

III

STRATEGIC GOAL 3: Ensure the Fair and Efficient Administration of Justice

38% of the Department's Net Costs support this Goal.

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

Revised FY 2012 Outcome Goal: 11,200 offenders remain arrest free 1 year following release from aftercare (FY 2007-2012)

FY 2008 Progress: The Department is on target to achieve this long-term goal.

Note: FY 2012 Outcome Goal was revised to agree with the long-term goal negotiated between OMB and the Department. In FY 2010, the Department will publish a new Strategic Plan (2010-2015) which will include a new set of outcome goals and performance measures. This goal and the following performance measure will be replaced.

Background/Program Objectives: Residential Substance Abuse Treatment (RSAT) Program formula grant funds are used to implement four types of programs: 1) residential substance abuse treatment programs that provide individual and group treatment activities for offenders in residential facilities operated by state correctional agencies; 2) jail-based substance abuse programs that provide individual and group treatment activities for offenders in jails and local correctional facilities; 3) post-release treatment components that provide treatment following inmates' release from custody; and 4) aftercare components that require states to give preference to subgrant applicants that provide aftercare services to program participants. For all programs, at least 10 percent of the total state allocation is made available to local correctional and detention facilities for either residential substance abuse treatment programs or jail-based substance abuse treatment programs.

Performance Measure: Number of Participants in RSAT

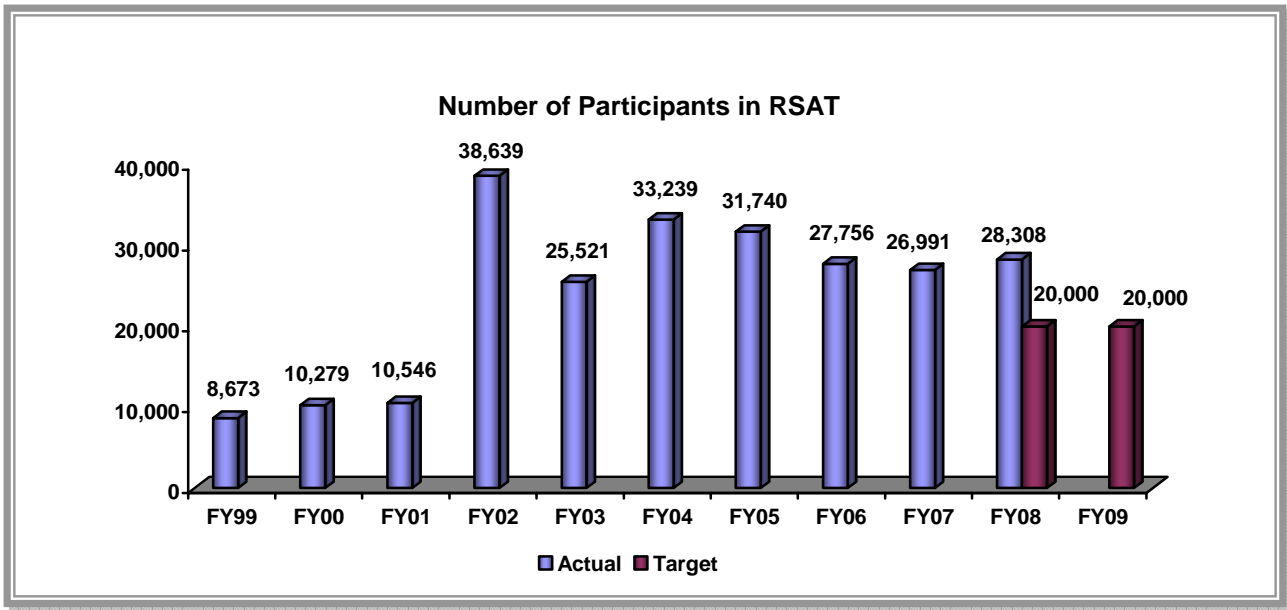
2008 Target: 20,000

2008 Actual: 28,308

2009 Target: 20,000

2009 Actual: Data for this measure is collected on a calendar year basis and will be available in September 2010

Discussion of 2008 Results: There were 28,308 participants in the RSAT program for CY 2008, exceeding the target by 42 percent. There are many contributing factors that determine the amount of people who complete the RSAT program, including eligible offenders, available staff and treatment providers, security issues, and the state's ability to provide the required 25 percent matching funds.



Data Definitions: The number of RSAT Program participants is the count of program participants during the reporting period. The number of participants is collected from grantees.

Data Collection and Storage: Program managers obtain data from reports submitted by grantees, telephone contacts, and on-site monitoring of grantee performance.

Data Validation and Verification: Data are validated and verified through program managers' desk reviews of grantee support documentation and on-site grant monitoring.

Data Limitations: RSAT data are collected and reported by the grantee's fiscal year, which differs between grantees (i.e., some grantees use the calendar year, some use the state fiscal year end date of June 30, and some use the federal fiscal year with an end date of September 30). Data is reported for a single consecutive 12-month period.

FY 2012 Outcome Goal: Increase the graduation rate of drug court participants from 21% (FY2005) to 32% by FY 2012

2009 Progress: Although the Department missed its FY 2009 target, the Department is on track to achieve this long-term goal.

Background/Program Objectives: OJP's Drug Court Program is administered by the Bureau of Justice Assistance (BJA) and the Office of Juvenile Justice and Delinquency Prevention (OJJDP). The Drug Court Program was established in 1995 to provide financial and technical assistance to states, state courts, local courts, units of local government, and tribal governments in order to establish drug treatment courts. Drug courts employ an integrated mix of treatment, drug testing, incentives, and sanctions to break the cycle of substance abuse and crime. Since 1989, more than 1,000 jurisdictions have established or are planning to establish a drug court. Currently, every state either has a drug court or is planning a drug court.

