

OPEN GOVERNMENT PLAN U.S. DEPARTMENT OF JUSTICE



June 25, 2010 – Version 1.1

OPEN GOV

Open Government Initiative
TRANSPARENCY • PARTICIPATION • COLLABORATION

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EXECUTIVE SUMMARY

Through its leadership in administering the Freedom of Information Act (FOIA), the Department of Justice (the Department) has long played a key role in making government more transparent for all Americans. By law, the Attorney General has been charged with encouraging other federal agencies to comply with a statute that, for decades, has been the country's primary assurance of government transparency.

Under President Obama's leadership and the Open Government Directive issued by the Director of the Office of Management and Budget (OMB) on December 8, 2009, the Department's responsibility for opening up the processes of government runs deeper. While the Department's law enforcement and legal counseling responsibilities often cannot be met with full transparency, the core values that underlie the Open Government Initiative – transparency, participation and collaboration – can, used properly, enhance the Department's ability to fulfill its missions and serve the public.

Through this Open Government Plan, the Department sets forth ongoing and anticipated efforts to increase openness and collaboration with the public. The Open Government Plan is tied to the Department's core missions and includes both new initiatives and new efforts to improve ongoing programs.

FOIA Leadership. Through a flagship initiative, the Department will create a Web site that collects cross-government data about agency FOIA performance and presents it in an easy-to-understand, interactive format. With a few clicks on this "FOIA Dashboard," a user will be able to compare agencies' overall release records, see the extent to which agencies have reduced their backlogs over time, and filter data to focus on particular agencies of interest. The FOIA Dashboard, which will go "live" by the end of the year with an initial collection of data, will enable the public to hold agencies accountable for their performance. The Department will also undertake a number of initiatives to improve its own FOIA administration – from making it easier to request documents released to others to improving communication between FOIA professionals and Department leadership – and to support other agencies in their own efforts.

Preventing Terrorism. A renewed commitment to its partnerships with state, local and tribal law enforcement is a hallmark of Attorney General Holder's tenure. To keep the country safe, Department attorneys and law enforcement personnel must be able to collaborate with outside partners, share information through efficient and secure channels, and create a network that cannot be breached. Through intergovernmental efforts like the Terrorist Screening Center, National Counterterrorism Center and the Global Justice Information Sharing Initiative, the Department is working across jurisdictional lines to keep the country safe. This is not collaboration for its own sake. This collaboration is core to the Department's mission.

Fighting Crime and Representing the United States. The public is an important partner in the Department's law enforcement efforts. The Department is engaging the public in its Financial Fraud Enforcement Task Force, providing training on how to recognize fraud and seeking direct public input from across the country on mortgage fraud scams that are preying on those who seek only to play by the rules. The Department has undertaken significant consultation with tribal leaders on how it can better fulfill its trust responsibility as the primary law enforcer in many Native American communities. And the Department will be releasing more information about its representation of the United States in courts; where the public has traditionally relied on third parties to provide brief, incomplete descriptions of what it has done in court, the Department will now be proactively posting more of its significant court filings in a single location.

Administering Justice. Transparency means accountability, and the Department of Justice is accountable at the top. Pursuant to this Plan, the Department will begin posting the Attorney General's calendar on a monthly basis, and will improve the data that it provides about the Department's spending of taxpayer resources. It will empower the public directly to make their own communities safer, by doing more to share the best ideas in law enforcement and by making the public full partners in spreading the messages that improve public safety. And to enable others to pursue the same evidence-based, scientific approaches to law enforcement that the Department promotes, it will release more and more of the raw data that underlies the many statistical reports that the Department prepares each year. As more people analyze the data, the public will benefit from new insights and better policies.

Open Government occurs not at a single moment, but through a process that unfolds over years. Version 1.1 of this Plan is an important next step in that process.

THE OPEN GOVERNMENT PLAN

The Department of Justice has a special responsibility in open government. While the FOIA imposes openness obligations on all Executive Branch agencies, it imposes unique responsibilities on the Department. Federal law requires the Department to provide guidance to other agencies on FOIA-related issues and requires the Department to collect information on FOIA compliance from across the government. The Department takes its roles under the FOIA seriously.

The principles of transparency, participation and collaboration that underlie the Open Government Initiative are also critical to fulfilling other core missions of the Department. The Department has three main missions:

- ***Prevent terrorism and promote the nation's security;***
- ***Prevent crime, enforce federal laws and represent the rights and interests of the American people; and***
- ***Ensure the fair and efficient administration of justice.***

The Department's national security, law enforcement and legal counseling functions often require it to maintain confidentiality over critical information. However, in many other aspects of the Department's work, it can and must be more transparent.

Where the Open Government principles of transparency, participation and collaboration can enable the Department to better fulfill its missions, the Department must seize those opportunities. Where the Department can better inform the public without compromising its missions, it should.

This Plan continues the work of the Attorney General's March 19, 2009 Memorandum for Heads of Executive Departments and Agencies regarding the FOIA, sometimes referred to as "the Attorney General's Guidelines." That memorandum highlighted, among other things, two mandates: First, the memorandum emphasized that FOIA is everyone's responsibility. If we are to open up government, officials and employees at every level must dedicate themselves to taking a second look at old practices and considering, for example, whether information that has long been withheld could be released to the public without harm. Second, the memorandum exhorted agencies not just to employ a presumption of disclosure when they receive requests from the public, but also to work actively to identify ways in which their agency can provide information without being asked. As discussed below, the early results of the Attorney General's memorandum have shown significant improvement in the performance of many agencies' efforts to implement the FOIA. In that sense, the Department began its own Open Government Initiative more than a year ago.

That work continues with this Plan, which has been developed as part of the Administration-wide Open Government Initiative. The Department's Plan has been formulated with the considerable input of interested Department employees, stakeholders and members of the public who were invited to share their ideas on how to make the Department more open and accountable. Their ideas were sent to both a new e-mail account, opengov@usdoj.gov, and to a temporary Web site, <https://opendoj.ideascale.com/>, at which contributors were invited not only to offer ideas, but to evaluate and vote on the submissions of others.

The Department of Justice Open Government Plan requires Department officials and employees at all levels to look for new opportunities to be more transparent, collaborative and participatory in conducting the Department's business. In doing so, employees should keep several points in mind.

Making Openness More Effective. The Department has made a vast quantity of information available for the public, which can in turn put that information to its own uses. The Department will continue to make more information available. These efforts are valuable, however, only if the public knows that the information is there. Department personnel need to tell them. Going forward, a component making a new category of information or data available should alert relevant audiences to its release.

The component that releases the data should also encourage a dialogue regarding the utility and quality of that data. Those conversations will help guide future efforts to make high-value data available, both by identifying additional data sets that might be of value and by identifying ways to improve the quality of information made public. Likewise, when these conversations reveal that certain data sets are *not* of significant value to the public,

the Department may make informed decisions about how to allocate its resources. The redactions necessary to comply with the Privacy Act and other requirements may sometimes render an otherwise valuable data set of limited utility; in those instances, a constructive dialogue with the interested audience may reveal that the Department should put its resources to making other, more valuable data sets available.

Ensuring Accessibility for All. The Department is strongly committed not only to putting useful information into the public domain, but also to ensuring that the information it provides is accessible to all Americans. Except when making certain content available would impose an undue burden on the Department, all individuals with disabilities should have access to and the use of information comparable to that provided to individuals without disabilities. All Department public Web sites shall comply with the requirements of the Access Board set forth in response to Section 508 of the Rehabilitation Act.



Individuals who desire information that has not been made available more generally may nonetheless request it through the FOIA or other appropriate channels.

Engaging Stakeholders and Collaborating with Partners. The Department has a unique responsibility to the public, but in almost all of its work, it collaborates with and could not be successful without innumerable partners, including state, local and tribal law enforcement, prosecutors, defense attorneys, courts, social service agencies, researchers and others. A hallmark of Attorney General Holder's leadership is the reinvigoration of these partnerships.

As discussed below, the Department has and will continue to engage in robust collaboration with state, local and tribal law enforcement. The Department has, however, committed to much greater collaboration, for example, with the criminal defense bar on issues of access to justice; with researchers on ensuring accountability by focusing on evidence-based approaches; and with the courts on issues of mutual concern.

The Office of Intergovernmental and Public Liaison (OIPL) is the Department's leader in these collaborative efforts and serves as the Department's external liaison to the public. OIPL staff manages and coordinates the Department's efforts to inform and engage the public, by maintaining relationships between the Department and state, local and tribal law enforcement, as well as with non-governmental organizations, including academic institutions, the business community and others on matters relating to Department initiatives.

Consistent with the spirit of providing easier methods for public engagement, OIPL will continue reaching out and facilitating meetings among outside individuals, groups, elected officials and appropriate points of contact within the Department. To improve its public engagement efforts, OIPL has recently begun sending to external groups and stakeholders weekly collections of press clips and public events involving the Department's senior officials. Pursuant to the Open Government Directive, the office has begun distributing monthly newsletters concerning issues relevant to the Department.

OIPL has also begun hosting a regular conference call for state and local elected officials, law enforcement agencies, and a wide range of stakeholder groups that will cover a substantive policy issue or Department initiative and answer selected questions from participants. In order to ensure the widest reach of stakeholders with interests in a particular month's topic, OIPL will collaborate with its sister federal agencies each month to identify additional groups to be invited. The first call was held on June 17, 2010, with Attorney General Eric Holder.

The Department's goal is to offer a channel of communication that Department stakeholders find valuable – a goal that can be measured by the level of participation. In order for the Department to provide information of interest, it needs to hear from stakeholders regarding topics they would like addressed, questions they want answered, and officials they want to hear from. State and local elected officials, law enforcement, and other stakeholders who have suggestions of topics or questions they want addressed by particular officials should contact oipl@usdoj.gov.

Ensuring the Quality of Data Provided. As the Department strives to make additional information available in a more timely manner, there is an increased need to ensure the accuracy of that data. The Department recognizes that providing accurate information is an important government responsibility. To help ensure the quality of information provided to the public, the Department has guidelines for components to use as a foundation for

developing detailed procedures related to data quality. The Department's information-quality guidelines can be found at <http://www.justice.gov/igpr/dojinformationqualityguidelines.htm>. These guidelines represent the commitment of the Department's senior leadership to ensuring that information provided to outside parties has been subjected to quality control procedures and meets the Department's information quality standards.

Sustaining Commitment. Opening government is not a single transaction, but an ongoing effort. To ensure that the Department's efforts continue, a responsible official from the Justice Management Division will be assigned to coordinate them. The official will work with components to identify information that can be released even in the absence of a request, with media and technology personnel to disseminate this information efficiently and accessibly and with other agencies to coordinate approaches for even greater results. The official will be responsible for coordinating review and updates of this Plan and will be reachable by the public and by Department employees at opengov@usdoj.gov.

The Department will also continue to improve its use of new avenues to communicate with the public. Through a redesigned, more user-friendly Web site that was launched in October 2009, a Justice blog that features stories from across the Department and third-party social media tools, the Department is giving the public better access to information through platforms that are already a regular part of the public's daily online lives.

The Department's Office of Public Affairs will work with offices throughout the Department to improve these efforts.

FOIA ADMINISTRATION

| The Department's Leadership Role

The Freedom of Information Act is the key tool for transparency in government. It is often through the FOIA that the public learns what the government is doing and holds the government accountable for its decisions and actions. Improving FOIA implementation is just one component of the

Department's Open Government Initiative, but it is a critical one. The Department takes seriously its role as the policymaking entity with authority over the FOIA. It must lead both through policy and by example.



FOIA Dashboard. The Department's Flagship Open Government Initiative combines the Department's leadership and policymaking roles in FOIA. Our flagship initiative is the development of a Web site that will allow the public to "shine a light" on the government's compliance with the FOIA.

The FOIA Dashboard will apply the principles of transparency and openness to the administration of the FOIA itself, allowing the public to easily track information about FOIA compliance. The Dashboard will allow the public to generate statistics on FOIA compliance across the government and from year to year. Not only will this visual report card itself promote transparency, but it should also have the effect of encouraging FOIA offices across the government to "race to the top" to improve their compliance efforts. By shining a light on critical FOIA metrics such as numbers of requests processed, size of agency backlogs, numbers of requests resulting in releases either in full or in part, and allowing easy comparison between agencies, the Dashboard will serve as a powerful motivator for agencies to improve timeliness, reduce backlogs, and release as much information to the public under FOIA as possible.

