



# SECTION II

## PERFORMANCE SECTION

(UNAUDITED)



# Section II

## Performance Section – FY 2011 Performance Report (Unaudited)

---

### Overview

This section of the document presents to the President, the Congress, and the public a clear picture of how the Department of Justice (DOJ or the Department) is working toward accomplishing its mission. The Performance Report provides a summary discussion of the Department's three strategic goals. It also reports on the 20 key performance measures for these goals by detailing program objectives and FY 2011 targets and actual performance, as well as whether targets were or were not achieved. Each key performance measure also includes information related to data collection and storage, data validation and verification, and data limitations. In addition, this section includes information regarding the Department's progress toward achieving the FY 2012 long-term outcome goals set forth in its FYs 2007-2012 Strategic Plan.

At the Department, performance planning and reporting is companion to the budget process. We recognize that performance information is vital to making resource allocation decisions and should be an integral part of the budget. The Department provides detailed component-specific annual performance plans within individual budget submissions, which also serve as the Department's annual performance plan.

In FY 2011, the Department continued to demonstrate clear management commitment to timely and accurate financial and budget information through the use of Department-wide quarterly status reporting. As the Department continues to develop its capacity to gather and use performance information, we will continue to communicate performance information. Quarterly status reporting has provided the Department the ability to identify problems early, take necessary corrective actions, develop more effective strategies, and allocate necessary resources.

### Measuring Departmental Impact

Throughout FY 2011, the Department continued to improve its key performance measures and track the progress of long-term performance goals. Our long-term performance goals reflect results, not just workload or processes. For example, we have focused law enforcement efforts on disrupting and dismantling targeted criminal groups, such as major drug trafficking organizations. In areas such as litigation, where results-oriented measurement is particularly difficult, we continue to reevaluate our long-term targets to ensure that we are being aggressive enough in our goals for case resolutions for all of our litigating divisions.

Measuring law enforcement performance presents unique challenges. Success for the Department is highlighted when justice is served fairly and impartially and the public is protected. In many areas, our efforts cannot be reduced to numerical counts of activities. Additionally, trying to isolate the effects of our work from other factors that affect outcomes over which the Department has little or no control presents a formidable challenge. Many factors contribute to the rise and fall of crime rates, including federal, state, local, and tribal law enforcement activities and sociological, economic, and other factors. As a result, we have focused on more targeted measures of programmatic performance such as those described above.

## Measure Refinement, Data Revisions, and Subsequent Year Reporting

The *FY 2011 Performance and Accountability Report* presents the highest-level outcome-oriented measures available and fully reports on the accomplishments achieved during the reporting period. Occasionally, however, data for an entire year are not available at the time of publication. Hence, the data reported in the Department's *FY 2010 Performance and Accountability Report* that have since been revised/updated are reported as *FY 2010 Revised Actual*, where appropriate. Also, the Department is unable to report on a limited number of performance measures due to calendar year reporting or other limitations. In those instances, performance for those measures will be reported in the subsequent year's *Performance and Accountability Report*. For performance that occurred in FY 2010, but due to calendar year reporting or other limitations was not available for reporting that year, FY 2010 data and discussion of results are reported for the first time in the pages that follow. For this report, ten years of data will be presented unless the performance outcome goal has less than ten years, in which case all information is then presented.

In certain cases, performance measures can be discontinued and/or replaced with new measures. For this report, the changes are noted prior to the title of the measure, where appropriate, and designated as a "Discontinued" or "New" measure.

As described in Section I, the Department anticipates the release in FY 2012 of the new Strategic Plan for FY 2012-2016. However, for purposes of this report, the Department's FY 2007-2012 Strategic Plan is used with key performance measures fully aligning to the existing Plan's priorities and goals. Therefore, the *FY 2011 Performance and Accountability Report* highlights the key goals and performance measures reflected in the FY 2007-2012 Strategic Plan. The Report also provides details on the Department's success in meeting its performance measure targets in FY 2011. Additional programmatic and performance information can be found in individual components' budget submissions, specifically within the Performance and Resources Tables.

As we prepare for the introduction of the 2012-2016 key indicators, the following measures will be discontinued following the FY 2011 Report:

1. Catastrophic acts of terrorism
2. Number of organized criminal enterprises dismantled
3. Number of children depicted in child pornography identified by the FBI
4. Number of high-impact Internet fraud targets neutralized
5. Ensure judicial proceedings are not interrupted due to inadequate security
6. Percent reduction in DNA backlog (casework only)
7. Percent of children recovered within 72 hours of an issuance of an AMBER alert
8. Number of participants in the Residential Substance Abuse Treatment Program
9. Graduation rate of program participants in the Drug Courts Program
10. Per day jail costs
11. Comparative recidivism for Federal Prison Industries (FPI) inmates versus non-FPI inmates
12. Rate of serious assaults In federal prisons (per 5,000 Inmates)
13. Inspection results—Percent of federal facilities with American Correctional Association (ACA) accreditations
14. Percent of Executive Office for Immigration Review (EOIR) priority cases completed within established timeframes
  - a. Institutional Hearing Program
  - b. Detained Cases – Immigration Court
  - c. Detained Appeals

# I

## STRATEGIC GOAL 1: Prevent Terrorism and Promote the Nation's Security

**16% of the Department's Net Costs support this Goal.**

Terrorism is the most significant national security threat that faces our Nation. The Department's foremost focus is protecting the Homeland from future terrorist attacks. To ensure attainment of this goal, prevention is our highest priority. The Department has taken, and will continue to take assertive actions to prevent, disrupt, and defeat terrorist operations before they occur; investigate and prosecute those who commit or intend to commit terrorist acts; and strengthen partnerships to prevent, deter and respond to terrorist incidents. In order to have the information we need to keep our Nation safe, we are continuing to strengthen and expand our counterintelligence capabilities and to ensure that the people that intend to do us harm come to justice.

**FY 2012 Outcome Goal:** No catastrophic acts of terrorism

**FY 2011 Progress:** The Department is on target to achieve this long-term goal.

**Background/Program Objectives:** The FBI is committed to stopping terrorism at any stage, from thwarting those intending to conduct a terrorist act, to investigating the financiers of terrorist operations. All counterterrorism (CT) investigations are managed at FBI Headquarters by the Counterterrorism Division (CTD). The CTD provides a centralized, comprehensive, and intelligence-driven approach to addressing both international and domestic terrorism-related matters.

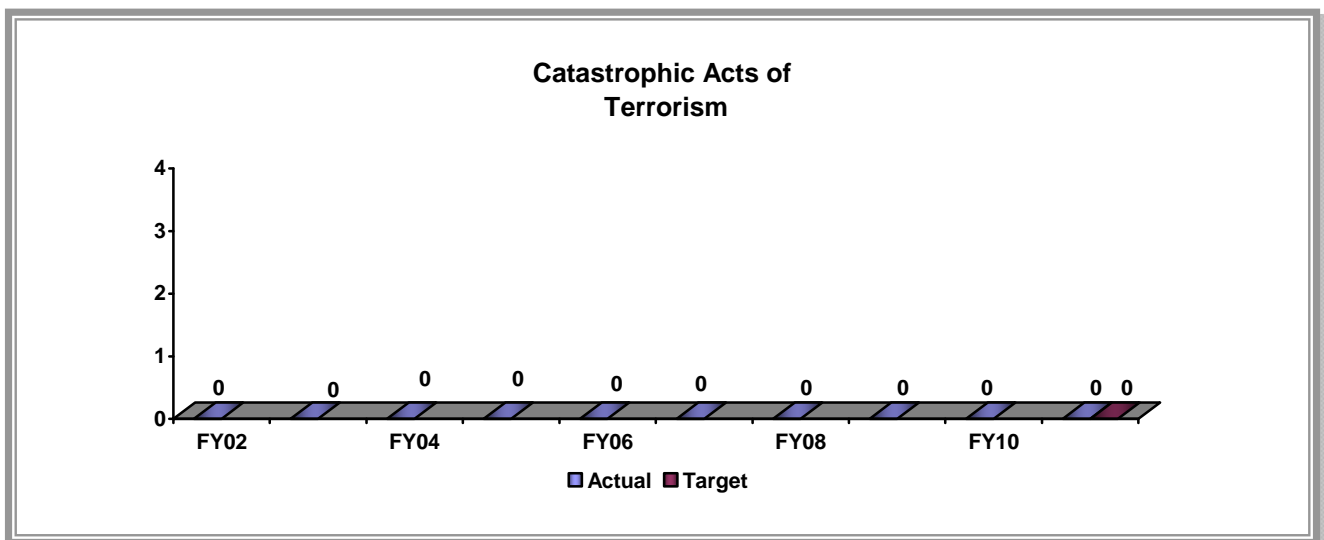
Under the leadership of the FBI Director, the FBI has overhauled CT operations, expanded its intelligence capabilities, modernized its business practices and technology, and improved coordination with its partners. The FBI is dedicated to disrupting terrorist plots before they are executed.