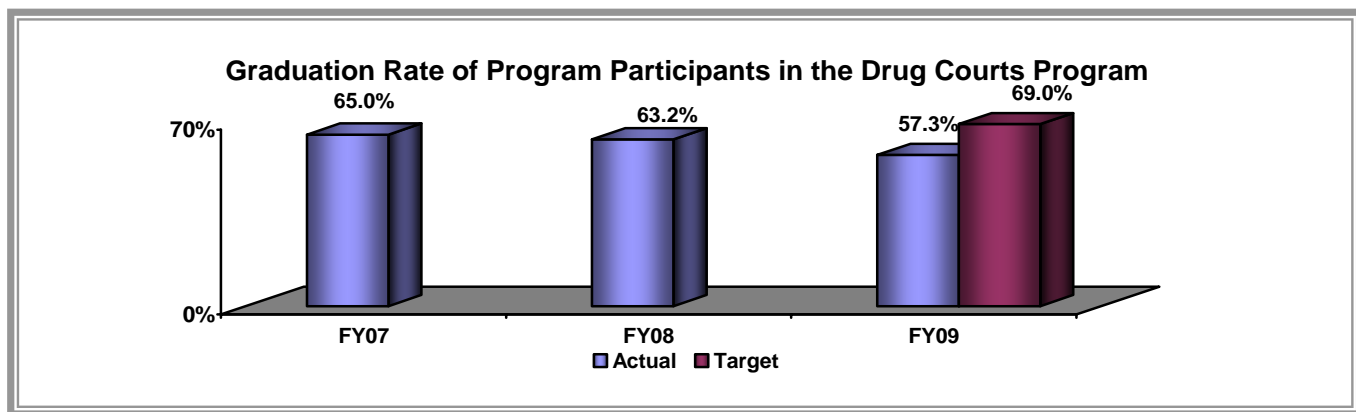
The need for drug treatment services is tremendous and OJP has a long history of providing resources to break the cycle of drugs and violence by reducing the demand, use, and trafficking of illegal drugs. Twenty-seven percent of the 6.1 million people who reported to the 2008 National Crime Victimization Survey that they had been a victim of violence believed that the perpetrator was using drugs, or drugs in combination with alcohol. Further, 54 percent of jail inmates were abusing or dependent on drugs, according to Bureau of Justice Statistics (BJS) 2002 Survey of Inmates in Local Jails. Correspondingly, 53 percent of state inmates, and 45 percent of federal inmates abused or were dependent on drugs in the year before their admission to prison, according to the BJS 2004 Survey of Inmates in State and Federal Correctional Facilities.

Performance Measure: Graduation Rate of Program Participants in the Drug Courts Program (Adult drug court participants only) (see Data Limitations)

2009 Target: 69.0%

2009 Actual: 57.3%

Discussion of 2009 Results: In FY 2009, only 79 percent of Drug Court grantees reported performance measure data while 21 percent did not. OJP is collecting the outstanding data from grantees that have not reported data, including graduation data. This process has been slowed due to efforts associated with the awarding of Recovery Act grants. OJP anticipates collecting all outstanding performance measure data from grantees by the end of first quarter FY 2010 and that those data will increase the percent of drug court graduates.



Data Definitions: The graduation rate is calculated by dividing the number of graduates during the reporting period (numerator) by the total number of drug court participants that exit the drug court program during the reporting period due to graduating or failing to graduate as a result of noncompliance with program requirements (denominator).

Data Collection and Storage: Program managers obtain data from reports submitted by grantees, telephone contact, and on-site monitoring of grantee performance.

Data Validation and Verification: Data are validated and verified through program managers' desk reviews of grantee support documentation and on-site grant monitoring.

Data Limitations: Graduation rates are not reported for years prior to FY 2007 because the formula for calculating the rate was changed that year to make it more accurate. Graduation rates from 2007 forward are calculated by dividing the number of drug court participants that graduate during the reporting period by the total number of drug court participants that exit the drug court program during the reporting period due to graduating or failing to graduate as a result of noncompliance with program requirements. Prior to FY 2007, the formula divided the number of graduates by the total number of drug court participants, regardless of eligibility for graduation and continued program participation and compliance; which resulted in lower graduation rates.

FY 2012 Outcome Goal: Ensure that no judicial proceedings are interrupted due to inadequate security

FY 2009 Progress: The Department missed its target due to one minor disruption to a court proceeding. Because the long-term goal is to ensure that no judicial proceedings are interrupted, there is no room for error. However, the Department remains committed to ensuring that no proceedings are interrupted in the future.

Background/Program Objectives: The U.S. Marshals Service (USMS) maintains the integrity of the federal judicial process by: 1) ensuring that each federal judicial facility is physically safe and free from any intrusion intended to subvert court proceedings; 2) guaranteeing that all federal judges, prosecutors, government witnesses, jurors, and other participants are secure during court proceedings; and 3) maintaining the custody, protection and safety of prisoners brought to court for any type of criminal court proceeding.

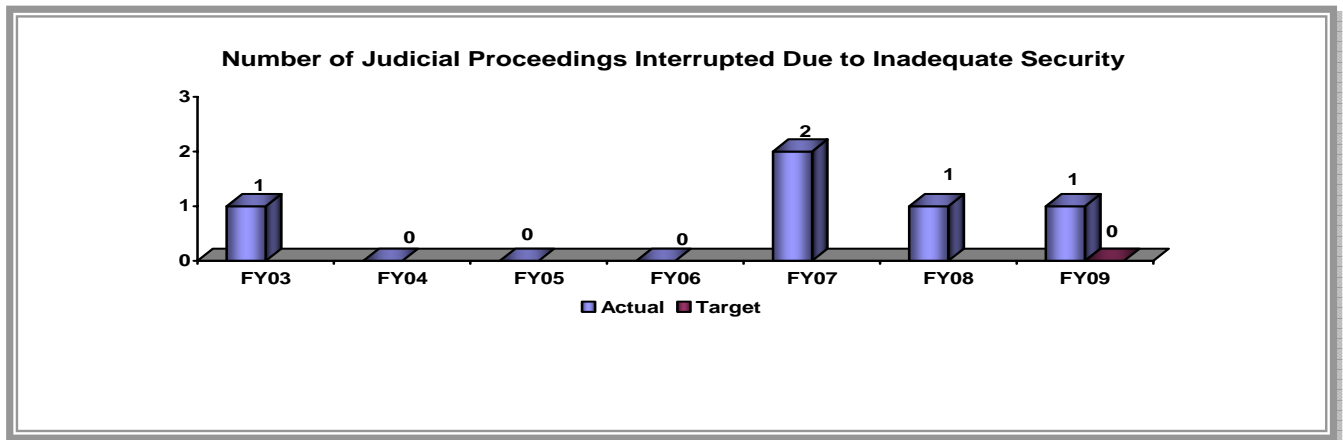
Performance Measure: Number of Judicial Proceedings Interrupted Due to Inadequate Security

FY 2009 Target: 0

FY 2009 Actual: 1

Discussion of FY 2009 Results: The USMS did not meet its FY 2009 target of zero interrupted judicial proceedings due to inadequate security. During the first quarter, one incident occurred causing the judge to suspend proceedings while the USMS personnel secured the courtroom. At no time during the incident was the judge or the public in danger.

The USMS is relying on the additional positions requested within its FY 2010 appropriation to increase staffing across operational and administrative areas and meet performance targets.



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

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

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

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

Revised FY 2012 Outcome Goal: Apprehend or clear 56% or 33,192 primary fugitives
FY 2009 Progress: The Department did not achieve its goal due to a shift of investigative full time equivalents to violent fugitive apprehension, a reduction in misdemeanor cases received, and increased state and local apprehension efforts. USMS is relying on the requested program increases in the FY 2010 budget to meet future performance targets.

Background/Program Objectives: The USMS has maintained its own "15 Most Wanted" fugitives list since 1983. Additionally, the USMS sponsors interagency fugitive task forces throughout the United States, focusing its investigative efforts on fugitives wanted for crimes of violence and drug trafficking.

