "without unnecessary duplication of effort."

Evidence: The Presidential Threat Protection Act of 2000 (P.L. 106-544) established permanent Fugitive Apprehension Task Forces consisting of Federal, State and local law enforcement in designated regions of the U.S. to be managed by the USMS. In FY02 and FY03 S&E appropriations, the USMS received funds to establish regional fugitive task forces in New York/New Jersey; Los Angeles; Atlanta and Chicago. The USMS also has MOUs with numerous Federal agencies giving them the authority to hunt other federal Fugitives avoiding duplication of effort across agencies. The FY03 Appropriations Act includes funds to establish a permanent presence at the U.S. Embassies in Mexico, Dominican Republic and Jamaica. This presence enables the USMS to apprehend fugitives that have fled the borders of the U.S. and bring them back to this country to face justice, ensuring that there is no safe haven for those that commit crimes against the U.S.

1.4 Is the program design free of major flaws that would limit the program's effectiveness or efficiency?

Answer: YES

Question Weight 20%

Explanation: The USMS fugitive program is uniquely designed to address the fugitive problem and execute warrants in a safe and cost-effective manner. The USMS uses a combination of fugitive apprehension strategies to ensure the most efficient application of resources.

Evidence: The USMS has established internal policies to ensure that fugitive task force operations are conducted efficiently and effectively.

PART Performance Measurements

Program: USMS Apprehension of Fugitives
Agency: Department of Justice
Bureau: United States Marshals Service
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	63%	57%	50%	

1.5 Is the program effectively targeted, so that resources will reach intended beneficiaries and/or otherwise address the program's purpose directly? Answer: YES Question Weight: 20%

Explanation: All resources received by this program are expended in the apprehension of Federal fugitive felons. There is daily and ongoing coordination between the Investigative Services Division, other headquarters divisions and the 94 district offices. The USMS also coordinates with other Federal law enforcement organizations as well as state and local law enforcement to improve overall performance and avoid duplication of effort.

Evidence: The program has several units (HQ and field) that work together to apprehend federal fugitive felons. The Domestic Investigations Unit (DIU) gives investigative advice and analysis to USMS district offices; coordinates high priority cases; oversees district's task force participation; reviews district's compliance with HQ performance plans; creates policies and procedures for fugitive investigations; and authorizes informant payments. The Electronic Support Unit (ESU) provides electronic surveillance; advises districts about appropriate surveillance techniques; assists in preparing court orders requesting electronic surveillance; and analyzes information obtained through electronic surveillance. The Analytical Support Unit (ASU) gives tactical and strategic information to the districts for older cases whose leads have been exhausted and maintains the Warrant Information Network (WIN) system. In the districts, task force investigators on specialized warrant squads work with State and local law enforcement to apprehend fugitives.

2.1 Does the program have a limited number of specific long-term performance measures that focus on outcomes and meaningfully reflect the purpose of the program? Answer: YES Question Weight: 12%

Explanation: The long-term goal of the USMS fugitive apprehension program is to apprehend 51 percent (approximately 106,000) of all Federal fugitives.

Evidence: Federal warrants are divided into three categories: Class I, Class II felony, and Class II non-felony. The USMS places its highest priority on Class I warrants because they are felony offenses where the USMS is the agency with primary arrest responsibility. This includes warrants for escape, failure to appear, parole violations, and bond defaults.

2.2 Does the program have ambitious targets and timeframes for its long-term measures? Answer: YES Question Weight: 12%

Explanation: The USMS has set a target of clearing 60 percent of the total Class I Federal fugitives by FY 2008. This is an increase of 8% of total Federal fugitives over the baseline year of 2002. Class I Federal fugitives are felony offenders where the USMS has primary apprehension responsibility.

Evidence: The USMS executes more Federal felony warrants than all other Federal organizations combined. In FY 2002, over 30,000 Class I warrants were executed resulting in the USMS physically arresting over 23,000 fugitives. In FY 2005, the USMS estimates that over 80,000 fugitives of all types (Class I, Class II and Class II Non-felony) will be apprehended.

2.3 Does the program have a limited number of specific annual performance measures that can demonstrate progress toward achieving the program's long-term goals? Answer: YES Question Weight: 12%

Explanation: The USMS has three annual performance measures that contribute to the long-term outcome goal. Each measure is expressed as both a percentage and an actual total: Class I Federal fugitives; Class II Federal felony fugitives; and Class II Federal non-felony fugitives that were apprehended or had their warrant cleared.

Evidence: The USMS has identified specific annual performance goals and targets which are outcome oriented and emphasize the focus on apprehension of Federal fugitives.

PART Performance Measurements

Program: USMS Apprehension of Fugitives
Agency: Department of Justice
Bureau: United States Marshals Service
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	63%	57%	50%	

2.4 Does the program have baselines and ambitious targets for its annual measures? Answer: YES Question Weight: 12%

Explanation: The USMS has established a baseline of 52 percent of total Class I Federal fugitives that must be cleared on an annual basis.

Evidence: District performance is tracked on a monthly basis and reports are generated from the Warrant Information Network system. The USMS reports its annual measures as part of the President's Budget request.

2.5 Do all partners (including grantees, sub-grantees, contractors, cost-sharing partners, and other government partners) commit to and work toward the annual and/or long-term goals of the program? Answer: NO Question Weight: 12%

Explanation: The USMS works with other Federal, state and local law enforcement agencies to capture fugitives.

Evidence: The USMS enters into memorandums of understanding (MOU) which delegate primary apprehension responsibility from the designated agency to the USMS. The memoranda do not require partners to commit to USMS performance goals and targets.

2.6 Are independent evaluations of sufficient scope and quality conducted on a regular basis or as needed to support program improvements and evaluate effectiveness and relevance to the problem, interest, or need? Answer: NO Question Weight: 12%

Explanation: The USMS has been reviewed by outside agencies such as the General Accounting Office (GAO), the Office of the Inspector General (OIG) and independent financial management audiences. The OIG Report from 1995 with a follow up in 2000 is the only evaluation looking at program effectiveness. Although acceptable for historical purposes, a five-year interval is not frequent enough going forward.

Evidence: OIG audit reports: I-2000-02, A-98-34, and I-94-04.

2.7 Are Budget requests explicitly tied to accomplishment of the annual and long-term performance goals, and are the resource needs presented in a complete and transparent manner in the program's budget? Answer: YES Question Weight: 12%

Explanation: With submission of the FY 2005 President's Budget to Congress this winter, the USMS will have incorporated annual and long-term performance goals in its official budget request documents. In the 2005 budget request the USMS is predicting an increase of 122 more Class I fugitives and 63 more Class II felony fugitives apprehended as a result of additional requested Organized Crime and Drug Enforcement Task Force FTE.

Evidence: In response to the Administration's commitment to move towards a performance-based budget, the USMS restructured its decision units as part of its FY 2004 President's Budget request to Congress. The USMS has also restructured its accounting to capture full costs of project and program activities as part of the FY 2003 budget execution procedures.

PART Performance Measurements

Program: USMS Apprehension of Fugitives
Agency: Department of Justice
Bureau: United States Marshals Service
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	63%	57%	50%	

2.8 Has the program taken meaningful steps to correct its strategic planning deficiencies? Answer: NO Question Weight:12%

Explanation: The USMS has improved program monitoring which is essential for tracking progress toward long-term targets. The USMS is taking the necessary steps to reduce the backlog of federal Class I fugitives by establishing regional fugitive task forces. The USMS has not fully developed an ongoing or periodic strategic planning process at the program level to formulate overall strategies and tactics for fugitive apprehension.

Evidence: The FY 2002 appropriation provided resources to establish two permanent fugitive task forces (in Los Angeles and New York). In FY 2003, non-personnel funding was provided to establish two more task forces (in Atlanta and Chicago).

3.1 Does the agency regularly collect timely and credible performance information, including information from key program partners, and use it to manage the program and improve performance? Answer: YES Question Weight:14%

Explanation: The Warrant Information Network (WIN) system tracks the number and status of felony and non-felony warrants and provides descriptive information on the Federal fugitive felons. Additionally, Deputy U.S. Marshals partner with other Federal, state and local investigators and use their information systems. For example, the USMS uses the FBI's National Criminal Information Center (NCIC) and the National Law Enforcement Telecommunication System (NLETS) to aid in investigations.

Evidence: The WIN system tracks all felony and non-felony warrants. This information is analyzed and placed in a monthly report that is distributed to all USMS operational personnel informing them of the number of warrants and rate of clears by district. From the monthly report, District offices know where they rank among other district offices in the apprehension of their fugitives and headquarters monitors to help correct performance areas that are inadequate or lagging.

3.2 Are Federal managers and program partners (including grantees, sub-grantees, contractors, cost-sharing partners, and other government partners) held accountable for cost, schedule and performance results? Answer: NO Question Weight:14%

Explanation: The Assistant Director for the Investigative Services Division is evaluated on an annual basis and held accountable for the results of the fugitive apprehension program. One major concern is that DEA may not have an incentive to perform major apprehension efforts because after 7 days it can delegate warrants to the USMS.

Evidence: In the SES performance evaluation, element two requires that the Assistant Director "set goals that stress results and are linked to agency initiatives, funding, strategic and tactical plans."

PART Performance Measurements

Program: USMS Apprehension of Fugitives
Agency: Department of Justice
Bureau: United States Marshals Service
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	63%	57%	50%	

3.3 Are funds (Federal and partners') obligated in a timely manner and spent for the intended purpose? Answer: NO Question Weight:14%

Explanation: For the last three years, the USMS has received a clean opinion as part of the annual audited financial statements. The USMS obligates in a timely manner and for their intended purposes, in accordance with established agency guidelines and Congressional appropriation rules and regulations. The OIG has been conducting an on-site audit of USMS budget execution practices for FY 2002 and FY 2003.

Evidence: The USMS has received clean Audited Financial Statements in FY 2000, FY 2001 and FY 2002. This includes receiving an "unqualified" opinion and no material weaknesses. In FY 2003, the USMS updated its internal budget policy to reflect the appropriations language that caps positions and workyears in the Salaries and Expenses appropriation. The draft OIG audit report on USMS budget execution during FY 2002 and 2003 was submitted in mid-September 2003. The final report will be sent to OMB as soon as it becomes available. Among the items being reviewed are the earmarks specified in the FY 2003 Conference Report.

3.4 Does the program have procedures (e.g. competitive sourcing/cost comparisons, IT improvements, appropriate incentives) to measure and achieve efficiencies and cost effectiveness in program execution? Answer: YES Question Weight:14%

Explanation: The USMS hires state and local police officers and sheriffs deputies to help with task force fugitive investigations. To keep overtime costs down, contracts are established through the competitive procurement process to hire state and local agencies. Each contract specifies the maximum funding allowed during the specified time period. In addition, the state and local agency must enter into a memorandum of understanding with the USMS regarding how workload is assigned, how personnel are supervised, data is entered into automated systems, and equipment is shared.

Evidence: An example of this is the Mercer County Sheriff's Office and the associated MOU enabling them to participate on the USMS fugitive task force in New York. In FY 2002, the USMS established regional task forces in New York and Los Angeles to locate and apprehend the most dangerous fugitives along the Eastern and Western seaboard. The year prior to these task forces (May 2001 to May 2002), USMS districts arrested 3,037 Federal fugitives and 1,887 state and local fugitives. A year later (May 2002 to May 2003), the task forces arrested 4,089 Federal and 6,843 S&E fugitives.