Relationship to the Department of Justice's Mission. As the lead agency responsible for implementation of the FOIA across the government, the Department has a special role both in encouraging agency compliance with the FOIA's mandates and in oversight of agency FOIA compliance. A key aspect of this responsibility arises from the FOIA's requirement that all agencies submit to the Attorney General each year an Annual FOIA Report that contains a wide variety of data, including, for example, data regarding the number of requests received during the year, the number of requests processed, and the disposition of those requests. The Attorney General has the authority to impose additional reporting requirements on agencies, and has done so, for example, by requiring agencies to report on the number of backlogged FOIA requests. The Attorney General is required to provide agencies with guidelines regarding the data to report, and is required to make these reports available to the public. Exercising this authority, the Attorney General has directed agencies to provide more standardized reports, in a more accessible, "open" format. The FOIA Dashboard, an initiative that began with and will be sustained by public participation, transforms this information from static data in annual reports into readily visible, usable, and "mashable" information that will provide key insights on agency FOIA activities, government-wide.

Description. The Dashboard will be an interactive Web site containing comprehensive data on FOIA compliance by all 94 federal agencies that are required to report on FOIA data. At present, federal agencies compile and publish this data each year in Annual FOIA Reports, and the Department makes those reports available at a single location on its Web site. For the first time, however, the Dashboard will present the annual reporting data graphically where it can be easily tracked and compared from year to year and agency to agency. The Dashboard will also take this previously available information and present it in new, easy-to-understand, interactive formats.

When the Dashboard is fully operational, a user will be able to easily track the number of FOIA requests received by federal agencies during the course of a year, how quickly the agencies handled their requests, whether the agencies granted or denied the requests, and, as the site is developed, how the handling of requests changed from year to year. The user will be able to sort and filter the available data, in order to access only information of interest. The user also will be able to derive basic calculations from the raw data. For example, the user will be able to compare one agency's FOIA backlog to the government's total backlog to determine how much one particular agency contributes to the government's total backlog. The Dashboard will allow the user to download the underlying raw data, as well as print the formatted data.

The Dashboard will have an educational component as well. In our experience, the public is often unaware of the nature and substance of the statutory FOIA exemptions that allow the government to withhold information for reasons related to national security, personal privacy and the need to protect witnesses and informants cooperating in law enforcement investigations. The Dashboard will provide a platform to impart a more complete understanding of the FOIA to the public, as well as the careful balances that Congress struck between disclosure and the integrity of certain government operations when it enacted the FOIA in 1966. It will contain an easy-to-understand description of the FOIA and the types of records that are available to the public, along with links to other agencies' FOIA Web sites, which contain contact information, details about how to make a FOIA request to that agency, and other information about agency FOIA policies and practices. The Dashboard will also contain links to the Department's many FOIA resources, including its [United States Department of Justice Guide to the Freedom of Information Act](#).

The FOIA Dashboard will be launched in two key phases. In the first phase, the Department will develop the functionality of the Dashboard with 2008 and 2009 Annual FOIA Report data from 26 key executive departments, including DOJ.¹ We estimate this will be completed in September 2010. The second phase, estimated to be completed by March 2011, will involve supplementing this initial data with the 2010 FOIA compliance data from all 94 federal agencies that report it. Annual FOIA Reports are required to be submitted to the Attorney General by February 1 of each year. As agencies submit their final Annual FOIA Reports for Fiscal Year 2010, the Department will upload them into the Dashboard on a rolling basis.

To meet this timetable, the Department has leveraged the National Information Exchange Model (NIEM) to define a standardized data exchange to support the FOIA Dashboard. The Department chose NIEM because it provides a mechanism by which federal agencies with different FOIA tracking systems can incorporate the standard into their systems and publish annual FOIA report data in a consistent and standard way. Additionally, an electronic reporting template option was also developed to serve as a data entry tool that can convert the completed template into an NIEM-compliant file for publication to the Dashboard. In doing so, the Department has, for the first time, taken the standardized format it created for paper copies of Annual FOIA Reports and has now created a standardized data exchange and an electronic template for that data. This will ensure that the data collected by all the various agencies through their Annual FOIA Reports is consistent and machine readable. This will enable the public to mix, match, and "mash" the data more easily.

Transparency and FOIA Operations Fostered by FOIA Dashboard. As President Obama has said, "A democracy requires accountability, and accountability requires transparency." By making the Department, and the government, more transparent, we make it easier for the public to hold the government accountable for its actions.

The FOIA Dashboard will make more transparent the job that the government is doing in administering the FOIA. The Dashboard will present data in a way that will make it easier for the public to analyze our FOIA compliance. For example, some agencies respond to a vast majority of their requests very quickly, while others have longer waiting periods and backlogs. Some of these differences are due to the nature of the work of a particular agency, the volume of requests received or budgetary constraints. Regardless of the reason, the Dashboard will illuminate these differences for public evaluation. The Dashboard will provide concrete tools for the public, for the Department of Justice, and the agencies themselves to evaluate agency FOIA performance. By giving the public the tools to monitor agency performance, the Department is enlisting the public's participation to further one of its core missions: encouraging compliance with the FOIA and implementing the presumption of disclosure that President Obama directed.

¹ Because the Department of Justice substantially revised its reporting requirements for agency Annual FOIA Reports in 2008, the Dashboard will use 2008 data as its baseline to allow easy comparisons of data going forward. The 26 key executive departments are the Department of Agriculture, Department of Commerce, Department of Defense, Department of Education, Department of Energy, Department of Health and Human Services, Department of Homeland Security, Department of Housing and Urban Development, Department of Justice, Department of Labor, Department of State, Department of the Interior, Department of the Treasury, Department of Transportation, Department of Veterans Affairs, U.S. Agency for International Development, Central Intelligence Agency, Environmental Protection Agency, Federal Reserve Bank, General Services Administration, NASA, National Regulatory Commission, National Science Foundation, Office of Personnel Management, Small Business Administration, and Social Security Administration. These 26 agencies are commonly grouped together as key executive departments.

A Dashboard user also will be able to easily compare the degree to which different agencies release records, either in full or in part, or withhold records in response to FOIA requests. As with backlogs, there are valid reasons for the differences between agencies concerning the volume of requests granted in full or in part. For example, as agencies increase the number of records that are made available proactively on their websites, there may be a decline in the number of requests where records are released in full, as information that is regularly and fully released will no longer require a FOIA request. Similarly, some agencies handle more national security or personal privacy protected information and so have less ability to increase their releases as that information is properly – and necessarily – withheld under the FOIA. Giving the public the information that it needs to make these comparisons will be a benefit.

The type of scrutiny that the Dashboard will foster is also likely to have a favorable impact on the agencies' compliance efforts in the future. The Dashboard will create an incentive for each agency to improve its FOIA operations, as improvements can be easily measured and quantified through the Dashboard. As agencies strive to "race to the top" to demonstrate their commitment to openness, the Dashboard will readily reflect the results.

Public Participation. The FOIA Dashboard was and will continue to be the product of extensive public participation. In a letter dated January 27, 2010, a coalition of Open Government advocates proposed to the Department of Justice and others that the Department could improve FOIA administration government-wide by empowering the public to evaluate the FOIA compliance data in a more meaningful way.² The idea was then submitted to the Department's open government forum (www.opendoj.ideascale.com), where the public, DOJ employees and other stakeholders had been invited to weigh in with their ideas on making the Department more transparent. The Dashboard quickly became one of the highest-ranking ideas on the forum.

In developing the Dashboard, we anticipate additional opportunities for public participation. Current plans indicate that in early August 2010, Dashboard development will reach a stage at which public evaluation and input will be of great assistance to ensure that the final product will be of maximum value. Interested stakeholders will be invited to review and provide feedback on this early version of the Dashboard at that time.

The Dashboard will also include a means through which the public can submit comments on its operations. These comments will be invaluable for continued improvements to the Dashboard.

Continued Improvement and Sustainability. Over the next year, we will launch the Dashboard and upload a full set of FOIA compliance data. We expect that the bulk of the work will be completed by March 2011. At that time, the FOIA Dashboard should be readily sustainable, with updates each February when new Annual FOIA Reports are received. The Department has assigned primary responsibility for the Dashboard to its Office of Information Policy (OIP) and is committed to making sufficient financial and personnel resources available to maintain the Dashboard. As it has routinely done in providing guidance to other agencies on the content of the data they are to report, OIP will continually evaluate possible changes and improvements to the Dashboard's presentation and functionality, paying particular attention to comments received through the Dashboard's feedback mechanism described above. The Dashboard has significant potential to expand capabilities in response to public interest.

Updated FOIA Regulations. The Department's FOIA regulations were last updated in 1998. To ensure that the regulations are consistent with the President's focus on transparency, the Department plans to review its regulations and will initiate the rulemaking process in FY 2010.

Government-wide FOIA Training and Guidance. The Department of Justice takes its leadership role in FOIA seriously. Immediately after President Obama issued his order on the FOIA, the Department's Office of Information Policy (OIP) began training other federal agencies on how they could implement the new presumption of openness, and began working with representatives of the FOIA requester community. OIP also issued written guidance to agencies on implementing the Attorney General's Guidelines and included a thorough discussion of them in The Department of Justice Guide to the Freedom of Information Act.

² That letter was signed by representatives of the American Civil Liberties Union, Citizens for Responsibility and Ethics in Washington, Electronic Frontier Foundation, National Security Archive, OMB Watch, OpentheGovernment.org, Project on Government Oversight, Public Citizen, Reporters Committee for Freedom of the Press and Transactional Records Access Clearinghouse.

These training efforts will continue in 2010. OIP will publish a report summarizing the Chief FOIA Officer Reports submitted by the other federal agencies, so that agencies and stakeholders alike can see where and how progress has been made and where there are areas in need of improvement. Based on those findings, OIP will tailor additional training seminars designed to address those issues and will issue written guidance as appropriate.

The Department will also host an inter-agency working group to discuss the use of technology in administering the FOIA, a factor on which extensive cross-government information was being collected in the Chief FOIA Officer Reports. This group will be able to share best practices on the important issue of technology.

Chief FOIA Officer Meetings. Given the Department's leadership role in the FOIA, the Associate Attorney General, who is the highest-ranking Chief FOIA Officer in government, will convene quarterly meetings of Chief FOIA Officers from the largest agencies to exchange ideas, promote the goals of the President's and the Attorney General's directives and sustain the commitment to openness and transparency. The first meeting was held March 30, 2010.

| The Department's Own Performance

Overview of the Department's Processes

Responding to Requests. The U.S. Department of Justice consists of forty separate bureaus, divisions, offices and boards, collectively referred to as "components." The Department of Justice has a decentralized FOIA system, as each component maintains and processes its own records in response to FOIA requests. The [Department of Justice FOIA Reference Guide](#) provides descriptions of the types of records maintained by Department of Justice's components, including contact information for each component's FOIA Requester Service Center and its FOIA Public Liaisons. The Department's organizational chart is located at <http://www.justice.gov/agencies/index-org.html>.

When submitting requests to the Justice Department, requesters address the Department component believed to have responsive records. If requesters are uncertain which component would have the records they are seeking, they can direct their requests to the FOIA/Privacy Act Mail Referral Unit of the Justice Management Division at the Department. Personnel in that division will then forward the requests to the Department of Justice component(s) most likely to maintain the requested records. The list of Department of Justice components and their FOIA officers can be found at http://www.justice.gov/oip/04_4.html.

The Department of Justice received 61,391 FOIA requests for Fiscal Year 2009 and employed a total of 425 personnel dedicated to processing and responding to these requests. These personnel consisted of 362 full-time FOIA staff, complemented by the work of 63 additional individuals who devote a portion of their time to FOIA work. FOIA personnel include attorneys, FOIA Specialists, document analysts, management analysts and disclosure officers, assisted by clerical staff. FOIA personnel perform all duties related to processing FOIA requests, including logging and tracking requests, searching for responsive records, analyzing responsive records for disclosure pursuant to the provisions of the FOIA, applying exemptions to the documents as appropriate, and communicating with the FOIA requester.

The components that received the greatest number of requests for Fiscal Year 2009 were the Federal Bureau of Prisons with 15,723 requests, the Federal Bureau of Investigation (FBI) with 15,664, and the Executive Office of Immigration Review with 14,497. Of these three Department of Justice components, the FBI has the largest number of FOIA personnel dedicated to processing and responding to FOIA requests, with 206 FOIA staff members, or 48 percent of the Department of Justice total. The [United States Department of Justice Freedom of Information Act Annual Report](#) for Fiscal Year 2009 contains comprehensive statistical information related to the disposition of FOIA requests for all Department of Justice components, as well as statistical data related to FOIA personnel and costs.