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

The USMS is responsible for assisting other law enforcement agencies with the location and apprehension of non-compliant sex offenders, as well as investigating and charging for violations of the Adam Walsh Child Protection and Safety Act of 2006. A non-compliant sex offender is a sex offender who has failed to comply with his or her sex offender registration requirements.

The USMS provides investigative support such as telephone monitoring, electronic tracking, audio-video recording, and analytical expertise. The USMS maintains its own central law enforcement computer system, the Warrant Information Network (WIN), which is instrumental in maintaining its criminal investigative operations nationwide.

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

Performance Measure: Number and Percent of Primary Federal Felony Fugitives Cleared or Apprehended

FY 2009 Target: 33,000 or 55%

FY 2009 Actual: 31,119 or 49%

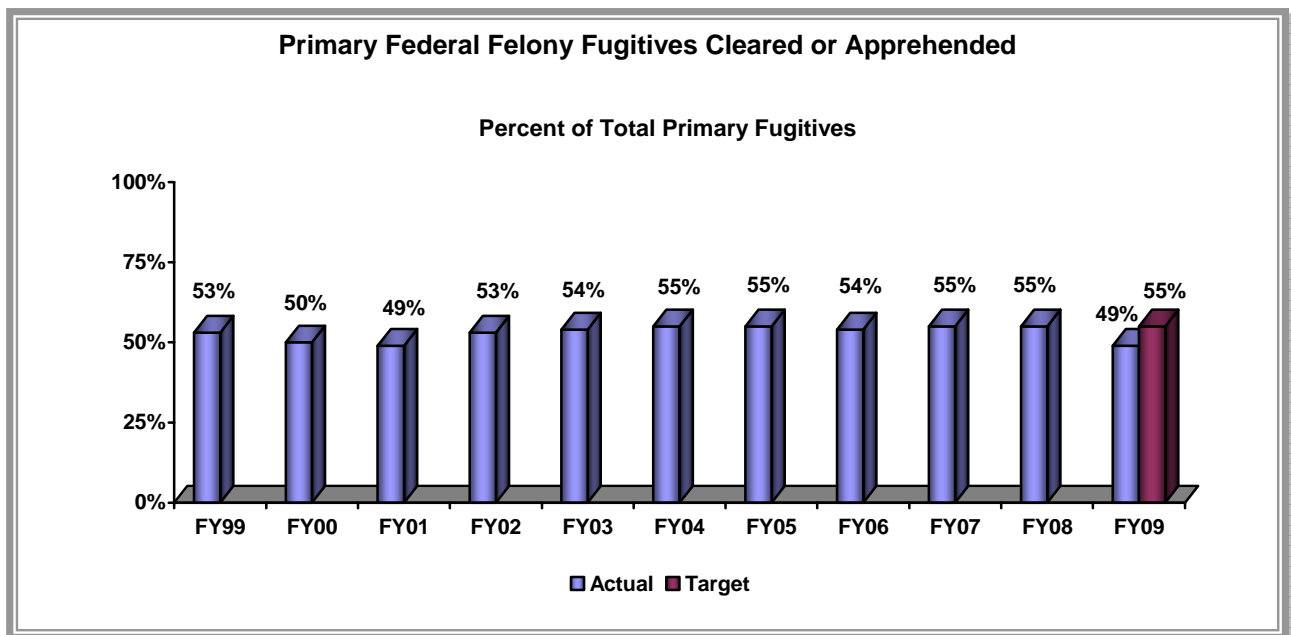
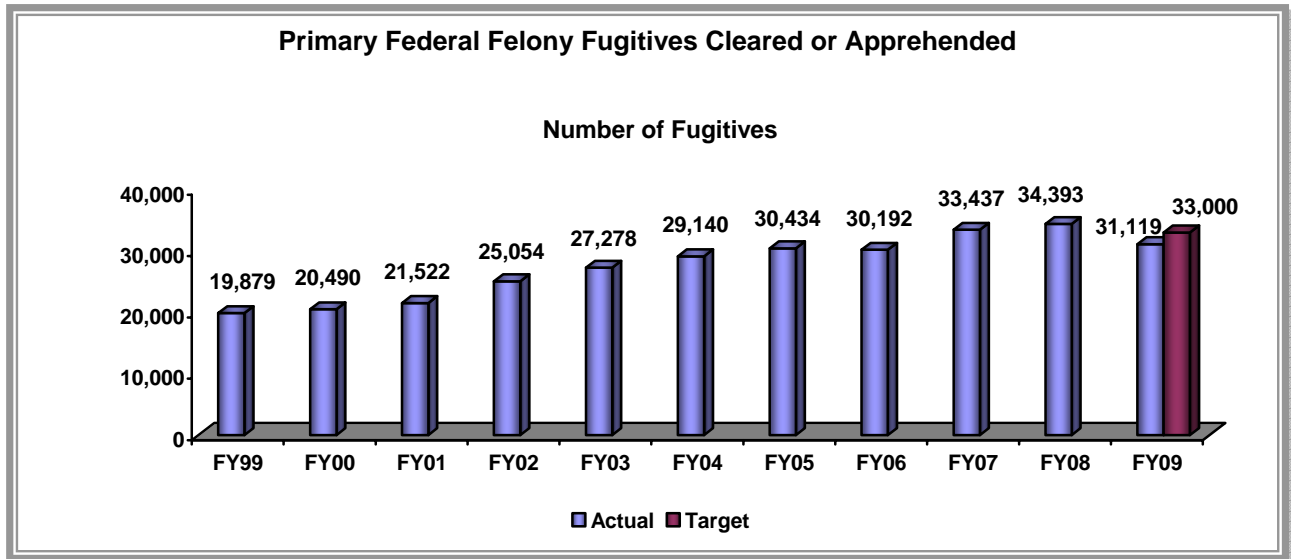
Discussion of FY 2009 Results: The USMS did not achieve its target of 33,000 primary Federal felony fugitives apprehended or cleared. The USMS was unable to meet its total fugitives and percent cleared targets due to: a shift of investigative full time equivalents to violent fugitive apprehension; a reduction in misdemeanor cases received; and increased state and local fugitive apprehension efforts.

The USMS apprehended or cleared 31,119 primary federal felony fugitives in FY 2009. This resulted in 49 percent of total primary federal felony fugitives apprehended or cleared which is almost half of all warrants on hand or received during FY 2009. Among those arrested, 3,658 were for crimes of homicide, 3,871 were gang members, and 10,019 were sex offenders. In addition, the USMS extradited or deported 874 fugitives in FY 2009.

