

August 1, 2007

**DEPARTMENT OF JUSTICE UPDATED STATUS REPORT  
PURSUANT TO EXECUTIVE ORDER 13,392**

As part of the June 1, 2007 report to the President on agency progress under Executive Order 13,392, "Improving Agency Disclosure of Information," the Attorney General recommended that agencies submit to the President's Management Council an Updated Status Report concerning any deficiency in implementing its FOIA Improvement Plan as reported by the agency in its Fiscal Year 2006 annual FOIA report. Each such agency is required to identify the improvement area to which its deficient milestone relates, identify the specific deficient milestone, report the specific steps already taken to remedy the deficiency, and describe, if applicable, any future steps necessary to remedy the deficiency. These Updated Status Reports need not address any deficiencies remedied as of the Fiscal Year 2006 Annual Report.

Pursuant to the Attorney General's recommendation, the Department of Justice hereby submits its Updated Status Report. Overall, the Department has timely met hundreds of milestones under the Executive Order and achieved real success in a wide variety of improvement areas. Between June 14, 2006 and December 31, 2006, however, the Department reported the deficiencies described below. The Department also has one deficient milestone from January 2007, which is also reported below. Status information follows for each of the ten components required to update for this reporting period.

**BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES (ATF)**

**1. FOIA Improvement Plan area to which this deficient milestone relates.**

Web site development.

**2. Deficient milestone and the original target date from the FOIA Improvement Plan.**

Prepare a 'Frequently Asked Questions' Section on ATF's FOIA Web site, by September 30, 2006.

**3. Steps taken to correct the deficiency and the dates by which the steps were completed.**

Deficiency remedied. The ATF Disclosure Division determined the most commonly asked questions from members of the public. The most general questions that could be answered succinctly were compiled and posted to a 'Frequently Asked Questions' section on the ATF FOIA Web site in July 2007.

**4. Future remedial steps and the dates by which the steps will be completed.**

No additional steps are necessary.

## CIVIL DIVISION

**1. FOIA Improvement Plan area to which this deficient milestone relates.**

Acknowledgment letter responses.

**2. Deficient milestone and the original target date from the FOIA Improvement Plan.**

Implement processing changes to content of acknowledgment letters, by December 15, 2006.

**3. Steps taken to correct the deficiency and the dates by which the steps were completed.**

Deficiency remedied. The delay in meeting the "Acknowledgment letter response" milestone was resolved by February 15, 2007. It was determined that no changes in content of acknowledgment letters was necessary. However, it was determined that weekly review of the internal FOIA backlog report better identifies requests over twenty days old that may require acknowledgment letters. Those requests that are shown on the backlog report for which the requester has not been acknowledged are selected for acknowledgment letter processing.

**4. Future remedial steps and the dates by which the steps will be completed.**

No additional steps are necessary.

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**1. FOIA Improvement Plan area to which this deficient milestone relates.**

E-FOIA publication requirements.

**2. Deficient milestone and the original target date from the FOIA Improvement Plan.**

Identify specific Civil Division records that meet the E-FOIA publication requirements and submit those records to be placed on the Web site, by December 15, 2006.

**3. Steps taken to correct the deficiency and the dates by which the steps were completed.**

Deficiency remedied. The delay in meeting the "E-FOIA publication requirement" for certain Civil Division records was remedied by appropriate publication on or about January 30, 2007. Regular review of the publication requirement will be carried out to ensure that all records required to be published are published.

**4. Future remedial steps and the dates by which the steps will be completed.**

No additional steps are necessary.

**CRIMINAL DIVISION**

**1. FOIA Improvement Plan area to which this deficient milestone relates.**

Backlog reduction.

**2. Deficient milestone and the original target date from the FOIA Improvement Plan.**

Achieve backlog reduction in proportionate amounts (approximately eighty requests), by January 15, 2007.

**3. Steps taken to correct the deficiency and the dates by which the steps were completed.**

Although the Criminal Division has not been able to replace all of the employees lost to retirement, the additional resources it has gained has enabled it to reduce its backlog from 892 to 865 as of June 30, 2007. These additional resources include hiring one attorney and one FOIA Specialist.

**4. Future remedial steps and the dates by which the steps will be completed.**

The Criminal Division has hired another FOIA Specialist, who will be starting in the near future. It has since lost one attorney to a six month detail to the USA's Office, but another attorney has been detailed to its Unit in her absence. Although the milestones in this area are extremely aggressive given the limited resources of the Division, the Criminal Division still anticipates achieving its overall goal in this improvement area by December 31, 2008.

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**1. FOIA Improvement Plan area to which this deficient milestone relates.**

Web site.