Processing Requests. Once a request is received by the proper Department of Justice component, it is logged into a system so that it can be tracked and identified as it is processed. Because the Department of Justice has a decentralized system for processing FOIA requests, each component has its own system for logging and tracking requests. Although the Department does not require a special form from requesters when making FOIA requests, the requests must be in writing. Many components now accept FOIA requests submitted electronically, including

by web form, e-mail, and/or facsimile. The [FOIA Reference Guide](#) includes information about which components accept electronic FOIA requests.

When a Department component receives a request, it ordinarily will send a letter to the requester acknowledging the request and assigning it a tracking number. If the component requires additional information from the requester so that processing can begin, it will contact the requester directly.

Time Limits. Under the law, all federal agencies are required to respond to a FOIA request within 20 business days. This time period generally begins when the request is received by the FOIA office of the Department of Justice component that maintains the records sought. If a request is misdirected within the Department, the Department component receiving the request has 10 working days to forward it to the proper Department component, before it is considered to be received. Requesters will speed the processing of their request if they address it to the appropriate component in the first instance.

Some Justice components, such as the FBI, receive thousands of requests each year, many requiring a line-by-line review of hundreds or even thousands of pages. Although the Department of Justice makes every effort to respond to FOIA requests as quickly as possible, in some cases it simply cannot do so within the specified time period. This may be due either to the volume of records at issue in a given request or to a backlog of previously received requests that await processing. Some components use "multi-track" processing queues to manage their FOIA workloads; components' descriptions of their multi-track processing systems are contained in the [FOIA Reference Guide](#).

Under the FOIA, a component may extend the 20-day response time for an additional 10 business days when "unusual circumstances" exist, including the following situations:

- ***the component needs to collect responsive records from a field office or other entity separate from the office processing the request;***
- ***the request involves a "voluminous" amount of records that must be located, compiled, and reviewed; or***
- ***the component needs to consult with another federal agency or other Department of Justice components that have a substantial interest in the responsive information.***

When such a time extension is needed, the component will notify requesters in writing and offer the opportunity to modify or limit the scope of their request.

FOIA requesters may at any time contact a component's FOIA Requester Service Center to check on the status of their FOIA requests. The Department of Justice has established such a center for each of its components. There is also a FOIA Public Liaison named for each Service Center, whom FOIA requesters may contact if they are dissatisfied with the response of the component's FOIA Requester Service Center. The Department encourages FOIA requesters to make use of these services whenever they have a question or concern about their request.

Records Search. Once requests are received and acknowledged by components, records searches are initiated. Department of Justice components ordinarily will use the date upon which they begin a records search as the "cut-off" date for identifying the records that are responsive to a FOIA request, although requesters can specify a different date-range for the records sought.

Once records responsive to a request are located, they are analyzed to determine whether consultations and referrals are required. Generally, records that originated with another component or agency are referred to the originating entity for processing and direct response to the requester. When the component's documents originated with the component, but contain information of interest to other components or agencies the component processing the request often consults with those other components or agencies regarding their information. This FOIA consultation and referral process establishes a framework for coordination between all federal agencies during the analysis and review stage of processing. This coordination ensures that records are processed consistently across the government.

When the component has completed processing the records, it will ordinarily send the requester a written determination. Usually, Department of Justice components will include all documents that can be disclosed along with the determination letter, although in some cases the documents themselves may be sent to requesters

separately. FOIA requesters can ask for the records to be released in a format other than paper, and generally, if the records are "readily reproducible" in that other format, the component will provide the records in the format requested.

Exemptions and Exclusions. The FOIA provides access to all federal agency records, or portions of those records, except to the extent the records are protected by any of the FOIA's nine exemptions or three law enforcement exclusions. The determination letter advises requesters whether any information is being withheld under one or more of the exemptions. When pages of a record are being withheld in their entirety, the component ordinarily will specify the number of pages being withheld. When a page is being withheld in part, the withheld portions of the page will ordinarily be specifically marked with the applicable exemptions at the place where the excision is made.

The FOIA's nine exemptions authorize federal agencies to withhold information covering:

- (1) classified national defense and foreign relations information;**
- (2) internal agency rules and practices;**
- (3) information that is prohibited from disclosure by another federal law;**
- (4) trade secrets and other confidential commercial or financial information;**
- (5) inter-agency or intra-agency communications that are protected by legal privileges;**
- (6) information involving matters of personal privacy;**
- (7) records or information compiled for law enforcement purposes, to the extent that the production of those records**
 - (A) could reasonably be expected to interfere with enforcement proceedings,**
 - (B) would deprive a person of a right to a fair trial or an impartial adjudication,**
 - (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy,**
 - (D) could reasonably be expected to disclose the identity of and/or information provided by a confidential source,**
 - (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or**
 - (F) could reasonably be expected to endanger the life or physical safety of any individual;**
- (8) information relating to the supervision of financial institutions; and**
- (9) geological information on wells.**

The three exclusions pertain to especially sensitive law enforcement and national security matters. Specifically, they remove from the FOIA's requirements certain records concerning ongoing criminal law enforcement proceedings; certain records maintained by criminal law enforcement agencies concerning confidential informants, and certain FBI records pertaining to foreign intelligence, counterintelligence, or international terrorism. Records falling into an exclusion are, by law, not subject to the requirements of the FOIA. As a result, when an exclusion is applicable, the agency will not acknowledge the existence of the records.

Appeals. Requesters may file an administrative appeal if they are not satisfied with a Department of Justice component's initial response. Such appeals can challenge any adverse determination made by the component.

Requesters will be advised of their right to file an administrative appeal in the component's response containing the adverse determination. Ordinarily, an administrative appeal must be received within 60 days of the date of the component's determination letter. Administrative appeals from Department of Justice components are reviewed by an attorney in the Office of Information Policy (OIP). The attorney will have all of the files pertaining to the initial request and will make an independent determination whether the component has properly handled the request.

The Office of Information Policy is ordinarily required to make a determination on an administrative appeal within twenty business days. Office of Information Policy may affirm the component's action in full, in which case it will

identify the reason why the component's action was proper. Alternatively, it may affirm part of the component's action, but otherwise "remand" the request in part for the component to take some further action. Under some circumstances, it may remand the entire request to the component for further action. When a case is remanded, requesters will have an opportunity to appeal again to the Office of Information Policy if they are dissatisfied in any respect with the component's action on remand.

In addition, the Office of Government Information Services, an office created within the National Archives and Records Administration, offers mediation services to FOIA requesters as an alternative to litigation.

Finally, the FOIA provides requesters with the right to challenge an agency's action in federal court. Before doing so, it is often preferable for requesters to first file an administrative appeal.

The Justice Department FOIA Reference Guide provides detailed information on how the Department of Justice processes requests from initial receipt to final response. Included in this Guide are sections pertaining to where and how to make requests, an explanation of agency responses, a description of FOIA's procedural requirements including details on seeking expedited processing and the requirements for assessing fees and seeking fee waivers, a description of the content of initial determinations, and details regarding administrative appeals and dispute resolution.

Capacity. The Department of Justice has a decentralized FOIA processing system. Under this framework, each of the Department's components maintains and processes its own records in response to FOIA requests. The range in number of FOIA requests received annually by the Department of Justice components is as high as 15,723 and as low as seven. Consequently, the capacity to analyze, coordinate, and respond to requests in a timely manner varies by component. Furthermore, as the volume of requests received is so diverse, the proposed changes and necessary reforms that are essential for a component to strengthen its response process can be quite varied across the Department. For ease of discussion, the components can be roughly divided into three groups, according to the volume of FOIA requests each receives per year.

The Department has eight components that receive a large number of requests, 1,000 or more per year, as reported in the Department's FY 2009 Annual FOIA Report.³ Components receiving a large volume of FOIA requests generally take longer than 20 working days to respond to those requests, with simple requests receiving responses within a range of five to 88 days; complex requests within 29 to 804 days; and expedited requests within three to 601 days. Notably, however, all but one of these large-volume components was able to reduce the age of their oldest requests in FY 2009. Simple requests are typically those involving a small volume of records which are simple to process, while complex requests are those involving a high volume of records and/or high complexity to process. The large-volume components report that the need to coordinate with – and, particularly, to retrieve records from – subcomponent field offices, divisions, and institutions is a primary factor in their capacity to respond to requests in a timely manner. They generally agree that there is a need to streamline coordination among subcomponents, which are often scattered nationwide or even globally. High-volume components have found that enhanced communications with requesters can be especially useful in tailoring requests to increase the components' ability to respond in a more timely manner.

There are 12 components that receive a smaller but still substantial number of FOIA requests each year.⁴ These medium-volume components received between 100 and 999 requests in FY 2009. These components demonstrated that generally they are able to handle simple requests in a timely manner; however, they do not have the capacity to analyze, coordinate, and respond to complex requests in a timely manner. Furthermore, of those components that had expedited requests, only half had the capacity to handle them as needed, while half reported delays. Also, while these offices have continued to make progress on responding to their oldest requests, much work remains so that requests are not pending for extended periods of time. As of September 30, 2009, the

³ These large-volume components consist of the Bureau of Alcohol, Tobacco, Firearms, and Explosives; Bureau of Prisons; Drug Enforcement Administration; Executive Office of Immigration Review; Executive Office for United States Attorneys; Federal Bureau of Investigation; Office of Information Policy; and United States Marshals Service.

⁴ These medium-volume components consist of the Civil Division; Civil Rights Division; Criminal Division; Justice Management Division; National Security Division; Office of Inspector General; Office of Justice Programs; Office of Professional Responsibility; Office of Solicitor General; Tax Division; Interpol – USNCB; and United States Parole Commission.

range in dates for the oldest pending request was June 6, 2006 to June 3, 2009. This data indicates that Departmental reforms must specifically focus on eliminating the obstacles that produce lengthy delays. Most of these components also expressed a need to streamline their coordination both within and outside their own agencies. Current procedures can be time-consuming, as an agency must coordinate with all interested offices to ensure that any sensitive information is sufficiently protected by a FOIA exemption, while making a proper release to the requester. Medium-volume components encountered obstacles in processing complex requests in a timely manner. Some experienced an increase in the number of FOIA requests they received during the past year, finding that while they had sufficient staffing for the number of requests historically received, the increase in demand during FY 2009 was more than they could handle in a timely manner.

The remaining 13 components receive a relatively small volume of requests each year; they received fewer than 100 requests during FY 2009.⁵ These components are generally able to respond to requests in a timely manner. The majority respond to both simple and expedited requests within a median time period of 20 days, including as few as one and one-half days, and all respond to simple requests within a median of 38 days. When these components are not able to respond within the statutory time period, it is usually in the context of processing complex requests: of the four components that processed complex requests in FY 2009, responses were made within a range of 75 to 102 days. It is notable that seven of the 13 components in this category did not have any backlogged requests at the end of FY 2008. Of those that did, all but two were able to reduce the age of their oldest request by the end of FY 2009.

The Department will continue to focus on strengthening its process in order to respond to requests in a more timely manner. Various approaches will be used by the Department, so it can tailor its efforts to the specific challenges facing the range of components receiving and processing FOIA requests.

Information about the Department's FOIA efforts is available at <http://www.justice.gov/open/foia.html> and at <http://www.justice.gov/oip/oip.html>.

Renewed Commitment

Increasing Transparency. As numerous outside observers have recognized, the Department significantly improved its performance under the FOIA between FY 2008 and FY 2009. Even while the number of requests processed went down in FY 2009, the Department had more full releases and more partial releases than it had the year before, demonstrating the impact that a commitment to the presumption of disclosure can have. The Department will continue to put its full force behind the presumption of disclosure contained in the Attorney General's Guidelines.

Increasing Proactive Disclosures. A key aspect of both the President's and the Attorney General's FOIA orders is the focus on proactive disclosures of information. When agencies release information proactively, there is less need for the public to make individualized FOIA requests. As mentioned above, the Department will designate a responsible official from the Justice Management Division who will work with the OIP and the Department components to identify information that can be released proactively. By integrating component leadership, program personnel, public affairs officers, as well as component FOIA professionals and the OIP, the Department will ensure it is taking a comprehensive approach to identifying material for proactive disclosures.

Reducing FOIA Backlogs. At the end of FY 2009, the Department had a backlog of 4,956 requests, or 8.1% of the 61,391 requests it received that year. Although many components dramatically reduced or even eliminated their backlogs, the Department's overall FOIA backlog increased from FY 2008 to FY 2009 by 470 requests. In significant respects, that increase is a consequence of important policy changes at the FBI designed to provide more complete responses to requests. In recent years, when a request was made to FBI headquarters, records from field offices were considered not responsive; to obtain records from both headquarters and field offices, a request had to be sent to all of the offices in question. Reasonable searches were conducted consistent with that requirement.

