

IV

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

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

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

FY 2008 Outcome Goal: Ensure that no judicial proceedings are interrupted due to inadequate security

FY 2006 Progress: The Department is on target to achieve this long-term goal.

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

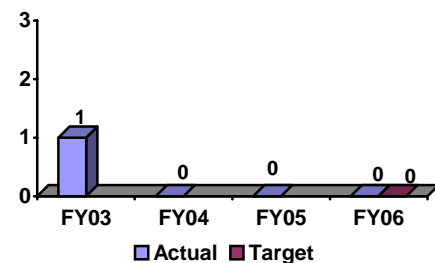
Performance Measure: Number of Judicial Proceedings Interrupted Due To Inadequate Security

FY 2006 Target: 0

FY 2006 Actual: 0

Discussion: In FY 2006 the USMS met its target of zero interrupted proceedings through its continued efforts to provide adequate security for the federal judicial system. By accomplishing all aspects of our judicial mission, from screening entry into courthouses to continually updating security equipment, the USMS is able to achieve its objectives.

Number of Judicial Proceedings Interrupted Due to Inadequate Security



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

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

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

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

FY 2008 Outcome Goal: Apprehend or clear 51% or 105,512 fugitives
FY 2006 Progress: The Department is on target to achieve this long-term goal.

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

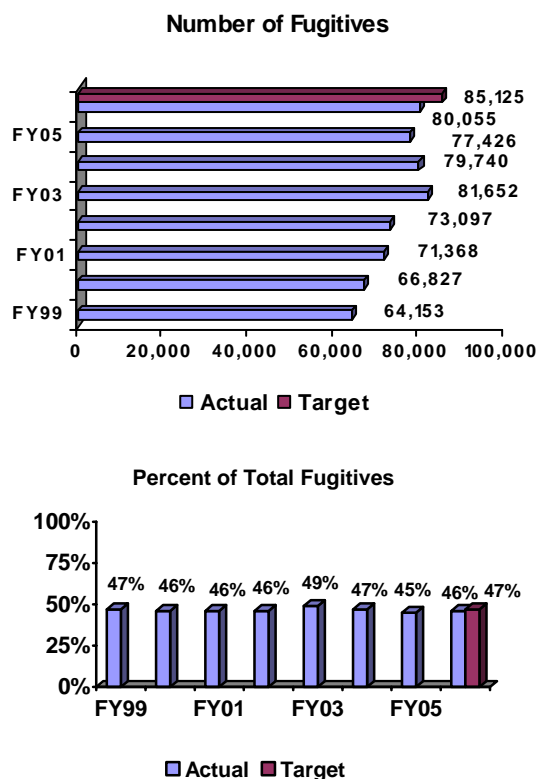
Major Case fugitives are the highest priority fugitives sought by the USMS and consist of all fugitives connected with the USMS 15 Most Wanted and Major Case Programs. Fugitive investigations are designated as Major Cases according to: 1) the seriousness of the offenses charged; 2) the danger posed by the fugitive to the community; 3) the fugitive's history of violence, career criminal status, or status as a major narcotics distributor; 4) the substantial regional, national, or international attention surrounding the fugitive investigation; and/or 5) other factors determined by the USMS.

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

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

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

Federal Fugitives Apprehended or Cleared



Data Definition: Fugitives Cleared consists of those cases that the USMS has successfully completed all aspects of closure and has removed from the active and outstanding records. This definition holds true in cases where we do or do not have primary apprehension responsibility.

Data Collection and Storage: Data are maintained in the WIN system. WIN data are entered by USMS Deputy Marshals. Upon receiving a warrant, the USMS Deputy Marshals access the National Crime Information Center (NCIC) through WIN to look for previous criminal information. WIN data are stored centrally at USMS Headquarters, are accessible to all 94 judicial districts, and are updated as new information is collected.

Data Validation and Verification: Data are verified by a random sampling of NCIC records generated by the FBI. USMS Headquarters coordinates with district offices to verify that warrants are validated against the signed paper records. USMS Headquarters then forwards the validated records back to NCIC.

Data Limitations: These elements of data are accessible to all 94 judicial districts and are updated as new information is collected. There may be a lag in the reporting of data.

Performance Measure: Federal Fugitives Cleared or Apprehended

FY 2006 Target: 47% or 85,125

FY 2006 Actual: 46% or 80,055

Discussion: The USMS was unable to meet its total fugitives and percent cleared targets due to a shift of investigative FTE to violent fugitive apprehension, a reduction in misdemeanor cases received, and increased State and local fugitive apprehension efforts.