While the USMS did not reach its 2009 Federal fugitive performance target, it has continued to increase the overall number of fugitives, including state and local, brought to justice. The seven operating Regional Fugitive Task Forces, in addition to the 75 district task forces, are directing their investigative efforts toward reducing the number of violent crimes. These crimes include terrorist activities, organized crime, drugs, and gang violence. The Regional Fugitive Task Forces and District Fugitive Task Forces combined led to the arrest of 90,806 state and local fugitive felons in FY 2009. In addition, through the coordination of federal, state, and local law enforcement agencies (led by the USMS) through Operation FALCON (Federal and Local Cops Organized Nationally) 35,190 arrests were made, nationwide and internationally. The USMS initiated

1,545 federal investigations into the failure of sex offenders to meet their registration requirements. In addition, in FY 2009, the USMS and the DOJ sponsored Operation Big Easy, an intensive 10-week fugitive sweep aimed at cleaning up the streets of New Orleans. Operation Big Easy was a partnership with six state and local law enforcement agencies in the New Orleans metro area, which resulted in the arrest of 432 fugitives and the closure of 650 warrants.

The USMS is relying on the additional positions requested within its FY 2010 appropriation to increase staffing across operational and administrative areas and meet performance targets.



Data Definition: A primary federal felony fugitive has a warrant(s) in which the USMS has primary apprehension responsibility. The USMS has primary jurisdiction to conduct and investigate fugitive matters involving escaped federal prisoners; probation, parole, bond default violators; warrants generated by the DEA referred for USMS investigation; warrants referred by other federal law enforcement agencies; warrants referred by state and local agencies through USMS led district and regional fugitive task forces; and certain other related felony cases. A fugitive is considered cleared or apprehended if the fugitive is arrested, has a detainer issued, or the warrant is dismissed. The percent cleared is calculated by dividing the number of

cleared fugitives by the sum of received fugitives (fugitives who had a warrant issued during the fiscal year) and on-hand fugitives (fugitives who had an active warrant at the beginning of the fiscal year).

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

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

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

Revised FY 2012 Outcome Goal: Hold the average per day jail cost for federal detention at or below inflation.

FY 2009 Progress: The Department narrowly missed its goal in FY 2009 due to slightly higher per diem rates than originally projected. Adjustments to the FY 2010 projections have been made accordingly.

Background/Program Objectives: The mandate of the Office of the Federal Detention Trustee (OFDT) is to manage resource allocations, exercise financial supervision of detention operations, and set government-wide detention policy. OFDT has overall management and responsibility for federal detention services relating to the detention of federal prisoners in the custodial jurisdiction of the USMS.

Costs begin at the time a prisoner is brought into USMS custody and extend through termination of the criminal proceeding and/or commitment to the Bureau of Prisons (BOP). Detention bed space for federal detainees is acquired as effectively and efficiently as possible through: (1) federal detention facilities, where the government pays for construction and operation of the facility through the BOP; (2) Intergovernmental Agreements (IGA) with State and local jurisdictions who have excess prison/jail bed capacity and where a daily rate is paid for the use of the bed; and, (3) private jail facilities where a daily rate is paid.

In recent years, DOJ has not been able to rely as much on IGAs and federal facilities to meet the surge in the detention population as State and local governments are increasingly using their facilities for their own detention requirements. With space unavailable in areas where more federal bed-space is needed, DOJ has increasingly turned to the private sector.

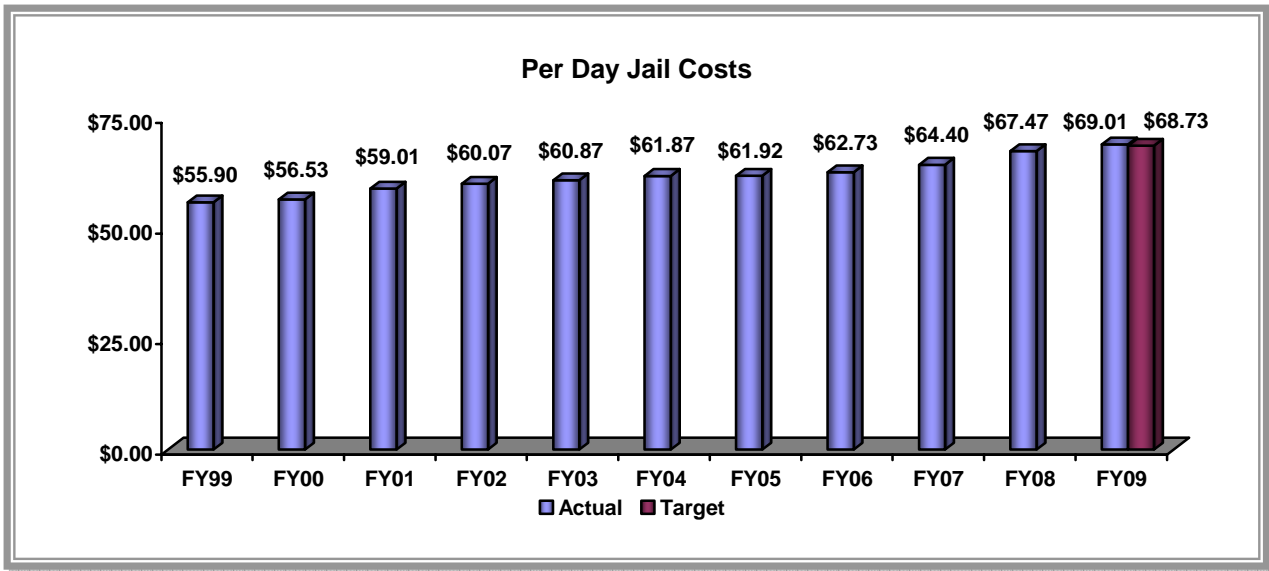
Ensuring safe, secure, and humane confinement for federal detainees is critically important. To address the variance between federal; State and local government; and privately owned and managed facilities, the federal Performance-Based Detention Standards were developed. To ensure compliance, federal contract vehicles are written or modified to reflect federal Performance-Based Detention Standards with private contractor performance compensation based on their ability to demonstrate compliance. The comprehensive Quality Assurance Review Program provides various methodologies for assessing a facility's operations to ensure that the safe, secure, and humane confinement criteria are met, as well as addressing Congress' concerns for public safety as it relates to violent prisoners (e.g., Interstate Transportation of Dangerous Criminals Act, also known as Jenna's Act).

Performance Measure: Per Day Jail Costs

FY 2009 Target: \$68.73

FY 2009 Actual: \$69.01

Discussion of FY 2009 Results: The actual Per Day Jail Costs for FY 2009 exceeded the target by less than half a percent. This was due to slightly higher per diem rates than originally projected. Adjustments to the FY 2010 projections have been made accordingly.



Data Definition: Per Day Jail Cost is actual price paid (over a 12-month period) by the USMS to house federal prisoners in non-federal detention facilities. Average price paid is weighted by actual day usage at individual detention facilities.

