

### FMFIA SECTION 2 – PROGRAMMATIC MATERIAL WEAKNESS – PRISON CROWDING

<b>U.S. DEPARTMENT OF JUSTICE</b> <b>Corrective Action Plan</b> <b>Issue and Milestone Schedule</b>		<b>Report Date</b> September 30, 2009; 2009 Fiscal Year End	
<b>Issue Title</b> Prison Crowding		<b>Issue ID</b> 06BOP001	<b>Component Name</b> Bureau of Prisons
<b>Issue Category</b> FMFIA, Section 2 <input type="checkbox"/> Reportable Condition <input checked="" type="checkbox"/> Material Weakness FMFIA, Section 4 <input type="checkbox"/> Non-conformance OMB A-123, Appendix A <input type="checkbox"/> Reportable Condition <input type="checkbox"/> Material Weakness			
<b>Issue Category – SAT Concurrence or Recategorization</b> Concur			
<b>Issue Description</b> The growth of the federal inmate population continues to exceed available capacity. As of September 30, 2009, the inmate population in BOP owned and operated institutions reached 172,423. Inmates were housed in a rated capacity of 125,778, resulting in an over crowding rate of 37 percent above rated capacity, an increase of 1 percent since FY 2008 fiscal year end. The BOP manages the housing of the inmate population by contracting with the private sector and using State and local facilities for certain groups of low-security inmates, expanding existing institutions (where infrastructure permits, programmatically appropriate, and cost effective to do so), and constructing new facilities. The continued use of these approaches maximizes the BOP's ability to keep pace with the increasing inmate population, thereby ensuring safe and secure operations in facilities housing federal inmates.  Through the acquisition of additional low-security contract bed space, expansion of existing institutions, and construction of new facilities, the BOP Long-Range Capacity Plan projects a rated capacity in BOP owned and operated institutions of 134,779 by September 30, 2014. If new construction plans are funded as proposed, the over crowding rate at that time is projected to be 38 percent. Without the acquisition of the additional bed space and the BOP's other mitigating actions, the projected over crowding rate would be 55 percent.			
<b>Business Process Area (N/A for Section 2 and Section 4 issues)</b> Not Applicable			
<b>Date First Identified</b> 2006	<b>Original Target Completion Date</b> 09/30/2012	<b>Current Target Completion Date</b> Dependent on funding	<b>Actual Completion Date</b>
<b>Issue Identified By</b> Bureau of Prisons		<b>Source Document Title</b> BOP Population Projections	
<b>Description of Remediation</b> Increase the number of federal inmate beds to keep pace with projected increases in the inmate population. Efforts to reach this goal include expanding existing institutions, acquiring surplus properties for conversion to correctional facilities, constructing new institutions, utilizing contract facilities, and exploring alternative options of confinement for appropriate cases.			

<b>Milestones</b>	<b>Original Target Date</b>	<b>Current Target Date</b>	<b>Actual Completion Date</b>
1. As of September 30, 2006, the inmate population in BOP owned and operated institutions reached 162,514 and was housed in a capacity of 119,510, resulting in an over crowding rate of 36 percent.	09/30/2006		09/30/2006
2. As of September 30, 2007, the inmate population in BOP owned and operated institutions reached 167,323 and was housed in a capacity of 122,189, resulting in an over crowding rate of 37 percent, an increase of 1 percent for the year.	09/30/2007		09/30/2007
3. As of September 30, 2008, the inmate population in BOP owned and operated institutions reached 165,964 and was housed in a capacity of 122,366, resulting in an over crowding rate of 36 percent, a decrease of 1 percent for the year.	09/30/2008		09/30/2008
4. As of September 30, 2009, the inmate population in BOP owned and operated institutions reached 172,423 and was housed in a capacity of 125,778, resulting in an over crowding rate of 37 percent, an increase of 1 percent for the year.	09/30/2009		09/30/2009
5. Planning estimates call for a rated capacity of 127,187 to be reached by the close of FY 2010. The over crowding rate is projected to be 38 percent at that time, an increase of 1 percent for the year.	09/30/2010		
6. Planning estimates call for a rated capacity of 128,827 to be reached by the close of FY 2011. The over crowding rate is projected to be 38 percent at that time, the same rate as at the end of the previous year.	09/30/2011		
7. Planning estimates call for a rated capacity of 131,171 to be reached by the close of FY 2012. The over crowding rate is projected to be 38 percent at that time, the same rate as at the end of the previous year.	09/30/2012		
8. Planning estimates call for a rated capacity of 131,899 to be reached by the close of FY 2013. The over crowding rate is projected to be 39 percent at that time, an increase of 1 percent for the year.	09/30/2013		
9. Planning estimates call for a rated capacity of 134,779 to be reached by the close of FY 2014. The over crowding rate is projected to be 38 percent at that time, a decrease of 1 percent for the year.	09/30/2014		

**Reason for Not Meeting Original Target Completion Date**

Funding for additional capacity has not kept pace with the increase in the federal inmate population.

**Status of Funding Available to Achieve Corrective Action**

The FY 2010 and out-year budget requests are structured to address the BOP's long-term capacity needs in the most cost effective manner possible. The DOJ's proposed FY 2011 budget for BOP is under review at the Office of Management and Budget; as of year-end FY 2009, the BOP's Long-term Capacity Plan was partially funded through FY 2014. The BOP will continue to structure budget requests to address capacity needs in the most cost effective manner possible.

**Planned Measures to Prevent Recurrence**

The BOP will continue to develop budget requests consistent with inmate population increases.