**Performance Measure:** Catastrophic Acts of Terrorism

**FY 2011 Target:** 0

**FY 2011 Actual:** 0

**Discussion of FY 2011 Results:** The FBI has achieved its target of zero catastrophic terrorist acts for this measure for FY 2011 and will continue its efforts to keep the American people safe from terrorism.



**Data Definition:** Terrorist Acts, domestic or internationally-based, count separate incidents that involve the “unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.” (28 C.F.R. Section 0.85). For the purposes of this performance measure, a catastrophic terrorist act is defined as an act resulting in significant loss of life and/or significant property damage.

**Data Collection and Storage:** The reported numbers were compiled through the expert knowledge of FBI CT senior management at headquarters.

**Data Validation and Verification:** All data have been approved and validated by subject matter experts and executives in the FBI’s CTD.

**Data Limitations:** The decision to count or discount an incident as a terrorist act, according to the above definition, is subject to change based upon the latest available intelligence information and the opinion of program managers. In addition, acts of terrorism, by their nature, are impossible to reduce to uniform, reliable measures.

# II

## STRATEGIC GOAL 2: Prevent Crime, Enforce Federal Laws, and Represent the Rights and Interests of the American People

**48% of the Department's Net Costs support this Goal.**

The heart of the Department of Justice's mission is to enforce federal laws and represent the rights and interests of the American people. Preventing and controlling crime is critical to ensuring the strength and vitality of the democratic principles, rule of law, and the administration of justice. The enforcement of federal laws keeps society safe by combating economic crime and reducing the threat, trafficking, and use of illegal drugs and related violence. The strengthening of partnerships between federal, state, local, and tribal law enforcement will enhance our ability to prevent, solve, and control crime. Through the enforcement of our laws, we protect the rights of the vulnerable by reducing the threat, incidence, and prevalence of violent crime, including crimes against children, and upholding the civil and constitutional rights of all Americans. The Justice Department enforces federal civil and criminal statutes, including those protecting rights, safeguarding the environment, preserving a competitive market structure, defending the public fisc against unwarranted claims, and preserving the integrity of the Nation's bankruptcy system. In addition, the Department combats public and corporate corruption, fraud, economic crime and cybercrime.

**FY 2012 Outcome Goal:** Dismantle a cumulative total of 212 organized criminal enterprises (FY 2007-2012)

**FY 2011 Progress:** The Department is on target to achieve this long-term goal.

**Background/Program Objectives:** Investigative subprograms that focus on criminal enterprises involved in sustained racketeering activities and that are mainly comprised of ethnic groups with ties to Asia, Africa, the Middle East, and Europe are consolidated into the Organized Criminal Enterprise Program. Organized criminal enterprise investigations, through the use of Racketeer Influenced and Corrupt Organizations (RICO) Act, target the entire entity responsible for the crime problem. With respect to groups involved in racketeering activities, the FBI focuses on: the Russian/Eastern European/Eurasian organized crime groups, Asian criminal enterprises, La Cosa Nostra and Italian organized crime groups, Balkan/Albanian Organized crime groups, Middle Eastern criminal enterprises, and African criminal enterprises. Each of these groups is engaged in a myriad of criminal activities.

**Performance Measure:** Number of Organized Criminal Enterprises Dismantled

**FY 2010 Revised Actual:** 39 (Previous Actual: 37)

**FY 2011 Target:** 37

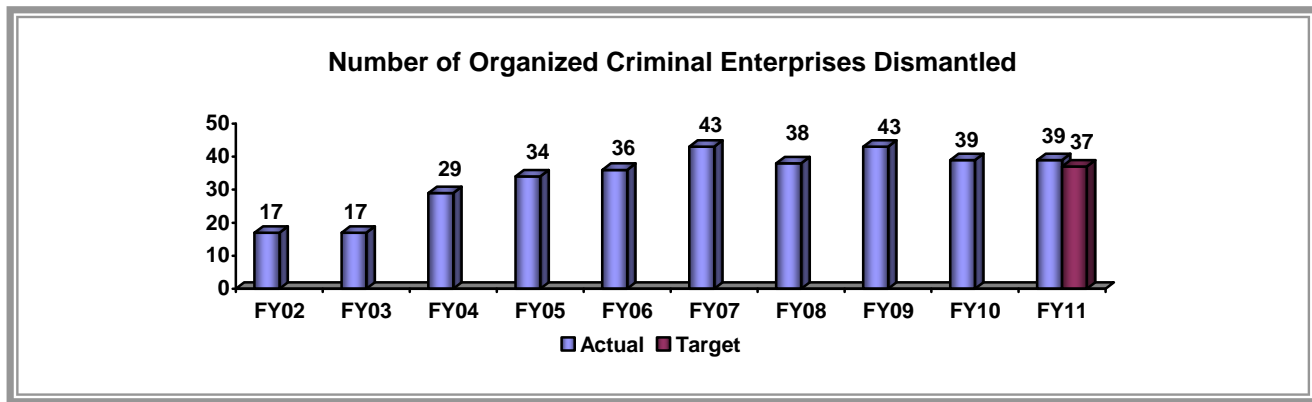
**FY 2011 Actual:** 39

**Discussion of FY 2011 Results:** The FBI achieved its target for this measure in FY 2011. The FBI's Transnational Organized Crime Program exceeded the target of 37 dismantlements through the refinement and capitalization of the advantages of intelligence driven investigations. In addition, the FBI increased coordination and intelligence sharing with domestic and international law enforcement and intelligence agencies. Several significant law enforcement actions during FY 2011 highlighted the effectiveness of these efforts, including the examples listed below.

An Armenian Thief-In-Law (TIL) was successfully prosecuted for racketeering for the first time in the United States. The Armenian TIL and 72 other members and associates of an Armenian-American organized crime group were indicted for activities related to more than \$163 million in fraudulent Medicare claims.

127 subjects were arrested for racketeering related crimes, including murder and extortion, resulting in the largest single day operation against La Cosa Nostra.

As stated in the data limitations, it should be noted that there is a potential lag in the reporting of the data for this measure, meaning that the final result may ultimately vary from this report. Final results will be reflected in the FY 2013 Congressional Justifications.



**Data Definition:** Dismantlement means destroying the targeted organization’s leadership, financial base, and supply network such that the organization is incapable of operating and/or reconstituting itself.

**Data Collection and Storage:** The data source is the FBI's Integrated Statistical Reporting and Analysis Application (ISRAA) database that tracks accomplishments from inception to closure.

**Data Validation and Verification:** Before data are entered into the system, they are reviewed and approved by an FBI field manager. The data are subsequently verified through the FBI's inspection process. Inspections of ISRAA data occur at least once a year at each FBI Field Office. Using statistical sampling methods, data are traced back to source documents contained in FBI files.

**Data Limitations:** FBI field personnel are required to enter accomplishment data within 30 days of the accomplishment or a change in the status of an accomplishment, such as those resulting from appeals. Data for this report are compiled less than 30 days after the end of the fiscal year, and thus may not fully represent the accomplishments during the reporting period.