⁵ These small-volume components include the Antitrust Division; Community Relations Service; Environmental and Natural Resources Division; Executive Office for United States Trustees; Foreign Claims Settlement Commission; National Drug Intelligence Center; Office of Community Oriented Policing Services; Office of Dispute Resolution; Office of Federal Detention Trustee; Office of Legal Counsel; Office of the Pardon Attorney; Office on Violence Against Women; and Professional Responsibility Advisory Office.

The FBI recently eliminated that requirement. Now, when the FBI receives a request at its headquarters, it identifies and processes both headquarters records and field office records. The FBI's processing demand has increased substantially, by nearly a million pages since April 2009. The results have been positive, from a transparency perspective: Since this policy change, the FBI has reduced by 20% its "no records" determinations and increased by 30% the number of pages responsive to requests. From a processing perspective, this change has imposed significant extra burdens, and the FBI's backlog increased in FY 2009 by 635 requests – more than offsetting the rest of the Department's overall backlog reduction.

The Department of Justice views any backlog as a matter of significance that should be addressed. The seven components that are part of the Department's Backlog Reduction Plan (<http://www.justice.gov/oip/doj-backlog-reduction-plan100608.pdf>) should continue any of the backlog reduction steps necessary to bring about or continue reductions in the numbers of backlogged requests. All Department components with backlogs should continue to work to reduce those backlogs and close their 10 oldest pending requests each year by implementing the steps and meeting the milestones outlined in the following table.

Staffing Considerations
<ol style="list-style-type: none"> 1. Determine within 30 days what vacancies presently exist for positions with primary responsibility for FOIA operations, or for any position that solely performs FOIA duties for the component. 2. Within 30 days of the determination in step 1, initiate action to recruit or complete the recruiting process in order to fill any such vacancies. 3. In addition to steps 1 and 2 of this part, determine within 30 days whether the component needs to obtain contractor support for FOIA operations. 4. Within 30 days of the determination in step 3, initiate action to obtain contractor support if necessary.
Processing Considerations
<ol style="list-style-type: none"> 1. Determine within 30 days whether second-level (or higher) review capacity should be increased such that initial-level processing recommendations can be reviewed more efficiently. This might involve the addition of one or more additional reviewers of initial processing recommendations or the re-assignment of work flow within the component. 2. Within 30 days of the determination in step 1 of this part, initiate action to add such review capacity if necessary. 3. Determine within 30 days whether the component has too many levels of review such that the review process can be streamlined. 4. Within 30 days of the determination in step 3 of this part, initiate action to eliminate redundant levels of review.
Component Head Involvement
<ol style="list-style-type: none"> 1. Component staff will provide monthly backlog updates to the Component head. 2. Component heads will monitor the monthly backlog updates and initiate action to implement additional steps if necessary in order to reduce the backlog by at least 10 percent per year and to close the 10 oldest requests pending per year. 3. Component heads will provide twice-yearly backlog reporting to the Department's Chief FOIA Officer, on April 1 and October 1. Such reports will include the actual number of backlogged requests as well as the date of the oldest pending request, and should report measurable progress towards the yearly reduction milestone.

As discussed above, the increase in the FBI's processing demands is extraordinary, requiring additional steps beyond this plan. The Bureau is actively engaged in hiring additional personnel, and it projects that the steps it is taking to increase staffing and thereby expand processing efforts will contribute significantly to a backlog reduction. Nonetheless, given the significant increase in its processing burden brought on by the additional offices that it searches in response to each request made to its headquarters, these efforts will take some time to have a positive backlog reduction effect. The Department expects that it will reduce its non-FBI backlog more quickly.

Mediating FOIA Disputes. The Department provides tens of thousands of requesters with the information they request every year. At the same time, many requests are denied in full, and those denials are upheld on appeal – putting requesters in the position of walking away or filing an action in federal court to obtain a judicial determination of whether the information should be released. This litigation can be costly for both the requester and the government, and when a dispute can be resolved more efficiently without a lawsuit, the Department should welcome that opportunity. When the Department upholds the denial of a FOIA request on appeal, it will advise the requester of the availability of mediation services through the Office of Government Information Services. Mediation has the potential to bridge unnecessary differences, and requesters ought to be made aware of its availability.

Meeting with FOIA Officials. As Attorney General Holder stated in his FOIA Guidelines, FOIA is everyone's responsibility, from agency leadership to the FOIA professionals who are working day in and day out to fulfill FOIA requests. Although each of them plays a different role in making government more open, it is important to have their lines of communication open. Those on the front lines of the FOIA process need to hear from Department leadership regarding the President's and Attorney General's FOIA priorities, and Department leadership needs to hear from the professionals about what can be done to improve agency performance. On a quarterly basis, the Department's Chief FOIA Officer will meet with a selection of FOIA professionals from within the Department, to provide a forum for these discussions.

PREVENTING TERRORISM AND PROMOTING THE NATION'S SECURITY

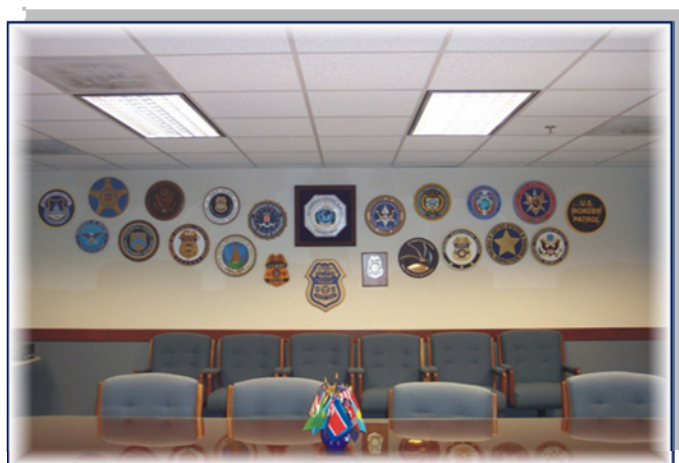
The Department's first priority is to protect the people of the United States from terrorist and other threats. Those efforts depend on effective collaboration with its federal, state, local and tribal partners, as well as with other governments and partners. These partnerships, including the two highlighted below, make America safer every day.



Fighting Terrorism. The FBI's Terrorist Screening Center (TSC) plays a vital role in the fight against terrorism by integrating terrorist information from the law enforcement and intelligence communities, including both domestic and international terrorist information, into a single database. TSC then assures the timely dissemination of the information to the various screening systems – from the TSA's no-fly and selectee lists to the State Department's consular lookout system – of federal agencies. The TSC also plays a crucial role in providing actionable intelligence to state and local law enforcement agencies.

The FBI's National Security Branch, of which TSC is now a part, combines the Bureau's counterterrorism, counterintelligence and weapons of mass destruction resources, smoothly integrating the disciplines of intelligence and investigations. The FBI is a partner with 15 other federal agencies in the National Counterterrorism Center (NCTC), where experts sit side by side with one mission: avoiding another major terrorist attack on U.S. soil.

Collaboration in these efforts has helped the Department make significant strides in its mission, and we will continue to look for new ways that collaboration can help protect the United States.



Sharing Information. With the Department of Homeland Security and other federal, state and local law enforcement agencies, the Department is engaged in a collaborative process to improve intelligence sharing and ultimately improve our ability to detect, prevent and solve crimes while safeguarding our homeland. Through the Global Justice Information Sharing Initiative, the Department has led efforts on justice information sharing. Global is a group of more than 30 independent organizations from across law enforcement, working together to promote standards for sharing timely, accurate, complete and accessible information in a secure and trusted environment. DOJ has also created national standards for the operation of these centers and defined how and when intelligence should be shared.

PREVENTING CRIME, ENFORCING FEDERAL LAWS AND REPRESENTING THE RIGHTS AND INTERESTS OF THE AMERICAN PEOPLE

The Department of Justice enforces the law. It plays a critical role in fighting violent crime, illegal drugs, vicious gangs and gun violence. It fights white-collar crimes, such as health care fraud, corporate fraud and public corruption. It fights computer crimes, including identify theft, intellectual property crime and other cybercrimes. And it fights exploitation of the most vulnerable, particularly children, in all its various forms: pornography, trafficking and abuse.

The Department is also the nation's chief litigator, representing the U.S. Government and the people in court, enforcing federal civil and criminal statutes, including those protecting civil rights, safeguarding the environment, preserving a competitive market structure, defending the treasury against unwarranted claims and preserving the integrity of the nation's bankruptcy system.



Consistent with these missions, the Department is committed to helping the public better understand the government's actions through a more transparent, collaborative and participatory approach. The Department has already begun these efforts on a number of fronts and will continue and expand them in the coming years. As discussed above, the Attorney General has made increased collaboration and partnership throughout the public and private sector a high priority. A number of ongoing and planned efforts are discussed below.

Collaboration with the Public and Partners in Law Enforcement

Engaging the Public as Partners in Law Enforcement. The American public has been hit hard by the recent financial crisis, which has harmed the economy and individual lives across the country. Those who have preyed on the public by violating the law to bring the country to the point of crisis or by violating the law in their efforts to take unfair advantage of the crisis must be brought to justice. This is an issue in which every American has a stake.



By Executive Order, the President established the Financial Fraud Enforcement Task Force and directed the Attorney General, in conjunction with the Secretary of the Treasury and the Secretary of Housing and Urban Development, to lead efforts to address the financial crisis. The Task Force is one of the largest collaborative efforts in the history of federal law enforcement. It is far broader in scope than the Corporate Fraud Task Force it replaces because it focuses not only on major corporate and securities fraud, but also on mortgage fraud that has devastated individual Americans, lending discrimination and fraud on the federal treasury. The Task Force includes over 20 federal departments, agencies and offices, but unlike many prior federal task forces, also includes state and local law enforcement partners. In addition, the Task Force is focused not simply on bringing prosecutions, but also on training officials in the public and private sectors to recognize fraud, obtaining

compensation and assistance for victims, and on disseminating information and educating the public to reduce the risk of a future crisis.

The Task Force has recognized that it can learn much by hearing directly from the people who have been victims of scams and has been holding public listening sessions in the hardest-hit areas, hearing both from the public and from local law enforcement about the challenges facing particular areas. The Task Force recently met in Miami and Phoenix as it began a series of Mortgage Fraud Summits. As part of its mission to wage an aggressive,

“This task force’s mission is not just to hold accountable those who helped bring about the last financial meltdown, but to prevent another meltdown from happening.”

Attorney General Eric Holder

coordinated and active effort to investigate and prosecute financial crimes, the task force members met in Miami and Phoenix with community members; banking, mortgage and real estate industry representatives; and law enforcement officials to discuss the problem of mortgage fraud from a national, state and local perspective.

To provide more information directly to the public about these efforts, the Department will develop a Web site at StopFraud.gov. This site will give the public access to a number of resources to help them better understand, protect themselves against, and report fraud.

Engaging the Public on Civil Rights. The Department’s work in enforcing the civil rights of all Americans is core to its mission, and reinvigorating its Civil Rights Division is one of the Attorney General’s priorities. Yet while it has often been necessary to resort to the courtroom to protect civil rights, building a nation in which people are free from unlawful discrimination is not a goal that can be reached through litigation alone. Because many problems can be solved by engaging with the public directly, the Department will continue to convene a bi-monthly meeting that brings together leaders from the Muslim, Arab, Sikh and South Asian communities with officials from across the federal government to discuss civil rights issues that have faced these communities since the terrorist attacks of Sept. 11, 2001.

The Department must also engage in extensive outreach to immigrant workers, educating them on their right to be free from discrimination based on immigration status; and to employers, educating them on the anti-discrimination provisions of the Immigration and Nationality Act. And through its Project Civic Access, DOJ works with cities, counties, towns and villages across the country to ensure that their museums, polling places, sidewalks and other public facilities and services are accessible to all. These partnerships, and this outreach, have the capacity to bring about change that lawsuits cannot, and the Department must pursue them to fulfill its mission.

Engaging with Philanthropic Funders To Support Reform. There are a number of private-sector organizations who also work to make their communities safer, and the Department works with them to further their joint missions. On September 9, 2009, the Office of Justice Programs (OJP) convened a meeting of representatives from 70 foundations that support criminal and juvenile justice reform. The purpose of the meeting was two-fold: first, more broadly, to identify opportunities and leverage options for DOJ and foundation partnerships in this time of economic hardship; and, second, to encourage specific foundation’s interest in two or three Department priorities, e.g., children exposed to violence, indigent defense and tribal issues. The Attorney General gave remarks to the group.

Since the September 2009 meeting, OJP has continued to reach out to a broad range of private funders with interests in such justice-related topics as prevention; law enforcement; prosecution, indigent defense, and court administration; juvenile justice; violence and victimization; and corrections and offender reentry. The Department is actively encouraging informal discussions on more specific opportunities for leveraging funding.