**Validation Indicator**

Results are measured as a new institution or expansion project is activated and resulting increases in rated capacity are established. A corresponding decrease in the over crowding rate will also be a tangible measurement of the results. Progress on construction projects at new and existing facilities will be validated via on-site inspections of each facility or by review of monthly construction progress reports.

**Organization Responsible for Corrective Action**

BOP Program Review Division

**FMFIA SECTION 2 – PROGRAMMATIC MATERIAL WEAKNESS – FEDERAL BUREAU OF INVESTIGATION USE OF NATIONAL SECURITY LETTERS**

<b>U.S. DEPARTMENT OF JUSTICE Corrective Action Plan Issue and Milestone Schedule</b>		<b>Report Date</b> September 30, 2009; 2009 Fiscal Year End	
<b>Issue Title</b> Federal Bureau of Investigation Use of National Security Letters		<b>Issue ID</b> 07FBI001	<b>Component Name</b> Federal Bureau of Investigation
<b>Issue Category</b>			
FMFIA, Section 2	<input type="checkbox"/>	Reportable Condition	<input checked="" type="checkbox"/> Material Weakness
FMFIA, Section 4	<input type="checkbox"/>	Non-conformance	
OMB A-123, Appendix A	<input type="checkbox"/>	Reportable Condition	<input type="checkbox"/> Material Weakness
<b>Issue Category – SAT Concurrence or Recategorization</b>			
Concur			
<b>Issue Description</b>			
<p>In March 2007, the OIG reported that the FBI’s use of national security letters (NSL) had grown dramatically and shifted in focus since the enactment of the Patriot Act (October 2001). The OIG found that, although the NSL remains an indispensable investigative tool, the electronic database used for tracking NSL usage was incomplete and inaccurate and did not accurately reflect the status of investigative targets, which impacts the Department’s semiannual reports to Congress on NSL usage. The OIG also reported that the FBI did not consistently retain signed copies of NSLs or examine improper or illegal uses of NSLs. Further, the OIG reported that the FBI had not provided clear guidance on applying the Attorney General Guidelines requirements for the use of NSLs. The OIG did not find indications of misuse of NSL authorities that constituted criminal misconduct; however, it found that the FBI used NSLs in violation of applicable NSL statutes, Attorney General Guidelines, and internal FBI policies.</p> <p>An OIG follow-up report issued in March 2008 stated that the FBI and Department had made significant progress in implementing the recommendations in the initial OIG report. Improvements include strengthening the controls and automated workflow governing the request, review, and approval of NSLs; field office monthly reconciliations of NSL usage; and the database used for tracking NSL usage. The FBI has implemented all OIG recommendations, as well as additional corrective actions, and awaits OIG closure of the reports.</p>			
<b>Business Process Area (N/A for Section 2 and Section 4 issues)</b>			
Not Applicable			
<b>Date First Identified</b>	<b>Original Target Completion Date</b>	<b>Current Target Completion Date</b>	<b>Actual Completion Date</b>
2006	03/31/2008	FBI validation completed in FY 2009; awaiting OIG closure of reports	
<b>Issue Identified By</b>		<b>Source Document Title</b>	
OIG		March 2007 OIG Report, 06-20	
<b>Description of Remediation</b>			
Actions to remediate the OIG-reported findings are summarized in the <i>Milestones</i> section below. In FY 2009, the FBI completed its validation to ensure the enhanced systems and controls implemented fully remediate the reported findings.			
<b>Milestones</b>	<b>Original Target Date</b>	<b>Current Target Date</b>	<b>Actual Completion Date</b>
1. Require all personnel authorized to issue NSLs to create a control file to retain signed copies.	03/31/2008		03/09/2007
2. Improve the Office of the General Counsel (OGC) tracking database to ensure it captures accurate, timely, and complete NSL data.	03/31/2008		04/10/2007
3. Improve the OGC tracking database to include NSL requests for individuals who are not investigative subjects.	03/31/2008		04/10/2007

Milestones (continued)	Original Target Date	Current Target Date	Actual Completion Date
4. Issue additional guidance to field offices that will assist in identifying possible Intelligence Oversight Board violations related to NSL use.	03/31/2008		06/01/2007
5. Take steps to ensure the FBI does not improperly issue exigent letters.	03/31/2008		03/01/2007
6. Ensure that, where appropriate, the FBI makes requests for information in accordance with the requirements of NSL authorities.	03/31/2008		06/01/2007
7. Implement measures to ensure the OGC is consulted about activities undertaken by FBI Headquarters National Security Branch, including its operational support activities.	03/31/2008		06/01/2007
8. Ensure Chief Division Counsel and Assistant Division Counsel (field) provide close and independent reviews of requests to issue NSLs.	03/31/2008		06/01/2007
<b>Reason for Not Meeting Original Target Completion Date</b>			
Not Applicable. Actions addressing each OIG recommendation were completed by the original target completion date. Validation to ensure that actions taken fully remediate the OIG-reported findings was completed in FY 2009.			
<b>Status of Funding Available to Achieve Corrective Action</b>			
Funding was available to complete database enhancements and other remediation/analytical activities.			
<b>Planned Measures to Prevent Recurrence</b>			
Ongoing oversight of the use of NSLs.			
<b>Validation Indicator</b>			
Reviews by the FBI's OGC and Inspection Division and results of OIG follow-up work.			
<b>Organization Responsible for Corrective Action</b>			
FBI Office of the General Counsel			