While the USMS did not reach its 2006 federal fugitive performance target, it has continued to increase the overall number of fugitives, including State and local, brought to justice. The six operating Regional Fugitive Task Forces (RFTF), in addition to the 85 district task forces, are directing their investigative efforts toward reducing the number of violent crimes. These crimes include terrorist activities, organized crime, drugs, and gang violence. A recent Office of the Inspector General review of the fugitive apprehension program recommended that the USMS focus more attention on clearing violent fugitives. Because of this change in investigative direction, the USMS continued to shift resources away from misdemeanor backlogged fugitive cases, which negatively affected the total number and percent of fugitives cleared.

The USMS' RFTFs and district task forces provide participating State and local agencies a way to track down their most violent fugitives across the United States, its territories, and into foreign countries. As a result of the USMS' involvement in State and local cases through the RFTFs and other USMS-led task forces, State and local cases cleared by USMS task forces have risen by 6% from FY 2005 to FY 2006. Additionally, from FY 2005 to FY 2006, the number of misdemeanor cases received decreased by almost 3,000. This affected the ability of the USMS to meet case clearance targets because backlog cases were more difficult to clear than newly received cases.

Revised FY 2008 Outcome Goal: Maintain a per-day jail (federal detention) cost below \$66.13
FY 2006 Progress: The Department is on target to achieve this long-term goal.

Background/Program Objectives: The Office of the Federal Detention Trustee’s (OFDT) mission is to manage and regulate the federal detention programs and Justice Prisoner Alien Transportation System (JPATS) by establishing a secure and effective operating environment that drives efficient and fair expenditure of appropriated funds.

The DOJ acquires detention bed space to house pretrial detainees through reimbursable Intergovernmental Agreements (IGAs) with State and local governments and contracts with private vendors. The BOP supplements these agreements and contracts by providing limited federal detention space for pretrial detainees particularly in large metropolitan areas. As the need for detention space increases for all federal partners, the mix of BOP, IGA, and private facilities changes. In addition, OFDT is ever mindful of the impact of maintaining available detention space in key locations. For example, the decreasing availability of detention bed space, particularly in or near court cities, seriously impacts the USMS’ ability to produce prisoners for trial, judicial proceedings, legal hearings, and meetings with attorneys.

Ensuring safe, secure, and humane confinement for federal detainees is critically important. Considering the large number of facilities (over 1,900) in use, as well as the different types of facilities, requires detention standards to address the variance between federal, State, and local government, and privately owned and managed facilities. To ensure compliance, federal contract vehicles will be written or modified to reflect Federal Performance-Based Detention Standards, and private contractor performance evaluation and compensation will be based on their ability to demonstrate alignment with the standards. In addition, OFDT’s Quality Assurance Review Program ensures that the safe, secure, and humane confinement criteria are met, as well as addressing Congress’ concerns for public safety as it relates to violent prisoners (e.g., Interstate Transportation of Dangerous Criminals Act, also known as Jenna’s Act).

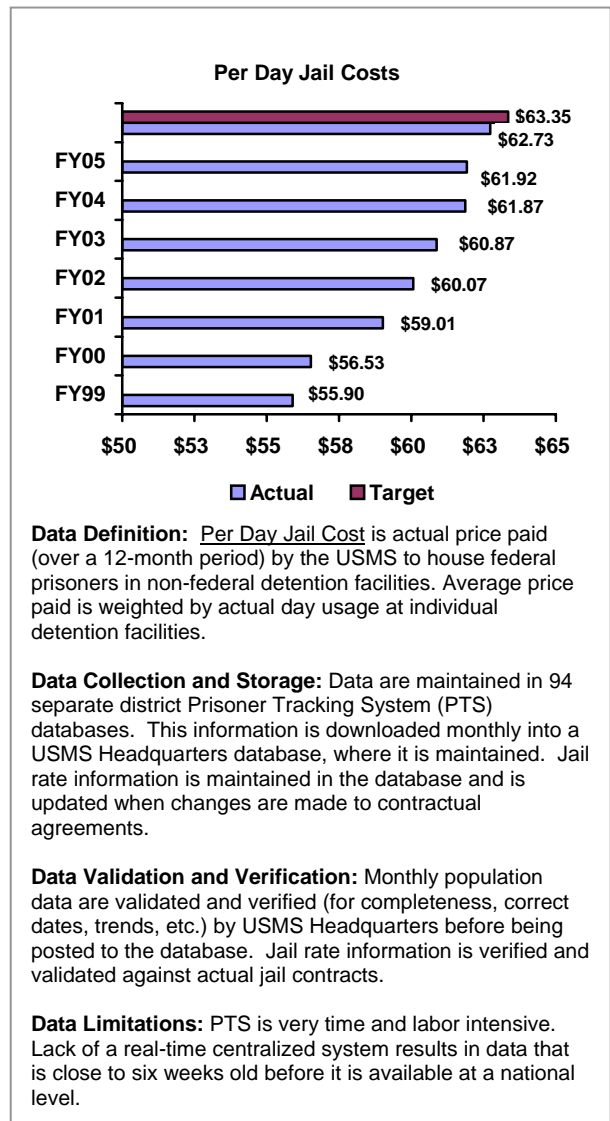
Performance Measure: Per Day Jail Costs

FY 2005 Revised Actual: \$61.92 (Previous Actual: \$61.78)