Data Collection and Storage: Data describing the actual price charged by State, local, and private detention facility operators is maintained by the USMS in their Prisoner Tracking System (PTS) and it is updated on an as-needed, case-by-case basis when rate changes are implemented. Rate information for specific facilities is maintained by USMS headquarters staff. For those private facilities where OFDT has a direct contract for bed space, the effective per diem is calculated using information obtained from OFDT’s Procurement Division. In conjunction with daily reports to OFDT of prisoners housed, OFDT compiles reports describing the price paid for non-federal detention space on a weekly and monthly basis. Data are reported on both district and national levels.

Data Validation and Verification: Data reported to OFDT are validated and verified against monthly reports describing district-level jail utilization and housing costs prepared by the USMS. For direct contracts, contract terms are verified by OFDT Procurement staff.

Data Limitations: The only limitation is ensuring that USMS district level input into PTS occurs in a timely and correct manner.

Revised FY 2012 Outcome Goal: Reduce system-wide crowding in federal prisons to 28% by 2012.
FY 2009 Progress: The Department is on target to achieve this long-term goal.

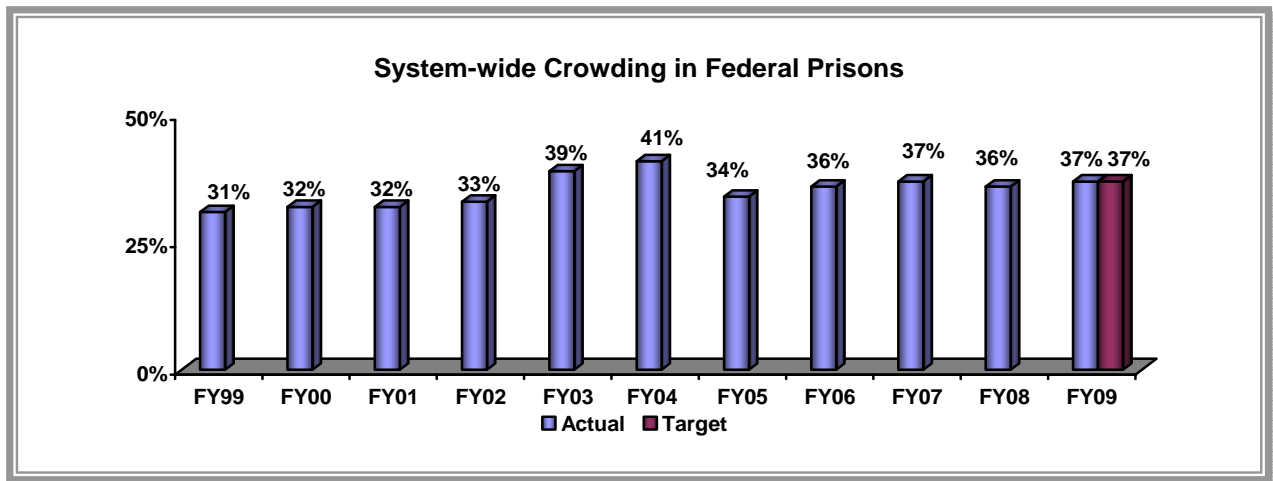
Background/Program Objectives: The BOP constantly monitors facility capacity, population growth, and prisoner crowding. As federal inmate population levels are projected to increase and continue to exceed the rated capacity of the BOP, every possible action is being taken to protect the community, while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

Performance Measure: System-wide Crowding in Federal Prisons

FY 2009 Target: 37%

FY 2009 Actual: 37%

Discussion of FY 2009 Results: During FY 2009, the total BOP inmate population increased by 7,091. Capacity was added as a result of the activation of two new housing units (Federal Correctional Institution (FCI) Safford, AZ and FCI Otisville, NY) and one new institution (FCI Pollock, LA). By using available contract beds, expanding existing institutions, and adding new capacity, BOP institution crowding remained on target for FY 2009.



Data Definitions: The crowding levels are based on a mathematical ratio of the number of inmates divided by the rated capacity of the institutions at each of the specific security levels. The percent of crowding represents the rate of crowding that is over rated capacity. For example, if an institution had a number of inmates that equaled the rated capacity, this would represent 100% occupancy, which equals 0% crowding. Any occupancy above 100% represents a percentage of crowding. System-wide: represents all inmates in BOP facilities and all rated capacity, including secure and non-secure facilities, low, medium, and high security levels, as well as administrative maximum, detention, medical, holdover, and other special housing unit categories. Minimum security facilities: non-secure facilities that generally house non-violent, low risk offenders with shorter sentences. These facilities have limited or no perimeter security fences or armed posts. Low security facilities: double-fenced perimeters, mostly dormitory housing, and strong work/program components. Medium security facilities: strengthened perimeters, mostly cell-type housing, work and treatment programs and a higher staff-to-inmate ratio than low security facilities. High security facilities: also known as U.S. Penitentiaries, highly secure perimeters, multiple and single cell housing, highest staff-to-inmate ratio, close control of inmate movement.

Data Collection and Storage: Data are gathered from several computer systems. Inmate data are collected on the BOP on-line system (SENTRY). The BOP also utilizes a population forecast model to plan for future contracting and construction requirements to meet capacity needs.

Data Validation and Verification: Subject matter experts review and analyze population and capacity levels daily, both overall and by security level. BOP institutions print a SENTRY report, which provides the count of inmates within every institution cell house. The report further subdivides the cell houses into counting groups, based on the layout of the institution. Using this report, institution staff conducts an official inmate count five times per day to confirm the inmate count within SENTRY. The BOP Capacity Planning Committee (CPC), comprised of top BOP officials, meets bi-monthly to review, verify, and update population projections and capacity needs for the BOP. Offender data are collected regularly from the Administrative Office of the U.S. Courts by the BOP Office of Research and Evaluation in order to project population trends. The CPC reconciles bed space needs and crowding trends to ensure that adequate prison space is maintained, both in federal prisons and in contract care.

Data Limitations: None known at this time.

Revised FY 2012 Outcome Goal: Ensure that there will be no escapes from secure Bureau of Prison facilities

FY 2009 Progress: The Department is on target to achieve this long-term goal.