3.5 Does the program collaborate and coordinate effectively with related programs? Answer: YES Question Weight:14%

Explanation: The USMS works closely with other Federal agencies, as well as state and local law enforcement in its pursuit of fugitives.

Evidence: The USMS currently contributes to 103 fugitive task forces across the country involving Federal, state, and local law enforcement agencies. This collaboration has resulted in 19,096 fugitive warrants cleared by USMS arrest through June 2003. Through use of the task forces involving state and local agencies, fugitive apprehension efforts are vastly improved as leads can be investigated almost instantly by having an officer available in close proximity to the lead's location.

PART Performance Measurements

Program: USMS Apprehension of Fugitives
Agency: Department of Justice
Bureau: United States Marshals Service
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	63%	57%	50%	

3.6 Does the program use strong financial management practices? Answer: YES Question Weight: 14%

Explanation: The USMS provides a detailed spending plan to Congress. The USMS also notifies Congress of changes in potential spending, through reprogrammings, notifications, and Congressional relocation reports. The detailed tracking of funds has enabled the USMS received clean Audited Financial Statements in FY 2000, FY 2001 and FY 2002 as well as "Unqualified" opinions. The USMS has reported no material weaknesses in FY 2002.

Evidence: The USMS has gone to great lengths to develop systems that allow funds to be fully tracked and reported. These systems are designed to track funds by object classification or mission activity. The Agency's time reporting system tracks time spent per mission activity and is tied to the payroll system. This enables managers to track funds at the most detailed level. Once managers have this information, they can assess full program costs or program activity costs for isolated special investigations or task force efforts.

3.7 Has the program taken meaningful steps to address its management deficiencies? Answer: NO Question Weight: 14%

Explanation: Headquarters publishes a monthly report comparing the number of warrants cleared by district. At USMS regional fugitive conferences, headquarters brings warrant supervisors from all district offices together to present and discuss "best practices." The goal is to share information about fugitive investigation and surveillance techniques.

Evidence: Monthly reports comparing district warrant workload, and regional USMS fugitive conferences help improve management of the program. Though these tools are important to improve operations, the USMS has not developed a system to identify and improve management deficiencies.

4.1 Has the program demonstrated adequate progress in achieving its long-term performance goals? Answer: YES Question Weight: 25%

Explanation: The USMS continues to make progress toward its long range goal of apprehending fugitives and executing Federal warrants.

Evidence: By looking at warrant trend data, the USMS is clearing more Class I and Class II felony warrants, both in absolute numbers and in terms of the percentage of total warrants.

4.2 Does the program (including program partners) achieve its annual performance goals? Answer: YES Question Weight: 25%

Explanation: The USMS monitors program and task force progress monthly. This program monitoring throughout the year, in addition to special initiatives, such as regional task forces, enables the USMS to achieve its performance goals.

Evidence: In the FY 2002 DOJ Performance Report and the FY 2004 USMS President's Budget, the USMS' overall performance goals are met.

4.3 Does the program demonstrate improved efficiencies or cost effectiveness in achieving program goals each year? Answer: NA Question Weight: 0%

Explanation: The USMS believes there are no meaningful measures of cost effectiveness for this law enforcement program since the majority of the USMS is excluded from the A-76 inventory. No outsourcing comparisons have been made.

Evidence:

PART Performance Measurements

Program: USMS Apprehension of Fugitives
Agency: Department of Justice
Bureau: United States Marshals Service
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	63%	57%	50%	

4.4 Does the performance of this program compare favorably to other programs, including government, private, etc., with similar purpose and goals? Answer: NO Question Weight 25%

Explanation: With submission of the FY 2005 President's Budget to Congress this winter, the USMS will have incorporated annual and long-term performance goals in its official budget request documents.

Evidence: The Presidential Threat Protection Act of 2000 (P.L. 106-544) gave the USMS the authority to establish permanent Fugitive Apprehension Task Forces consisting of Federal, state and local law enforcement.

4.5 Do independent evaluations of sufficient scope and quality indicate that the program is effective and achieving results? Answer: NO Question Weight 25%

Explanation: The USMS is subjected to independent evaluations by the OIG and GAO. No additional evaluations have been performed on USMS fugitive apprehension activities.

Evidence: The USMS performs program monitoring and publishes an annual report that provides benchmarking information. OIG audit reports: I-2000-02, A-98-34, and I-94-04.

PART Performance Measurements

Program: USMS Apprehension of Fugitives
Agency: Department of Justice
Bureau: United States Marshals Service
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	63%	57%	50%	

Measure: Percent of total Federal fugitives apprehended or cleared.

Additional Information: This measure includes: physical arrest, directed arrest, surrender, dismissal, arrest by other agency, or when a detainment order is lodged and the fugitive is taken into custody. This outcome measure includes Class I, Class II felony, and Class II non-felony warrants.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Long-term
2002	46%	46%	
2003	48%	48%	
2005	48%		
2008	51%		

Measure: Percent of Class I Federal fugitives apprehended or cleared.

Additional Information: A Class I fugitive is associated with a Federal felony warrant for which the USMS has primary apprehension responsibility. This measure includes: escapes, failures to appear, and violations of release, probation, or parole conditions. A Class I is also any Drug Enforcement Administration warrant.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2002	52%	52%	
2003	55%	54%	
2005	54%		
2008	60%		

Measure: Percent of Class II Federal felony fugitives apprehended or cleared.

Additional Information: A Class II fugitive is associated with a Federal felony warrant for which another law enforcement agency has primary apprehension responsibility.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2002	48%	48%	
2003	51%	50%	

PART Performance Measurements

Program: USMS Apprehension of Fugitives
Agency: Department of Justice
Bureau: United States Marshals Service
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	63%	57%	50%	

	2005	48%
	2008	51%

Measure: Percent of Class II Federal non-felony fugitives apprehended or cleared.

Additional Information: A Class II non-felony fugitive is associated with a Federal misdemeanor (including traffic) warrants for which the USMS has primary apprehension responsibility.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2002	35%	35%	
2003	34%		
2005	34%		
2008	34%		

PART Performance Measurements

Program: USMS Protection of the Judicial Process
Agency: Department of Justice
Bureau: United States Marshals Service
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
80%	63%	86%	53%	

1.1 Is the program purpose clear?

Answer: YES

Question Weight 20%

Explanation: The purpose and mission of the United States Marshals Service (USMS) is to protect the Federal courts and ensure the effective operation of the judicial system. This includes protecting Federal judges and government witnesses, and processing and transporting prisoners for court and other proceedings in direct support of the Federal Judiciary.

Evidence: The USMS was created by Congress in the Judiciary Act of 1789 (Section 27), the same legislation that established the Federal Judiciary. Title 28 U.S.C. 566(a) specifies that the "primary role of the United States Marshals Service to provide for the security and to obey, execute, and enforce all orders of the United States District Courts, the United States Courts of Appeals and the Court of International Trade." In addition, 28 CFR § 0.111 (d) includes one of the functions as: "Administration and implementation of courtroom security requirements for the Federal judiciary."

1.2 Does the program address a specific and existing problem, interest or need?

Answer: YES

Question Weight 20%

Explanation: The USMS provides security and support to members of the Federal Judiciary and other court officials to ensure the safe and efficient operation of the judicial process. The USMS also ensures that Federal detainees are produced safely and securely in a timely manner for Federal court proceedings.

Evidence: Presently, there are more than 44,000 detainees in USMS custody on any given day. These detainees are successfully produced for all court-ordered appearances, meetings with attorneys, and medical appointments. In FY 2002, the USMS conducted over 500,000 detainee productions for court without any assaults against judicial members.

1.3 Is the program designed so that it is not redundant or duplicative of any other Federal, state, local or private effort?

Answer: YES

Question Weight 20%

Explanation: The USMS has the unique and sole responsibility of providing security for the U.S. District Courts, U.S. Courts of Appeals, and the Court of International Trials.

Evidence: The USMS is responsible for all remanded Federal detainees and for producing them to all court proceedings and court-ordered events. To do this, the USMS supervises approximately 3,450 court security officers (CSOs) who are employed under contract to provide security at all courthouse facilities through roving patrols and entrance checkpoints. In addition, the USMS hires guards who assist Deputy U.S. Marshals with prisoner transportation, cellblock operations, and courtroom security. In FY 2002, the USMS guard workforce worked the combined equivalent of over 250 workyears. Together, CSOs and guards, complement the work of the Deputy U.S. Marshals.

PART Performance Measurements

Program: USMS Protection of the Judicial Process
Agency: Department of Justice
Bureau: United States Marshals Service
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
80%	63%	86%	53%	

1.4 **Is the program design free of major flaws that would limit the program's effectiveness or efficiency?** Answer: NO Question Weight 20%

Explanation: Protecting the Federal judiciary requires a combination of security resources inside and outside the Federal courthouse environment. The USMS ensures the safe conduct of judicial proceedings, as well as the personal protection of Federal judges. The USMS responds effectively to high threat and sensitive trials, performs protective investigations and uses a combination of personnel and security systems to guarantee a safe judicial setting. Program effectiveness is demonstrated by zero assaults against Federal judges and zero escapes in over 500,000 court productions in FY 2002.

Evidence: Title 28 U.S.C. 566(a) authorizes the USMS to provide security for the Federal judiciary. Title 40 U.S.C. 318(d) authorizes the Federal Protective Service to "protect property under the charge and control of the GSA." The perimeter security of a courthouse facility is GSA's responsibility, while the security of the Federal judiciary inside the courthouse is the USMS' responsibility. Title 40 U.S.C. 318 (b) prevents overlap of these complementary missions by giving GSA authority to delegate its security responsibility to another Federal law enforcement agency. An example is the Northern District of Georgia, where perimeter security for the Richard B. Russell Federal Building is provided by the USMS, rather than FPS, under terms of a memorandum of understanding signed in 2000. Where court is held in GSA buildings, the USMS has provided security to supplement GSA resources. Agencies with seemingly compatible security responsibilities could, in fact, lead to inefficient operations and security lapses. Handoffs of security responsibility between USMS and GSA should be minimized when possible and practicable to do so.

1.5 **Is the program effectively targeted, so that resources will reach intended beneficiaries and/or otherwise address the program's purpose directly?** Answer: YES Question Weight 20%

Explanation: The majority of resources in agency requests are for front line operational personnel to ensure the safe and effective operation of the judicial process.

Evidence: The USMS uses both human resources and security equipment to protect the Federal judiciary. The combination of Deputy U.S. Marshals, Court Security Inspectors (who oversee the court security officer program), court security officers (CSOs), and guards provide personnel security within Federal courthouse facilities. Courthouse security equipment and courthouse renovation projects provide physical security systems that separate prisoners from the public and Federal courtroom participants.

2.1 **Does the program have a limited number of specific long-term performance measures that focus on outcomes and meaningfully reflect the purpose of the program?** Answer: YES Question Weight 12%

Explanation: The long-term goal of the program is "protecting the Federal judiciary and providing a safe and secure judicial process." The associated long term outcome is to have uninterrupted judicial proceedings as the result of having adequate security.

Evidence: The USMS' long-term outcome is consistent with the Department of Justice Strategic Plan. Specifically, goal 7 is: "Protect the Federal Judiciary and provide Critical Support to the Federal Justice System to Ensure it Operates Effectively." In addition, the USMS has several output measures: percent of Federal courthouse facilities meeting minimum security standards; assaults against Federal judges; and number of escapes in relation to court productions.