**FY 2012 Outcome Goal:** Target a cumulative total of 793 children depicted in child pornography identified by the FBI

**FY 2011 Progress:** The Department is on target to achieve this long-term goal.

**Background/Program Objectives:** Facilitation of crimes against children through the use of a computer and the Internet is a national crime problem that is growing dramatically. The Innocent Images National Initiative (IINI), a component of the FBI's Cyber Crimes Program, is an intelligence-driven, proactive, multi-agency investigative initiative to combat the proliferation of child pornography and/or child sexual exploitation using online computers. The mission of the IINI is to: identify, investigate, and prosecute sexual predators who use the Internet and other online services to sexually exploit children; identify and rescue witting and unwitting child victims; and establish a law enforcement presence on the Internet as a deterrent to subjects who seek to exploit children.

**Performance Measure:** Number of Children Depicted in Child Pornography Identified by the FBI

**FY 2011 Target:** 140

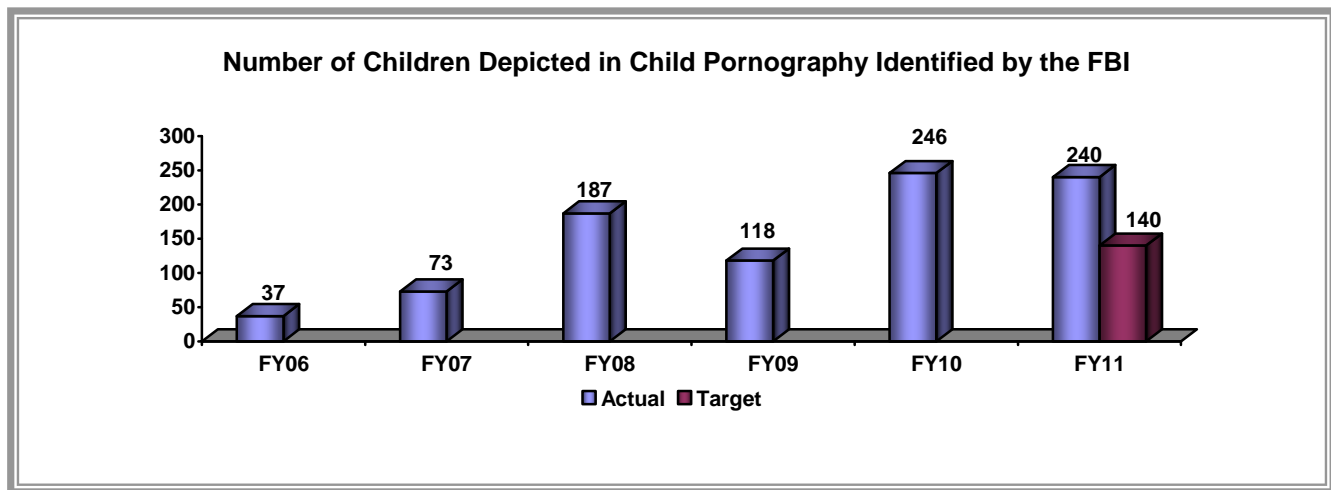
**FY 2011 Actual:** 240

**Discussion of FY 2011 Results:** The FBI significantly surpassed its target for this measure.

The FBI continues its collaboration with the National Center for Missing & Exploited Children's (NCMEC) Child Victim Identification Program (CVIP), CyberTipline, the Innocent Images International Task Force, the Endangered Child Alert Program, and other related efforts.

A major contributor to IINI's FY 2011 performance is IINI's presence at NCMEC. Currently, IINI details three employees to NCMEC. For example, an actionable lead relayed to the Jacksonville Field Office in late FY 2010 from a NCMEC CyberTipline Report has led to the identification of 44 child victims to date.

As stated in the data limitations, it should be noted that there is a potential lag in the reporting of the data for this measure, meaning that the final result may ultimately vary from this report. Final results will be reflected in the FY 2013 Congressional Justifications.



**Data Definition:** These data record the number of children found in child pornography materials who have their identities determined as a result of FBI child pornography investigations.

**Data Collection and Storage:** Data are collected and stored in a database at the NCMEC. Subsequent analysis of these data is reported in communications stored in the FBI's Automated Case Support (ACS) system.

**Data Validation and Verification:** Law enforcement personnel nationwide are required to submit data on child pornography materials and victims to the Child Victim Identification Program, managed by FBI Cyber Division personnel assigned to the NCMEC. Submissions of child pornography material must include a law enforcement point-of-contact, who will be willing to testify as to the identification of the child in any investigation. As investigations identify specific children within submitted materials, they are listed in electronic communications (ECs) reported in the FBI's ACS system.

**Data Limitations:** Historical data (prior to FY 2008) for this measure had to be retrieved from a manual count of identified victims in ECs during the years reviewed.

**FY 2012 Outcome Goal:** Increase the percentage of firearms criminal investigations resulting in referrals for prosecution to 62% (FY 2007-2012)

**FY 2011 Progress:** N/A

**Background/Program Objectives:** Violent firearms crime remains a significant and complex domestic problem, fueled by a variety of causes that vary from region to region. The common element, however, is the relationship between firearms violence and the unlawful diversion of firearms out of commerce into the hands of prohibited persons. ATF's unique statutory responsibilities and assets, including technology and information, are focused under the agency's Integrated Violence Reduction Strategy (IVRS) to remove violent offenders, including gang members, from our communities; keep firearms from those who are prohibited by law from possessing them; discourage, prohibit, and interrupt illegal weapons transfers in accordance with the law; and prevent firearms violence through community outreach.

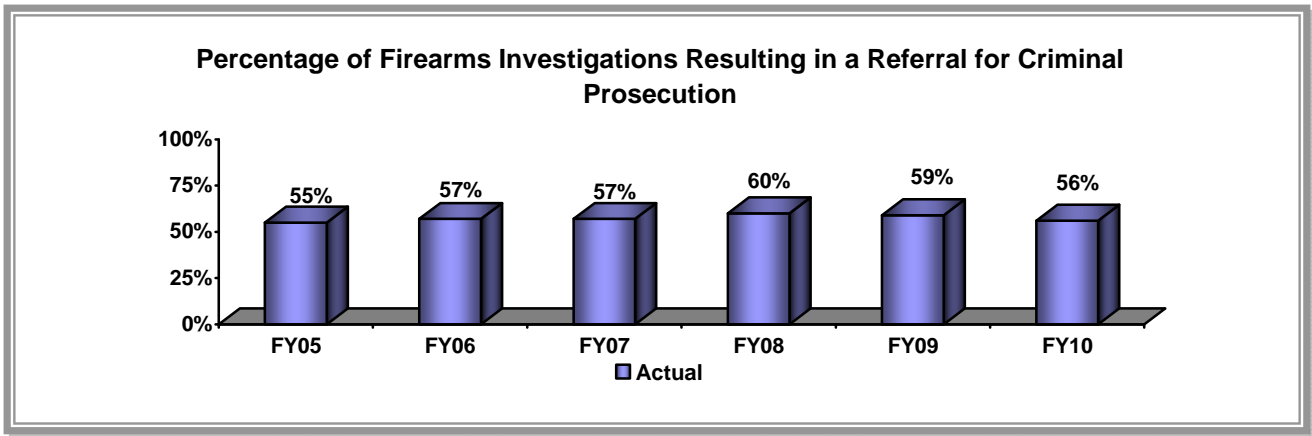
The violence fueled by firearms trafficking is demonstrated in the crisis on our Southwest Border. Our firearms trafficking interdiction strategy complements our continued focus on the deployment of resources to specific localities where there is a high incidence of gang and gun violence. Through firearms trafficking interdiction efforts, ATF decreases the availability of illicit firearms and recommends for prosecution those who illegally supply firearms to prohibited possessors. Violent gang members are often involved in firearms trafficking, both for potential profit and in furtherance of drug trafficking and other crimes. Recent trends have shown an increase in the number of firearms recovered in Mexico, and these firearms fuel the growing violence along the border, including the brutal murders of hundreds of law enforcement officers and government officials.