FY 2006 Target: \$63.35

FY 2006 Actual: \$62.73

Discussion: In FY 2006, OFDT held the per day jail (federal detention) cost below the targeted level. This was achieved through an enterprise approach to securing detention space, well-managed contract efforts, as-well-as the pursuit of successful detention alternatives.



FY 2008 Outcome Goal: Ensure that there are no escapes during confinement in federal detention
FY 2006 Progress: Although the FY 2006 target was missed, the Department is on target for the achievement of this long-term goal. The performance measures related to OFDT's efforts were examined with the Department's FY 2006 Program Assessment Rating Tool (PART) review of this program. As a result of that review, the Department discontinued this measure as of September 30, 2006.

Background/Program Objectives: Approximately 320,000 persons are detained on an average annual basis in over 1,900 local government and private detention facilities. Prior to entering into an agreement with a local government facility, or a contract with a private facility, the USMS and OFDT (respectively) conduct a thorough inspection to confirm that effective security measures are in place to protect the public. These inspections are the first step to prevent an escape and include: review of the staff to inmate ratio, condition of the facility, prior history of incidents in the facility, security features, control of contraband procedures, inmate accountability procedures, and inmate monitoring procedures. Facilities are then re-inspected on a period basis to ensure they continue to meet DOJ detention standards and conditions of confinement, including 24-hour supervision and adequate security staff.

Even with such precautionary measures, occasionally escapes do occur. When they do occur, the USMS is alerted and the escapee is "recaptured" within a relatively short period of time. A thorough investigation is then conducted that results in a set of corrective actions to prevent further incidents.

Finally, the USMS and OFDT monitor the facility to ensure corrective measures are implemented expeditiously.

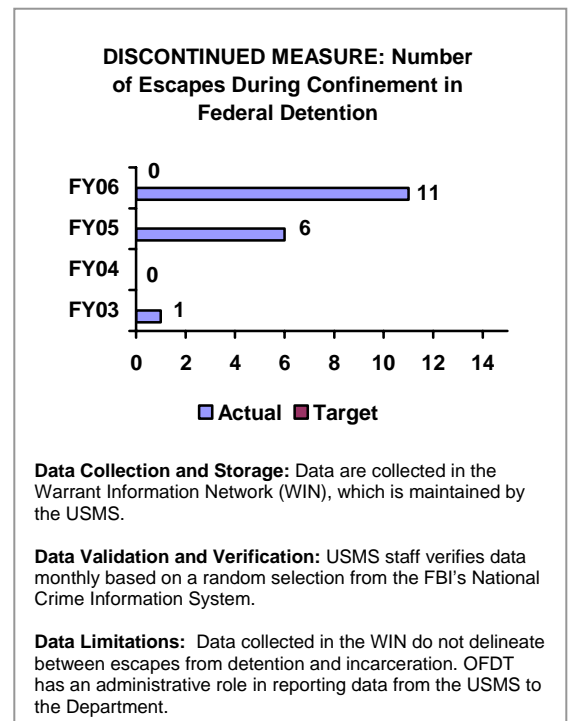
Performance Measure: DISCONTINUED MEASURE: Number of Escapes During Confinement in Federal Detention

FY 2006 Target: 0

FY 2006 Actual: 11

Discussion: The Department has discontinued this measure as of September 30, 2006, because the data were collected by the programmatic efforts of other entities. During OFDT's FY 2006 PART assessment, OMB agreed that OFDT's mission is administrative in nature and the performance measures under their responsibility should reflect this mission.

In FY 2006, there were 11 escapes from detention custody. Three detainees escaped from local jails, one from a medical facility, and one during transportation. All five of these escapees were "recaptured" within a relatively short period of time. The remaining six escapes occurred at the East Hidalgo Detention Center, Hidalgo, TX. The escapes appeared to be coordinated and occurred when a guard did not properly secure man-trap doors that separated the prisoner area from the pod lobby. Two of the escapees exited through these doors. After overpowering a guard, they summoned the four other escapees in possession of a cell phone and wire cutters smuggled into the facility. Using the wire cutters, the six escapees cut through four electric (900Volt) fences while a fifth fence was cut through with the help of an accomplice believed to be notified via the cell phone. The individuals jumped into a waiting vehicle driven by the accomplice and are believed to have fled to Mexico.