PART Performance Measurements

Program: USMS Protection of the Judicial Process
Agency: Department of Justice
Bureau: United States Marshals Service
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
80%	63%	86%	53%	

2.2 Does the program have ambitious targets and timeframes for its long-term measures? Answer: YES Question Weight: 12%

Explanation: The USMS provides for the safe and secure operation of the judicial process. The USMS has targeted 100% of uninterrupted court proceedings due to physical threat as a long-term measure.

Evidence: The USMS provides security for over 800 GSA facilities, including courthouses, probation, pretrial services and other court-related offices. Security consists of equipment, Court Security Officers, guards, Deputy U.S. Marshals, or a combination of all. District offices report courtroom incidents on a monthly basis to headquarters. In the 2002 Survey, 65 courthouse facilities now meet minimum standards, which is an improvement of 44 facilities since 1999.

2.3 Does the program have a limited number of specific annual performance measures that can demonstrate progress toward achieving the program's long-term goals? Answer: YES Question Weight: 12%

Explanation: The USMS has established two annual performance measures: assaults against Federal judges and prisoner escapes. In addition, every 3-4 years, the USMS surveys all Federal courthouse facilities to determine the extent of physical security weaknesses. Renovation projects are scheduled and accomplished according to prescribed construction standards.

Evidence: Scoring criteria were developed by the USMS Central Courthouse Management Group based on security standards defined in: 1) Requirements and Specifications for Special Purpose and Support Space (USMS Publication #64-ME), 2) Vulnerability Assessment of Federal Facilities (DOJ study 1995), and 3) the U.S. Courts Design Guide (1997). Each year, based on fund availability, the USMS prepares and updates renovation projects, procures necessary services, hires court security officers, and maintains security systems.

2.4 Does the program have baselines and ambitious targets for its annual measures? Answer: YES Question Weight: 12%

Explanation: The USMS annual targets of zero assaults and zero escapes demonstrate the ambitious nature of the program. The baseline for improving courthouse security began with the 1999 Courthouse Security Survey, when following the application of a comprehensive objective-based assessment criteria, 332 courthouse facilities did not meet minimally acceptable security standards.

Evidence: Since 1999, following the survey assessment, the USMS has made significant progress toward reducing the number of courthouse facilities that do not meet minimum security standards. In 2002, following the survey assessment, 44 more courthouse facilities met the minimum standard. In FY 2002, the USMS had zero assaults against Federal Judges and zero escapes from USMS custody.

PART Performance Measurements

Program: USMS Protection of the Judicial Process
Agency: Department of Justice
Bureau: United States Marshals Service
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
80%	63%	86%	53%	

2.5 Do all partners (including grantees, sub-grantees, contractors, cost-sharing partners, and other government partners) commit to and work toward the annual and/or long-term goals of the program? Answer: NO Question Weight:12%

Explanation: For physical security, the USMS partners with GSA and the private sector to renovate Federal courthouse facilities. To ensure that projects are completed in compliance with established security standards, the USMS inspects all renovation projects during and after construction. The USMS has been attempting to incorporate performance standards in GSA renovation contracts. Until this is done, all errors are documented and reported to GSA, who in turn reports them to the firm under contract to renovate the facility. For personnel security, the USMS incorporates standards of conduct for Court Security Officers in all contracts.

Evidence: To ensure physical security standards are met during renovation, the USMS conducts on-site inspections. To ensure personnel security standards are met, performance standards are incorporated in all CSO contracts. USMS Court Security Inspectors are responsible for CSO contract compliance which includes CSO performance standards.

2.6 Are independent evaluations of sufficient scope and quality conducted on a regular basis or as needed to support program improvements and evaluate effectiveness and relevance to the problem, interest, or need? Answer: NO Question Weight:12%

Explanation: The National Institute of Building Sciences (NIBS) is an annual contributor in the update and development of the USMS "Requirements and Specifications for Special Purpose and Support Space Manual" (Publication 64). Materials used in USMS renovation projects must conform to the technical standards established by the Construction Specifications Institute (CSI). Though important to the process, NIBS does not review or evaluate USMS renovation projects.

Evidence: NIBS is a non-profit, non-government organization whose mission is to bring together building science and technology into modern construction practices. NIBS publishes the "Whole Building Design Guide" which includes standards for Federal Courthouse construction and renovation. Publication 64 includes the CSI standards incorporated into cellblock screening.

2.7 Are Budget requests explicitly tied to accomplishment of the annual and long-term performance goals, and are the resource needs presented in a complete and transparent manner in the program's budget? Answer: NO Question Weight:12%

Explanation: With submission of the FY 2005 President's Budget request to Congress this winter, the USMS will have incorporated annual and long-term performance goals in its official budget request documents. Despite these improvements, program reporting is not completely transparent.

Evidence: In response to the Administration's commitment to move towards a performance-based budget, the USMS restructured its decision units as part of its FY 2004 President's Budget request to Congress. The USMS has also restructured its financial accounting to capture full costs of project and program activities as part of its FY 2003 budget execution procedures. Full program costs are displayed in the budget submissions and integrated with performance targets. The USMS was used as an example of better performance in the Administration's Analytical Perspectives and Budget Integration on page 9. Advantages of displaying the budget in this way were cited in the chart displaying the USMS decision unit structure.

PART Performance Measurements

Program: USMS Protection of the Judicial Process
Agency: Department of Justice
Bureau: United States Marshals Service
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
80%	63%	86%	53%	

2.8 Has the program taken meaningful steps to correct its strategic planning deficiencies? Answer: YES Question Weight:12%

Explanation: Ever since the USMS published its National Security Survey in 1999 to establish a security baseline, the USMS has been able to take meaningful steps towards identifying and eliminating security deficiencies.

Evidence: The courthouse security survey is conducted every 3-4 years to measure the progress toward correcting deficiencies. The USMS "piggy backs" on the GSA construction and renovation schedule to minimize disruption to the building tenants and to minimize the need to tear down walls and ceilings.

3.1 Does the agency regularly collect timely and credible performance information, including information from key program partners, and use it to manage the program and improve performance? Answer: YES Question Weight:14%

Explanation: The USMS routinely collects information for management and performance improvement from the: Prisoner Tracking System; the CSO Monthly Activity Report; CSO Statistical Report, Customer Satisfaction Surveys, the National Security Survey, and from AOUSC data reports and publications. Processes are continually evaluated in an attempt to streamline/refine work methods to achieve economies of scale and efficiency of operations, and in managing the program effectively and resolving areas of deficiency, as necessary and appropriate.

Evidence: Workload, workload accomplishment, time utilization, productivity, and customer satisfaction surveys are used to manage and improve performance. The courthouse security survey is conducted every 3-4 years. In FY 2003, AOUSC space (as distinguished from USMS space) will begin to be surveyed for the first time.

3.2 Are Federal managers and program partners (including grantees, sub-grantees, contractors, cost-sharing partners, and other government partners) held accountable for cost, schedule and performance results? Answer: YES Question Weight:14%

Explanation: USMS managers are evaluated on setting strategic goals (e.g., GPRA) and achieving results. USMS CSO contracts define the parameters for conduct. Beginning in FY 2003, 106 Court Security Inspectors now monitor the performance of all CSO contacts nationwide and evaluate the performance of over 3,000 CSOs. Projects involving renovation construction and maintenance or security systems are held accountable for cost, schedules and performance through the documentation procedures established as part of the Central Courthouse Management Group's inspection program.

Evidence: USMS program managers are evaluated on a semi-annual basis; contractors are continually monitored by the COTR and contracting officer and evaluated for adherence to contract provisions. Publication 64 is a multi-volume manual which establishes the construction and security standards that guide and ensure accountability for courthouse projects. These manuals supplement the U.S. Courts Design Guide, provide technical engineering and architectural standards and give GSA architects and engineers clear guidelines on USMS architectural and security requirements so newly constructed and renovated facilities will provide the safest, most secure environment possible. These manuals save funds by providing GSA with technical engineering and architectural standards to get the job done correctly, preventing costly rework of prisoner movement space. If deficiencies are identified and documented, the USMS reports them during the inspections process.

PART Performance Measurements

Program: USMS Protection of the Judicial Process
Agency: Department of Justice
Bureau: United States Marshals Service
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
80%	63%	86%	53%	

3.3 Are funds (Federal and partners') obligated in a timely manner and spent for the intended purpose? Answer: NO Question Weight:14%

Explanation: For the last three years, the USMS has received a clean opinion as part of the annual audited financial statements. The USMS obligates in a timely manner and for their intended purpose, in accordance with established agency guidelines, AOUSC guidelines, and Congressional appropriation rules and regulations, including requirements set forth under continuing resolution authorities. USMS policy for the expenditure of funds have been recently updated as part of the Director's web-based policy initiative. The OIG has been conducting an on-site audit of USMS budget execution practices for FY 2002 and FY 2003.

Evidence: The USMS has received clean Audited Financial Statements in FY 2000, FY 2001, and FY 2002 as well as "Unqualified" opinions, and reported no material weaknesses in FY 2002. In FY 2003, the USMS updated its internal budget policy to reflect the appropriations language that caps positions and workyears in the Salaries and Expenses appropriation. The draft OIG audit report on USMS budget execution during FY 2002 and 2003 was submitted in mid-September 2003. The final report will be sent to OMB at the end of September. Among the items being reviewed are the earmarks specified in the FY 2003 Conference Report language.

3.4 Does the program have procedures (e.g. competitive sourcing/cost comparisons, IT improvements, appropriate incentives) to measure and achieve efficiencies and cost effectiveness in program execution? Answer: YES Question Weight:14%

Explanation: The USMS employs open market competitive procedures to obtain goods and services. Sole source acquisitions are held to a minimum, thus maximizing the potential for private sector companies to compete for government contracts and grants. Historical cost data and fair market value are relied upon to determine cost effectiveness and reasonableness.

Evidence: Competition for goods and services (via FAR) is used for all renovations and construction projects, for the purchase and maintenance of security equipment and systems, and for the hiring of approximately 4500 Court Security Officers. Additionally, the use of guards during high volume days within districts maximizes efficiencies. The USMS requests services through GSA Reimbursable Work Authorizations (RWAs). RWAs specify the work requested and contracts are awarded by GSA through the competitive procurement process.

3.5 Does the program collaborate and coordinate effectively with related programs? Answer: YES Question Weight:14%

Explanation: The USMS partners with other Federal, state and local agencies (including the newly-created Department of Homeland Security) to protect the Judiciary, the court family, and the environment of Federal court facilities. The USMS collaborates and coordinates, as necessary, to combat the threat of terrorism against America.

Evidence: The USMS works with the FBI, DEA, Bureau of Immigration and Customs Enforcement (BICE), ATF, GSA, AOUSC, U.S. Attorneys and other law enforcement counterparts to provide security throughout the United States to ensure that the judicial process is carried out in a safe, secure and uninterrupted manner.

PART Performance Measurements

Program: USMS Protection of the Judicial Process
Agency: Department of Justice
Bureau: United States Marshals Service
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
80%	63%	86%	53%	

3.6 Does the program use strong financial management practices? Answer: YES Question Weight:14%

Explanation: The program complies with section 4 of the Federal Manager's Financial Integrity Act (FMFIA) and the Chief Financial Officers (CFO) Act and receives an annual independent appraisal by the Inspector General. Recommendations by auditors are implemented or resolved within acceptable time frames. The USMS has received clean Audited Financial Statements in FY 2000, FY 2001, and FY 2002 as well as "Unqualified" opinions, and reported no material weaknesses in FY 2002.