**2. Deficient milestone and the original target date from the FOIA Improvement Plan.**

Review Web site and remove outdated material, by September 30, 2006.

**3. Steps taken to correct the deficiency and the dates by which the steps were completed.**

Deficiency remedied. As of July 7, 2007, all outdated material has been removed from the Criminal Division's FOIA Web site.

**4. Future remedial steps and the dates by which the steps will be completed.**

No additional steps are necessary.

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**1. FOIA Improvement Plan area to which this deficient milestone relates.**

Web site.

**2. Deficient milestone and the original target date from the FOIA Improvement Plan.**

Develop a better system to obtain subsection (a)(2) material from the sections in a timely manner so that it can be posted on the Web site, by December 31, 2006.

**3. Steps taken to correct the deficiency and the dates by which the steps were completed.**

Due to budget constraints, the Criminal Division will not be able to hire a contractor or employee to develop a system to obtain subsection (a)(2) material from the sections in a timely manner so that it can be posted on the Web site. Most of the individual sections of the Criminal Division continue to post a volume of information that is available to the public.

**4. Future remedial steps and the dates by which the steps will be completed.**

The Criminal Division anticipates that once its staffing situation normalizes it can assign someone to work on this area. It is confident this milestone will be completed by December 31, 2007.

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**1. FOIA Improvement Plan area to which this deficient milestone relates.**

Declassification process.

**2. Deficient milestone and the original target date from the FOIA Improvement Plan.**

Because the Criminal Division's Declassification Officer was scheduled to move to the new National Security Division, the FOIA Office requested that this responsibility be delegated to a new individual in the Criminal Division, by September 30, 2006.

**3. Steps taken to correct the deficiency and the dates by which the steps were completed.**

Declassification remedied. All of the necessary steps to achieve this goal have been taken. The FOIA Office has been advised that several positions in the Criminal Division are authorized to classify or declassify information. The FOIA Office will work with those individuals. In addition, the number of classified documents handled by the Criminal Division has decreased significantly with the move of the Counterterrorism and Counterespionage Sections to the new National Security Division.

**4. Future remedial steps and the dates by which the steps will be completed.**

No further steps are necessary.

**DRUG ENFORCEMENT ADMINISTRATION (DEA)**

**1. FOIA Improvement Plan area to which this deficient milestone relates.**

Backlog reduction.

**2. Deficient milestone and the original target date from the FOIA Improvement Plan.**

To reduce the existing backlog of pending FOIA requests by a proportional ratio of a percentage each year to include a quarterly reduction of 2% of existing cases more than twenty days old, by December 31, 2006. This will be completed by periodically and consistently focusing on the existing backlog.

**3. Steps taken to correct the deficiency and the dates by which the steps were completed.**

DEA has implemented all the steps indicated in the plan, however, DEA has not achieved the goal of reducing the backlog by two percent on a quarterly basis. This deviation from this goal is in large part due to a reduction in staffing resources. Current staffing stands at seventy-six percent with seven vacancies. Also, DEA is still currently in a hiring freeze.

**4. Future remedial steps and the dates by which the steps will be completed.**

Continue to encourage DEA Program Offices to post information regarding policy statements, agency opinions, staff manuals, etc. on the DEA Web site for the public's review. This process can reduce future FOIA requests sent to the DEA for processing.

Continue to communicate with requesters regarding their requests. This could include the identification of documents already in the public domain. Also, communicate the status of requests received by DEA and their pending status.

Implement informal symposiums targeted to specific areas of the FOIA/PA in order to educate personnel on the requirements under the FOIA and the importance of responding to FOIA/PA requests for information within established time requirements.

DEA anticipates that once its staffing limitations are lifted, it can achieve its overall goal in the improvement area, as set on November 1, 2007.

**EXECUTIVE OFFICE OF IMMIGRATION REVIEW (EOIR)**

**1. FOIA Improvement Plan area to which this deficient milestone relates.**

Improve customer satisfaction.

**2. Deficient milestone and the original target date from the FOIA Improvement Plan.**

Create tracking mechanism to capture public comments, by October 16, 2006.

**3. Steps taken to correct the deficiency and the dates by which the steps were completed.**

Deficiency remedied. After realizing that the Service Center's goal to have the Information and Resource Management (IRM) create an add-on to our FOIA database would not be possible due to budgetary and other constraints, the Service Center implemented a stand-alone tracking system which became effective January 22, 2007. This system has been followed up by quarterly reviews as set forth in our original plan.

**4. Future remedial steps and the dates by which the steps will be completed.**

No additional steps are necessary.