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

NOTE: This measure was too new to establish a long-term goal in the Strategic Plan. The performance measures related to OFDT's efforts were examined with the Department's FY 2006 Program Assessment Rating Tool (PART) review of this program. As a result of that review, the Department discontinued this measure as of September 30, 2006.

Performance Measure: DISCONTINUED MEASURE: Rate of Assaults (Federal Detention)

FY 2006 Target: Re-establish baseline

FY 2006 Actual: Baseline not established

Discussion of Accomplishments: The Department has discontinued this measure as of September 30, 2006, because the data were collected by the programmatic efforts of other entities. During OFDT's FY 2006 PART assessment, OMB agreed that OFDT's mission is administrative in nature and the performance measures under their responsibility should reflect this mission.

In FY 2006, OFDT did not complete efforts to establish a baseline. However, OFDT has a newly implemented Quality Assurance Review program that is now capturing this information. The OFDT will continue to examine its data definitions for defining assaults and refine reporting information via a contract with the Criminal Justice Institute.

DISCONTINUED MEASURE: Rate of Assaults (Federal Detention)

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

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

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

FY 2008 Outcome Goal: Reduce system-wide crowding in federal prisons to 34%
FY 2006 Progress: The Department is on target to achieve this long-term goal.

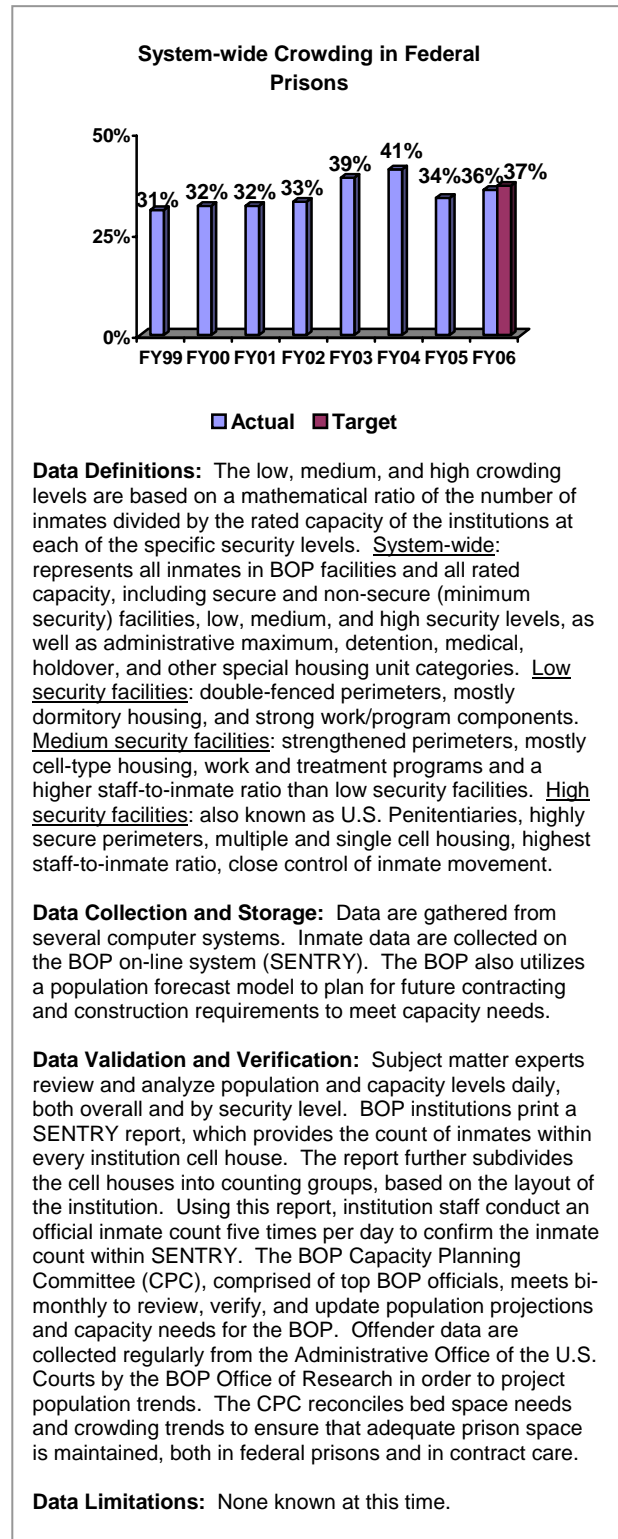
Background/Program Objectives: The Bureau of Prisons (BOP) constantly monitors facility capacity, population growth, and prisoner crowding. As federal inmate population levels are projected to increase and continue to exceed the rated capacity of the BOP, every possible action is being taken to protect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

Performance Measure: System-wide Crowding in Federal Prisons

FY 2006 Target: 37%

FY 2006 Actual: 36%

Discussion: FY 2006 target was met. The actual crowding rate was 36%, below the target of 37% for fiscal year end. In FY 2006, BOP activated two facilities (FCI Butner Med II and USP Tucson, AZ) and closed four older stand-alone minimum security facilities (camps). The capacity of the two new institutions exceeds that of the four small stand-alone camps.