Similarly, after the September 2009 meeting, the criminal justice philanthropies met among themselves to discuss how they could continue to work with OJP on projects of mutual interest. The philanthropies have expressed interest in pursuing coordinated grant-making strategies with other funders and with the Department on justice reinvestment and reentry, juvenile justice reform, women and girls in the juvenile and adult criminal justice systems and health care, mental health, and substance abuse needs among offenders. OJP will target these areas to facilitate coordinated strategies among the funders, in conjunction with appropriate Department representatives.

Engaging with the Public To Spread the Message. It takes more than effective law enforcement to keep communities safe. Where crime has become pervasive or where the public lacks information, concerned and active citizens can still, with proper support, turn the tide. Whereas much of the Department’s work is focused on the data-driven, evidence-based analysis of the practices that improve public safety, there are also areas in which increased public consciousness would help reduce crime. For example, the Office on Violence against Women (OVW) recently funded an online initiative that enlisted teens to think about acceptable online behavior. The initiative, through a Web site at www.ThatsNotCool.com, asks teens, “Where Do You Draw Your Digital Line?” and provides interactive, web-based tools and resources to prevent teen dating violence, raise awareness about the signs of abuse and educate teens about “digital gray areas.” The Web site now offers online tools, including campaign materials that can be downloaded (including web videos, call-out cards, posters, TV and print PSAs), information from the focus group research, and tips on social media outreach – all available to help the general public to prevent teen dating violence.



Other agencies’ successes have shown that through the use of innovative methods, prizes, and contests, government can enlist the public to participate – to become a full partner – in carrying out the Department’s mission. During FY 2010, the Office of Violence Against Women will initiate – either directly or through a grant to an administrator – a competition with prizes that invites the public to develop a public safety campaign on an appropriate issue. Through the development of these public safety messages, which may rely on traditional or new media, the Department will invite Americans to become more than passive recipients of public safety. They will be actively engaged in making their communities safer.

OVW is developing its initiative through a process of public engagement. At a recent gathering of grant administrators from college campuses, OVW sought input on ideas for a public safety campaign challenge that would engage students and administrators to raise awareness of important violence against women issues on college campuses. Participants suggested using social media to aid in bystander intervention campaigns, tapping student participation in spreading messages of safe and responsible socializing, and contests revolving around creating students’ own prevention campaigns. OVW is continuing to receive feedback and expects to formulate a proposal for a public challenge this summer.

Information about the Department’s efforts to collaborate to better fulfill its mission is available at <http://www.justice.gov/open/collaboration.html>.

Supporting Its Partners

Disseminating Best Practices to State, Local and Tribal Law Enforcement. Attorney General Holder has made reinvigorating relationships with state, local and tribal law enforcement a priority for all Department components. Through its grant-making components – the Office of Justice Programs (OJP), the Office on Violence against Women (OVW), and the Office on Community Oriented Policing Services (COPS) – the Department plays a critical role in identifying, researching and disseminating the most innovative ideas for increasing public safety and improving the justice system.

COPS makes available over 500 Problem Oriented Policing Guides, Grant Owners Manuals, fact sheets, best practices, curricula and other materials, at no cost, through its online Resource Information Center at <http://www.cops.usdoj.gov/ric/>. This user-friendly publication search engine makes ordering or downloading these documents simple. Similarly, through a cooperative agreement with the University of Minnesota, OVW



supports the Violence Against Women Online Resources Web site at <http://www.vaw.umn.edu/>, which contains research and best practices for use by law enforcement, the judiciary, attorneys, tribal leaders, advocates, faith communities and human services providers. OJP, working with the Office of National Drug Control Policy, funds the National Criminal Justice Reference Service, available through <http://www.ncjrs.gov/>, which offers extensive reference and referral services to help the public find answers to their questions about crime and justice-related research, policy and practice.

In addition, the Department is seeking to more effectively disseminate information to its stakeholders, partners and the public about what works. In the President's FY 2011 budget request, the Department is seeking funding for a State and Local Help Desk and Diagnostic Center – a one-stop shop where state, local and tribal communities can obtain information about promising, evidence-based approaches to addressing criminal justice problems. And the Department is exploring – and will continue exploring – new vehicles for delivering support for local law enforcement. The Department has begun distributing podcasts on innovations in criminal justice. The Department's Bureau of Justice Assistance is working with Fox Valley Technical College to establish a dynamic, automated, web-based system for delivering training and technical assistance to potential partners. This National Training and Technical Assistance Center will allow consumers to request training and technical assistance online, post and obtain information about other opportunities and resources and connect to other providers and information sources.

Increasing Engagement with Tribal Nations



The Department takes its trust responsibility as the primary law enforcer in many Native American communities seriously and has launched an effort to significantly improve public safety in those communities. Violent crime in Indian Country is at unacceptable levels and has a devastating impact on the basic quality of life there. Many tribes experience rates of violent crime far higher than other Americans; indeed, some Native American women face murder rates more than 10 times the national average. Tribal law enforcement resources are typically scarce, a problem exacerbated by the geographic isolation

and vast size of many reservations.

Consultation, as that term is formally defined in Executive Order 13175, and collaboration are at the heart of the federal-tribal relationship. Consistent with the Department's approach to be more open and collaborative with Tribal Nations, the Attorney General convened a listening session attended by approximately 400 tribal leaders.

Law enforcement in Indian Country is more effective when strategies and approaches are developed with the unique conditions, complex jurisdictional issues, geographic challenges, differences in tribal cultures, and different tribes and reservations affected by those strategies and approaches in mind. In order to ensure that the Department's many U.S. Attorney's Offices within Indian Country are developing the collaborative approaches and open lines of communication critical to these efforts, every U.S. Attorney's Office in Indian Country has been directed to engage, once a year, in consultation with the tribes in that district. To ensure that the Department is working collaboratively not just with its tribal partners, but with the other government bodies that serve Indian Country, U.S. Attorney's Offices are required to include, where appropriate, federal, state, and local law enforcement, as well as representatives from the Department of Housing and Urban Development, the Department of Health and Human Services' Indian Health Service, and the Interior Department's Bureau of Indian Education.

DOJ is taking a number of other steps to increase its engagement with these communities. First, the Department is developing a revised consultation plan pursuant to a directive from the President. Second, the Attorney General is forming a Tribal Nations Leadership Council that will serve as a forum for ongoing communication and collaboration with tribal governments. Third, a new federal-tribal task force will develop strategies and provide

guidance for federal and tribal prosecution of violent crime against women in tribal communities. These efforts – which are only examples – will form the basis for improving federal-tribal cooperation in the coming years. Information about these efforts is available at TribalJusticeandSafety.gov.

Releasing More Information about the Department's Case Load and Federal Law

Significant Court Filings. As the Executive Branch's lawyer, much of the Department's most important work occurs in the courtroom, and much of that work is in the form of written papers filed in court. It is in our court filings that significant policy and legal positions are explained. The public will often learn about these filings from news reports, but those reports rarely give adequate context, and even more rarely give direct access to the very actions they are describing. Federal courts and numerous commercial services provide access to the documents, but often only at a cost and regularly only with some delay.



The Department is committed to making these papers more readily available. This information should be available to the public, so that Americans can review the documents themselves and gain a full understanding of the Department's actions. Given the thousands of papers that DOJ files in courts across the country every day, it is not possible to make every brief available, and the Department's litigating offices should welcome requests from the public to send copies of particular public filings that are of interest. In order to maximize access to the Department's most significant case filings, however, the Department will begin to make significant court filings available through its Web site, generating an RSS/XML feed as briefs are posted. In identifying briefs for posting, the Department will aim to select briefs that reflect the dispositive issues in a particular case and show the breadth of the Department's work. This Web site and feed is targeted for completion by August 15, 2010.

In addition, the Office of Public Affairs, will – except when file size or similar considerations make it impracticable – attach relevant court filings to press releases regarding those filings, so that media will have the opportunity to see the Department's position in its full context. For public filings that are not widely distributed, when presented with a press inquiry, the Office of Public Affairs will endeavor to provide them.

Case Data. In tens of thousands of cases across the country, working for scores of federal agencies, the Department handles litigation in dozens of areas: from prosecuting criminals to defending statutes passed by Congress, from enforcing civil rights law to defending federal agencies in contract disputes, and from pursuing tax cheats to protecting competitive markets.

To manage their voluminous dockets, the Department's several litigating components each maintain case management systems that collect certain basic information about their cases. As those systems are currently maintained, the data contained in them is of little collective value: cases that are jointly handled across multiple components are often tracked in multiple, separate systems; each component relies on different definitions of fundamental concepts, resulting in data that is consistent within a particular component but of little value when combined with data from other components; and the data is collected not for purposes of statistical analysis, but to track pending cases and matters. Releasing the data in its current form would contribute meaningfully to public understanding of the Department's work.

The Department is in the development stages of a new platform that it expects will, in certain ways, improve the data being collected. The purpose of the new system would still be to assist the Department to manage its workload, not to provide research-quality information in every conceivable area. Moreover, releases of case management data from would undoubtedly require significant processing, not least to ensure that it does not compromise privacy, investigative or national security interests, and the costs of that processing will be weighed against the data's potential value. Nonetheless, the coordinated Departmental initiative that the Department is

planning would have the potential to avoid some of the problems that reduce the value of current Department-wide information.

The system in development is complex, and full, Department-wide implementation would be years, not months, away. As the development process continues, the Department will consider whether there are aspects of the data that the system collects that would or could be of value to the public. Where there are cost-effective steps that will improve the data being collected without compromising the system's core purpose, the Department will pursue them. The public can monitor the progress of implementation of the Department's current initiative through the Office of Management and Budget's I.T. Dashboard, at <http://it.usaspending.gov/?q=content/investment&buscid=423>.

Legislative History. The Department of Justice Law Library has a premier collection of legal materials. Within its collection are a number of legislative histories for some of the most important pieces of legislation in the country's history. These histories are of high value to lawyers and academics who would otherwise have to labor for hours to collect the materials for such histories on their own. With this plan, the Department will begin processing digitized histories for posting on the Department's Website by this Fall.

Other Efforts at Collaboration

National Security. The FBI's Terrorist Screening Center (TSC) plays a vital role in the fight against terrorism by integrating terrorist information from the law enforcement and intelligence communities, including both domestic and international terrorist information, into a single database. TSC then assures the timely dissemination of the information to the various screening systems of federal agencies; for example, the TSA's no-fly and selectee lists, and the State Department's consular lookout system. The TSC also plays a crucial role in providing actionable intelligence to state and local law enforcement agencies.

The FBI's National Security Branch, of which TSC is now a part, was established in 2005 and combines the Bureau's resources in the areas of counterterrorism, counterintelligence and weapons of mass destruction, smoothly integrating the disciplines of intelligence and investigations. The FBI is a partner with 15 other federal agencies in the National Counterterrorism Center or NCTC where experts sit side by side with one mission: avoiding another major terrorist attack on U.S. soil.

Fusion Centers. With the Department of Homeland Security and other federal, state and local law enforcement agencies, the Department is engaged in a collaborative process to improve intelligence sharing and ultimately increase the national ability to detect, prevent and solve crimes while safeguarding our homeland. Through the Global Justice Information Sharing Initiative, the Department has led efforts to merge the various elements of an ideal information and intelligence sharing project through fusion centers, and has created national standards for the operation of these centers, defining how and when intelligence should be shared.

Fusion centers depend on using innovative technological solutions. The Global Justice Reference Architecture (JRA) is the safety and justice community blueprint for sharing information, integrating systems and working together effectively. The Global JRA encourages smart, cost-effective and sustainable investments like a Service-Oriented Architecture (SOA) to reconcile the need to share with the existence of silo-like organizational structures and other system-related roadblocks. Similarly, the National Information Exchange Model (NIEM) is a DOJ-DHS partnership that sets data exchange standards for information that is commonly shared across the broad justice, public safety, emergency and disaster management, intelligence, and homeland security enterprises. NIEM has become a leading standard for the sharing of information. The Global Federated Identity and Privilege Management is a newly embraced interoperable justice information sharing security standard, providing a framework for delivering secure communications among justice, safety, and homeland security agencies by addressing user and system attributes necessary for authentication, authorization, accounting, and auditing.

These systems also depend on extensive public-private collaboration, through which private entities become engaged in Global's work and pledge to build solutions that meet the standards developed for effective sharing of information in this critical context.

