

Analysis of Performance Information

According to the Government Performance and Results Act (GPRA) of 1993, an agency's Strategic Plan must be updated and revised at least every three years and cover a period of not less than five years forward from the fiscal year in which it is submitted. In May 2006, the Department began revising its FY 2003-2008 Strategic Plan and reviewing its related long-term measurable outcome goals. In April 2007, the FY 2007-2012 Strategic Plan was approved by OMB and sent to Congress for review and approval. The final FY 2007-2012 Strategic Plan was made available to the public in July 2007.

The Department's FY 2007-2012 Strategic Plan condenses the Department's four-goal structure into three goals. Additionally, the Department established 25 key performance measures addressing its highest priorities toward achieving these long-term outcome goals. The measures are included in the Department's annual *Budget and Performance Summary* and reported on in this document. The Department's full Performance Report for these measures, including an update on our progress toward meeting our FY 2012 long-term outcome goals, is included in Section II of this document.

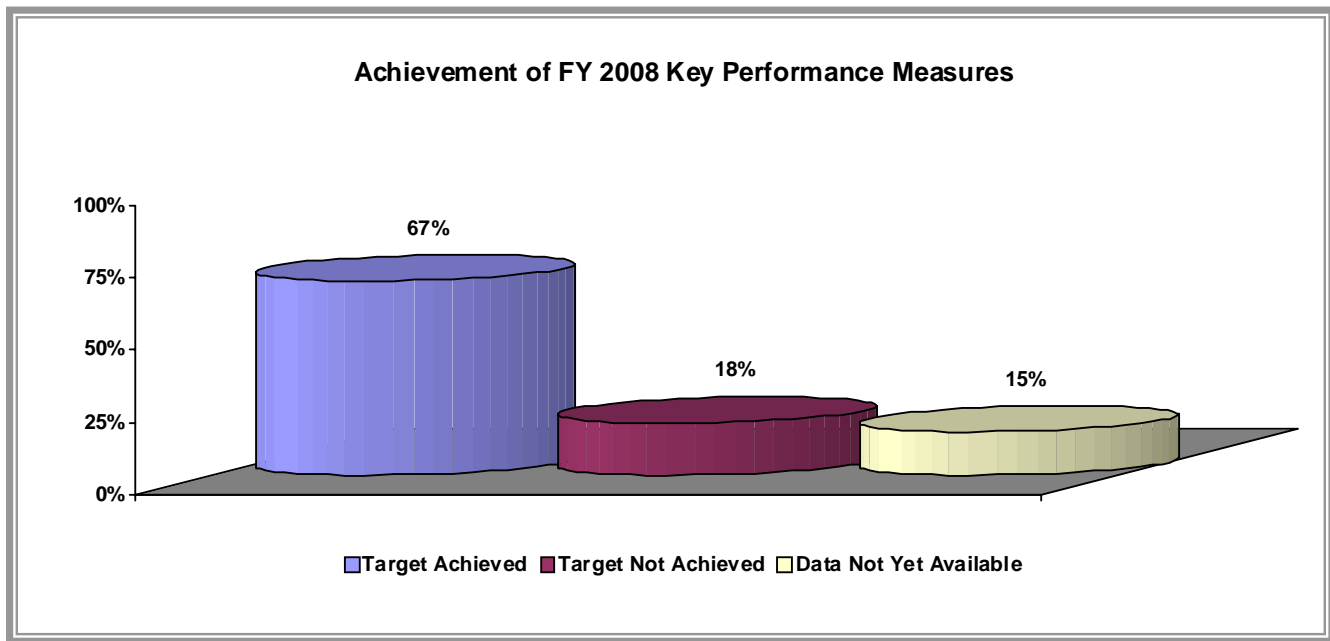
During FY 2008, Departmental leadership continued to display a clear commitment to performance management through the reliance on formal quarterly status reviews. Additionally, Departmental components have worked to improve the quality and timeliness of financial and performance information that inform quarterly status reporting and operating plans.

The Department achieved 67 percent of its key indicators in FY 2008, which is slightly lower than last year's overall success. However, this percentage may be higher as additional FY 2008 data become available; i.e., data for 15 percent of the key performance measures are on a calendar year reporting schedule or are subject to necessary data validation prior to release. Much of the Department's success can be attributed to increased emphasis on long-term and annual performance measure development due to OMB's Program Assessment Rating Tool (PART), placement of key performance indicators on cascading employee work plans beginning in December 2004, and the Department-wide quarterly status reporting implemented in the second quarter of FY 2005.