Evidence: The Inspector General has selected an independent auditor of the USMS financial processes, practices, and reporting and has delivered an "unqualified" approval over each of the previous three years. The USMS reported no material weaknesses in FY2002. The USMS has gone to great lengths to develop systems that allow funds to be fully tracked and reported. These systems are designed to track funds by object classification or mission activity. The Agency's time reporting system tracks time spent per mission activity and is tied to the payroll system. This enables managers to track funds at the most detailed level. Once managers have this information, they can assess full program costs or program activity costs.

3.7 Has the program taken meaningful steps to address its management deficiencies? Answer: YES Question Weight:14%

Explanation: The FY 2003 appropriation transferred funding to hire 106 court security inspectors. These inspectors are the Contracting Officer's Technical Representative (COTR) for all Court Security Officer contracts. The USMS Training Academy provides training programs for managerial staff to improve and enhance the skill and performance levels of new and veteran managers. The USMS has also taken major steps to improve the management of court security, courthouse renovation, and several other management areas as a result of feedback from the Federal judiciary and the National Institute for Building Sciences.

Evidence: During FY 2003, the USMS conducted regional training seminars for the 106 Court Security Inspectors. USMS managers are trained and informed of security issues and agency policies and procedures through formal and informal training, information technology sources (web-based training), manuals, and program directives. Also, USMS headquarters implemented a detailed customer satisfaction survey that provides feedback on every judicial services program area. This has greatly facilitated both management and program improvements.

4.1 Has the program demonstrated adequate progress in achieving its long-term performance goals? Answer: YES Question Weight:20%

Explanation: Increased funding for courthouse security equipment, renovation, increased funding for CSOs, additional Deputy U.S. Marshals for judicial security and high threat trials, have all contributed significantly towards achieving long-term performance targets. The 2002 Courthouse Security Survey shows that the USMS has met minimum security needs at 65 courthouse facilities which is an improvement of 44 facilities since the 1999 survey.

Evidence: In FY 2002 and again in FY 2003, Congress appropriated \$15 million to renovate and equip USMS prisoner-movement space such as prisoner elevators, sallyports, holding cells, and cellblocks. In addition, more Deputy U.S. Marshals for judicial security have added security for criminal trials and proceedings. These resources have contributing towards preventing any assaults against Federal judges and no escapes in over 500,000 court productions.

PART Performance Measurements

Program: USMS Protection of the Judicial Process
Agency: Department of Justice
Bureau: United States Marshals Service
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
80%	63%	86%	53%	

4.2 Does the program (including program partners) achieve its annual performance goals? Answer: SMALL EXTENT Question Weight 20%

Explanation: The USMS (in conjunction with GSA and AOUSC) is meeting its annual performance goals and making increasing numbers of courthouse facilities meet minimum security standards and be less vulnerable to security problems. Overall, the success of the USMS judicial protection and court security has continued. There were no physical assaults on judges; no damage to courthouse facilities; and no escapes from USMS custody in over 500,000 productions of prisoners to court in FY 2002.

Evidence: The USMS has met its annual performance targets and enabled 44 more courthouse facilities to meet minimum security standards since 1999. Space renovation, construction, security equipment and systems, and the duty assignments of CSOs have been implemented according to plan. The USMS continues to work closely with its partners in making courthouse facilities more secure. A new 10-year memorandum of understanding was signed in March 2003 giving GSA the sole responsibility for obtaining funds to procure and install security equipment in new courthouse facilities. (The USMS' responsibility is to obtain funding for ongoing maintenance and repair.)

4.3 Does the program demonstrate improved efficiencies or cost effectiveness in achieving program goals each year? Answer: YES Question Weight 20%

Explanation: A customer satisfaction survey is used to measure perceptions of program performance including indicators such as whether performance is: responsive and helpful; resolves issues in timely and professional manner; offers effective and practical solutions; informs customers on project schedules; safe and secure in space controlled by the USMS; and gives adequate support, guidance, and resources in high-threat trials; and effectively responds to threats and inappropriate communications against the Judiciary.

Evidence: The USMS has prepared manuals which establish the construction and minimum security standards that guide and ensure accountability for courthouse projects. These manuals save funds by providing GSA with technical engineering and architectural standards to get the job done correctly, preventing costly rework on cellblock, special purpose and support space for the USMS within US Courthouses. The manuals are routinely cited in industry publications and have been universally adopted by GSA. In addition to timeliness of court security projects and feedback from an annual customer service survey, the USMS tracks the number of projects completed that meet specific industry standards, the vacancy rate of CSOs, the down time on security equipment and the cost of the New York protective details, using local district staff rather than expensive out-of-district detailees.

PART Performance Measurements

Program: USMS Protection of the Judicial Process
Agency: Department of Justice
Bureau: United States Marshals Service
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
80%	63%	86%	53%	

4.4 Does the performance of this program compare favorably to other programs, including government, private, etc., with similar purpose and goals? Answer: SMALL EXTENT Question Weight 20%

Explanation: The USMS Court Security Program provides national leadership in court security, secure prisoner court processing and secure court physical design and management. Externally, the USMS shares physical security and threat assessment standards with state and local agencies. The Federal judiciary is surveyed on an annual basis as part of the annual budget process to determine each district's profile. The profile is used to determine how many Court Security Officers, x-ray machines, metal detectors, and other security systems are needed in each facility. Internally, the USMS administers a customer satisfaction survey to all 94 district offices to monitor performance of headquarters court security program staff.

Evidence: The Fifth National Court Technology Conference of the National Center for State Courts published an article entitled, "Designing Security in Courthouses of the Future." USMS security standards were evaluated by state and local experts and determined to be a "breakthrough for federal buildings." The author concludes, "No standards or mandates exist for municipal, county, or state courthouses or government buildings. However, when the first state-owned courthouse is attacked, the courts will very probably be told to use the federal standards as the industry standard of care." In addition, an article published in the Utah Bar Journal indicated that "no agency collects data on a statewide or national basis, it is not known exactly how many incidents occur in courtrooms." Each Chief District Court Judge and U.S. Marshal signs the district profile which is transmitted to headquarters. Because there is no available comparison the program meets a "small extent" of this question.

4.5 Do independent evaluations of sufficient scope and quality indicate that the program is effective and achieving results? Answer: NO Question Weight 20%

Explanation: The USMS requests an independent evaluation of its courthouse renovation standards from the National Institute of Building Sciences on an annual basis when Publication 64 is updated. The USMS Court Security Program is reviewed continuously by the AOUSC and the Federal Judiciary, its primary customers.

Evidence: USMS Publication 64 is cited in NIBS' "Whole Building Design Guide" and has been universally adopted by GSA. An independent auditor team hired by the Inspector General reviews financial processes and reports annually. Because this is only part of judicial security this question does not qualify for a "yes."

PART Performance Measurements

Program: USMS Protection of the Judicial Process
Agency: Department of Justice
Bureau: United States Marshals Service
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
80%	63%	86%	53%	

Measure: Number of interrupted judicial proceedings due to inadequate security

Additional Information: The percent of secure judicial proceedings completed without incident requiring removal of the judge from the courtroom or additional deputy marshals to control the situation. An "interruption" is where 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, witnesses and other participants.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Long-term
2002	100%	100%	
2003	100%		
2005	100%		
2008	100%		

Measure: Percent of Federal courthouse facilities meeting minimum security standards

Additional Information: Based on the National Security Survey, the percent of total courthouse facilities with prisoner movement space meeting minimally acceptable security standards. Security criteria were developed based on the "U.S. Courts Design Guide", USMS "Requirements and Specifications for Special Purpose and Support Space Manual" (1997), and the "Vulnerability Assessment for Federal Facilities" (1995).

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
1999	6%	6%	
2003	19%		
2005	19%		
2008	19%		

Measure: Assaults against Federal judges

Additional Information: An attempt to inflict bodily harm.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2002	0	0	
2003	0		

PART Performance Measurements

Program: USMS Protection of the Judicial Process
Agency: Department of Justice
Bureau: United States Marshals Service
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
80%	63%	86%	53%	

2005	0
2008	0

Measure: Number of court productions/escapes

Additional Information: Court productions are the number of times prisoners are produced for any type of judicial proceeding. One prisoner productions is defined as one trip from the detention facility to a planned judicial proceeding and back or as a result of new arrest. Any escape during transportation for a court production, or while in USMS custody within the cellblock area, courthouse, or courtroom, are included here.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2002	514,949/0	514,949/0	
2003	530,397/0		
2005	546,309/0		

PART Performance Measurements

Program: Weed and Seed
Agency: Department of Justice
Bureau: Office of Justice Programs
Type(s): Competitive Grant

Section Scores				Rating
1	2	3	4	Adequate
100%	75%	90%	33%	

1.1 Is the program purpose clear?

Answer: YES

Question Weight 20%

Explanation: The purpose of Weed and Seed is to prevent and reduce violent crime and drug crime in high-crime areas.

Evidence: This purpose is clearly stated in the Weed and Seed Implementation Manual (see <http://www.ojp.gov/ccdo/impmanl.htm>) and Funding Application Kits (see http://www.ojp.usdoj.gov/ccdo/pdftxt/2004_OR_application.pdf).

1.2 Does the program address a specific and existing problem, interest or need?

Answer: YES

Question Weight 20%

Explanation: Weed and Seed addresses serious federal, state, and local crime problems which reduce the quality of life. Specifically, the program brings coordination to federal/state/local resources to target reduction in violent and drug crime in blighted communities.

Evidence: U.S. Attorneys, local law enforcement officials and leaders, and community residents come together to identify the area and crimes to be addressed in a Weed and Seed site strategy, which is described in the 2004 Executive Office for Weed and Seed Program Guide and Application Kit. (See http://www.ojp.usdoj.gov/ccdo/pdftxt/2004_OR_application.pdf). Additionally, strategies for potential sites are located in the Office for Weed and Seed.

1.3 Is the program designed so that it is not redundant or duplicative of any other Federal, state, local or private effort?

Answer: YES

Question Weight 20%

Explanation: There is no similar program that provides for targeting of federal/state/local resources and coordinated leveraging of resources. The goal is to provide complementary but not duplicative services to the residents of Weed and Seed sites and others affected by crime related to those sites.

Evidence: A 1999 National Institute of Justice (NIJ) National Evaluation of the Weed and Seed Cross-site Analysis states that this is the only program that takes a holistic approach across disciplines to reduce crime and rebuild neighborhoods. Other Federal programs may only support one aspect of these areas.

1.4 Is the program design free of major flaws that would limit the program's effectiveness or efficiency?

Answer: YES

Question Weight 20%

Explanation: Program design includes checks and balances by U.S. Attorneys, scrutiny by Weed and Seed Office staff and Office of Justice Programs (OJP) Office of the Comptroller (OC). For 2004, sustainability criteria have been developed for graduating sites from the program.

Evidence: GAO found that the program lacked fully developed criteria for transitioning sites off of program funding, which inhibits funding for new sites. GAO-04-245 Efforts to Improve Weed and Seed Program New sustainability criteria have been outlined in the program's application materials. (See http://www.ojp.usdoj.gov/ccdo/pdftxt/2004_OR_application.pdf.)

PART Performance Measurements

Program: Weed and Seed
Agency: Department of Justice
Bureau: Office of Justice Programs
Type(s): Competitive Grant

Section Scores				Rating
1	2	3	4	Adequate
100%	75%	90%	33%	

1.5 **Is the program effectively targeted, so that resources will reach intended beneficiaries and/or otherwise address the program's purpose directly?** Answer: YES Question Weight 20%

Explanation: The program is effectively targeted to areas suffering from high rates of violence and drug crime that are also amenable to coordinated federal/state/local efforts by working through the U.S. Attorney Offices and requiring data on the key crime problems of the target area.