FY 2008 Outcome Goal: Ensure that there will be no escapes from secure BOP facilities
FY 2006 Progress: The Department is on target to achieve this long-term goal.

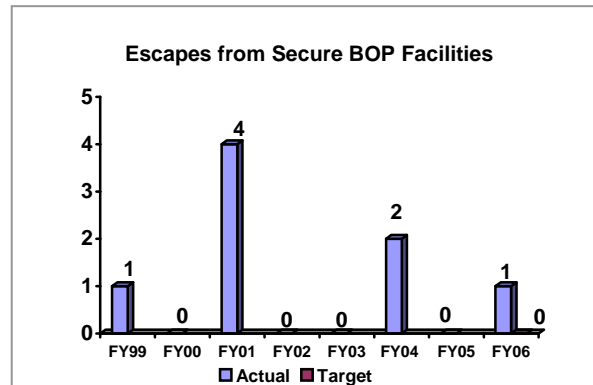
Background/Program Objectives: The BOP significantly reduces the possibility of escape with long-term emphasis on security enhancements, physical plant improvements, enhanced training, and increased emphasis on staff supervision of inmates. In the event an escape does occur, the BOP will initiate immediate apprehension activities (escape posts, etc.) within the community, until the outside agency having jurisdiction assumes investigative and apprehension responsibilities.

Performance Measure: Escapes from Secure BOP Facilities

FY 2006 Target: 0

FY 2006 Actual: 1

Discussion: There was an escape from USP Pollock, LA in April 2006. The inmate remains a fugitive. An After-Action Review has been conducted which identified the need for additional staff training. Follow-up is conducted through program and operational reviews, and staff assistance visits.



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

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

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

Data Limitations: None known at this time.

Revised FY 2008 Outcome Goal: Comparative recidivism rates for FPI inmates: 15% 3 years following release, and 10% 6 years following release
FY 2006 Progress: The Department is on target to achieve this long-term goal.

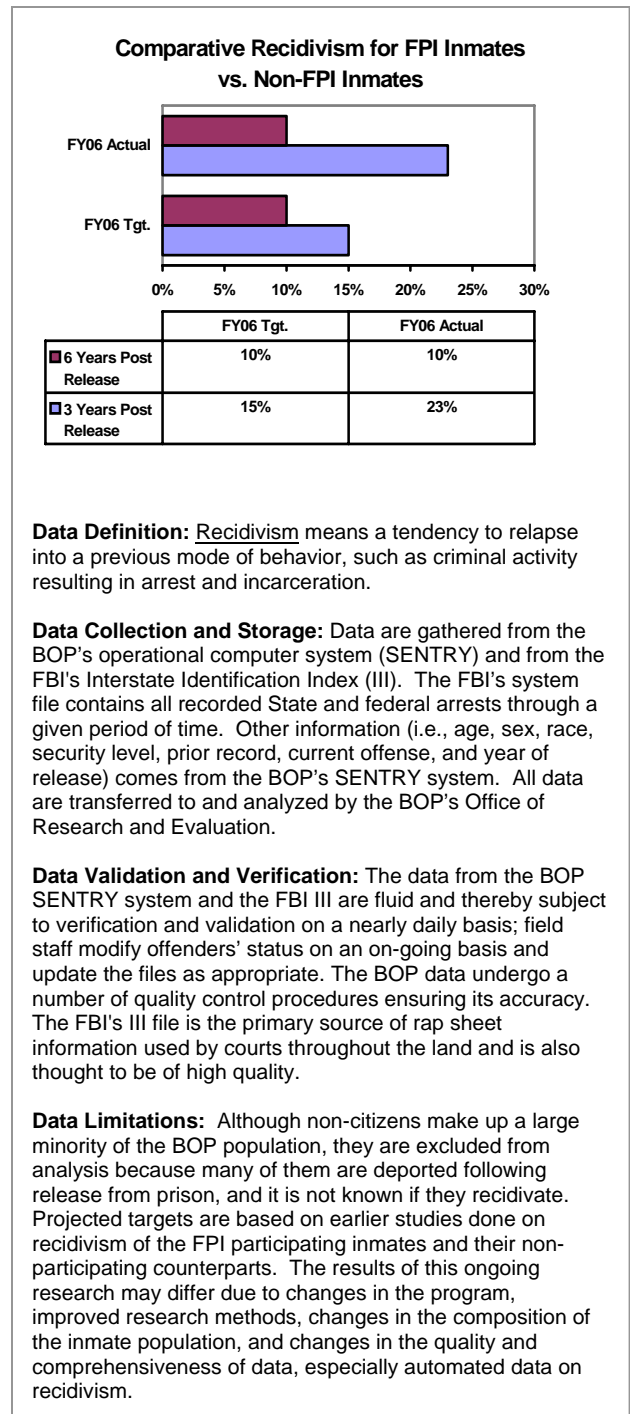
Background/Program Objectives: The Federal Prison Industry's (FPI) goal of reducing recidivism is to provide inmates with the opportunity to become productive, law-abiding citizens after release, through the development of basic work ethics and job skills training. An initial study in FY 2005 was conducted on 1,809 inmates who participated in FPI and a similarly situated comparison group of 23,397. Some of these individuals were released during 1999 and provided an estimate of the 6-year recidivism rate. The remainder were released in 2002 and provided an estimate of the 3-year recidivism rate. Results indicated that inmates who participate in FPI were statistically significantly less likely to recidivate by being arrested or returned to prison. The FPI's targets are: Inmates who participate in FPI will remain 15% less likely to recidivate at 3 years and 10% less likely to recidivate at 6 years, after release from a secure facility, compared to similarly situated inmates who did not participate.