**Performance Measure:** (DISCONTINUED MEASURE) Percentage of Firearms Criminal Investigations Resulting in a Referral for Criminal Prosecution

**FY 2011 Target:** N/A

**FY 2011 Actual:** N/A - See Discussion of FY 2011 Results

**Discussion of FY 2011 Results:** This measure was discontinued at the end of FY 2010. As part of ATF's FY 2010 – FY 2016 Strategic Plan, a Performance Index was developed to measure ATF's 10 core functions as well as the strategic goals and strategic objectives. The Index includes a performance goal statement for each core function to provide comprehensive tracking and measurement of ATF's performance across the enterprise. In the Index, each performance goal statement aligns with specified strategic objectives and their corresponding performance indicators. This structure allows ATF to evaluate performance at each level: enterprise, budget decision unit, core function/performance goal statement, and strategic objective, and to use performance indicators to track progress against targets. ATF will incorporate the newly developed indicators into future submissions and align them to the Department's strategic plan.



**Data Definitions:** This measure reflects the percentage of investigations within ATF’s firearms program area in which a defendant was referred for criminal prosecution. This measure is based on the premise that ATF is the federal law enforcement agency with unique expertise and statutory authority to enforce federal firearms laws, and that ATF reduces firearms violence through investigations and their resulting law enforcement consequences (specifically the referral for criminal prosecution and the ensuing incapacitation of criminals under these statutes).<sup>1</sup> More effective enforcement of federal firearms laws contributes to disrupting criminal activity, deterring violent crime, and safeguarding the legitimate firearms industry from exploitation by criminals. This measure allows ATF to gauge the impact of applying its federal statutory authority and resources to a national strategy to fight violent crime in our communities – targeting those who commit the violence and those who facilitate their commission by supplying firearms through straw purchases, unlicensed dealing, theft from federal firearms licensees and interstate carriers, and other illegal means.

**Data Collection and Storage:** The data source is ATF’s National Field Office Case Information System, which is ATF’s integrated and centralized data management solution allowing real time monitoring and oversight of all criminal enforcement activities in the field.

**Data Validation and Verification:** There is an ongoing quality assurance and case management program in place within ATF which includes the required review and approval of case information by ATF field managers. The data are subsequently verified through ATF’s inspection process, performed internally by the Office of Professional Responsibility and Security Operations. The internal inspections occur on a four year cycle and are performed at each ATF field office and division.

**Data Limitations:** ATF investigations are often complex and time consuming in nature, and often span multiple years from initiation through closure. The data used to calculate this percentage are based on the date investigations are closed, and are therefore likely to include investigations that have spanned previous time periods.

<sup>1</sup> “Although studies that focus exclusively on violent offenders are rare, empirical evidence about violent offending can be found in cross-sectional and longitudinal studies of general offending careers. The results from this research generally support the conclusion that incapacitation has nontrivial consequences for the control of violent crime.” Commission on Behavioral and Social Sciences and Education: Understanding and Preventing Violence, Volume 4: Consequences and Control (1994).

**FY 2012 Outcome Goal:** Dismantle 810 Consolidated Priority Organization Target (CPOT)-linked drug trafficking organizations (FY 2007-2012). Disrupt 1,260 CPOT-linked drug trafficking organizations (FY 2007-2012)

**FY 2011 Progress:** The Department is on target to achieve this long-term goal.

**Background/Program Objectives:** The Department focuses its drug law enforcement efforts on reducing the availability of drugs by disrupting and dismantling the largest drug trafficking organizations and related money laundering networks operating internationally and domestically, including those on the Attorney General's CPOT List. The first CPOT List was issued in September 2002 and is reviewed and updated semi-annually. The List identifies the most significant international drug trafficking and money laundering organizations and those primarily responsible for the nation's drug supply. The Attorney General has designated the OCDETF Program as the centerpiece of DOJ's drug supply reduction strategy. The Program coordinates multi-agency and multi-jurisdictional investigations targeting the most serious drug trafficking threats. The OCDETF Program is responsible for coordinating the annual formulation of the CPOT list. The OCDETF Program functions through the efforts of the USAs; elements of CRM; the investigative, intelligence, and support staffs of DEA, FBI, ATF, and USMS; Immigration and Customs Enforcement; the U.S. Coast Guard; and the Internal Revenue Service. The OCDETF agencies also partner with numerous state and local law enforcement agencies.

The goal of each OCDETF investigation is to determine connections among related investigations nationwide in order to identify and dismantle the entire structure of the drug trafficking organizations, from international supply and national transportation cells, to regional and local distribution networks. A major emphasis of the Department's drug strategy is to disrupt the traffickers' financial dealings and to dismantle the financial infrastructure that supports these organizations. The OCDETF Program has the greatest impact upon the flow of drugs through this country when it successfully incapacitates the entire drug network by targeting and prosecuting its leadership and seizing the profits that fund continued operations.

**Performance Measure:** CPOT-Linked Drug Trafficking Organizations Disrupted and Dismantled

***FY 2010 Revised Actual:***

Dismantled: 182 (Previous Actual: 176)

Disrupted: 367 (Previous Actual: 365)

***FY 2011 Target:***

Dismantled; 157

Disrupted: 318

***FY 2011 Actual:***

Dismantled: 195

Disrupted: 408

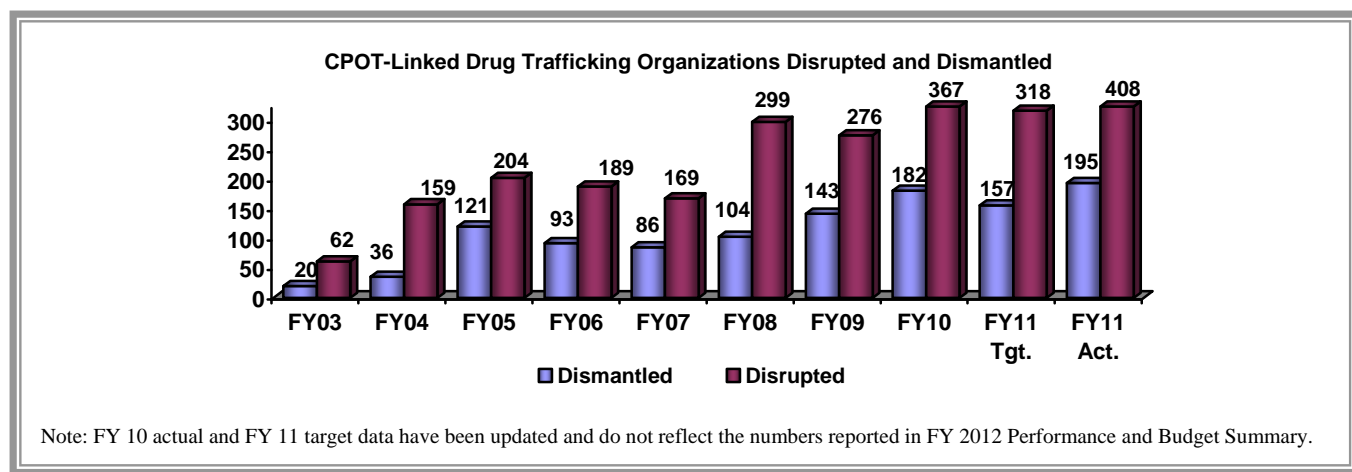
**Discussion of FY 2011 Results:** The Department achieved unprecedented results during FY 2011 in dismantling and disrupting CPOT-linked drug trafficking organizations. The Department dismantled 195 CPOT-linked organizations in FY 2011, exceeding its target by 24 percent. This is a 7 percent increase over the 182 dismantled in FY 2010. The Department disrupted 408 CPOT-linked organizations in FY 2011, exceeding its target by 28 percent. This is an 11 percent increase over the 367 reported in FY 2010 and a 48 percent increase over the 276 reported in FY 2009.

During FY 2011, in addition to making important gains against CPOT-linked organizations, the Department continued to achieve significant successes against the CPOTs themselves. Over the course of the last year, six CPOT targets were dismantled and six CPOT targets were disrupted. Through these dismantlements and disruptions, the Department made significant impacts against the Gulf Cartel and other significant cartels

operating out of South America. Five of the six dismantled CPOT targets were arrested and extradited to the United States for prosecution. These six dismantled CPOTs had a significant impact on the illegal drug supply in the United States. It is estimated that their individual activities included: the capability of importing and distributing 100,000 tablets of 3,4-methylenedioxymethamphetamine (MDMA) per month into the United States and distributing MDMA, cocaine, marijuana, hash, and methamphetamine around the world; distributing 40 kilograms of heroin to the New York area on a monthly basis; and moving cocaine valued in excess of \$4 billion into the United States since 2004.