Evidence: Applicants for Official Recognition of a Weed and Seed strategy must report key crime data and obtain concurrence from their U.S. Attorney and local law enforcement to ensure that the site is willing to work to improve their community (see http://www.ojp.usdoj.gov/ccdo/pdftxt/2004_OR_application.pdf). These data are derived from local reported crime statistics and cross-checked with Uniform Crime Report (UCR) data and further verified through on-site visits. Additionally, when choosing a site, an applicant's crime rate must surpass the neighboring jurisdictions to be selected.

2.1 **Does the program have a limited number of specific long-term performance measures that focus on outcomes and meaningfully reflect the purpose of the program?** Answer: YES Question Weight 13%

Explanation: Specific outcomes measures under development are reduction of homicides and reduction of the crime rate for Weed and Seed sites. The measures will be based on sites that have at least 3-years of experience with the program to allow time for Weed & Seed strategies to take effect and to ensure comparability among reporting sites. An existing homicide measure, based on existing reporting for selected sites, continues to be used as a proxy measure for outcome purposes pending implementation of the new measures.

Evidence: The 2004 Weed and Seed Competitive Application Kit requires Weed and Seed sites to report homicide data annually on Government Performance and Results Act (GPRA) reports as well as Letters of Intent, which requests Part I crime data, and are retained in-house. Individual site data are accessible online (see <http://www.weedandseeddatacenter.org>), however, aggregate data are maintained and analyzed by Justice Research and Statistics Association (JRSA). In a prospective site's letter of intent to become Officially Recognized, they must submit Part 1 violent crime stats and their Drug Offense Rate. Once this information is received, it will be reviewed by JRSA relative to National, regional, and local crime rates.

2.2 **Does the program have ambitious targets and timeframes for its long-term measures?** Answer: YES Question Weight 13%

Explanation: For the new homicide measure, the target is an annual reduction of 5% in homicides--revised upward from the 5% reduction over three years identified in the Strategic Plan. This appears reasonable, especially given that urban homicides continue to increase in recent crime statistics. For the existing homicide measure, the program targets have been focused on non-specific decreases -- and not always successfully, as demonstrated by performance. However, the program is adopting more specific, numeric targets.

Evidence: The 2003-2008 DOJ Strategic Plan (see <http://www.usdoj.gov/jmd/mps/strategic2003-2008/index.html>) has added an improved measure of the effectiveness of Weed and Seed in the form of setting as a goal the reduction of homicides by 5% over a 3-year period of operation in sites.

PART Performance Measurements

Program: Weed and Seed
Agency: Department of Justice
Bureau: Office of Justice Programs
Type(s): Competitive Grant

Section Scores				Rating
1	2	3	4	Adequate
100%	75%	90%	33%	

2.3 Does the program have a limited number of specific annual performance measures that can demonstrate progress toward achieving the program's long-term goals? Answer: YES Question Weight:13%

Explanation: The program tracks homicides at Weed and See sites, which can be considered an outcome focused measure. Generally, in recent years, homicides have fallen at Weed and Seed sites -- although 2003 experienced an increase. This upsurge is not necessarily an indication that the program is failing to make progress toward long term goals, but may be only a temporary phenomenon or a reflection of the experience mix of the programs reporting that year. Annual reporting of a number of activities (or outputs) associated with the program includes: the percentage of Weed and Seed sites using multi-jurisdictional task forces, prosecutors dedicated to trying firearms cases, and 3 or more community policing activities. These measures are important indicators of the implementation of Weed and Seed strategies, which are intended to lead to reduced homicide and violent crime--the longer term outcomes.

Evidence: For these and other annual reporting requirements, see Grantee Site Characteristics and Activity Data Report Forms Guidance at: <http://www.weedandseeddatacenter.org/downloads/EOWS2.4.pdf>

2.4 Does the program have baselines and ambitious targets for its annual measures? Answer: NO Question Weight:13%

Explanation: For the homicide measure, the program has set a goal of a 5% reduction annually. The baseline reflects prior year performance. This appears reasonable, especially given that urban homicides continue to increase in recent crime statistics. For the program activity measures (e.g., percentage of sites using 3 or more community policing activities, percentage using multi-jurisdictional task forces, etc.) Weed and Seed sets targets for 2004 and 2005 based on a baseline of combined 2001-2002 performance. The targets stress gradual though continuous improvement, but have not been well justified. Beginning in 2004, the program sets goals based on the percentage of sites employing these elements of the Weed and Seed strategy. Prior to 2004, targets were numeric (e.g., targeting numbers of sites) and less meaningful. For the program efficiency measure, application processing time, a baseline has been established and targets for improvement have been set. While the targets do not appear ambitious, OJP promises to revisit these targets within the year, once grants management systems improvements are in place.

Evidence: The 2003-2008 DOJ Strategic Plan (see <http://www.usdoj.gov/jmd/mps/strategic2003-2008/index.html>) sets as a goal the reduction of homicides by 5% over a 3-year period of operation in sites. The basic goal of a 5% reduction over three years has been revised to an annual goal.

2.5 Do all partners (including grantees, sub-grantees, contractors, cost-sharing partners, and other government partners) commit to and work toward the annual and/or long-term goals of the program? Answer: YES Question Weight:13%

Explanation: The Weed and Seed grant application requires the grantee to abide by the Weed and Seed coordination strategy, which involves all parties committing to work together toward the annual and long-term goals of the program, including signing a Memoranda of Understanding (MOU).

Evidence: OWS program managers perform phone and on-site monitoring to check and encourage commitment by Weed and Seed site partners. See the Weed and Seed Program Guide and Application Kit (see http://www.ojp.usdoj.gov/ccdo/pdfxt/2004_OR_application.pdf), and progress reports, which are maintained in hard copy in the OJP/OC's Official Files.

PART Performance Measurements

Program: Weed and Seed
Agency: Department of Justice
Bureau: Office of Justice Programs
Type(s): Competitive Grant

Section Scores				Rating
1	2	3	4	Adequate
100%	75%	90%	33%	

2.6 **Are independent evaluations of sufficient scope and quality conducted on a regular basis or as needed to support program improvements and evaluate effectiveness and relevance to the problem, interest, or need?** Answer: NO Question Weight:13%

Explanation: JRSA has performed two studies on Weed and Seed site performance: 1) An analysis of homicides reported and 2) a Crime Pattern analysis of the crimes reported at Weed and Seed sites. These analyses compare and contrast performance data across sites. A more comprehensive and rigorous evaluation is needed that attempts to compare outcomes for Weed & Seed sites to comparable sites not receiving such assistance.

Evidence: JRSA found that during 1996-2001, of the 220 sites with sufficient data, 77 percent showed positive results: In 122 sites, homicides decreased by about 50 percent; in 31 sites, homicides remained stable; and in 17 sites, homicides increased at a slower rate than their host jurisdictions (see JRSA Report, A Comparison of Homicide Trends in Local Weed and Seed Sites Relative to Their Host Jurisdictions, 1996 to 2001, November 2003; http://www.jrsa.org/weedandseeddata/studies_other/jrsa_comparison_homicide.pdf, and JRSA Memo to Bob Samuels, Three-Year Homicide Trend Analysis, April 13, 2004; http://www.jrsa.org/weedandseeddata/studies_other/jrsa_homicide_trend.pdf). JRSA's analysis of crime patterns finds generally positive results in Weed and Seed sites (see JRSA Report, Weed and Seed Crime Pattern Data Analysis, May 3, 2004; http://www.jrsa.org/weedandseeddata/studies_other/jrsa_crime_pattern.pdf).

2.7 **Are Budget requests explicitly tied to accomplishment of the annual and long-term performance goals, and are the resource needs presented in a complete and transparent manner in the program's budget?** Answer: YES Question Weight:13%

Explanation: OJP's budget process aligns budget and performance information for major programs, although the effects of funding on results are somewhat unclear. While OJP's budget process aligns budget and performance information, the formal budget submission (both OMB & congressional) only do so at a level of aggregation well above the program level. OJP will revise it's 2006 submission to make more explicit the linkage between budget and performance for the Weed and Seed program.

Evidence: In the 2005 Congressional Budget submission, the Weed and Seed program budget request is supplemented by summaries of evaluation results. The budget for the larger decision unit (Improving the Criminal Justice System) includes some performance information for the Weed and Seed program.

2.8 **Has the program taken meaningful steps to correct its strategic planning deficiencies?** Answer: YES Question Weight:13%

Explanation: Weed and Seed guidance has required improved strategic planning from sites and the Weed and Seed program office has provided training and technical assistance to sites in strategic planning and sustainability. Weed and Seed sites must begin by going through a strategic planning process through which they develop an application for Official Recognition of their site's Weed and Seed strategy. Funding criteria have been revised in 2003 and 2004 to reward sites making progress toward sustainability.

Evidence: The Official Recognition strategic planning guidelines have been modified to require more crime data and analysis earlier in the process and training in strategic planning has been bolstered by the addition of benchmarks for site strategies outlined in Weed and Seed Program Guidance, see (http://www.ojp.usdoj.gov/ccdo/pdfxt/2004_OR_application.pdf)

PART Performance Measurements

Program: Weed and Seed
Agency: Department of Justice
Bureau: Office of Justice Programs
Type(s): Competitive Grant

Section Scores				Rating
1	2	3	4	Adequate
100%	75%	90%	33%	

3.1 Does the agency regularly collect timely and credible performance information, including information from key program partners, and use it to manage the program and improve performance? Answer: YES Question Weight:10%

Explanation: OWS requires that GPRA reports be submitted with every application for funding. Sites which show an increase in homicides receive technical assistance from OWS to improve their anti-crime strategies. The new performance target for homicides is a reduction of 5% over 3 years of program implementation.

Evidence: Annual GPRA filings are used to identify and follow up on key program areas such as the number of homicides. OWS staff contacts sites where homicides have increased significantly to analyze why and to offer assistance in dealing with the problem. GPRA data can be found on-line (see <http://www.weedandseeddatacenter.org>).

3.2 Are Federal managers and program partners (including grantees, sub-grantees, contractors, cost-sharing partners, and other government partners) held accountable for cost, schedule and performance results? Answer: YES Question Weight:10%

Explanation: Grantees are subject to annual desk reviews to assess how well they have been managing Weed and Seed funds and implementing the program. Where there are performance problems or where there is a high carryover of unobligated balances, a site will be excluded from the funding solicitation.

Evidence: In 2004, 8 Weed and Seed sites were excluded from the 2004 Community Capacity Development Office (CCDO) Program Guide and Application Kit because OWS program manager desk reviews identified high carryover balances or implementation problems at those sites. Data can be found in OJP/OC's Financial Capability system, (FinCap).

3.3 Are funds (Federal and partners') obligated in a timely manner and spent for the intended purpose? Answer: NO Question Weight:10%

Explanation: OWS indicated that Weed and Seed funds are obligated and expended in a timely manner, as set forth in the grant processing timeline maintained by the OJP/OC, and spent for intended purposes through voluntary compliance and enforcement of OJP rules by OWS guidance and monitoring and OC guidance and monitoring. However, OWS provided no evidence of the extent to which this actually is the case. Data provided by OJP to GAO recently suggests that, at least for recent years, 7+% (\$4M or more) of program funds generally remains unobligated at the end of each fiscal year.