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

FY 2006 Target: 6 years; 10%
 3 years; 15%

FY 2006 Actual: 6 years; 10%
 3 years; 23%

Discussion: The FPI exceeded the FY 2006 target of 15% less likely to recidivate at 3 years with an actual of 23% less likely. In addition, the FPI met the FY 2006 target of 10% less likely to recidivate after 6 years.



FY 2008 Outcome Goal: Limit the rate of assaults in Federal prisons to 130 assaults per 5,000 inmates
FY 2006 Progress: The Department is on target to achieve this long-term goal.

Background/Program Objectives: Every reasonable precaution is taken to ensure that inmates are provided with a safe and secure environment in facilities according to their needs. While it is the objective of the Department and BOP to eliminate all assaults, the target reflects projections based on historical data and observed trends. These data represent the number of assaults over a 12 month period per 5,000 inmates of all adjudicated assaults and combines both “inmate on inmate” and “inmate on staff” assaults. Due to the time required to adjudicate allegations of assault, there is a lag between the occurrence and reporting guilty findings. Accordingly, the figure reported represents incidents that were reported for the preceding 12 months ending several months before the end of the fiscal year.

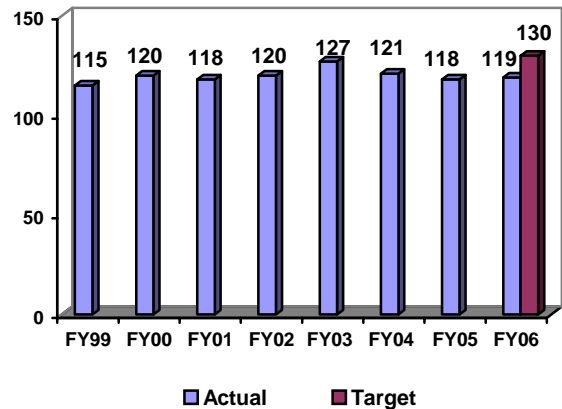
Performance Measure: Rate of Assaults in Federal Prisons (Assaults per 5,000 Inmates)

FY 2006 Target: 130

FY 2006 Actual: 119

Discussion: FY 2006 target was met. The rate of assaults totaled 119 per 5,000 inmates, lower than the target rate of 130 for FY 2006.

**Rate of Assaults in Federal Prisons
(Assaults per 5,000 Inmates)**



Data Definition: Assaults include both “inmate on inmate” and “inmate on staff” assaults, as well as both serious (100 level) and less serious (200 level) assaults. An assault that results in major bodily injury, or death is considered a serious assault (100 level Incident Report). An assault that does not result in major bodily injury is typically defined as a minor assault (200 level Incident Report).

Data Collection and Storage: Data are collected from the BOP’s on-line computer system (SENTRY), specifically the Chronological Disciplinary Report (CDR) module, which records all disciplinary measures taken with respect to individual inmates. This data are maintained and stored in the BOP’s management information system (Key Indicators), which permits retrieval of data in an aggregated manner. The data represents all adjudicated assaults and combines both “inmate on inmate” and “inmate on staff” assaults.