Litigation. DOJ's litigating components collaborate with a broad range of governmental agencies at the federal, state and local levels, as well as with non-governmental groups and stakeholders, in both routine daily contacts as well as targeted task forces, working groups and conferences. The Antitrust Division has recently begun

collaborating with the USDA to review potential anticompetitive practices affecting farms nationwide. The Civil Division's Intellectual Property staff trains representatives from client agencies, and participates in a DOJ effort to review proposed trade agreement provisions to advise of conflicts with U.S. law. The Criminal Division similarly works with foreign partners on issues involving transnational crime.

Some task forces combine both civil and criminal tools to attack specific problems; for example, the Healthcare Fraud Prevention & Enforcement Action Team or HEAT, the National Procurement Fraud Task Force and the Medicare Fraud Task Force. The Environment and Natural Resources Division's Indian Resources Section represents the United States in its trust capacity on behalf of Indian tribes and their members, and routinely files and defends cases for the benefit of tribes, consulting with particular tribes as appropriate. Working with the Office of Tribal Justice and the Criminal Division, ENRD has conducted extensive nationwide tribal consultation on development of proposed legislation on Indian gaming.

Outreach to Particular Communities. The Community Relations Unit of the FBI's Office of Public Affairs has engaged in efforts to build trust and open a constructive dialogue with American Arab, Muslim, Sikh, Somali and South Asian communities. The primary purpose is to enhance public trust and confidence in the FBI by fostering the FBI's relationship with various communities by educating members of the public on how they can help protect themselves and their communities. These engagement efforts are designed to build trust that can assist in opening doors, facilitating the overall mission of the FBI because they are more likely to report a crime, return a telephone call or respond positively to being approached by an FBI special agent.

The Civil Rights Division hosts a bi-monthly meeting that brings together leaders from the Muslim, Arab, Sikh and South Asian communities with officials from the Departments of Justice, including the FBI, Homeland Security, Treasury, Transportation and State along with the Equal Employment Opportunity Commission to discuss the civil rights issues that have faced these communities since the terrorist attacks of Sept. 11, 2001. The idea behind the meeting is to bring together a wide range of federal agencies whose policies impact these communities and allow the communities to raise a range of cross-cutting issues in a single forum. Issues addressed have included hate crime prosecution and federal anti-discrimination laws, watch lists and no-fly lists, profiling by law enforcement, visa and immigration issues, among many others.

Fighting Waste, Fraud, Abuse & Misconduct. The Department engages with partners all across the country to ensure that taxpayer funds are spent for the purposes for which they are intended. In addition to the lawsuits that the Department itself files, which recover billions of dollars, the Department's Civil Division and Office of the Inspector General are undertaking ambitious outreach programs to protect the public's investment in the Recovery Act. They are providing training for auditors and investigators and working closely with whistleblowers who file lawsuits to recover fraudulently obtained government funds. So far, the Office of the Inspector General alone has met with grant administrators and investigators from 40 states, D.C., Puerto Rico and the Virginia Islands. These efforts are critical to ensuring that the Recovery Act fulfills its purpose, and the Department will continue them as Recovery Act funds continue to be put to use.

ENSURING THE FAIR AND EFFICIENT ADMINISTRATION OF JUSTICE

In addition to its own work directly enforcing the law, the Department of Justice works to ensure fair and impartial administration of justice for all Americans. It applies the law in an even-handed manner, as all are equal before the law. It supports and trains other law enforcement agencies and groups engaged in making their communities safer. It undertakes evidence-based reviews of law-enforcement practices across the country, so that practices that succeed can be replicated and those that fail can be abandoned. In all of these efforts, the Department can better achieve its mission through more open approaches.

| Transparency in the Administration of Justice

The Attorney General's Calendar. At his confirmation hearing in January 2009, Attorney General Eric Holder made a pledge: "I will bring to office the principle that has guided my career – that the Department of Justice first and foremost represents the people of the United States." This commitment should guide every action that the Department takes, and it is those actions by which the Department should be judged. This commitment is also apparent, however, in the manner in which the Attorney General spends his time.

The calendars of Cabinet officials are often considered to be of particularly high value, as they provide a window into how the official spends his or her time, and with whom. While there will always be aspects of the Attorney General's responsibilities that cannot be disclosed publicly, lest they compromise important national security, law enforcement or litigation interests, there is much that can be disclosed. Each month, DOJ will post the daily calendar of the Attorney General so that his meetings and activities will be readily accessible by the public. Redactions will be kept to a minimum, consistent with the principles laid out in the Attorney General's FOIA Guidelines.

Historical Statements of Attorneys General. The Department has a proud history, and over that time, the Attorney General has been front and center in some of the nation's most important moments. Beginning this Summer and Fall, the Department will post speeches of Attorneys General dating back to 1933. These speeches will be of high value both to historians and the public, who will have easy access to the words of the nation's top law enforcement officer on some of the most important issues and moments of the Twentieth Century.

E-Rulemaking. The Department of Justice's ongoing participation in the interagency e-rulemaking initiative supports the President's Open Government Initiative. The web site, Regulations.gov, provides citizens one access point to view and comment on Federal agency rulemakings and notices that have been published for public comment. The agency side of the site is called the Federal Docket Management System.

The Federal Docket Management System promotes government transparency by affording public access to both the documents and the supporting analysis, as well as public comments. Justice policy is to post public comments as soon as practicable, ideally within two days of receipt. Since the Department began using the Federal Docket Management System in June 2007, the Department of Justice has posted 25 proposed rules and received over 6,000 comments. By publishing information online, the Department of Justice helps to create and institutionalize a culture of open government.

Going forward, the Federal Docket Management System has created a subsidiary site called "Regulations.gov/Exchange," which will generate exposure for agency regulatory actions, initiate collaboration and gain feedback from agency stakeholders. The public will be able to provide direct input and pose questions to agencies as they consider rulemaking action. Exchange can be used to create a public forum for a subject and also to host social media tools and online agency videos. The project management office of the Federal Docket Management System is currently drafting procedures for agencies to take advantage of the improved communications and outreach opportunities afforded by the Exchange site.

Department of Justice components are encouraged to use the Exchange for their rulemakings.

"I will bring to office the principle that has guided my career – that the Department of Justice first and foremost represents the people of the United States."

Attorney General Eric Holder

IT Dashboard. Since the launch of the Federal IT Dashboard on June 30, 2009, the Justice Department has been completing a monthly data call to all Department of Justice components that have major IT investments. The monthly data call requests updates on the completion of major milestones from a cost and schedule perspective. Once the Department of Justice's Office of the Chief Information Officer/Policy and Planning Staff have received the components' monthly responses, the Office of the CIO then completes the actual updates to the Federal IT Dashboard, following Office of Management and Budget's instructions.

USASpending.Gov. The Department continues its efforts to comply with all applicable requirements and transparency initiatives related to USASpending.gov. Information provided to USASpending.gov by the Department consists of contractual and financial assistance data. Efforts related to the quality of this information include several interrelated and comprehensive initiatives that address accountability for and transparency of financial data throughout the Department.

The Department's program and implementation plan for Appendix A of Circular A-123, *Internal Controls Over Financial Reporting*, help to ensure proper internal controls exist over spending associated with contracts and grants. In addition, the annual assessment of the acquisition function (the Acquisition Assessment) and the FPDS Data Quality Review provide the Department with opportunities to identify controls that need improvement in areas affecting Federal spending. Through the Acquisition Assessment, the Department performs an entity-level review of the procurement area. The FPDS Data Quality Review requires testing of key FPDS attributes identified in OFPP guidance over a sample of individual contract files. These attributes are the foundation for data in USASpending.gov.

With the passage of the American Recovery and Reinvestment Act of 2009 (ARRA), the Department also enhanced the transparency of the financial data provided to USASpending.gov, including more reviews to confirm data accuracy, completeness and transparency. The Department is also in the process of finalizing its Federal Spending Data Quality Plan which addresses the transparency of data provided to USASpending.gov through governance, risk assessment, control activities, communication and monitoring. The quality and transparency of financial data provided to USASpending.gov will be monitored through key performance indicators, target performance levels and milestones, and the identification of the various sources, methods and frequency of data collection. This plan will facilitate improvements to the quality of data provided to USASpending.gov, as well as the remediation of any data quality weaknesses identified.

American Recovery and Reinvestment Act / Recovery.Gov. The Department continues to provide weekly updates to Recovery.gov of information regarding AARA-related funding. The updates comprise weekly financial activity reports, highlighting obligated amounts and actual gross outlays for a total of \$4 billion by the Office of Justice Programs, the Office of Violence Against Women and the Community Oriented Policing.

Additional Recovery Act data is provided by the Alcohol, Tobacco, Firearms and Explosives Agency (ATF) regarding approximately \$10 million for a specified law enforcement project. This information is readily available to the public on both Recovery.gov and Justice.gov.

We anticipate that in the near future there will be more refinement of this data from award recipients, as well as information provided from the various reviews currently under way by the Department's Office of the Inspector General. Information regarding recipient reporting will be used to help display by Congressional district the actual AARA funding and specific types of grants awarded to various locales.

The Department is continuing to work directly with the Recovery and Accountability Transparency Board to ensure that meaningful, accurate and timely information is provided concerning Recovery Act funds.

Declassifying Records. The Justice Department has a number of declassification programs: an automatic program, a systematic program, and a mandatory program, along with an appeals panel and a process for individuals to request declassification.

The Automatic Declassification Program pertains to agencies with original classification authority (past and current). Information appraised as having permanent historical value is automatically declassified once it reaches 25 years of age unless an agency head has determined that it falls within a narrow exemption that permits continued classification and it has been appropriately approved. Records that contain other agencies classified

information is referred to those agencies for action. Though the Department of Justice may declassify their interest in a document, it will not be fully declassified until other agency equities are cleared.

The Systematic Declassification Program is a complementary program to automatic declassification. It requires all agencies that create classified information to establish and conduct a systematic declassification review program for classified permanently valuable records for the purpose of declassification after the records reach a specific age. Records exempted from automatic declassification are subject to the systematic review program.

The Mandatory Declassification Review Program permits individuals or agencies to require an agency to review specific classified national security information for purposes of seeking its declassification. This program allows historians, researchers, and other members of the public to identify documents and or information pertinent to their research.

Individuals or agencies may appeal mandatory declassification review decisions that have been denied at the agency level by appealing to the Interagency Security Classification Appeals Panel (ISCAP). This panel provides the necessary checks and balances for the mandatory declassification review program and a venue for presenting appeals to a neutral body.

To file a Mandatory Declassification Review Request, please contact:

Director, Office of Information and Privacy
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Information that has been declassified under the Freedom of Information Act (FOIA) is often posted in FOIA Reading Rooms online. The Reading Rooms are available at http://www.justice.gov/oip/04_2.html.

Information about the Department's declassification efforts is available at <http://www.justice.gov/open/declassification.html>.

Congressional Affairs. Congressional affairs, including requests for information, are handled by the Office of Legislative Affairs (OLA). OLA also articulates the Department's position on legislation proposed by Congress, facilitates the appearance of Department witnesses at congressional hearings, and manages the interagency clearance process led by OMB. Additionally, OLA coordinates the Department's responses to congressional committee oversight requests and other inquiries from individual Members and congressional staff. OLA also participates in the Senate confirmation process for federal judges and Department nominees, such as Assistant Attorneys General and United States Attorneys. These functions are important to the Department's cooperative and productive relationship with Congress.

OLA is a small office, headed by a presidentially appointed, Senate-confirmed Assistant Attorney General. OLA coordinates the clearance within the Executive Branch, the Department Statements for the Record of Hearings, and letters setting forth the Department's positions on legislation, which are available on the OLA Web site.

Letters from Members of Congress are directed to the Department's Executive Secretariat for assignment to components with substantive knowledge of the underlying matters. Those components prepare responses, which are reviewed by other components, cleared by the Office of Management and Budget as needed, and ultimately transmitted to the Congress by OLA.

The Office of Legislative Affairs uses the Department's Records Management System (RMS), as one of its two major information management systems, to manage the flow of legislative correspondence, hearing requests and related materials, and other requests concerning legislative matters, including internal DOJ communications, addressed to and emanating from the Office of Legislative Affairs.

The RMS system allows the Office of Legislative Affairs to control and track all legislative requests originating within or outside the Department and to control other related items in RMS, when appropriate for internal coordination needs.

Among the items tracked by this system are:

- *pending congressional bills;*
- *draft legislative proposals developed within the Department;*
- *requests for comments or views on legislative proposals from congressional Committees and Members, the Office of Management and Budget, or other Federal agencies;*
- *hearing testimony and hearing follow-up questions;*
- *Presidential proclamations; and similar items.*

When a legislative or hearing request is received and logged into RMS, a database record is created. Each record contains information such as the sender's name and organizational affiliation; the bill or proposal number; the bill, hearing or proposal title; a descriptive summary; various tracking dates; action required; assignments to components; and in some instances, notes concerning the action or response.