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**1. FOIA Improvement Plan area to which this deficient milestone relates.**

Increase efficiency and reduce backlogs.

**2. Deficient milestone and the original target date from the FOIA Improvement Plan.**

Centralize filing of FOIA records, by November 30, 2006.

**3. Steps taken to correct the deficiency and the dates by which the steps were completed.**

Deficiency remedied. Centralization of FOIA files, with a file transfer, was completed on April 16, 2007, when the newly constructed space became functional.

**4. Future remedial steps and the dates by which the steps will be completed.**

No additional steps are necessary.

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**1. FOIA Improvement Plan area to which this deficient milestone relates.**

Increase efficiency and reduce backlogs.

**2. Deficient milestone and the original target date from the FOIA Improvement Plan.**

Evaluate the feasibility of expanding bar coding to manage files, by June 30, 2006.

**3. Steps taken to correct the deficiency and the dates by which the steps were completed.**

The IRM unit continues to work on the major system implementation project described in our annual report and therefore they remain unavailable to assist with a feasibility study.

**4. Future remedial steps and the dates by which the steps will be completed.**

As noted in its annual report, EOIR will meet with IRM to pursue this study within one quarter after IRM actually completes the phase-in of the major database system.

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**1. FOIA Improvement Plan area to which this deficient milestone relates.**

Increase efficiency and reduce backlogs.

**2. Deficient milestone and the original target date from the FOIA Improvement Plan.**

Include FOIA compliance in Court evaluation reviews, by October 1, 2006.

**3. Steps taken to correct the deficiency and the dates by which the steps were completed.**

Deficiency remedied. A method of including FOIA compliance in Court evaluations has been devised for inclusion in evaluations conducted in the Courts nationwide beginning in August 2007. FOIA compliance is now a part of the headquarters evaluation process. The Courts will now receive reports as part of their evaluations and must provide explanations to the Court evaluators about deficiencies in meeting FOIA requests in a timely manner.

**4. Future remedial steps and the dates by which the steps will be completed.**

No additional steps are necessary.

**EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS (EOUSA)**

**1. FOIA Improvement Plan area to which this deficient milestone relates.**

Backlog reduction.

**2. Deficient milestone and the original target date from the FOIA Improvement Plan.**

Reduce the backlog by 33%, by September 30, 2006.

**3. Steps taken to correct the deficiency and the dates by which the steps were completed.**

In this area, EOUSA set very aggressive goals and is aggressively working to reduce the backlog. It believed it could accomplish this goal with a full staff and with cooperation from the United States Attorneys Offices (USAOs). It is now almost fully staffed. On May 14, 2007, the one remaining paralegal position was filled and training was completed on June 28, 2007; one of the attorney positions was filled on July 9, 2007. Since February 2006, it has reduced the backlog by twenty-six percent.

In May 2007, EOUSA created a plan for continued backlog reduction. This plan included the Assistant Director picking the districts with the largest backlog and oldest requests and assigning individuals to work with the district FOIA Contacts to help reduce their backlog. Since its last report on September 30, 2006, the backlog of the oldest requests (requests received in 2000) was reduced by fifty-seven percent.



The plan also included training new FOIA Contacts at the EOUSA components, holding a FOIA Contacts seminar, continuing to have monthly meetings with all processors to review their workload and assure that requests are moving, and centralizing the processing of requests for the United States Attorneys Manual (USAM) and assigning them to one processor.

**4. Future remedial steps and the dates by which the steps will be completed.**

Bring the Office up to full staff by hiring the last attorney, by September 2007.

Hold the FOIA Contacts Seminar on August 6-7, 2007.

Set up a new track to process USAM expeditiously, by July 30, 2007.

Continue to have monthly paralegal reviews.

Continue to send experienced FOIA contacts to the districts that need assistance on an as needed basis.

**FEDERAL BUREAU OF INVESTIGATION (FBI)**

**1. FOIA Improvement Plan area to which this deficient milestone relates.**

Human Resources.

**2. Deficient milestone and the original target date from the FOIA Improvement Plan.**

Fill sixty vacant positions, by September 30, 2006.

**3. Steps taken to correct the deficiency and the dates by which the steps were completed.**

A number of FOIA employees have chosen not to relocate to Winchester, VA. In anticipation of this situation, the FBI began interviewing applicants in June 2005; continuing this process throughout 2006. In all, 333 applicants have been interviewed with fifty-three new employees on or pending entry on duty. Sixty-three applicants are in the security-background check process.

**4. Future remedial steps and the dates by which the steps will be completed.**

The FBI is continuing to seek new applicants throughout 2007. The new completion date is September 30, 2007.