In addition to arrests, the Department made other significant gains against the dismantled and disrupted CPOT targets including seizing nearly two million MDMA tablets from a dismantled CPOT target; securing the forfeiture of \$35 million from a dismantled CPOT and seizing 24 properties in excess of 12,000 acres; and seizing approximately \$245 million in assets and financial instruments, over 90 labs, and 24 tons of cocaine from a disrupted CPOT target. Law enforcement activity targeting these CPOTs involved complex and coordinated intelligence driven investigations, with exceptional cooperation between U.S. law enforcement agencies and international partners.

The Department’s FY 2011 unprecedented successes dismantling or disrupting 603 CPOT-linked drug trafficking organizations, a 10 percent increase over the 549 dismantled or disrupted in FY 2010, as well as the significant enforcement actions against CPOTs themselves have resulted in keeping multi-ton quantities of illegal drugs such as cocaine, heroin, marijuana and methamphetamine from ever entering the United States.



**Data Definition:** An organization is considered linked to a CPOT if credible evidence exists of a nexus between the primary investigative target and a CPOT target, verified associate, or component of the CPOT organization. Disrupted means impeding the normal and effective operation of the targeted organization, as indicated by changes in the organizational leadership and/or changes in methods of operation. Dismantled means destroying the organization's leadership, financial base, and supply network such that the organization is incapable of reconstituting itself.

**Data Collection and Storage:** For this measure, OCDETF reviews all of the cases worked by the FBI and the DEA. When there are cases that both agencies work, they are counted as one case in the consolidated numbers reported in the Department’s Performance and Accountability Report. This procedure is in place to prevent double counting in Department-level reports.

**Data Validation and Verification:** The CPOT List is updated semi-annually. Each OCDETF agency has an opportunity to nominate targets for addition to/deletion from the List. Nominations are considered by the CPOT Working Group (made up of mid-level managers from the participating agencies). Based upon the Working Group’s recommendations, the OCDETF Operations Chiefs decide which organizations will be added to/deleted from the CPOT List.

Once a CPOT is added to the List, OCDETF investigations can be linked to that organization. The links are reviewed and confirmed by OCDETF field managers using the OCDETF Fusion Center, agency databases, and intelligence information. Field recommendations are reviewed by the OCDETF Executive Office. In instances where a link is not fully substantiated, the sponsoring agency is given the opportunity to follow-up. Ultimately, the OCDETF Executive Office "un-links" any investigation for which sufficient justification has not been provided. When evaluating disruptions/dismantlements of CPOT-linked organizations, OCDETF verifies reported information with the investigating agency's headquarters.

**Data Limitations:** Investigations of CPOT-level organizations are complex and time-consuming, and the impact of disrupting/dismantling such a network may not be apparent immediately. In fact, data may lag behind enforcement activity. For example, a CPOT-linked organization may be disrupted in one FY and subsequently dismantled in a later year when law enforcement permanently destroys the organization's ability to operate.

Investigations may be linked to a CPOT organization at any time during the investigation. Once the link is verified, a specific code or other identifier is assigned to the investigation. Accordingly, data on this performance measure may lag behind actual identification of the link by the investigative agency. The investigation is tracked as "CPOT-linked" by the agency and within the OCDETF Management Information System.

**FY 2012 Outcome Goal:** Neutralize a cumulative total of 78 high-impact Internet fraud targets (FY 2007-2012)

**FY 2011 Progress:** The Department is on target to achieve this long-term goal.

**Background/Program Objectives:** Internet fraud is defined as any scam that uses one or more components of the Internet to present fraudulent solicitations to prospective victims, conduct fraudulent transactions, or transmit the proceeds of fraud to financial institutions or others that are connected with the scheme. Identity theft, Internet auction fraud, and unauthorized electronic funds transfers are problems that plague millions of U.S. victims.

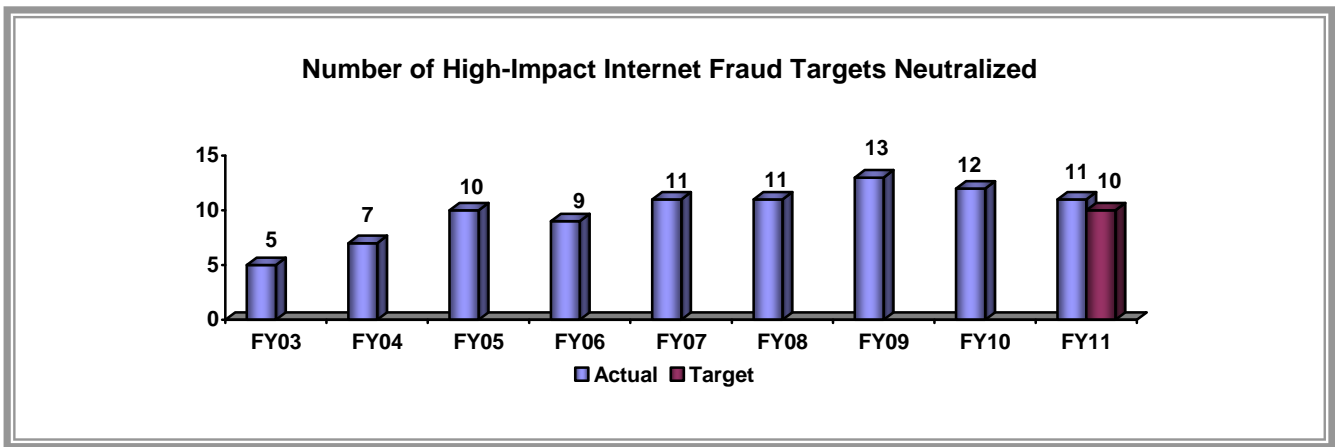
The FBI and the National White Collar Crime Center (NW3C) partnered in May 2000 to support the Internet Crime Complaint Center (IC3). NW3C is a non-profit membership organization funded by OJP Bureau of Justice Assistance (BJA) and dedicated to supporting law enforcement in the prevention, investigation, and prosecution of economic and high-tech crime. For victims of Internet crime, IC3, which is a partnership between FBI, NW3C, and BJA, provides a convenient and easy way to alert authorities of a suspected violation. For law enforcement and regulatory agencies, IC3 offers a central repository for complaints related to Internet crime, uses the information to quantify patterns, and provides timely statistical data of current trends. In addition, the FBI uses synchronized, nationwide takedowns (i.e., arrests, seizures, search warrants, and indictments) to target the most significant perpetrators of on-line schemes.

**Performance Measure:** Number of High-Impact Internet Fraud Targets Neutralized

**FY 2011 Target:** 10

**FY 2011 Actual:** 11

**Discussion of FY 2011 Results:** The FBI's actual performance in FY 2011 fell slightly from prior years, but was still above the target.



**Data Definition:** Case data are reviewed by IC3 staff to determine if investigative targets meet certain “high impact” criteria: Total loss amount greater than \$100,000; Internal nexus; White-Collar Crime-related fraud; Money Laundering scheme; Pharmaceutical Fraud; Phishing; Attack/Identity Theft; and High volume of victims. The IC3 evaluates and tracks the progress of investigations meeting these criteria throughout the year.

**Data Collection and Storage:** The data source is a record system maintained by the IC3. The list of targets is updated each year.



**Data Validation and Verification:** Targets are determined by subject matter expert teams at the IC3 and approved by the Unit Chief. IC3 staff maintains the list and determines when a target has been the subject of an action.

**Data Limitations:** There are no requirements for the IC3 to receive feedback from FBI field offices or state and local law enforcement regarding neutralizations that were a result of IC3 case referrals. Due to this lack of feedback, the IC3 may under-report the number of neutralizations.