Evidence: Grantees are required to submit quarterly financial status reports, so that program managers can monitor whether they are spending their grant funds in a timely manner. OWS program staff ensures that funds are spent for the intended purpose through review of proposed budget modifications, phone monitoring, on-site monitoring, and referrals to the OC for in-depth financial monitoring. Additional information can be found on-line (see <http://www.ojp.usdoj.gov/FinGuide/>). Data on recent unobligated balances can be found on page 8 of GAO's recent review of Weed and Seed program management practices (GAO-04-245, see <http://www.gao.gov/new.items/d04245.pdf>)

PART Performance Measurements

Program: Weed and Seed
Agency: Department of Justice
Bureau: Office of Justice Programs
Type(s): Competitive Grant

Section Scores				Rating
1	2	3	4	Adequate
100%	75%	90%	33%	

3.4 Does the program have procedures (e.g. competitive sourcing/cost comparisons, IT improvements, appropriate incentives) to measure and achieve efficiencies and cost effectiveness in program execution? Answer: YES Question Weight:10%

Explanation: OJP is developing a competitive sourcing proposal that will include grants management functions. In addition, average grant awards during the life of the program have gradually declined, requiring Weed and Seed sites to "do more with less." Also, web-based training has been developed to enable Weed and Seed sites to do low-cost coordinator training. OWS also helps sites upgrade their IT equipment for computer learning labs and improved site management.

Evidence: The per-site dollar amount provided by OJP to Weed and Seed grantees has been reduced since the program began. In 1992-3, site awards averaged about \$750,000 over a 12-month period. In 1997, they were reduced to \$175,000 for the first year and \$225,000 for subsequent years. In addition, sites have been required to absorb costs previously borne by OJP, e.g., the cost of the Drug Education For Youth program; and travel costs training for training. Additional information can be in the 2004 Executive Office for Weed and Seed Program Guide and Application kit.

3.5 Does the program collaborate and coordinate effectively with related programs? Answer: YES Question Weight:10%

Explanation: Weed and Seed is essentially a coordination strategy, and reinforces coordination with related programs through training; awarding points on competitive funding reviews for site coordination with related programs; and stressing leveraging of resources with other programs.

Evidence: Weed and Seed guidance to sites in the Implementation Manual and Official Recognition Guidelines calls for the completion of Memoranda of Agreement (MOA) with other agencies and partners to pursue the Weed and Seed strategy. In addition to site-level MOA, the national Office of Weed and Seed has ongoing Interagency Agreements and Cost Reimbursement Agreements with HHS/Center for Substance Abuse Prevention, HUD, Executive Office for U.S. Attorneys, DEA, FBI, and the COPS Office. Also, in the review of 2003 Weed and Seed Competitive applications, 41 out of 70 sites received extra points for coordination with other programs such as Empowerment Zone, HUD Hope VI, Brownfields, Project Safe Neighborhoods, or Drug-Free Communities. Additional information can be found in the 2004 Executive Office for Weed and Seed Program Guide and Application kit.

3.6 Does the program use strong financial management practices? Answer: YES Question Weight:10%

Explanation: Weed and Seed staff provides financial management training to applicants for grants. OJP/OC's provides extensive web-based and in-person training for Weed and Seed and other OJP grantees. and Weed and Seed staff performs thorough budget reviews in cooperation with the OJP/OC, and conducts on-site reviews of financial management and refers grantees for OC on-site monitoring when questions arise. OJP received an unqualified audit opinion in 2003. Additionally, Weed and Seed follows OJP/OC's Financial Guide to ensure that the program, 1) has procedures in place to ensure payments are made properly for the intended purpose to minimize erroneous payments, 2) financial management systems meet statutory requirements, 3) financial information is accurate and timely, 4) integrated financial and performance systems support day-to-day operations, and 5) financial statements receive clean audit opinions and no material weaknesses.

Evidence: OWS referred over 20 sites to the OC in 2003--most for monitoring visits, but several cases involved freezing funds or deobligation of grant awards. The unqualified audit opinion was stated in the 2003 DOJ/OIG/OJP Annual Financial Statement. For program financial procedures, see the OJP/OC Financial Guide (<http://www.ojp.usdoj.gov/FinGuide/finguide.pdf>).

PART Performance Measurements

Program: Weed and Seed
Agency: Department of Justice
Bureau: Office of Justice Programs
Type(s): Competitive Grant

Section Scores				Rating
1	2	3	4	Adequate
100%	75%	90%	33%	

3.7 Has the program taken meaningful steps to address its management deficiencies? Answer: YES Question Weight:10%

Explanation: On balance, the program has resolved many of its management deficiencies. One of the most significant management deficiencies has been the lack of site sustainability criteria, and the inability to plan for sites achieving independence from the limited Weed and Seed program funding available. For 2004 Weed and Seed has published sustainability criteria with the application package. Sites applying for grant funding now understand the emphasis on achieving sustainability over time, as well as what steps will need to be taken to achieve it. In 2004, Weed and Seed has added a new funding criterion that requires grant applicants to identify other sources of funding at a level that is at least five times the Weed and Seed contribution, which also will help sites achieve sustainability independent of Weed and Seed grant resources. Competitive criteria have been adopted that provide extra points for applications that promise to fund a full-time coordinator from other than Weed and Seed grant resources. GAO has expressed concern about the completeness of many grant files. Although many of the files are now housed on-line, OWS is reviewing all files for completeness. Weed and Seed undertakes annual customer assessments, including reviewing the customer service provided by OWS. OWS still needs to undertake work to establish meaningful and ambitious targets for program performance, however.

Evidence: GAO-04-245: Based on the findings in GAO's recent report (GAO-04-245), OWS has taken the following corrective actions: 1) CCDO has implemented policies requiring the completion of documentation to support major decisions and recorded monitoring information to ensure files are appropriately maintained and readily available. All files are undergoing a completeness review to concluded by July 1. This review will be followed up by a newly established CCDO internal control requiring a quarterly file review of ten percent of randomly selected working files. 2) To encourage self-sustainability, the 2004 Executive Office for Weed and Seed Program Guide and Application Kit request applicants identify all monetary resources in support of an activity or task to reflect leveraging of existing resources. In addition, newly identified sites are encouraged to support personnel through resources other than Weed and Seed by awarding applicants who support a full time site coordinator an additional point in the competitive ranking review.

3.CO1 Are grants awarded based on a clear competitive process that includes a qualified assessment of merit? Answer: YES Question Weight:10%

Explanation: Only sites which have received official recognition of their strategic planning efforts can become Weed and Seed grantees. Further, sponsorship of the US Attorney for the district in which the site is located is needed for sites to compete for grant funding. All sites are ranked by specific factors in the application and assigned points based on the information submitted. The sites that rank highest in points achieve consideration for the funding that is available in any given year. Although Weed and Seed works with US Attorneys and the Executive Office for US Attorneys to facilitate US Attorneys' support for implementing the Weed and Seed strategy in all US Attorney Districts, it is not clear why all US Attorney Districts do not participate in the program. Conceivably, without greater efforts to ensure the participation of all US Attorneys, some sites may be unable to compete for funding.

Evidence: Only 50% of applicants for Weed and Seed competitive grants in 2003 were successful in receiving Weed and Seed grants. Information supporting these totals are kept in-house in the Office for Weed and Seed. The competitive ranking criteria are described in the program application material. (See <http://www.ojp.usdoj.gov/docs/WSCCompetitiveSol.pdf>.)

PART Performance Measurements

Program: Weed and Seed
Agency: Department of Justice
Bureau: Office of Justice Programs
Type(s): Competitive Grant

Section Scores				Rating
1	2	3	4	Adequate
100%	75%	90%	33%	

3.CO2 Does the program have oversight practices that provide sufficient knowledge of grantee activities? Answer: YES Question Weight:10%

Explanation: Weed and Seed provides for program manager site visits even before the Official Recognition designation is given as well as periodically after grant awards are made. Additional site assessment visits by technical assistance providers, GPRA report validation visits by JRSA, and OC monitoring visits are conducted. While oversight practices are generally sufficient, the program does not have sufficient resources to visit all funded sites even within a single year. OWS needs to document or develop criteria to target these limited resources effectively, to ensure that those sites needing visits (because of performance or other problems) are visited relatively frequently in comparison to sites needing less attention.

Evidence: In FY 2003, there were 127 site visits. Most site visits are performed by OJP employees, while others were performed by technical assistance providers, FBI Fellows, and JRSA GPRA verification visits. The on-site visits are designed to verify reports submitted to OJP, in the form of applications, or required quarterly financial status reports, semi-annual progress reports, and required GPRA reports. Data supporting this response is housed in OJP/OC's financial system, Fincap.

3.CO3 Does the program collect grantee performance data on an annual basis and make it available to the public in a transparent and meaningful manner? Answer: YES Question Weight:10%

Explanation: Submission of GPRA reports has been made a required part of annual filings by grantees. GPRA reports are posted on a publicly accessible website hyperlinked to the official OWS website, www.ojp.usdoj.gov/eows.

Evidence: GPRA reports for over 240 sites are posted on the Weed and Seed Data Center website, which is hyperlinked to the OWS website (see <http://www.weedandseeddatacenter.org>).

4.1 Has the program demonstrated adequate progress in achieving its long-term performance goals? Answer: SMALL EXTENT Question Weight:25%

Explanation: Currently, Weed and Seed is reporting average homicides across sites on an annual basis. The data generally show that homicides have trended downward in recent years. An uptick during 2003 has unknown significance, and may only be a temporary perturbation. Also, most sites experienced lower homicide rates compared to their host jurisdictions. One of the problems has been that the existing measure reflects a mix of programs, both mature and new. However, the measure is being revised and should lead to a more stable, meaningful set of outcome data.

Evidence: Seventy-seven percent of the Weed and Seed sites had positive results in their homicide trends when compared to host jurisdictions. In most of the sites (122) homicides decreased by about 50 percent (from an average of about 10 homicides per site in 1996 to 5 per site in 2001). In 31 sites (14%), the number of homicides remained stable while the homicide statistics for their respective jurisdictions increased and in 17 sites (8%), homicides increased at a slower rate than their jurisdictions. These trends in the most serious of crimes were a significant accomplishment for Weed and Seed sites considering that homicides in the host jurisdictions (and the nation) increased in 2000 and 2001. Annual data for Weed and Seed performance can be found on-line (see <http://www.weedandseeddatacenter.org>).

PART Performance Measurements

Program: Weed and Seed
Agency: Department of Justice
Bureau: Office of Justice Programs
Type(s): Competitive Grant

Section Scores				Rating
1	2	3	4	Adequate
100%	75%	90%	33%	

4.2 Does the program (including program partners) achieve its annual performance goals? Answer: SMALL EXTENT Question Weight 25%

Explanation: There was an increase in average homicides per site during 2003, of which the significance is unknown. The measure is being redesigned to provide more meaningful information about the extent to which progress is actually reached in achieving homicide reduction. The Weed and Seed program has exceeded other performance goals for 2003. No performance data is available yet for the program's annual efficiency measure, which aims to measure the time between application and grant award, with targets set to decrease the "application to grant" interval.

Evidence: Homicides were targeted for a decrease, but increased from 3.8 per reporting site in 2002 to 5.0 in 2003. The percentage of sites using a multi-jurisdictional task force was targeted for 77.6% in 2003, but actual was 80%. The number of sites with a dedicated prosecutor was targeted for 28.1% in 2003, but actual was 62.6%. The number of sites using 3 or more community policing activities was targeted for 80% in 2003, but actual was 91.3%.