The Department achieved or surpassed 67 percent of its FY 2008 performance targets and maintained or surpassed its FY 2007 performance in 52 percent of the key performance measures. Performance improvements are still needed in areas where planned performance was not achieved. Knowing that focusing on mission, agreeing on goals, and reporting results are the keys to improved performance, the Department will continue to examine its performance management system overall and implement improvements, where necessary. Additional improvement areas include continuing to improve the quality and utility of performance information, developing the capacity to use performance information through the use of technology and reliable data systems, and continuing to work with OMB and other federal agencies to develop mechanisms to target and measure efficiency of law enforcement and regulatory programs.

In addition to its annual progress, the Department will continue to monitor progress made against its FY 2012 long-term performance goals for each of the 25 key performance measures. As of the close of FY 2008, 94 percent of the Department's long-term key measures are on-track for full achievement against FY 2012 targets. There are still four full years of performance remaining until the Department reports against planned progress, and a number of mechanisms are in place to ensure that the current progress is maintained, including quarterly status reporting, performance-informed budget submissions to request necessary/additional resources, and the OMB's PART to assist in making any serious deficiencies known to Departmental leadership so they can be corrected and remedied.

The chart below and the table that follows summarizes the Department's achievement of its FY 2008 key performance measures.



Note: The Department of Justice has 25 key performance measures. Some measures have more than one annual target; therefore, for purposes of illustrating the Department's achievement rate in the chart above, a universe of 33 instead of 25 was used.

[] Designates the reporting entity	FY 2008 Target	FY 2008 Actual	Target Achieved/ Not Achieved
Strategic Goal I: Prevent Terrorism and Promote the Nation's Security			
Terrorist acts committed by foreign nationals against U.S. interests within U.S. borders [FBI]	Zero	Zero	Achieved
Catastrophic acts of domestic terrorism [FBI]	Zero	Zero	Achieved
Strategic Goal II: Prevent Crime, Enforce Federal Laws, and Represent the Rights and Interests of the American People			
Number of organized criminal enterprises dismantled [FBI]	34	34	Achieved
Number of child pornography websites or web hosts shut down [FBI]	1,000	1,525	Achieved
Percentage of firearms investigations resulting in a referral for criminal prosecutions [ATF]	58%	60%	Achieved
DOJ's reduction in the supply of illegal drugs available for consumption in the U.S. [ADAG/Drugs]	Progress towards establishing baseline ¹	TBD	TBD
¹ Measuring reduction in the illegal drug supply is a complex process reflective of a number of factors outside the control of drug enforcement. Moreover, the impact of enforcement efforts on the illegal drug supply and the estimated availability are currently not measurable in a single year. However, the Department is intent on achieving an interim goal of setting a baseline by the close of FY 2009. Once the baseline is set, the Department intends to achieve a 6 percent total reduction in the supply of illegal drugs available for consumption in the United States over the next three years.			
Consolidated Priority Organizations Target (CPOT)-linked drug trafficking organizations [DEA, FBI (Consolidated data - ADAG/Drugs)]			
Dismantled	115	102	Not Achieved ²
² The FY 2008 targets were very ambitious. Even though the Department experienced resource reductions for the OCDETF program in FY 2008, it was still able to achieve 102 dismantlements, a 19 percent increase over the 86 dismantlements in FY 2007. This achievement fell only 13 dismantlements (or 11 percent) short of the Department's ambitious goal.			