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**1. FOIA Improvement Plan area to which this deficient milestone relates.**

Human resources.

**2. Deficient milestone and the original target date from the FOIA Improvement Plan.**

Develop and implement formal training programs for search skills, declassification, FOIA redaction, and automated processing, by December 31, 2006.

**3. Steps taken to correct the deficiency and the dates by which the steps were completed.**

Deficiency remedied. The goal was completed on March 31, 2007. The FBI developed five formal training programs- search skills, declassification, FOIA processing, FOIA litigation, and prepublication review. Automated processing was incorporated into each course. Courses have already been conducted in the first three topics. In fact, at this time there is an on-going six week search skills class for new employees, a six week FOIA processing class for new FOIA specialists, and a one week FOIA processing refresher class for two FOIA processing teams.

**4. Future remedial steps and the dates by which the steps will be completed.**

No additional steps necessary.

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**1. FOIA Improvement Plan area to which this deficient milestone relates.**

FOIA process policies and design.

**2. Deficient milestone and the original target date from the FOIA Improvement Plan.**

Goal: Develop within the automated processing system OCR capability parallel with scanned images to identify duplicate documents, by December 31, 2006. (This will improve quality and consistency of processing.)

Steps:

Develop prototype process for testing, by December 31, 2006.

Implement OCR capability, by December 31, 2006.

**3. Steps taken to correct the deficiency and the dates by which the steps were completed.**

Deficiency remedied. The goal was completed on May 1, 2007. The FBI developed a process by which the FOIA data processing system can convert scanned images into the OCR format. The information then can be manipulated to identify duplicate documents. This capability is now available for all large and medium sized requests.

**4. Future remedial steps and the dates by which the steps will be completed.**

No additional steps are necessary.

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**1. FOIA Improvement Plan area to which this deficient milestone relates.**

FOIA process policies and design.

**2. Deficient milestone and the original target date from the FOIA Improvement Plan.**

Submit proposal before the IT Change-Management Board, by July 1, 2006.

Develop prototype for testing, by December 31, 2006.

**3. Steps taken to correct the deficiency and the dates by which the steps were completed.**

Deficiency remedied. By May 1, 2007, it was determined that this project is not necessary. A larger Records Management Division enterprise project that includes OCR format scanning concurrent with image scanning is being implemented. Once completed, FOIA analysts will be able to conduct textual searches for similar requests.

**4. Future remedial steps and the dates by which the steps will be completed.**

No additional steps are necessary.

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**1. FOIA Improvement Plan area to which this deficient milestone relates.**

FOIA process policies and design.

**2. Deficient milestone and the original target date from the FOIA Improvement Plan.**

Complete all requests older than August 15, 2003, by December 31, 2006.

**3. Steps taken to correct the deficiency and the dates by which the steps were completed.**

On August 15, 2005, the FBI identified seventy-four requests with an estimated 320,708 pages (32,000 additional pages have been identified recently as responsive to a request) that had been received prior to August 15, 2003. As of July 1, 2007, seventy of these requests had been closed by reviewing 264,070 pages.

**4. Future remedial steps and the dates by which the steps will be completed.**

Almost all of these requests are large requests (greater than 2,500 pages) and most require declassification review or consultation with other agencies or foreign governments. Because of these factors, the FBI is processing the requests simultaneously and making interim releases in all of the remaining open requests. The new completion date for this milestone is now August 15, 2007.

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**1. FOIA Improvement Plan area to which this deficient milestone relates.**

Improvements in customer ability to determine the status of a request.

**2. Deficient milestone and the original target date from the FOIA Improvement Plan.**

Goal: Determine feasibility of automatic generation of status letters as requests move through FOIA sub-processes, by December 31, 2006.

Steps:

Develop prototype process for testing, by October 31, 2006.

Implement automatic generation of status letters, by December 31, 2006.

**3. Steps taken to correct the deficiency and the dates by which the steps were completed.**

Deficiencies remedied. As of May 1, 2007, the FOIA automated processing system generates status letters on pending requests to requesters every 90 days.

**4. Future remedial steps and the dates by which the steps will be completed.**

No additional steps are necessary.

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**1. FOIA Improvement Plan area to which this deficient milestone relates.**

Improvements to the FBI's FOIA Web site reading room.

**2. Deficient milestone and the original target date from the FOIA Improvement Plan.**

Goal: Update the FBI's general reading room and its FOIA/PA Web site's electronic reading room, by December 31, 2006.

Steps:

Review reading room and electronic reading room materials that "begin with A to C," by July 1, 2006.