4.3 Does the program demonstrate improved efficiencies or cost effectiveness in achieving program goals each year? Answer: SMALL EXTENT Question Weight 25%

Explanation: Average site awards have fallen dramatically during the life of the program, requiring sites to be more inventive and to reach out to other partners to continue achieving the program's goals. Sites have been asked to absorb other costs over time in order to continue providing funding to as many sites as possible. However, continuous progress in obtaining increased cost efficiency is not well documented.

Evidence: In 1992-3, site awards averaged about \$750,000 over a 12-month period. In 1997, they were reduced to \$175,000 for the first year and \$225,000 for subsequent years. For 2004, first year awards continue to be \$175,000 (See http://www.ojp.usdoj.gov/ccdo/pdftxt/2004_OR_application.pdf).

4.4 Does the performance of this program compare favorably to other programs, including government, private, etc., with similar purpose and goals? Answer: NA Question Weight: 0%

Explanation: While no known programs share the Weed and Seed program's unique focus on crime reduction and community revitalization, numerous programs share elements of mostly one or the other of these goals. In terms of actual outcomes, the performance of many of these programs is unknown. For reduction of homicides and violent crimes, which Weed and Seed attempts to track for performance purposes, there is little data available to suggest which specific program or approach improves outcomes. Also, Weed and Seed is designed to work in tandem with the other programs, encouraging sites to see assistance and resources from those programs, when available. That Weed and Seed relies in part on other programs for its suggest makes comparison with those programs difficult.

Evidence: Among the Federal State/local assistance law enforcement programs that also share crime reduction as goals are: .DOJ Edward Byrne Memorial Grant Program.DOF Local Law Enforcement Block Grants.DOF Project Safe Neighborhoods.DOF The Juvenile Justice Grant Programs (several).DOJ Community Oriented Policing Services Among the Federal Economic Revitalization programs are:.HUD Empowerment Zone/Enterprise Communities.HUD HOPE IV.HUD Community Development Block Grant.HUD National Community Development Initiative

PART Performance Measurements

Program: Weed and Seed
Agency: Department of Justice
Bureau: Office of Justice Programs
Type(s): Competitive Grant

Section Scores				Rating
1	2	3	4	Adequate
100%	75%	90%	33%	

Measure: Percent reduction in homicides per site funded under the Weed and Seed Program.

Additional Information: Reduction of violence, especially homicides, is a significant measure of the outcome associated with Weed and Seed. Because sites operate at different levels of maturity and activity, reporting will be for sites that have been in operation for at least three years. This means that the reporting cohort of sites will change each year, as sites mature or achieve sustainability without the need for future funding.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Long-term
2004	Baseline		
2005	-1.2%		
2006	-1.2%		
2007	-1.2%		
2008	-1.2%		

Measure: Application processing time (in days) in program office to process an application.

Additional Information: This measure is calculated via the Grant Management System - an automated web-based application that tracks and processes grant applications and awards. The measure is calculated as the average number of days it takes to process an application based on the date an application is submitted up to and including the date of award determination. In some cases, OWS will return the application to the grantee for corrections -- this time will not count towards OWS' processing time.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2003	Baseline	203	
2004	107	83	
2005	105		
2006	103		
2007	TBD		
2008	TBD		

PART Performance Measurements

Program: Weed and Seed
Agency: Department of Justice
Bureau: Office of Justice Programs
Type(s): Competitive Grant

Section Scores				Rating
1	2	3	4	Adequate
100%	75%	90%	33%	

Measure: Crime rate for Weed and Seed sites in the OWS/Urban Institute indicator study

Additional Information: Reducing the crime rate is a positive outcome. Based on incident specific data collected and analyzed by Urban Institute, sites will be grouped into cohorts each year, after which results following 3 years of program operation will be reported. Currently, there are 10 sites in the study, however, OWS/Urban Institute are working toward adding additional sites.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Long-term
2004	Benchmark		
2005	Decrease		
2006	Decrease		
2007	Decrease		
2008	Decrease		

Measure: Percentage of sites including a multi-jurisdictional task force.

Additional Information: The measure reflects activity within a community to help reduce crime, leading to reduction in crime.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2001	N/A	87.4%	
2002	N/A	86.4%	
2003	92.9%	90.2%	
2004	87.8%	99.6%	
2005	89%		
2006	90%		

PART Performance Measurements

Program: Weed and Seed
Agency: Department of Justice
Bureau: Office of Justice Programs
Type(s): Competitive Grant

Section Scores				Rating
1	2	3	4	Adequate
100%	75%	90%	33%	

Measure: Percentage of sites that have a prosecutor dedicated to trying firearms cases
Additional Information: The measure reflects activity within a community to help reduce crime, leading to reduction in crime.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2001	N/A	32.2%	
2002	N/A	48.7%	
2003	32.7%	74.4%	
2004	63.2%	79.5%	
2005	63.9%		
2006	64.5%		

Measure: Percentage of sites using 3 or more community policing activities
Additional Information: The measure reflects activity within a community to help reduce crime, leading to reduction in crime.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2001	80.0%	93.1%	
2002	80.0%	95.4%	
2003	80.0%	91.3%	
2004	95.2%	94.1%	
2005	96.2%		
2006	97.1%		

PART Performance Measurements

Program: Weed and Seed
Agency: Department of Justice
Bureau: Office of Justice Programs
Type(s): Competitive Grant

Section Scores				Rating
1	2	3	4	Adequate
100%	75%	90%	33%	

Measure: Number of homicides per site (average for sites reporting)

Additional Information: This measure ultimately will be replaced by the measure under development that attempts to assess homicide activity for a cohort of sites that has had at least 3 years of program activity, and which represents a better, longer-term outcome.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Long-term
1998	N/A	5.0	
1999	N/A	3.5	
2000	N/A	5.5	
2001	Decrease	4.1	
2002	Decrease	3.8	
2003	Decrease	5.0	
2004	4.8		
2005	4.5		
2006	4.3		

Measure: Number of homicides per site (average for sites reporting)

Additional Information: Reduction of violence, especially homicides, is a significant measure of the outcome associated with Weed and Seed.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
1998	N/A	5.0	
1999	N/A	3.5	
2000	N/A	5.5	
2001	Decrease	4.1	

PART Performance Measurements

Program: Weed and Seed
Agency: Department of Justice
Bureau: Office of Justice Programs
Type(s): Competitive Grant

Section Scores				Rating
1	2	3	4	Adequate
100%	75%	90%	33%	

2002	Decrease	3.8
2003	Decrease	5.0
2004	4.8	
2005	4.5	
2006	4.3	

PART Performance Measurements

Program: White Collar Crime
Agency: Department of Justice
Bureau: Federal Bureau of Investigation
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	71%	83%	33%	

1.1 Is the program purpose clear?

Answer: YES

Question Weight 20%

Explanation: White Collar Crime (WCC) encompasses a wide range of criminal activities including: Corporate Fraud; Securities and Commodities Fraud; Health Care Fraud; Financial Institution Fraud; Insurance Fraud; Governmental Fraud; Money Laundering; Public Corruption; Telemarketing Fraud; Bankruptcy Fraud; Environmental Crimes; and Identity Theft. The purpose of the WCC Program is to reduce the effect of these crimes against U.S. citizens, the U.S. Government, and financial entities through the vigorous investigation and prosecution of individuals and criminal enterprises.

Evidence: The Congress has provided the FBI broad investigative authority for White Collar Crime in Title 18 of the U.S. Code. In addition, specific statutory authority has been provided for Public Corruption and other programs. These authorities and Congressional intent are reflected in the mission statement for the WCCP.

1.2 Does the program address a specific and existing problem, interest or need?

Answer: YES

Question Weight 20%

Explanation: The WCCP focuses solely on fraud schemes for which the FBI has Federal jurisdiction and other crimes which Congress has assigned to the FBI by statute, such as Public Corruption. However, the large variety of WCC crimes and frequent changes in their nature and volume make it essential to continually assess the problem. WCC schemes continue to plague the U.S. and the expansion of technology and the global economy have only heightened the problem. U.S. citizens are now just as likely to be defrauded by a scamster from another country as they are from one here in America.

Evidence: Each year the 56 FBI field offices undertake evaluations of the nature and level of WCC crime in their geographic area. In addition, there are a small number of industry-related reports, mostly done by major accounting firms, that provide information on the extent of fraud that corporations are aware of within their own organizations. This information is used by the field offices and the WCC program office in Washington to determine appropriate investigative priorities and resource allocations. Adjustments are made during the year as needed to ensure continued relevance.

1.3 Is the program designed so that it is not redundant or duplicative of any other Federal, state, local or private effort?

Answer: YES

Question Weight 20%

Explanation: Most violations within the WCC Program involve interstate commerce, while others, such as Public Corruption, are unique Federal crimes, and therefore not redundant of state and local efforts. The FBI has primary Federal jurisdiction for many violations, such as Insurance Fraud; Bankruptcy Fraud; Public Corruption; Intellectual Property Rights; and Financial Institution Fraud. Where the FBI shares jurisdiction with other Federal agencies, the program is designed to avoid duplication through task forces and by being selective in investigations undertaken. In addition, Congressional mandates and/or requests assist in prioritizing efforts. Although the FBI Cyber Division also engages in some fraud investigations, they focus on crimes that rely solely on use of the Internet to commit the fraud.

Evidence: Examples of joint investigations and areas of cooperation with other Federal agencies include work with: U.S. Postal Inspection Service on the Life Insurance Fraud Initiative; 56 Offices of Inspectors General on government fraud; HUD on Mortgage Fraud; Department of Homeland Security on Intellectual Property Rights; and Securities and Exchange Commission (SEC) on Corporate Fraud.

PART Performance Measurements

Program: White Collar Crime
Agency: Department of Justice
Bureau: Federal Bureau of Investigation
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	71%	83%	33%	

1.4 Is the program design free of major flaws that would limit the program's effectiveness or efficiency? Answer: YES Question Weight: 20%

Explanation: The WCC Program is carried out by the FBI's field offices, with guidance and oversight by Headquarters. Through a combination of national initiatives and local priorities, the Program is able to address the most serious WCC problems. MOU's and joint investigations leverage Federal resources and avoid duplication. There has been no definitive evaluation of this approach. At the same time, there is no evidence that another approach would be more efficient/effective in achieving the intended purpose.

Evidence: The current structure allows the shifting of resources within the Program at the field level, as well to other field programs, in response to investigative requirements. Other approaches, such as centralizing WCC resources in large field offices or Headquarters, offer few advantages and reduce resource flexibility in the field. The annual assessment of the WCC problem by field offices ensures the program reflects priorities. The WCCP is not a candidate for out-sourcing.

1.5 Is the program effectively targeted, so that resources will reach intended beneficiaries and/or otherwise address the program's purpose directly? Answer: YES Question Weight: 20%

Explanation: The WCC Program focuses on those fraud schemes which have the greatest effect on the nation. In addition to field office priorities, based on the assessment of local WCC trends, National Initiatives are undertaken to address highly prevalent and detrimental WCC schemes. In recent years, National Initiatives have included: Life Insurance Fraud; Bank Securities Fraud; Internet Fraud; Telemarketing Fraud; Ambulance Transportation Fraud; and Bankruptcy Fraud.