**FY 2012 Outcome Goal:** Dismantle a cumulative total of 745 criminal enterprises engaging in white-collar crime (FY 2007-2012)

**FY 2011 Progress:** The Department is on target to achieve this long-term goal.

**Background/Program Objectives:** Through the White-Collar Crime (WCC) Program, the FBI investigates criminals and criminal enterprises that seek illicit gains through fraud and guile. Corporate fraud, health care fraud, financial institution fraud, government fraud (housing, defense procurement, and other areas), insurance fraud, securities and commodities fraud, mass marketing fraud, bankruptcy fraud, environmental crimes, and money laundering are among the illegal activities investigated.

U.S. citizens and businesses lose billions of dollars each year to criminals engaged in non-violent fraudulent enterprises. Technological advances, the globalization of economic and financial systems, the sophistication of criminal organizations, and declining corporate and individual ethics, have resulted in annual increases in the number of illegal acts characterized by deceit, concealment, or violations of trust. These crimes contribute to a loss of confidence and trust in financial institutions, public institutions, and industry.

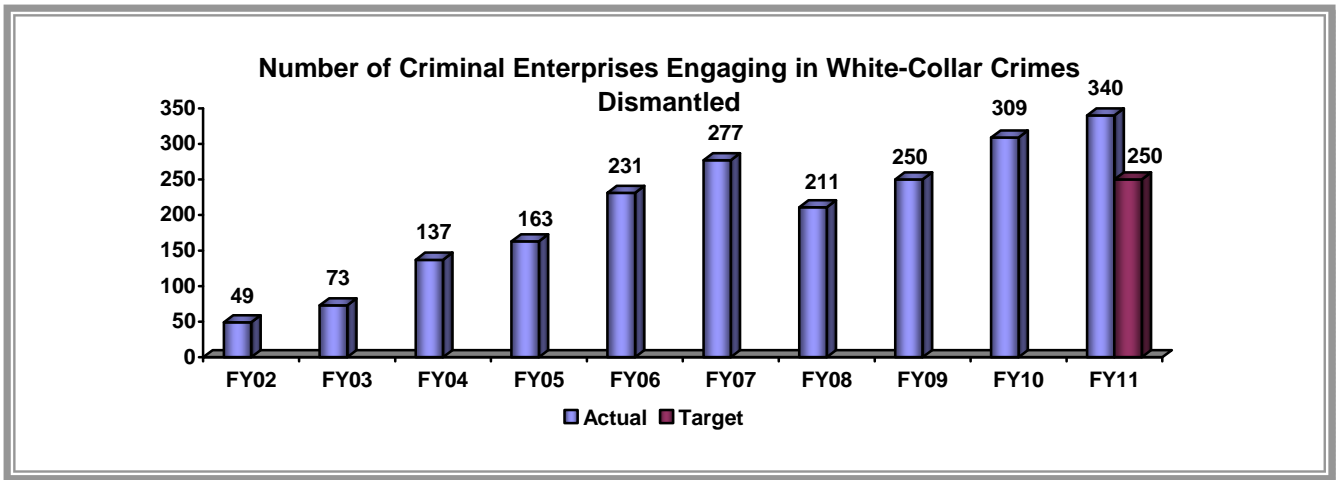
**Performance Measure:** Number of Criminal Enterprises Engaging in White-Collar Crimes Dismantled

**FY 2011 Target:** 250

**FY 2011 Actual:** 340

**Discussion of FY 2011 Results:** The FBI met and exceeded its target for this measure in FY 2011. The FBI's success in meeting this target was largely due to an increase in the number of agents focusing on WCC. In addition, the FBI has developed efficiencies through proactive investigative techniques and technological advances used to address various WCC threats. For example, in relation to Corporate and Securities Fraud, the utilization of Group I Undercover Operations increased from 8 to 11, an increase of 38 percent. These increases, along with advances in the utilization of Title IIIs and other advanced techniques not historically commonly utilized in WCC cases, resulted in significant progress against crime problems such as Insider Trading, as exemplified by the recent conviction and sentencing of Raj Rajaratnam, former founder of hedge fund Galleon Group. In addition, in FY 2011, the FBI was successful at investigating Investment Fraud, as a strong emphasis was placed on this problem through the national "Operation Broken Trust" initiative organized by the Financial Fraud Enforcement Task Force. This initiative was the largest sweep pertaining to investment fraud in U.S. history. Due in part to this initiative and advances in proactive investigations, the FBI obtained the most convictions in the history of its Corporate and Securities Fraud programs.

As stated in the data limitations, it should be noted that there is a potential lag in the reporting of the data for this measure, meaning that the final result may ultimately vary from this report.



**Data Definition:** Dismantlement means destroying the organization’s leadership, financial base, and supply network such that the organization is incapable of operating and/or reconstituting itself.

**Data Collection and Storage:** The data source is the FBI’s ISRAA database that tracks accomplishments from inception to closure.

**Data Validation and Verification:** Before data are entered into the system, they are reviewed and approved by an FBI field manager. The data are subsequently verified through the FBI’s inspection process. Inspections of ISRAA data occur at least once a year at each FBI Field Office. Using statistical sampling methods, data are traced back to source documents contained in FBI files.

**Data Limitations:** FBI field personnel are required to enter accomplishment data within 30 days of the accomplishment or a change in the status of an accomplishment, such as those resulting from appeals. Data for this report are compiled less than 30 days after the end of the fiscal year, and thus may not fully represent the accomplishments during the reporting period.

**FY 2012 Outcome Goal:** Favorably resolve 90% of Criminal Cases (litigating divisions)  
**FY 2012 Outcome Goal:** Favorably resolve 80% of Civil Cases (litigating divisions)  
**FY 2011 Progress:** The Department is on target to achieve this long-term goal.

**Background/Program Objectives:** Representing the rights and interests of the American people is a top priority for the Department of Justice. Among the DOJ components sharing responsibilities to achieve this goal are the Executive Office of the U.S. Attorneys, the Antitrust, Civil, Civil Rights, Criminal, Environment and Natural Resources, and Tax Divisions.

There are 94 U.S. Attorney Offices located throughout the United States and its territories. Each U.S. Attorney serves as the chief federal law enforcement officer within his or her judicial district and, as such, is responsible for the prosecution of criminal cases brought by the federal government; the litigation and defense of civil cases in which the United States is a party; the handling of criminal and civil appellate cases before United States Courts of Appeal; and the collection of civil and criminal debts and restitutions owed the federal government which are administratively uncollectable.

Additionally, the Department has litigators that specialize in the areas of: preserving a competitive market structure; defending the public fisc against unwarranted claims; protecting civil rights; enforcing federal civil and criminal statutes; safeguarding the environment; and administering internal revenue laws.

The Antitrust Division (ATR) promotes and protects the competitive process – and the American economy – through the enforcement of antitrust laws. These laws apply to virtually all industries and to every level of business, including manufacturing, transportation, distribution, and marketing.

The Civil Division (CIV) defends challenges to Congressional statutes, Presidential actions, national security issues, benefit programs, and energy policies; pursues violators of immigration and consumer protection laws; handles thousands of affirmative and defensive cases with billions of dollars at issue related to accident and liability claims, natural disasters and other unprecedented events, and commercial issues such as bankruptcy, contract disputes, banking, insurance, patents, fraud, and debt collection; and administers the Radiation Exposure Compensation Act and the 9/11 Victim Compensation Programs.

The Civil Rights Division (CRT) enforces federal statutes prohibiting discrimination in education, religion, employment, credit, housing fair lending, public accommodations and facilities, conditions of confinement in state and locally operated institutions, national origin, voting, retaliation based on military service, and certain federally funded and conducted programs. Additionally, CRT enforces criminal civil rights responsibilities for human trafficking and involuntary servitude statutes, acts of racial, ethnic, sexual orientation, gender identity, disability or religious violence, “color of law” offenses by local and federal law enforcement officials, and conspiracies to interfere with federally protected rights. CRT also enforces the criminal and civil provisions to protect the rights of people to use the services of reproductive health clinics free from interference.

The Criminal Division (CRM) develops, enforces, and supervises the application of all federal criminal laws (except those specifically assigned to other divisions). The mission of the CRM is to identify and respond to critical and emerging national and international criminal threats, and to lead the enforcement, regulatory, and intelligence communities in a coordinated, nationwide response to reduce those threats. The Division engages in several functions vital to achieving its mission: investigating and prosecuting significant criminal cases and matters; providing expert legal advice and training; providing critical law enforcement tools (e.g., Title III wiretaps); and forging global law enforcement partnerships.