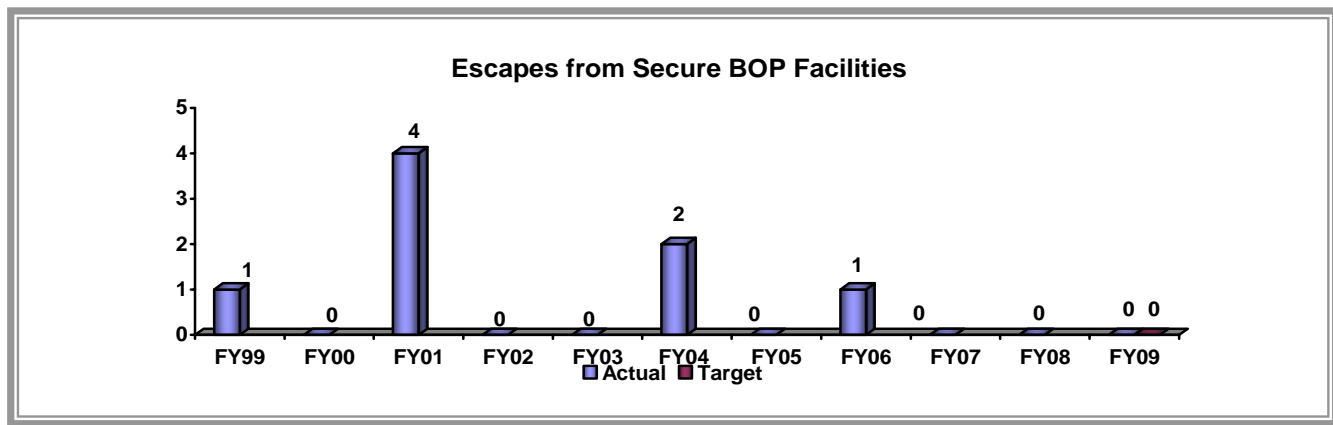
Background/Program Objectives: The BOP significantly reduces the possibility of escape with long-term emphasis on security enhancements, physical plant improvements, enhanced training, and increased emphasis on staff supervision of inmates. In the event an escape does occur, the BOP will initiate immediate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

Performance Measure: Escapes from Secure BOP Facilities

FY 2009 Target: 0

FY 2009 Actual: 0

Discussion of FY 2009 Results: During FY 2009, the BOP had no escapes from secure BOP facilities.



Data Definitions: All BOP institutions are assigned a security classification level based in part on the physical design of each facility. There are four security levels: minimum; low; medium; and high. Additionally, there is an administrative category for institutions that house a variety of specialized populations such as pre-trial, medical, mental health, sex offenders, and U.S. Department of Homeland Security, Immigration and Customs Enforcement (ICE) detainees. Low, medium, and high security levels and administrative institutions are defined as “secure,” based on increased security features and type of offenders designated.

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

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

Data Limitations: None known at this time.

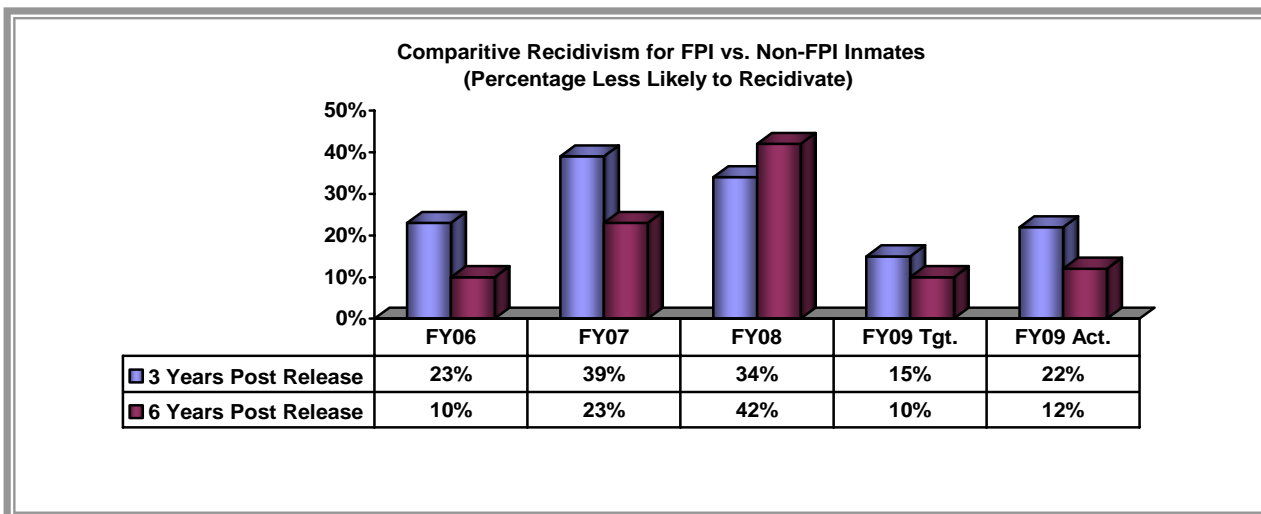
Revised FY 2012 Outcome Goal: Comparative recidivism rates for Federal Prison Industry (FPI) inmates: 15% 3 years following release, and 10% 6 years following release
FY 2009 Progress: The Department is on target to achieve this long-term goal.

Background/Program Objectives: An objective of FPI is to reduce recidivism by providing job training and helping inmates develop a basic work ethic and marketable skills, thereby allowing them to become productive law-abiding citizens. The finding of the initial performance measurement in FY 2005 was consistent with an earlier well designed evaluation of the effects of the prison industries experience. Both evaluations found that inmates who had participated in FPI were less likely to recidivate after release from prison than similarly situated non-participants. This replication will assess group differences 3 years and 6 years after release for recidivism defined as return to federal prison for a new offense. The targets for inmates released in FY 2003-2006 are: Inmates who participate in FPI will remain 15% less likely to recidivate at 3 years, and 10% less likely to recidivate at 6 years, after release from a secure facility, compared to similarly situated inmates who did not participate.

Performance Measure: Comparative Recidivism for FPI Inmates vs. Non-FPI Inmates (Percentage less likely to recidivate)

FY 2009 Target: 3 years; 15%
6 years; 10%
FY 2009 Actual: 3 years; 22%
6 years; 12%

Discussion of FY 2009 Results: FPI exceeded the FY 2009 targets of 15% less likely to recidivate at 3 years and 10% less likely to recidivate at 6 years with actual results of 22% and 12% respectively. In one important aspect, the analysis performed in FY 2009 differs from that of the one performed in FY 2008. In FY 2009 recidivism rates were analyzed for inmates who had been released for up to 3 years whereas in the past the analysis included inmates who had been released for more than 3 years but less than 4 years. The 2009 methodology allows for a more comprehensive assessment of the program effects. One effect, however, of analyzing this larger group is a diminished relative reduction in recidivism. This lesser relative reduction does not reflect a decline in program effectiveness; rather, it results from the inclusion of many inmates with low rates of recidivism (due to their short time in the community following release). A comparison between two groups of offenders with low rates of recidivism will necessarily yield a small relative reduction.



Data Definition: Recidivism means a tendency to relapse into a previous mode of behavior, such as criminal activity resulting in arrest and incarceration. The definition of recidivism employed for this performance measure is return to BOP custody due to conviction for a new offense.

Data Collection and Storage: Data are gathered from the BOP's operational computer system (SENTRY), and is analyzed by the BOP's Office of Research and Evaluation.

Data Validation and Verification: The data from the BOP SENTRY system is subject to verification and validation on a nearly daily basis; field staff modifies offenders' status on an on-going basis and update the files as appropriate. The BOP data undergoes a number of quality control procedures ensuring its accuracy.