Evidence: The FBI does not maintain data on trends in WCC rates or economic losses that can be correlated with its efforts and funding level. However, the successful results (arrests, indictments, convictions, fines, recoveries, restitutions, forfeitures, seizures) from both national initiatives and priority local investigations indicate a significant impact has been made on the problem. In FY 2001 the WCC Program realized \$521 million in Fines and \$5 billion in Recoveries/ Restitutions.

2.1 Does the program have a limited number of specific long-term performance measures that focus on outcomes and meaningfully reflect the purpose of the program? Answer: YES Question Weight: 14%

Explanation: The FBI is proposing a new long-term outcome measure to reflect its success in dismantling organized criminal enterprises engaged in white collar crime. Criminal enterprises represent the most serious WCC threat, and are an FBI priority. This measure will include results related to Mortgage Fraud, Identity Theft, Telemarketing Fraud, and Insurance Fraud. A separate measure is being proposed to track successful outcomes in major corporate fraud cases.

Evidence: These measures have been incorporated into the FBI's Strategic Plan and DOJ's Performance Plan.

2.2 Does the program have ambitious targets and timeframes for its long-term measures? Answer: YES Question Weight: 14%

Explanation: The WCC Program is setting ambitious targets for its two new proposed long-term programs.

Evidence: These targets will be incorporated into DOJ's Annual Performance and Accountability Report.

PART Performance Measurements

Program: White Collar Crime
Agency: Department of Justice
Bureau: Federal Bureau of Investigation
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	71%	83%	33%	

2.3 Does the program have a limited number of specific annual performance measures that can demonstrate progress toward achieving the program's long-term goals? Answer: YES Question Weight:14%

Explanation: The WCC Program has established one annual measure for each of the two long-term measures. Each annual measure will demonstrate progress toward the long-term goal.

Evidence: The WCC Program will report annually on the number of criminal enterprises dismantled and the number of major corporate fraud cases that are successfully investigated.

2.4 Does the program have baselines and ambitious targets for its annual measures? Answer: YES Question Weight:14%

Explanation: Ambitious targets have been set the two annual measures. Baseline data are available for both measures.

Evidence: These targets will be incorporated into DOJ's Annual Performance and Accountability Report.

2.5 Do all partners (including grantees, sub-grantees, contractors, cost-sharing partners, and other government partners) commit to and work toward the annual and/or long-term goals of the program? Answer: NA Question Weight: 0%

Explanation: Although the FBI does work with other Federal agencies on specific investigations, the frequency and nature of these investigations does not require their formal involvement in program planning efforts. In addition, other entities that partner with the FBI in WCC investigations often have qualitatively different types of program goals (e.g., civil actions) than the FBI.

Evidence:

2.6 Are independent evaluations of sufficient scope and quality conducted on a regular basis or as needed to support program improvements and evaluate effectiveness and relevance to the problem, interest, or need? Answer: NO Question Weight:14%

Explanation: Independent evaluations have not been conducted on a regular basis. Although subject to GAO and Justice IG audits, none have been conducted in recent years. The FBI's Inspection Division has conducted recent audits, but these are more oriented to management, finance, and resource issues.

Evidence:

2.7 Are Budget requests explicitly tied to accomplishment of the annual and long-term performance goals, and are the resource needs presented in a complete and transparent manner in the program's budget? Answer: NO Question Weight:14%

Explanation: The FBI has proposed a methodology and structure to estimate and budget for the full annual costs of operating the WCC program beginning with the FY 2004 budget. If Congress approves, this will be a major accomplishment. However, additional work will be required to tie funding with program performance.

Evidence: The Department, FBI, and OMB have worked together to develop a new budget structure for the FBI that is more closely aligned with program mission. As part of this process, all administrative and overhead costs will be allocated to program areas.

PART Performance Measurements

Program: White Collar Crime
Agency: Department of Justice
Bureau: Federal Bureau of Investigation
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	71%	83%	33%	

2.8 Has the program taken meaningful steps to correct its strategic planning deficiencies? Answer: YES Question Weight:14%

Explanation: The FBI has acted to address organizational and strategic planning deficiencies. In response to shortcomings identified in the PART prepared for the 2004 budget, the FBI has addressed the need for improved performance measures.

Evidence: The Financial Crimes Section program plan was revised during FY 2003. It included a heightened emphasis in corporate fraud and the criminal enterprise theory of investigation. Two long-range outcome goals have been proposed, along with annual performance measures and targets.

3.1 Does the agency regularly collect timely and credible performance information, including information from key program partners, and use it to manage the program and improve performance? Answer: YES Question Weight:16%

Explanation: The WCCP program uses a variety of quantitative and non-quantitative performance information to adjust program priorities, make resource allocations, and take other appropriate management actions.

Evidence: Data are collected through a variety of means including Annual Field Office (AFOR) reports, evaluation of National Initiatives, and on-site reviews of select investigative operations. The WCC Program also maintains liaison across a broad spectrum of industry to ensure up-to-date information on crime trends.

3.2 Are Federal managers and program partners (including grantees, sub-grantees, contractors, cost-sharing partners, and other government partners) held accountable for cost, schedule and performance results? Answer: NO Question Weight:16%

Explanation: Each manager is held accountable for results within his/her program. However, there are no formal contracts with managers containing measurable performance goals.

Evidence:

3.3 Are funds (Federal and partners') obligated in a timely manner and spent for the intended purpose? Answer: YES Question Weight:16%

Explanation: Funds must be expended in accordance with the schedule and intended purpose in the FBI's annual Financial Plan. Time reports are used to track personnel levels and allocations.

Evidence: Financial reports prepared by the WCCP and the Finance Division are used to monitor spending. Changes from the Financial Plan require approval at the Deputy Assistant Director level. The independent annual audit conducted by KPMG examines and identifies (among other things) the utilization of expenditures in the financial system and how they are related to various programs.

PART Performance Measurements

Program: White Collar Crime
Agency: Department of Justice
Bureau: Federal Bureau of Investigation
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	71%	83%	33%	

3.4 Does the program have procedures (e.g. competitive sourcing/cost comparisons, IT improvements, appropriate incentives) to measure and achieve efficiencies and cost effectiveness in program execution? Answer: NA Question Weight: 0%

Explanation: The WCCP has not incorporated cost effectiveness measures into its program. Since the majority of the FBI is excluded from the A-76 inventory, no outsourcing comparisons have been made. Unlike many other FBI programs, IT and IT-related productivity improvements are not a significant aspect of WCC program operations.

Evidence: Efficiency measures show the relationships between resources and outputs. Outputs for the WCCP include arrests, fines, seizures. Efficiency measures such as cost per arrest or seizures per agent would be inappropriate.

3.5 Does the program collaborate and coordinate effectively with related programs? Answer: YES Question Weight: 16%

Explanation: The WCC Program maintains a high level of collaboration and cooperation with its partners. Liaison and outreach are two of the most important functions of the Headquarters entity and is measured as a Critical Element in job performance.

Evidence: Liaison files, interview of other WCC agencies, review Performance Plans, MOUs.

3.6 Does the program use strong financial management practices? Answer: YES Question Weight: 16%

Explanation: For the limited funds that the program oversees, a series of internal checks and audits are established to ensure strong financial management.

Evidence: The program has no material weaknesses. A Manual of Administrative and Operational Procedures and a Confidential Funding Guide provide policy and procedures for financial operations.

3.7 Has the program taken meaningful steps to address its management deficiencies? Answer: YES Question Weight: 16%

Explanation: When an Inspection Division or other report identifies a management or financial issues, program managers must provide status reports on the correction of identified deficiencies until they are fully resolved. Likewise, deficiencies identified in financial audits require regular reporting to FBI management and/or the auditor depending on the nature and severity of the problem.

Evidence: Inspection Division reports have been prepared for the Financial Crimes Section and Integrity in Government Section. In Fall 2002, Inspection Div. expressed a concern about the lack of guidance to the field following the events of Sept. 11, 2001 on criminal matters. The WCC program has since issued an extensive increase in guidance/control files produced this fiscal year.

4.1 Has the program demonstrated adequate progress in achieving its long-term performance goals? Answer: SMALL EXTENT Question Weight: 25%

Explanation: Although its performance measures and targets are new, there is sufficient baseline data, as well as output data in the DOJ Performance Plan, to indicate that the program is meeting its long-term performance goals.

Evidence: See baseline data and the FY 2002 DOJ Performance Report. In addition, anecdotal examples of successes include high profile and complex cases as Enron, Health South, the Columbia/HCA hospital chain.

PART Performance Measurements

Program: White Collar Crime
Agency: Department of Justice
Bureau: Federal Bureau of Investigation
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	71%	83%	33%	

4.2 Does the program (including program partners) achieve its annual performance goals? Answer: NO Question Weight 25%

Explanation: Since the annual targets are new, no annual targets have been met.

Evidence:

4.3 Does the program demonstrate improved efficiencies or cost effectiveness in achieving program goals each year? Answer: NA Question Weight: 0%

Explanation: The FBI believes there are no meaningful measures of cost-effectiveness for law enforcement programs. Since the majority of the FBI is excluded from the A-76 inventory, no outsourcing comparisons have been made. WCC Program Managers note that they have continued to accomplish significant results in spite of having resources transferred to the Counterterrorism Program.

Evidence: Examples of unit cost measures such as cost per arrest or cost per investigation are not valid. Comparisons between investigations such as Enron and a bank robbery would not be valuable.

4.4 Does the performance of this program compare favorably to other programs, including government, private, etc., with similar purpose and goals? Answer: YES Question Weight 25%

Explanation: While other Federal agencies do work some aspects of white collar crime, direct comparison is difficult due to the FBI's greater diversity of programs and wider jurisdictional authority.

Evidence: Based on the number of agencies that approach the FBI to initiative joint investigations, and the success of those investigations, the performance of the FBI compares favorably with other agencies.

4.5 Do independent evaluations of sufficient scope and quality indicate that the program is effective and achieving results? Answer: NO Question Weight 25%

Explanation: As previously indicated, there have been no regular or independent evaluations of the WCC Program. The FBI's Inspection Division conducted a national level evaluation of the program in September 2002. Although the program received high marks, the nature of the evaluation was not sufficient to met the PART requirements.

Evidence:

PART Performance Measurements

Program: White Collar Crime
Agency: Department of Justice
Bureau: Federal Bureau of Investigation
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	71%	83%	33%	

Measure: Number of criminal enterprises engaging in white collar crime dismantled over 6 years.

Additional Information: While individuals do commit white collar crime, criminal enterprises engaged in white collar crime represent the most serious threat to U.S. citizens and businesses, and are the FBI's investigative priority.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Long-term
2002		30	
2008	85		

Measure: Number of criminal enterprises engaging in white collar crimes dismantled.

Additional Information: Dismantle the operations of an organized group so that they cannot continue as an entity.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2002		17	
2003	10		
2004	15		
2005	15		
2006	45		

Measure: Cumulative number of major corporate fraud cases successfully investigated over 6 years.

Additional Information: Fraud cases will be determined to be "major" using criteria established by DOJ and FBI.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Long-term
2002		18	
2008	120		

PART Performance Measurements

Program: White Collar Crime
Agency: Department of Justice
Bureau: Federal Bureau of Investigation
Type(s): Direct Federal

Section Scores				Rating
1	2	3	4	Adequate
100%	71%	83%	33%	

Measure: Number of major corporate fraud cases successfully investigated .
Additional Information: "Successful" cases will be those in which prosecutive charges have been brought.

<u>Year</u>	<u>Target</u>	<u>Actual</u>	Measure Term: Annual
2002		18	
2003	25		
2004	30		
2005	25		
2006	25		