The Environment and Natural Resources Division (ENRD) brings cases against those who violate the nation's civil and criminal pollution-control and wildlife protection laws. Additionally, ENRD defends environmental challenges to government programs and activities and represents the U.S. in matters concerning the

stewardship of the nation's natural resources and public lands. In addition, ENRD litigates cases concerning Indian rights and claims.

The Tax Division's (TAX) mission is to enforce the nation's tax laws fully, fairly, and consistently, through both criminal and civil litigation, in order to promote voluntary compliance with the tax laws, maintain public confidence in the integrity of the tax system, and promote the sound development of the law.

**Performance Measure:** Percent of Cases Favorably Resolved

**FY 2011 Target:**

Criminal Cases: 90%

Civil Cases: 80 %

**FY 2011 Actual:**

Criminal Cases: 93%

Civil Cases: 85%

**Discussion of FY 2011 Results:** The U.S. Attorneys continued its efforts combating fraud with its Financial Fraud Enforcement Task Force and 94 regional mortgage fraud task forces and working groups, together with targeted financial fraud training provided at the National Advocacy Center including seminars in the areas of mortgage fraud, bank fraud, securities fraud, and public corruption. Some highlights of these efforts include the following: In April 2011, Lee Bentley Farkas was convicted in a case prosecuted by CRM and the U.S. Attorney's Office for the Eastern District of Virginia, of securities fraud and other crimes in connection with his role in a \$2.9 billion fraud scheme which contributed to the failures of one of the 50 largest banks in the United States and one of the largest privately held mortgage lending companies in the United States. On June 30, 2011, Farkas was sentenced to 30 years imprisonment, and on September 26, 2011 was ordered to pay restitution in the amount of \$3.5 million. In March and June 2011, respectively, two executive from the A&O Resource Management Ltd., Christian Allmendinger and Adley Abdulwahab, were convicted of numerous offenses that arose from their operation of a group of entities collectively referred to as A&O life settlement fraud scheme. In September 2011, Allmendinger and Abdulwahab were sentenced to 45 years and 60 years, respectively, in prison. Five other individuals pled guilty and are currently serving prison terms in connection with the A&O fraud scheme. The A&O fraud scheme caused more than 800 investors, many of whom were elderly, to lose more than \$100 million. In a health care fraud settlement in the District of Massachusetts, GlaxoSmithKline (GSK) paid \$600 million to resolve False Claims Act allegations regarding its manufacturing and distribution of certain adulterated drugs made at GSK's facility. In addition, a GSK subsidiary pled guilty to a criminal felony for releasing into interstate commerce adulterated drugs, and paid a criminal fine of \$150 million.

The CRM prosecuted and achieved favorable dispositions in FY 2011 in cases covering a wide range of complex case law. Examples of this work include the successful conviction of Lee Bentley Farkas, the former chairman of a private mortgage lending company, Taylor, Bean & Whitaker (TBW), for his role in a more than \$2.9 billion fraud scheme that contributed to the failures of Colonial Bank, one of the 25 largest banks in the United States in 2009, and TBW, one of the largest privately held mortgage lending companies in the United States in 2009; the sentencing of the last defendant in a multi-defendant investigation of the Latin Kings gang in Maryland to 22-and-a-half years in prison; a guilty plea of the owner of a mental health care company in Miami for orchestrating a \$205 million Medicare fraud scheme, which led to the sentence of 50 years in prison.

The ATR assessed \$524.3 million in criminal fines in FY 2011 against antitrust violators. ATR's investigations into the air transportation and cargo and electronic auto parts industries yielded significant restitution and fines which helped fund the Department's Crime Victims Fund. In addition, ATR continued its work with the Financial Fraud Enforcement Task Force and its efforts to wage an aggressive, coordinated and proactive effort to investigate and prosecute financial crimes. On the civil side, ATR was successful in protecting competition and U.S. consumers by challenging proposed mergers and agreements in areas as

diverse as health insurance, oil and gas, software, credit and debit card networks, dairy, media, and hospital services.

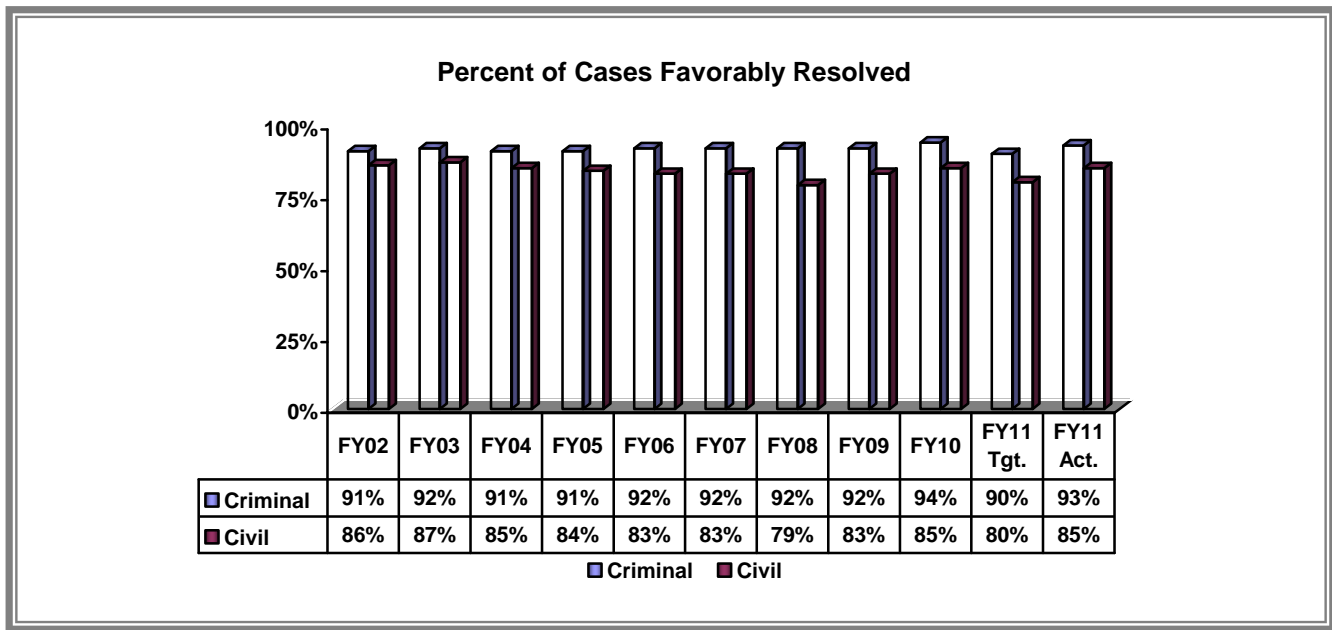
The CIV exceeded its target by defeating billions of dollars in unmeritorious claims, in addition to the successful defense of suits filed against the government as a result of the government's policies, laws, and involvement in commercial activities, domestic and foreign operations and entitlement programs, as well as law enforcement initiatives, military actions, and counterterrorism efforts. CIV also pursued affirmative litigation, bringing suits on behalf of the United States, which resulted in the return of billions of dollars to the Treasury, Medicare, and other entitlement programs.