Data Validation and Verification: The most senior managers in the agency conduct annual reviews of institution performance including assaults and other misconduct. Additionally, during Program Reviews (which are conducted at least every three years), annual operational reviews, and Institution Character Profiles (which are conducted every three years), reviews of assaults and other misconduct patterns are accomplished. The SENTRY system is BOP’s main system, whereas Key Indicators is a snap shot of this system at any given time.

Data Limitations: The data represent the number of assaults over a 12 month period per 5,000 inmates. Due to the time required to adjudicate allegations of assault, there is a lag between the occurrence and reporting of guilty findings. Due to accelerated reporting requirements (within 15 days of quarter and fiscal year end) and to provide a more accurate assault rate, the BOP began using 12 months of completed/adjudicated CDR data for each quarter and end of fiscal year reporting beginning for FY 2004.

FY 2008 Outcome Goal: Achieve a 99% positive rate in inspection results (accreditations)
FY 2006 Progress: The Department is on target to achieve this long-term goal.

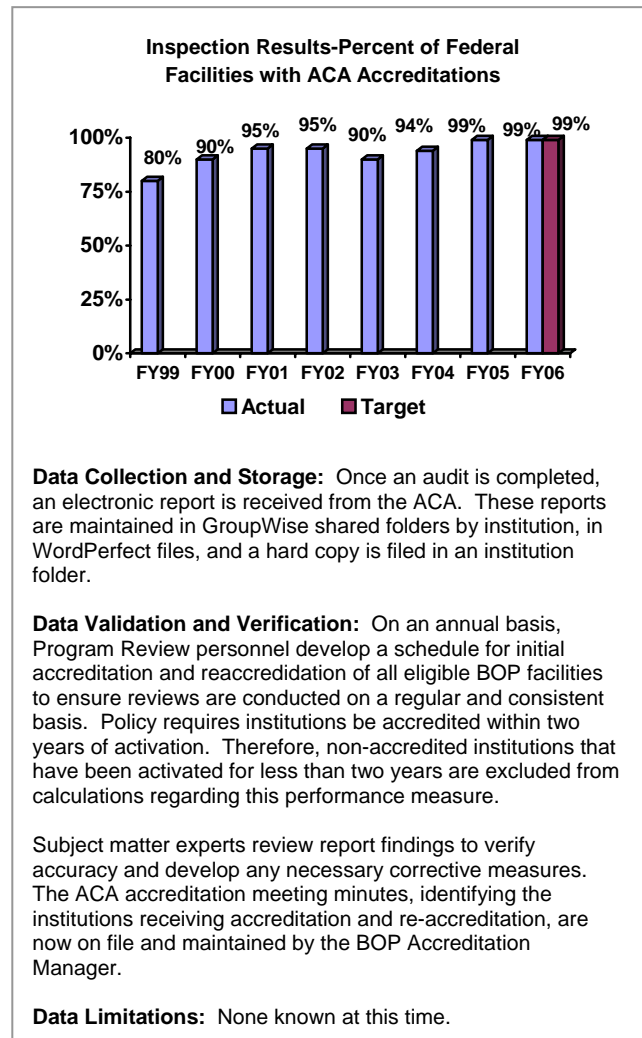
Background/Program Objectives: The BOP has the highest regard for human rights and public safety. Therefore, it strives to maintain facilities that meet the accreditation standards of several professional organizations. The BOP's comprehensive audit process exceeds the standards set by the American Correctional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