Data Limitations: Although non-citizens make up a large minority of the BOP population, they are excluded from analyses because many of them are deported following release from prison, and it is not known if they recidivate. Projected targets are based on an earlier study of recidivism by FPI participating inmates and their similarly situated non-participating counterparts. The results of this ongoing research may differ from earlier findings due to changes in the program, improved research methods, changes in the composition of the inmate population, and changes in the quality and comprehensiveness of data.

Revised FY 2012 Outcome Goal: Limit the rate of serious assaults in federal prisons to 14 assaults per 5,000 inmates

FY 2009 Progress: The Department is on target to achieve this long-term goal.

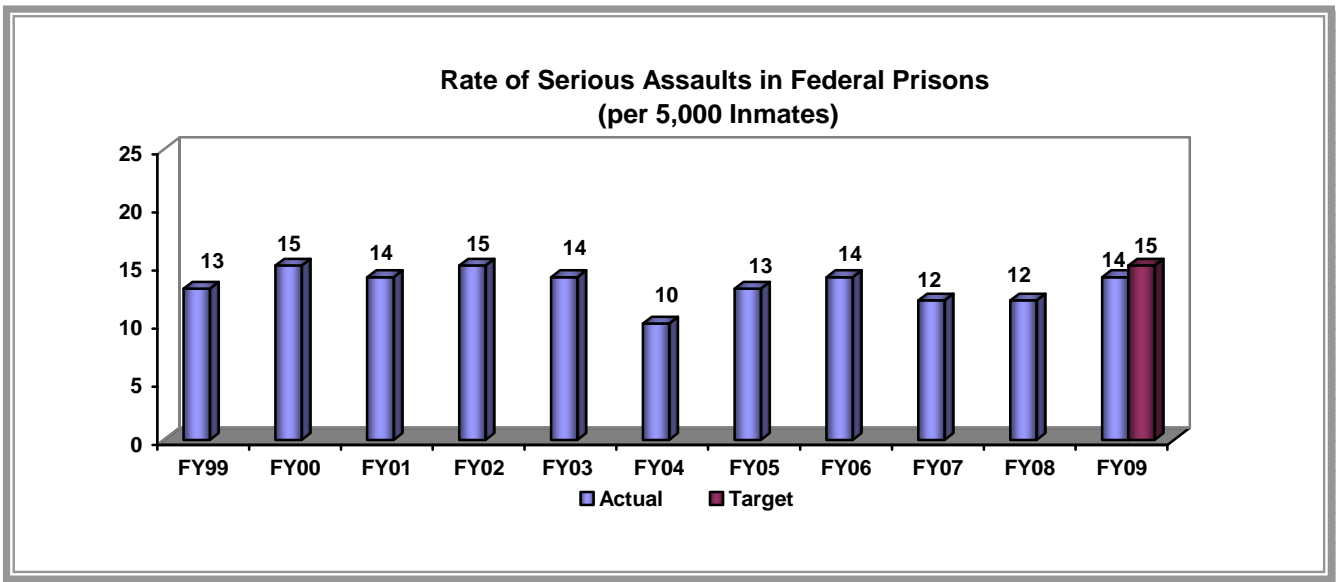
Background/Program Objectives: Every reasonable precaution is taken to ensure that inmates are provided with a safe and secure environment in facilities according to their needs. While it is the objective of the DOJ and BOP to eliminate all assaults, the target reflects projections based on historical data and observed trends. This data represents the rate of adjudicated, serious assaults on inmates over a twelve-month period, per 5,000 inmates. Due to the time required to adjudicate allegations of assault, there is a lag between the occurrence of the incident and reporting guilty findings. Accordingly, the figure reported represents guilty findings for incidents that occurred during the twelve month period ending the last month of the previous quarter.

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

FY 2009 Target: 15

FY 2009 Actual: 14

Discussion of FY 2009 Results: The FY 2009 target was met. The actual rate of serious assaults was 14 per 5,000 inmates, lower than the target rate of 15 per 5,000 inmates for FY 2009.



Data Definition: Reported assault rate is based on guilty findings of serious assaults. Serious assaults involve serious physical injury being attempted or carried out by an inmate. They include sexual assaults as well as armed assaults on the institution's secure perimeter.

Data Collection and Storage: Data is collected from the BOP's operational computer system (SENTRY), specifically the Chronological Disciplinary Record (CDR) module, which records all disciplinary measures taken with respect to individual inmates. This data is maintained and stored in the BOP's management information system (Key Indicators), which permits retrieval of data in an aggregated manner. The data represents guilty findings of serious assaults on inmates.

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

The SENTRY system is the BOP's operational data system, whereas Key Indicators aggregates the Sentry data and provides an historical perspective.

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

Revised FY 2012 Outcome Goal: Achieve a 99% positive rate in inspection/accreditation results for federal prison facilities (FY 2007-2012)

FY 2009 Progress: The Department is on target to achieve this long-term goal.

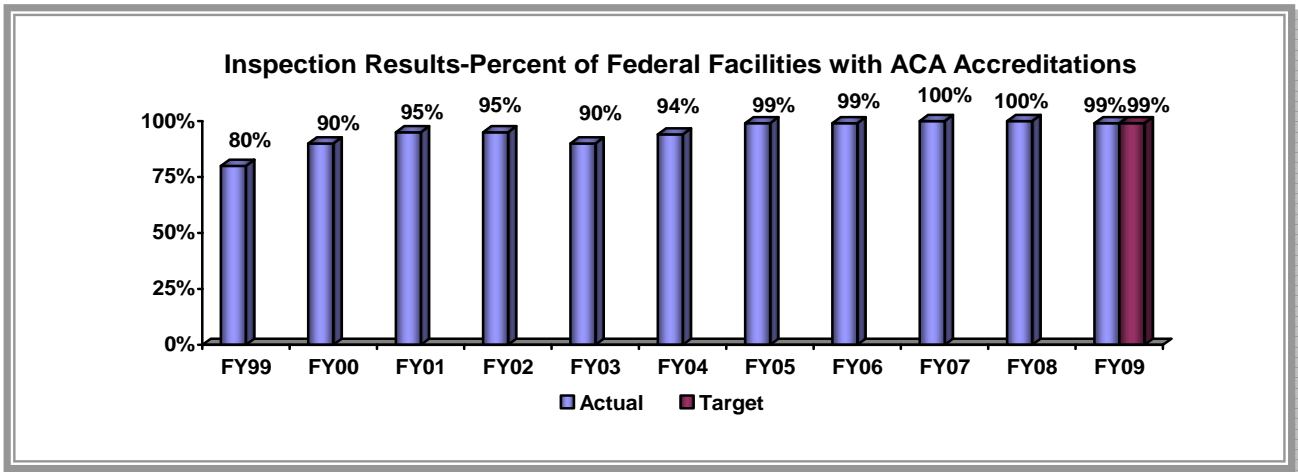
Background/Program Objectives: The BOP has the highest regard for human rights and public safety. Therefore, it strives to maintain facilities that meet the accreditation standards of several professional organizations including the American Correctional Association (ACA). ACA auditors conduct on-site visits to BOP institutions during initial accreditation and re-accreditations. Institutions' ACA accreditation must be renewed tri-annually.