	FY 2008 Target	FY 2008 Actual	Target Achieved/ Not Achieved
[] Designates the reporting entity			
Disrupted	220	293	Achieved
Number of high-impact Internet fraud targets neutralized [FBI]	11	11	Achieved
Number of criminal enterprises engaging in white-collar crimes dismantled [FBI]	150	194	Achieved
Percent of cases favorably resolved: [ENRD, ATR, CRM, USA, TAX, CIV, CRT (Consolidated data - JMD/Budget Staff)]			
Criminal Cases	90%	92%	Achieved
Civil Cases	80%	79%	Not Achieved ³
³ The target for civil cases favorably resolved was missed. In Spring 2008, after it was announced that defendants who were convicted of Title 21 violations involving cocaine base or crack could be resentenced, the USAOs received a deluge of motions requesting that a resentencing hearing be held. The Department tracks these resentencing hearings through civil Legal Information Online Network Systems (LIONS). Based on the limited disposition choices available in LIONS, if a defendant's motion for resentencing was denied, or if at a defendant's resentencing hearing, the defendant was given the same sentence that was previously imposed, that case was placed in a Judgment for the United States category. However, if a defendant's motion for resentencing was granted and the defendant's sentence was decreased in any way, the case was tracked as a Judgment against the United States. Departmental records indicate that civil case terminations are up approximately 30.5 percent and that this number is largely due to crack resentencings. In conclusion, the crack resentencings have significantly skewed the numbers, making it numerically appear that there is a drop off in "favorably resolved" cases, when, in fact, the change in numbers actually reflects decreases in crack sentences and not changes in judgments for or against the United States.			
Percent of assets/funds returned to creditors: [USTP]			
Chapter 7	58%	TBD ⁴	TBD
Chapter 13	86%	TBD ⁴	TBD
⁴ Data lags one year due to the requirement to audit data submitted by U.S. Trustees prior to reporting. (FY 2007 target -- Chapter 7: 56%; FY 2007 actual -- Chapter 7: 61%) (FY 2007 target -- Chapter 13: 84%; FY 2007 actual -- Chapter 13: 86%)			
Homicides per site (funded under the Weed and Seed program) [OJP]	3.9	TBD ⁵	TBD
⁵ Data are collected on a calendar year basis and reported with a one year lag. (CY 2007 target -- 4.1 homicides per site; CY 2007 actual -- 3.5 homicides per site)			
Percent reduction in DNA backlog (casework only) [OJP]	26%	45%	Achieved
Percent of children recovered within 72 hours of an issuance of an AMBER alert [OJP]	75.0% or greater	81.9 %	Achieved
Strategic Goal III: Ensure the Fair and Efficient Administration of Justice			
Number of participants in the Residential Substance Abuse Treatment (RSAT) Program [OJP]	20,000	TBD ⁶	TBD
⁶ Data are collected on a calendar year basis and reported with a one year lag. (CY 2007 target -- 20,000; CY 2007 actual -- 26,991)			
Graduation rate of program participants in the Drug Courts program (adult drug court participants only) [OJP]	24%	12%	Not Achieved ⁷
⁷ The pool of program participants has increased by more than the pool of participants eligible for graduation, which has affected the graduation rate.			
Ensure judicial proceedings are not interrupted due to inadequate security [USMS]	Zero	1	Not Achieved ⁸
⁸ The Department was unable to meet its FY 2008 target of zero interrupted judicial proceedings due to inadequate security because of one courtroom incident. During this incident, a prisoner was being escorted to stand in front of the presiding judge. Before arriving in front of the judge, the prisoner lunged at the prosecuting attorney, attempting to choke her and forcefully knocking her to the ground. The Deputy U.S. Marshal made numerous strikes with an expandable baton to the prisoner's torso before placing a baton over the prisoner's throat and applying the minimum force necessary to cause the prisoner to break his hold. This move controlled the prisoner long enough to restrain him in handcuffs. At no time during the incident was the judge or the public in danger.			
Total primary fugitives apprehended or cleared [USMS]			
Number	32,370	34,393	Achieved
Percent	54%	55%	Achieved
Per day jail costs [OFDT]	\$65.62	\$67.47	Not Achieved ⁹
⁹ The target was not met due to several factors. Federal bed-space was not utilized as projected due to BOP reduction in available capacity. This resulted in using IGA bed-space at a higher cost. In addition, Operation Streamline did not generate the increase in ADP in specific locations and for the durations expected. This prevented OFDT from realizing the economies of scale factored for certain contracts. During FY 2009, OFDT will continue efforts to strengthen communication with our federal partners as they execute enforcement initiatives to stay abreast of impacts to detention as-well-as capitalize on maximum usage of federal beds to the extent possible.			

[] Designates the reporting entity	FY 2008 Target	FY 2008 Actual	Target Achieved/ Not Achieved
Percent of system-wide crowding in federal prisons [BOP]	39%	36%	Achieved
Ensure zero escapes from secure BOP facilities [BOP]	Zero	Zero	Achieved
Comparative recidivism for Federal Prison Industries (FPI) inmates versus non-FPI inmates [FPI / BOP provides data]			
Percentage less likely to recidivate: 3 years after release	15%	34%	Achieved
6 years after release	10%	42%	Achieved
Rate of serious assaults In federal prisons (per 5,000 Inmates) [BOP]	14/5,000 Assaults/Inmates	12/5,000 Assaults/Inmates	Achieved
Inspection results—Percent of federal facilities with American Correctional Association (ACA) accreditations [BOP]	99%	100%	Achieved
Percent of Executive Office for Immigration Review (EOIR) priority cases completed within established timeframes [EOIR]			
Asylum	90%	86%	Not Achieved ¹⁰
<i>10 The target was missed due to the high number of immigration judge vacancies as well as the great progress the courts made in the agency's initiative to complete the oldest pending cases. In the coming year, EOIR intends to fill immigration judge vacancies, which will allow for more cases, especially complex asylum cases, to be completed in a timely manner.</i>			
Institutional Hearing Program	90%	91%	Achieved
Detained Cases	90%	90%	Achieved
Detained Appeals	90%	96%	Achieved

TBD – Data are not available at this time, however, the discussion below the measure advises when data will be available.