Information about the Department's legislative efforts is available at <http://www.justice.gov/open/congress.html> and at <http://www.justice.gov/ola/>.

Records Management. The Department of Justice believes in public trust through records integrity, and has taken steps to adequately and properly document the organization, functions, policies, decisions, procedures and essential transactions of the agency.

The National Archives and Records Administration define "records" as "all books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them."

The Justice Department follows all legal requirements for the management of federal records. The Department of Justice and its bureaus have implemented guidance provided by the National Archives and Records Administration that provides a starting point for self-assessment. For example, both Department of Justice and its bureaus have designated records officers; have established networks of designated records management liaisons; have issued records management directives; and have disseminated policies and procedures to ensure records are protected appropriately.

In July 2006, the Department of Justice's Office of Records Management Policy completed a needs assessment that has served as a baseline for planning and implementation of new program approaches. In 2010 the Office will begin an evaluation and review program with a self-evaluation while continuing its move to a new and more sophisticated Records and Information Management Program.

The Office of Records Management Policy and the records officers in the Department of Justice bureaus provide regular training to agency personnel on their records management responsibilities, as well as briefings for senior officials and political appointees on the importance of appropriately managing records under their immediate control.

Information about the Department's records management program is available at <http://www.justice.gov/open/records.html>.

Stewardship of Taxpayer Resources. A key aspect of the Open Government Initiative is to ensure transparency of resources provided by the taxpayers. In a subsequent directive issued by the OMB's Deputy Director for Management on February 8, 2010, *Open Government Directive – Framework for the Quality of Federal Spending Information*, OMB provided guidance for agencies to follow in evaluating internal controls over data quality for Federal spending. The directive also required agencies to develop and submit a data-quality plan for Federal spending to OMB that is consistent with the framework discussed within the guidance. The Department's plan for meeting this requirement can be found at <http://www.justice.gov/open/transparency.html>.



The Department data-quality plan discusses the Department's open government goals specifically related to the transparency and quality of Federal spending information. It describes the significant types of Federal spending information that are disseminated by the Department, along with related data quality internal control initiatives. The plan also addresses the coordination efforts that are occurring within the Department to ensure successful implementation of the data quality requirements and monitoring of progress and performance, including actions taken to identify areas of risk and complete corrective actions. In addition, the plan details the Department's processes and controls related to the compilation, review and monitoring of the Federal spending data

which is reported through USASpending.gov.

| Making Communities Safer by Sharing Effective Ideas

Successful Grant Applications. Through its grant-making offices, the Department of Justice provides billions of dollars every year to state, local and tribal law enforcement agencies, as well as other public and private service providers, to make their communities safer. The programs that DOJ funds are chosen for a variety of reasons, but chief among them are that the programs have been demonstrated to be effective or they employ new ideas with outstanding potential.

Those ideas are worth sharing. Upon making awards, the Department's grant-making offices will, consistent with applicable law, publish the applications of select successful applicants, as well as the identities of all grant recipients. Other governmental and non-governmental bodies that work in the field will benefit from seeing the kinds of ideas that are succeeding.

Reaching More Communities. The Department's grant-making offices fund some of the most promising and important work being done by state, local and tribal governments and by private service providers and others. Many of these efforts serve the public generally, but many are targeted at particular constituencies from victims of crime to juvenile offenders. Many of these constituencies communicate in ways that leave the Department's traditional models behind. The Department must explore new ways of reaching its stakeholders and those it aims to serve. Specifically, the grant-making offices should explore the use of new media to communicate more effectively with particular communities. The Department should take advantage of these new media where appropriate.

Expanding Our Partners. The Department is not simply seeking to collaborate with law enforcement and prosecutors. Our responsibility is to do justice, and that requires a robust collaboration with the courts and the defense bar. The Attorney General recently hosted a conference focusing on indigent defense, and DOJ intends to make access to justice a focus in the coming years. Recently, the Department named distinguished Professor Laurence Tribe as the Senior Counselor on Access to Justice. Through this new initiative DOJ will work collaboratively with courts, the defense bar and others in the criminal justice system to improve the quality of justice for all.

| Accountability through Science and Research

Funding Research. Central to its role as a leader in the criminal justice area is the Department's commitment to science and to evidence-based approaches to criminal justice and public safety. Openness and transparency are critical components of accountability, and accountability is best achieved when policy in the criminal justice area is evaluated based on science and research. The Department has demonstrated its commitment in a number of ways, researching, for example, whether certain initial treatment strategies for sexual assault victims are more likely to lead to guilty pleas and convictions, looking at how the passage of time affects criminal recidivism, and studying the cost-effectiveness of using DNA tests to identify possible suspects in crimes for which it has not been previously heavily used. In addition, the President's FY 2011 budget request seeks significant additional funding for research efforts like these.

Research Information. The Department publishes numerous reports on scores of law-enforcement related issues every year. Those reports are of high quality and often draw important conclusions from their data. It is important to recognize, however, that other researchers may use the same data to draw insightful conclusions that improve law enforcement or otherwise benefit the public. The Department has already published dozens of data sets through the government-wide Website Data.gov, and a list of the Department data sets made available there is available at www.justice.gov/open/data.html and in Appendix 1 to this Plan.

The data that has been released through this and other channels is data that the public can use to further improve public safety and administration of justice. Criminologists and other researchers can use Uniform Crime Reporting, hate crimes, law enforcement officer-specific and National Crime Victimization Survey data to provide valuable insights on the prevention and effects of crime. Sociologists and others can use data sets regarding state and federal prison populations to contribute important information to the national discussion on sentencing and prison policy. Those studying the economy can use data from the thousands of reports filed by individual bankruptcy trustees to see how the bankruptcy system is working – and, importantly, how it can be improved.

However, until now the release of such data has often been haphazard, and in some parts of the Department it has been more the exception than the rule. It should be the rule. It will necessarily be a rule that carries with it some exceptions, both because there is some data that cannot be released under the law or without compromising the Department’s mission, and because some data will be of so little value to the public that informed discussions with stakeholders persuade the releasing components that its resources are better directed at speeding the processing and release of other, more valuable data sets.

In order to facilitate such efforts, when an office or division of the Department publishes a report that summarizes quantitative data that the office or division has collected, that office or division will make the underlying data available. There will be exceptions to this rule, as the Department must consider privacy, law enforcement, and national security interests, and will take into account the level of interest in the data, its quality, and the burdens of processing it to be made public. Data sets that cannot be released in full will be considered for partial releases.

The Department will also seek to identify the most appropriate avenue for releasing the data. For data of interest to the general public, the data may be released through Data.gov. For data of greater interest to social scientists and other researchers, the data may be better released to a research institution that can make it easily accessible to its target audience. In each case, the Department will look for the most appropriate channel.

Releasing data in a usable, accessible format requires resources. In order to optimize the use of scarce public resources, it will be important for components to monitor the public use of the data they have released. They may do so through a variety of means, including by considering the number of times that a data set has been accessed, uses of the data set, and feedback received from relevant stakeholders. Components should use the information they gather through this process as they consider future releases of information.

Finally, because it is easy to fall back into the easy pattern of awaiting the next FOIA request, it is important to provide accountability. When an office or division determines that it will not release the underlying data associated with a particular report that has been published, the head of that office should prepare a memorandum of explanation for the Chief FOIA Officer explaining the decision. The memorandum should describe possible partial releases of the data that were considered.

An inventory of data sets scheduled for upcoming release is available in Appendix 2 of this Plan.

CONCLUSION

The Department of Justice is one of the oldest Cabinet departments in the U.S. government. It has a rich and honorable history, and its employees and senior officials are always aware that the Department must rise above partisan concerns to see that justice is truly done. A large part of that tradition has included the mandate to hold information close – whether it was grand jury-protected, law enforcement-sensitive or national security-classified. But the Department must also ensure that the public has sufficient information to comprehend the actions taken by the Department to fulfill its missions. Department of Justice officials and employees must continue to look anew at its practices. Where the Department can better fulfill its mission through a new approach, we must embrace it. And where we can better inform the public while we fulfill those missions, we should do so.

APPENDIX I: DATA SETS CURRENTLY AVAILABLE ON DATA.GOV

The Department has already published dozens of data sets through the government-wide Website Data.gov. A list of the Department data sets made available there is available at www.justice.gov/open/data.html and is reprinted here.

2006 Crime in the United States

Extraction of offense, arrest, and clearance data as well as law enforcement staffing information from the FBI's Uniform Crime Reporting (UCR) Program.

2007 Crime in the United States

Extraction of offense, arrest, and clearance data as well as law enforcement staffing information from the FBI's Uniform Crime Reporting (UCR) Program.

2006 Hate Crime Statistics

Extraction of bias-motivated offense data from the FBI's Uniform Crime Reporting (UCR) Program.

2007 Hate Crime Statistics

Extraction of bias-motivated offense data from the FBI's Uniform Crime Reporting (UCR) Program.

2006 Law Enforcement Officers Killed and Assaulted

Extraction of data regarding felonious and accidental in-the-line-of-duty deaths, as well as assaults on officers from the FBI's Uniform Crime Reporting (UCR) Program.

2007 Law Enforcement Officers Killed and Assaulted

Extraction of data regarding felonious and accidental in-the-line-of-duty deaths, as well as assaults on officers from the FBI's Uniform Crime Reporting (UCR) Program.

Annual Survey of Jails: Jurisdiction-Level Data, 1997

This collection provides annual data on jail populations across the nation and examines the "spillover" effect on local jails resulting from the dramatic growth in federal and state prison populations.

Annual Survey of Jails: Jurisdiction-Level Data, 1998

This collection provides annual data on jail populations across the nation and examines the "spillover" effect on local jails resulting from the dramatic growth in federal and state prison populations.

Annual Survey of Jails: Jurisdiction-Level Data, 2000

This collection provides annual data on jail populations across the nation and examines the "spillover" effect on local jails resulting from the dramatic growth in federal and state prison populations.

Annual Survey of Jails: Jurisdiction-Level Data, 2001

This collection provides annual data on jail populations across the nation and examines the "spillover" effect on local jails resulting from the dramatic growth in federal and state prison populations.

Annual Survey of Jails: Jurisdiction-Level Data, 2002

This collection provides annual data on jail populations across the nation and examines the "spillover" effect on local jails resulting from the dramatic growth in federal and state prison populations.

Annual Survey of Jails: Jurisdiction-Level Data, 2003

This collection provides annual data on jail populations across the nation and examines the "spillover" effect on local jails resulting from the dramatic growth in federal and state prison populations.

Annual Survey of Jails: Jurisdiction-Level and Jail-Level Data, 1985

This collection provides annual data on jail populations across the nation and examines the "spillover" effect on local jails resulting from the dramatic growth in federal and state prison populations.

Annual Survey of Jails: Jurisdiction-Level and Jail-Level Data, 1991

This collection provides annual data on jail populations across the nation and examines the "spillover" effect on local jails resulting from the dramatic growth in federal and state prison populations.

Annual Survey of Jails: Jurisdiction-Level and Jail-Level Data, 1992

This collection provides annual data on jail populations across the nation and examines the "spillover" effect on local jails resulting from the dramatic growth in federal and state prison populations.

Annual Survey of Jails in Indian Country, 1998 [United States]

The survey of all 68 confinement facilities operated by tribal authorities or the Bureau of Indian Affairs (BIA), provides data on number of inmates and facility characteristics and needs.

Annual Survey of Jails in Indian Country, 1999 [United States]

The survey of all 68 confinement facilities operated by tribal authorities or the Bureau of Indian Affairs (BIA), provides data on number of inmates and facility characteristics and needs.

Annual Survey of Jails in Indian Country, 2000 [United States]

The survey of all 68 confinement facilities operated by tribal authorities or the Bureau of Indian Affairs (BIA), provides data on number of inmates and facility characteristics and needs.

Annual Survey of Jails in Indian Country, 2001 [United States]

The survey of all 68 confinement facilities operated by tribal authorities or the Bureau of Indian Affairs (BIA), provides data on number of inmates and facility characteristics and needs.

Annual Survey of Jails: Jurisdiction-Level Data, 1987

This collection provides annual data on jail populations across the nation and examines the "spillover" effect on local jails resulting from the dramatic growth in federal and state prison populations.

Annual Survey of Jails: Jurisdiction-Level Data, 1989

This collection provides annual data on jail populations across the nation and examines the "spillover" effect on local jails resulting from the dramatic growth in federal and state prison populations.