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

FY 2009 Target: 99%

FY 2009 Actual: 99%

Discussion of FY 2009 Results: One hundred thirteen of the BOP's one hundred fourteen prisons eligible to participate in the reaccreditation program maintained their accreditation. FCI Lorretto, PA lost accreditation as a result of failing to meet the mandatory firearms standard. The BOP will seek to have this institution accredited again in FY 2010.



Data Definitions: Initial ACA Accreditation is awarded when an institution demonstrates 100 percent compliance with mandatory ACA standards, and substantial compliance with nonmandatory ACA standards. The BOP's policy requires all institutions to maintain ACA Accreditation.

Data Collection and Storage: Once an audit is completed, an electronic report is received from ACA. These reports are maintained in GroupWise shared folders by institutions, and in WordPerfect files.

Data Validation and Verification: On an annual basis, Program Review personnel develop a schedule for initial accreditation and re-accreditation of all eligible BOP facilities to ensure reviews are conducted on a regular and consistent basis. BOP policy requires institutions to initially be ACA accredited within two years of activation. Therefore, non-accredited institutions that have been activated for less than two years are excluded from calculations regarding this performance measure.

Subject matter experts review report findings to verify accuracy and develop any necessary corrective measures. The ACA accreditation meeting minutes, identifying the institutions receiving accreditation and re-accreditation, are now on file and maintained by the BOP Accreditation Manager.

Data Limitations: None known at this time.

Revised FY 2012 Outcome Goal: Complete 90% of Executive Office for Immigration Review priority cases within established timeframes.

FY 2009 Progress: The Department missed two of its four FY 2009 targets, primarily due to the dramatic increase in the detained caseload. EOIR intends to closely examine all of its priorities to ensure that the agency continues to complete its priority caseload in a timely manner.

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

Performance Measure: Percent of EOIR Priority Cases Completed Within Established Time Frames

FY 2009 Target: 90% (all categories)

FY 2009 Actual:

Immigration Court Expedited Asylum Cases Completed Within 180 Days: 82%

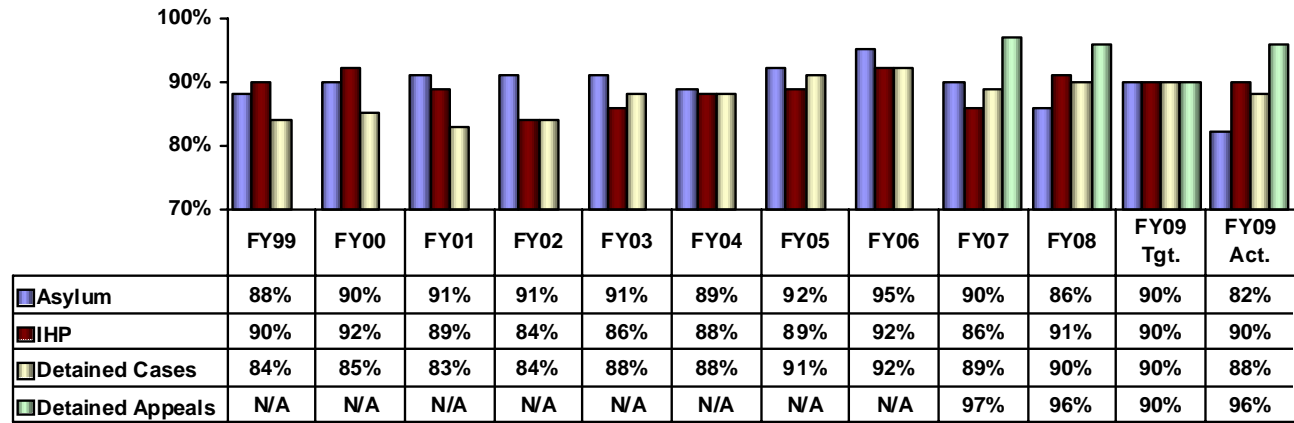
Immigration Court Institutional Hearing Program Cases Completed Prior to Release from Incarceration: 90%

Immigration Court Detained Cases (Without Applications for Relief) Completed Within 30 Days: 88%

Immigration Court Detained Appeals Completed Within 150 Days: 96%

Discussion of FY 2009 Results: In FY 2009, EOIR met two of four targets. The Board was able to exceed its target through two techniques: strict time lines for each step within the adjudicatory process and effective management of human resources. The immigration courts were able to meet the goal of completing 90 percent of Institutional Hearing Program cases prior to the aliens' release from incarceration by careful docket management in the locations that hear such cases. The dramatic increase in the detained caseload during FY 2009 was the primary reason for the immigration courts missing their other two goals. The detained caseload has increased by 70 percent in the past five years and now comprises approximately half of the immigration court caseload. Considering this dramatic increase, it is admirable that the courts came within two percent of meeting their goal of completing 90 percent of detained cases for individuals who did not file applications for relief within the short time frame of 30 days. EOIR shifted immigration judge resources away from the non-detained dockets to meet the increasing demand of the detained caseload. As a result, the priority shift to quickly completing detained cases severely impacted the courts' ability to complete 90 percent of expedited asylum cases within 180 days. EOIR intends to closely examine all of its priorities to ensure that the agency continues to complete its priority caseload in a timely manner.

Percent of EOIR Priority Cases Completed Within Established Time Frames



Data Definition: The EOIR has defined its priority caseload as three types of immigration court cases (expedited asylum, Institutional Hearing Program, and detained without applications for relief) and one type of Board of Immigration Appeals case (detained appeals). Asylum regulations mandate that asylum applications be processed within 180 days. Consequently, expedited processing of asylum applications occurs when (1) an alien files “affirmatively” at a DHS Asylum Office and the application is referred to EOIR by DHS within 75 days of the filing; or (2) an alien files an application “defensively” with EOIR. The Institutional Hearing Program (IHP) is a collaborative effort between EOIR, DHS and various federal, State, and local corrections agencies. The program permits immigration judges to hold removal hearings inside correctional institutions prior to the alien completing his or her criminal sentence. Detained aliens are those in the custody of DHS or other entities. The priority caseload includes those detained aliens who have not filed an application for relief, as well as those detained aliens who have filed an appeal of an immigration judge’s decision.

Data Collection and Storage: Data are collected from the Case Access System for EOIR or CASE, a nationwide case-tracking system at the trial and appellate levels.

Data Validation and Verification: All data entered by courts nationwide are instantaneously transmitted and stored at EOIR headquarters, which allows for timely and complete data. Data are verified by on-line edits of data fields. Headquarters and field office staff have manuals that list the routine daily, weekly, and monthly reports that verify data. Data validation is also performed on a routine basis through data comparisons between EOIR and DHS databases.

Data Limitations: None known at this time.