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

FY 2006 Target: 99%

FY 2006 Actual: 99%

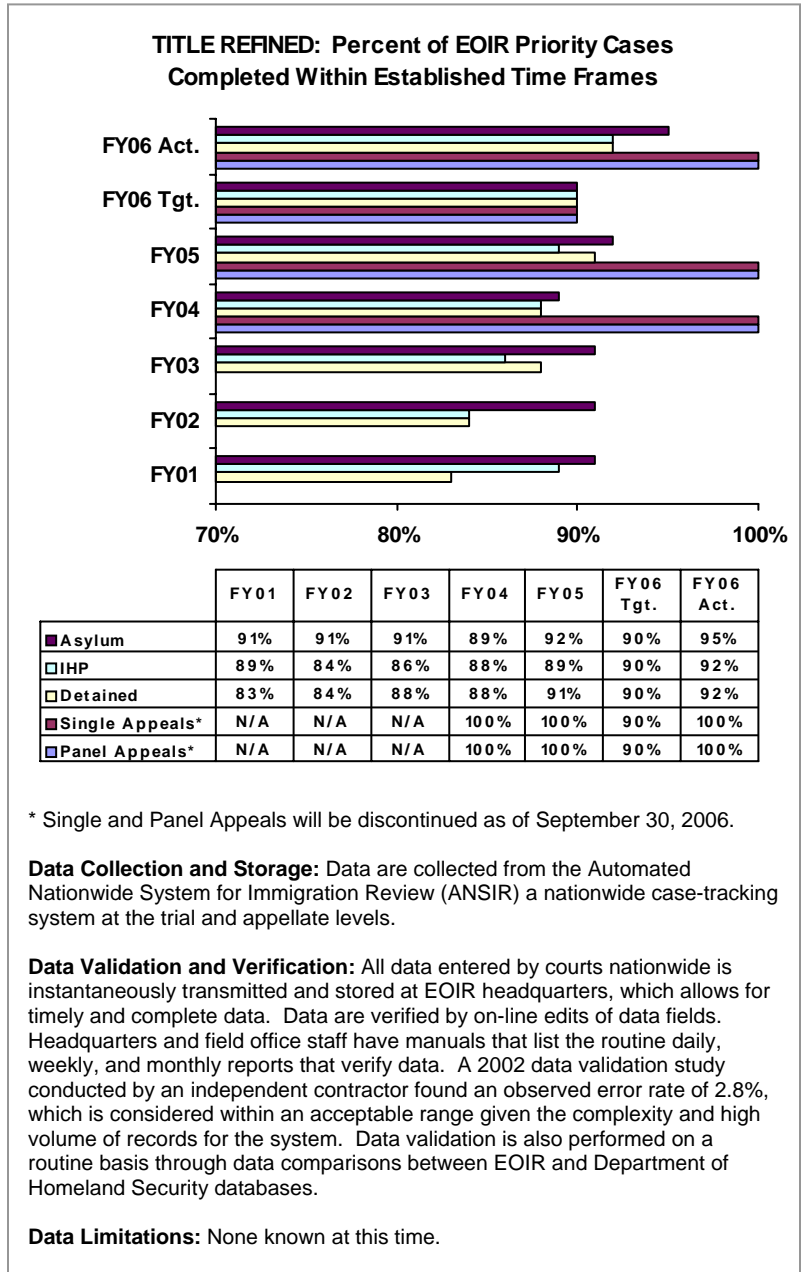
Discussion: The BOP met its target at the end of FY 2006 with 99% of BOP facilities accredited.



FY 2008 Outcome Goal: Complete 90% of EOIR priority cases within established time frames
FY 2006 Progress: The Department is on target to achieve this long-term goal. The baselines for all cases were examined with the Department's FY 2006 Program Assessment Rating Tool (PART) review of this program. The Department has discontinued the reporting of two case types as of September 30, 2006. New long-term goals for this measure have been established and will be released with the issuance of the Department's FY 2007-2012 Strategic Plan.

Background/Program Objectives:

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



Performance Measure: TITLE REFINED: Percent of EOIR Priority Cases Completed Within Established Time Frames (Formerly Percent of EOIR Priority Cases Completed Within Targeted Time Frames)

FY 2006 Target: 90% (all categories)

FY 2006 Actual:

Immigration Court Expedited Asylum Cases Completed Within 180 Days: 95%

Immigration Court Institutional Hearing Program (IHP) Cases Completed Prior to Release from

Incarceration: 92%

Immigration Court Detained Cases (Without Applications for Relief) Completed Within 30 Days: 92%
DISCONTINUED MEASURE*: Appeals Assigned to a Single Board Member Adjudicated within 90 Days: 100%
DISCONTINUED MEASURE*: Appeals Assigned to a Three Board Member Panel Adjudicated within 180 Days: 100%

Discussion: In FY 2006, EOIR exceeded all of its targets through the effective management of resources. This is the first year since the creation of the targets for the immigration courts that EOIR has successfully achieved all of them. The immigration courts implemented comprehensive program management initiatives, enabling them to monitor and meet these goals.

Since the establishment of the 2002 regulations, the BIA has been very successful in meeting the adjudicatory time frames. In fact, EOIR exceeded its goals of completing 90% of appeals assigned to both single Board Members within 90 days of assignment and three Board Member panels within 180 days of assignment with a perfect completion rate of 100%. The Board has been so successful in routinely exceeding these goals that the goals can no longer measure improvement and have been discontinued as of September 30, 2006.

The time frames for the three other established time frames continue to be ambitious due to the unpredictable nature of the number of cases and appeals that will be filed with EOIR on a monthly basis. As DHS enforcement efforts increase, such as the recent Secure Border Initiative, there will be a corresponding increase in the number of cases filed with EOIR. Over the past five years, the number of immigration court case receipts and Board appeals have increased by nearly 20%.

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