Annual Survey of Jails: Jurisdiction-Level Data, 1990

This collection provides annual data on jail populations across the nation and examines the "spillover" effect on local jails resulting from the dramatic growth in federal and state prison populations.

Annual Survey of Jails: Jurisdiction-Level Data, 1995

This collection provides annual data on jail populations across the nation and examines the "spillover" effect on local jails resulting from the dramatic growth in federal and state prison populations.

Annual Survey of Jails: Jurisdiction-Level Data, 1996

This collection provides annual data on jail populations across the nation and examines the "spillover" effect on local jails resulting from the dramatic growth in federal and state prison populations.

Chapter 7 Trustee Final Reports CY 2009 (through June 30)

The USTP oversees approximately 1,100 private trustees who administer chapter 7 asset and no-asset cases. Chapter 7 trustees are responsible for the collection and liquidation of non-exempt assets, and the distribution of funds to creditors in accordance with the Bankruptcy Code's distribution scheme. When a chapter 7 case with assets is closed, the trustee files a final report that accounts for the disposition of assets, as well as the distribution of funds to creditors and to administrative expenses.

Annual Survey of Jails: Individual Reporting-Level Data, 2007

This collection provides annual data on jail populations across the nation. These data are used to track growth in the number of jails and their capacities nationally, changes in the demographics of the jail population (including sex, race, and adult or juvenile status), supervision status of persons held, prevalence of crowding issues, and a count of non-United States citizens within the jail population.

Census of Jail Facilities, 2006

To reduce respondent burden and improve data quality and timeliness, the Bureau of Justice Statistics (BJS) split the jail census into two parts: The Census of Jail Inmates was conducted with a reference date of June 30, 2005. The following spring it was followed by this enumeration, the Census of Jail Facilities, which collected data as of March 31, 2006.

National Crime Victimization Survey, 2008 [Record-Type Files]

The National Crime Victimization Survey (NCVS) Series, previously called the National Crime Survey (NCS), has been collecting data on personal and household victimization through an ongoing survey of a nationally-representative sample of residential addresses since 1972.

National Corrections Reporting Program, 2004 [United States]

The National Corrections Reporting Program gathers data on prisoners entering and leaving the custody or supervision of state and federal authorities.

Language Assistance Program November 2009

Each person who files bankruptcy is required to attend a meeting of creditors and respond to questions under oath from the trustee and creditors. The meetings are held nationwide. In those locations where the room is controlled by the USTP, if a participant (debtor or creditor) has limited English proficiency, an interpreter is provided free of charge via a conference phone. The number and type of languages interpreted, along with the location where the service was provided, is collected monthly by the USTP for oversight, billing, and statistical purposes.

Chapter 7 Trustee Final Reports CY 2000

The USTP oversees approximately 1,100 private trustees who administer chapter 7 asset and no-asset cases. Chapter 7 trustees are responsible for the collection and liquidation of non-exempt assets, and the distribution of funds to creditors in accordance with the Bankruptcy Code's distribution scheme. When a chapter 7 case with assets is closed, the trustee files a final report that accounts for the disposition of assets, as well as the distribution of funds to creditors and to administrative expenses.

Chapter 7 Trustee Final Reports CY 2001

The USTP oversees approximately 1,100 private trustees who administer chapter 7 asset and no-asset cases. Chapter 7 trustees are responsible for the collection and liquidation of non-exempt assets, and the distribution of funds to creditors in accordance with the Bankruptcy Code's distribution scheme. When a chapter 7 case with assets is closed, the trustee files a final report that accounts for the disposition of assets, as well as the distribution of funds to creditors and to administrative expenses.

Chapter 7 Trustee Final Reports CY 2002

The USTP oversees approximately 1,100 private trustees who administer chapter 7 asset and no-asset cases. Chapter 7 trustees are responsible for the collection and liquidation of non-exempt assets, and the distribution of funds to creditors in accordance with the Bankruptcy Code's distribution scheme. When a chapter 7 case with assets is closed, the trustee files a final report that accounts for the disposition of assets, as well as the distribution of funds to creditors and to administrative expenses.

Chapter 7 Trustee Final Reports CY 2003

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Chapter 7 Trustee Final Reports CY 2004

The USTP oversees approximately 1,100 private trustees who administer chapter 7 asset and no-asset cases. Chapter 7 trustees are responsible for the collection and liquidation of non-exempt assets, and the distribution of funds to creditors in accordance with the Bankruptcy Code's distribution scheme. When a chapter 7 case with assets is closed, the trustee files a final report that accounts for the disposition of assets, as well as the distribution of funds to creditors and to administrative expenses.

Chapter 7 Trustee Final Reports CY 2005

The USTP oversees approximately 1,100 private trustees who administer chapter 7 asset and no-asset cases. Chapter 7 trustees are responsible for the collection and liquidation of non-exempt assets, and the distribution of funds to creditors in accordance with the Bankruptcy Code's distribution scheme. When a chapter 7 case with assets is closed, the trustee files a final report that accounts for the disposition of assets, as well as the distribution of funds to creditors and to administrative expenses.

Chapter 7 Trustee Final Reports CY 2006

The USTP oversees approximately 1,100 private trustees who administer chapter 7 asset and no-asset cases. Chapter 7 trustees are responsible for the collection and liquidation of non-exempt assets, and the distribution of funds to creditors in accordance with the Bankruptcy Code's distribution scheme. When a chapter 7 case with assets is closed, the trustee files a final report that accounts for the disposition of assets, as well as the distribution of funds to creditors and to administrative expenses.

Chapter 7 Trustee Final Reports CY 2007

The USTP oversees approximately 1,100 private trustees who administer chapter 7 asset and no-asset cases. Chapter 7 trustees are responsible for the collection and liquidation of non-exempt assets, and the distribution of funds to creditors in accordance with the Bankruptcy Code's distribution scheme. When a chapter 7 case with assets is closed, the trustee files a final report that accounts for the disposition of assets, as well as the distribution of funds to creditors and to administrative expenses.

Chapter 7 Trustee Final Reports CY 2008

The USTP oversees approximately 1,100 private trustees who administer chapter 7 asset and no-asset cases. Chapter 7 trustees are responsible for the collection and liquidation of non-exempt assets, and the distribution of funds to creditors in accordance with the Bankruptcy Code's distribution scheme. When a chapter 7 case with assets is closed, the trustee files a final report that accounts for the disposition of assets, as well as the distribution of funds to creditors and to administrative expenses.

Language Assistance Program May 2009

Each person who files bankruptcy is required to attend a meeting of creditors and respond to questions under oath from the trustee and creditors. The meetings are held nationwide. In those locations where the room is controlled by the USTP, if a participant (debtor or creditor) has limited English proficiency, an interpreter is provided free of charge via a conference phone. The number and type of languages interpreted, along with the location where the service was provided, is collected monthly by the USTP for oversight, billing, and statistical purposes.

Language Assistance Program June 2009

Each person who files bankruptcy is required to attend a meeting of creditors and respond to questions under oath from the trustee and creditors. The meetings are held nationwide. In those locations where the room is controlled by the USTP, if a participant (debtor or creditor) has limited English proficiency, an interpreter is provided free of charge via a conference phone. The number and type of languages interpreted, along with the location where the service was provided, is collected monthly by the USTP for oversight, billing, and statistical purposes.

Language Assistance Program July 2009

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Language Assistance Program August 2009

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Language Assistance Program September 2009

Each person who files bankruptcy is required to attend a meeting of creditors and respond to questions under oath from the trustee and creditors. The meetings are held nationwide. In those locations where the room is controlled by the USTP, if a participant (debtor or creditor) has limited English proficiency, an interpreter is

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Language Assistance Program October 2009

Each person who files bankruptcy is required to attend a meeting of creditors and respond to questions under oath from the trustee and creditors. The meetings are held nationwide. In those locations where the room is controlled by the USTP, if a participant (debtor or creditor) has limited English proficiency, an interpreter is provided free of charge via a conference phone. The number and type of languages interpreted, along with the location where the service was provided, is collected monthly by the USTP for oversight, billing, and statistical purposes.

RECA Claims as of January 2010 by State/Country

The report titled RECA Claims as of [current date] by State/Country, reflects the number of claims filed, pending, denied, approved, and compensation awarded, based on the state and in certain cases, the country of the individual claimant.

RECA Claims Summary Report

The report titled Radiation Exposure Compensation Program Summary Report, Fiscal Year 1992 to 2010 includes two tables.

RECA Program Outreach Log

This report is an excel spreadsheet that reflects the Program's outreach since FY 2006.

2008 Crime in the United States

Extraction of offense, arrest, and clearance data as well as law enforcement staffing information from the FBI's Uniform Crime Reporting (UCR) Program.

2008 Law Enforcement Officers Killed and Assaulted

Extraction of data regarding felonious and accidental in-the-line-of-duty deaths, as well as assaults on officers from the FBI's Uniform Crime Reporting (UCR) Program.

2008 Hate Crime Statistics

Extraction of bias-motivated offense data from the FBI's Uniform Crime Reporting (UCR) Program.

Formal Enforcement Actions Fiscal Year 2009

The annual data tables contained in this document provide summary statistics on the civil enforcement activities of the United States Trustee Program.

Informal Enforcement Actions Fiscal Year 2009

The annual data tables contained in this document provide summary statistics on the civil enforcement activities of the United States Trustee Program.

DOJ Litigation Outcomes Fiscal Year 2009

The annual data tables contained in this document provide summary statistics on the civil enforcement activities of the United States Trustee Program.

Potential Financial Impact Fiscal Year 2009

The annual data tables contained in this document provide summary statistics on the civil enforcement activities of the United States Trustee Program.

APPENDIX II: DATA SETS SCHEDULED FOR FUTURE RELEASE

The Department has adopted a presumption that when an office or division of the Department publishes a report that summarizes quantitative data that the office or division has collected, there shall be a presumption that the office or division will also make the underlying data available through an appropriate channel. The appropriate channel may vary depending on the nature of the data being released. For information that will be of value to the general public, the appropriate channel may be Data.gov. For information that is primarily of value to researchers in a particular field, release to a research institution that serves that field may be more appropriate. An inventory of data scheduled to be made available in upcoming months follows here.

Data underlying the following report...	is planned for release in...
Swiftness and Certainty in Enforcing Probation Conditions: Hawaii's H.O.P.E. Program	July 2010
Test of the Efficacy of Court-Mandated Counseling for Domestic Violence Offenders	July 2010
Gender, Mental Illness, and Crime	July 2010
Evaluating a Joint Police-Social Service Program	July 2010
Pennsylvania Task Force on Prison Overcrowding	July 2010
Climate Correlates of Perceived Danger Among Federal Correctional Officers	July 2010
Evaluation of Projects Supported by Byrne Memorial Funds	July 2010
Reentry Mapping Network: An Action Research Partnership	July 2010
Mandatory Custody Mediation	July 2010
Exploring the Drugs/Crime Connection Within the Electronic Dance and Hip Hop Nightclub Scenes	July 2010
Sexual Violence: Longitudinal, Multigenerational Evidence	July 2010
Evaluation of a Multi-Site Demonstration of Collaborations to Address Domestic Violence and Child Maltreatment	July 2010
United Nations Surveys on Crime Trends and the Operations of Criminal Justice Systems	July 2010
Florida Elder Abuse Survey	July 2010
Experience of Violence in the Lives of Homeless Women	July 2010
Death in Custody Reporting Program Statistical Table, 2007 (update)*	August 2010
Felony Defendants in Large Urban Counties, 2006	August 2010

Jail Inmates at Midyear 2009 -- Statistical Tables	September 2010
Mortality in Local Jails, 2000-07*	September 2010
Prison Inmates at Midyear 2009 -- Statistical Tables	September 2010
Prisoners at Yearend, 2009-Advance Counts	September 2010
Census of Jail Facilities, 2006	September 2010
Gang Units in Large Law Enforcement Agencies, 2007	September 2010
Arrest Trends in the United States, 1980-2008	October 2010
Sexual Victimization Reported by Inmates in Prisons and Jails, 2008-09-- Statistical Tables*	October 2010
Justice Employment and Expenditures, 2006	November 2010
Death in Custody Reporting Program -- Statistical Tables*	November 2010
Public Contact with Police, 2008	December 2010
State Prosecutors' Offices 2007	December 2010
Recidivism of Prisoners Released in 1994 -- Statistical tables	December 2010
Sheriffs' Offices, 2007	January 2011
Jails in Indian Country, 2009	January 2011
Capital Punishment, 2009	January 2011
Criminal Victimization, 2009	March 2011
<p>*This data include Personally Identifiable Information (PII) data and access will be limited to approved investigators.</p>	