Delete seldom-visited items (if not required to be posted under subsection (a)(2)) and add more recent/topical requests, by December 31, 2006.

**3. Steps taken to correct the deficiency and the dates by which the steps were completed.**

With the assistance of the FBI Historian, a new Reading Room list was completed on July 1, 2007.

**4. Future remedial steps and the dates by which the steps will be completed.**

All Reading Room materials will be in the Electronic Reading Room. FBI IT specialists are making the required programming modifications. In addition, a new site- "FOIA Hot Topics" - is already on the FBI's public Web site. These updates will be complete in August 2007.

**OFFICE OF JUSTICE PROGRAMS (OJP)**

**1. FOIA Improvement Plan area to which this deficient milestone relates.**

Backlog Reduction.

**2. Deficient milestone and the original target date from the FOIA Improvement Plan.**

To reduce the processing time for FOIA requests to 20 days, by December 31, 2006.

**3. Steps taken to correct the deficiency and the dates by which the steps were completed.**

On January 8, 2007, access was granted to retrieve requested documents from the OJP

electronic database.

On January 8, 2007 and continuing thereafter, OJP met with its bureaus' subject matter experts on highly technical documents that originated outside OJP to provide the FOIA Officer with all relevant contact information needed for external consultations.

On February 16, 2007, OJP extended the FOIA paralegal's contract through August 31, 2007 to assist with processing FOIA requests. With the additional assistance OJP has reduced its processing and closing time to 29.4 days.

On June 25, 2007, the General Counsel was informed that his request for additional funds to extend the contract FOIA paralegal from two days a week to five days a week for the next fiscal year had been approved.

**4. Future remedial steps and the dates by which the steps will be completed.**

By December 31, 2007, OJP's Senior Counsel will review resources and make recommendations on maintaining a part-time or full-time contractor for the FOIA operation.

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**1. FOIA Improvement Plan area to which this deficient milestone relates.**

Improve response time from the OJP bureaus and offices.

**2. Deficient milestone and the original target date from the FOIA Improvement Plan.**

To receive responses from the OJP bureaus and offices within five days of receipt of the OGC search letter, by September 1, 2006.

**3. Steps taken to correct the deficiency and the dates by which the steps were completed.**

Since December 31, 2006 and continuing thereafter, the FOIA Officer has been assisted by the Comptroller's Office in securing requested documents.

On January 8, 2007, the FOIA Officer was given access to the OJP electronic database that maintains some of the OJP funded grants. The FOIA Officer can now retrieve requested grants without requesting these documents from the offices and bureaus. This has reduced the need to contact some of the bureaus and offices.

The OJP Senior Counsel met with the General Counsel on July 27, 2007 and discussed ways that the OGC Attorney-Advisors could assist the OJP bureaus and offices in

submitting timely responses to the FOIA Officer.

**4. Future remedial steps and the dates by which the steps will be completed.**

The OGC Attorney-Advisors will continue to inform their client bureaus and offices, by October 31, and again by December 31, 2007, of the importance of responding timely to the deadlines set by the FOIA Officer, and will continue to assist in obtaining responses.

**OFFICE ON VIOLENCE AGAINST WOMEN (OVW)**

**1. FOIA Improvement Plan area to which this deficient milestone relates.**

Additional FOIA training for relevant Office on Violence Against Women (OVW) staff.

**2. Deficient milestone and the original target date from the FOIA Improvement Plan.**

Provide FOIA training to two additional staff members in order to develop and enhance understanding of the FOIA process, by August 31, 2006.

**3. Steps taken to correct the deficiency and the dates by which the steps were completed.**

Deficiency remedied. Two OVW attorneys attended FOIA training offered by the Department of Justice's Office of Information and Privacy on January 23-24, 2007.

**4. Future remedial steps and the dates by which the steps will be completed.**

No additional steps are necessary.

**UNITED STATES MARSHALS SERVICES (USMS)**

**1. FOIA Improvement Plan area to which this deficient milestone relates.**

Electronic Access and Affirmative Disclosure.

**2. Deficient milestone and the original target date from the FOIA Improvement Plan.**

Posting of our processed awarded contracts and policy material on our Web site, by September 15, 2006.

**3. Steps taken to correct the deficiency, and the dates by which the steps were completed.**

Deficiency remedied. The posting of frequently requested USMS Judicial Security

contracts was delayed due to technical issues regarding the size of the files to be posted. The USMS FOIA staff worked with USMS Information Technology staff to compress the files and the contracts were posted on the USMS Web site in the Electronic Reading Room by February 15, 2007.

**4. Future remedial steps and the dates by which the steps will be completed.**

No additional steps are necessary.