The CRT has made significant strides in fulfilling its mission to vigorously enforce the civil rights of all Americans. In the wake of the foreclosure crisis, CRT substantially increased efforts to enforce the fair lending laws, filing more law suits under the Equal Credit Opportunity Act than in any year in at least a decade, and reached the largest settlement ever under the Fair Housing Act to resolve claims of rental discrimination, as well as obtained the largest amount of monetary relief ever in a Justice Department Fair Lending settlement; training thousands of federal and local law enforcement officials and community stakeholders around the country on the Matthew Shepard and James Byrd Jr. Hate Crimes Prevent Act of 2009, as well as indicting four cases under the Act, and secured the first seven convictions under the Act; winning convictions in a landmark case against five New Orleans police officers involved in shootings of civilians and an extensive cover-up that occurred in the wake of Hurricane Katrina, which also resulted in five additional officers pleading guilty to charges related to the incident; signing comprehensive settlement agreements with Georgia and Delaware to enforce the Supreme Court's *Olmstead* decision, ensuring that thousands of individuals with disabilities will receive services in their communities, rather than being segregated in institutions; issuing the most extensive overhaul of the Americans with Disabilities Act regulations since the passage of the Act in 1990; stepping up enforcement of the voting rights, taking an unprecedented number of actions to protect the voting rights of military and overseas voters in the 2010 election cycle; expanded other efforts to protect members of the military and their families, including a \$20 million settlement with Bank of America/Countrywide to resolve allegations that the bank illegally foreclosed on members of the military without court orders; and conducting one of the most extensive reviews ever of a law enforcement agency, and are working with city officials, the police department and the community to develop a comprehensive blueprint for sustainability reform of the New Orleans Police Department.

The ENRD continued to enforce the Clean Water Act, the Clean Air Act, and pipeline safety laws. Specifically, the Division participated in an agreement between the Environmental Protection Agency, and the U.S. Department of Transportation with BP Exploration Alaska, Inc. (BP Alaska) under which the company will pay a \$25 million civil penalty and carry out a system-wide pipeline integrity management program, as part of a settlement for spilling more than 5,000 barrels of crude oil from the company's pipelines on the North Slope of Alaska in 2006. The penalty is the largest per-barrel penalty to date for an oil spill. The settlement also addresses Clean Air Act violations arising out of BP Alaska's improper asbestos removal along the pipeline in the aftermath of the spill. BP Alaska is required to develop a \$60 million system-wide program to manage pipeline integrity for the company's 1,600 miles of pipeline on the North Slope. The program will address corrosion and other threats to these oil pipelines and require regular inspections and adherence to a risk-based assessment system. BP Alaska has already spent \$200 million replacing the lines that leaked on the North Slope. Of the \$25 million penalty, \$20.05 million will be deposited in the Oil Spill Liability Trust Fund established under the Clean Water Act and administered by the U.S. Coast Guard. The remainder, \$4.95 million, will be paid to the U.S. Treasury. The funds paid to the Oil Spill Liability Trust Fund will be used to finance federal response activities and provide compensation for damages sustained from future discharges or threatened discharges of oil into water or adjoining shorelines.

The Tax Division's top litigation priority continues to be the concerted civil and criminal effort to combat the serious problem of non-compliance with our tax laws by U.S. taxpayers using secret offshore accounts – a problem that a 2008 Senate report concluded costs the U.S. Treasury at least \$100 billion annually. As part of the deferred prosecution agreement the Tax Division negotiated in 2009 with UBS, Switzerland's largest bank,

as well as a 2009 agreement negotiated among the U.S., UBS, and the Swiss government to settle a civil summons enforcement proceeding brought by the Tax Division, the Internal Revenue Service (IRS) continues to receive account information about thousands of the most significant tax cheats among the U.S. taxpayers who maintain secret Swiss bank accounts. The prosecution results so far have been encouraging: To date, approximately 150 grand jury investigations of offshore-banking clients have been initiated, of which 38 cases have been charged, with 31 guilty pleas having been entered, 2 convicted after trial (with each receiving a 10 -year prison sentence), and 5 awaiting trial. A number of facilitators who helped clients hide assets offshore have been indicted, resulting in 13 bankers, 2 advisors, and 2 attorneys being charged and awaiting trial; 1 advisor being convicted and awaiting sentencing; and 1 banker being convicted and sentenced. The banks implicated include not only UBS, but another international Swiss bank, a regional Swiss bank, and HSBC India. In addition, grand jury investigations have been opened into additional offshore banks across the world, and the Tax Division obtained a court decision allowing the IRS to summon additional account information from HSBC Bank. The Tax Division also ensures that the public is aware of the offshore initiative. Indeed, the IRS credits the publicity surrounding this initiative with prompting a huge increase in the number of taxpayers who have “come in from the cold” and voluntarily disclosed to the IRS their previously hidden foreign accounts. Nearly 18,000 U.S. taxpayers made voluntary disclosures in the 18-month period concluding February, 2011 – in contrast to fewer than 100 in a typical year – and made \$2.2 billion in payments to the IRS. Another 12,000 U.S. taxpayers disclosed their accounts under the 2011 Offshore Voluntary Disclosure Initiative (which ended September 9, 2011) and have made \$500 million in payments to the IRS so far.



**Data Definition:** Cases favorably resolved include those cases that resulted in court judgments favorable to the government, as well as settlements. For antitrust-related merger cases, favorably resolved data includes: abandoned mergers, mergers “fixed,” or mergers with consent decrees. Non-merger cases favorably resolved include instances where practices changed after the investigation and complaints filed with consent decrees. The data set includes non-appellate cases closed during the fiscal year.

**Data Collection and Storage:** Data are currently captured within each component’s automated case management system and companion interface systems. Currently, cases worked on by more than one component are included in the totals from CRM, CRT, ENRD, and EOUSA. Also, the court’s disposition date is used for reporting purposes for ATR, CIV, CRM, CRT, and ENRD; however, EOUSA and TAX use the date entered into their current case management system. Additionally, CIV counts at the party level; CRM, ENRD, and EOUSA count cases at the defendant level; CRT and TAX count Civil and Criminal cases. Lastly,

ATR includes Criminal, Civil Merger, and Civil Non-Merger; ENRD includes affirmative, defensive, criminal, and condemnation cases in their totals.

**Data Validation and Verification:** Each component implements their individual methodology for verifying data; however, in general, case listings and reports are reviewed by attorney managers for data completeness and accuracy on a routine basis. Batch data analysis and ad hoc reviews are also conducted.

**Data Limitations:** Data quality suffers from the lack of a single DOJ case management system and a standardized methodology for capturing case related data. Due to the inherent variances in data collection and management, cases may refer to cases or individuals. In addition, due to reporting lags, case closures for any given year may be under or over-reported. Actual data prior to FY 2003 for the CRM was inconsistent until technical and policy improvements were implemented that fiscal year. Lastly, EOUSA data does not include information for the month of September 2005 for the Eastern District of Louisiana due to Hurricane Katrina.

**FY 2012 Outcome Goal:** Return 58% of assets/funds to creditors in Chapter 7 cases  
**FY 2012 Outcome Goal:** Return 85% of assets/funds to creditors in Chapter 13 cases  
**FY 2011 Progress:** N/A

**Background/Program Objectives:** The United States Trustee Program (USTP) is a component of the Department of Justice that seeks to promote the efficiency and protect the integrity of the federal bankruptcy system. To further the public interest in the just, speedy and economical resolution of cases filed under the Bankruptcy Code, the Program monitors the conduct of bankruptcy parties and private estate trustees, oversees related administrative functions, and acts to ensure compliance with applicable laws and procedures. It also identifies and helps investigate bankruptcy fraud and abuse in coordination with United States Attorneys, the FBI, and other law enforcement agencies. The USTP appoints Trustees who serve as fiduciaries for bankruptcy estates and administer cases filed under Chapter 7 and Chapter 13. The U.S. Trustee regulates and monitors the activities of these private trustees and ensures their compliance with fiduciary standards. To promote the effectiveness of the bankruptcy system and maximize the return to creditors, the Department targets and reports the percent of assets/funds returned to creditors.

**Performance Measure:** (DISCONTINUED MEASURE) Percent of Assets/Funds Returned to Creditors for Chapter 7 and Chapter 13

**FY 2010 Target:** Chapter 7: 58%  
Chapter 13: 84%

**FY 2010 Actual:** Chapter 7: 57%  
Chapter 13: 82%

**FY 2011 Target:** Chapter 7: N/A  
Chapter 13: N/A

**FY 2011 Actual:** Chapter 7: N/A  
Chapter 13: N/A

**Discussion of FY 2010 Results:** The USTP's goal is to return to creditors the maximum amount possible, recognizing that certain legitimate expenses must be paid, and that returning 100 percent of assets will never be possible. Funds not disbursed to creditors may include private trustee compensation, professional fees, and costs associated with administering the bankruptcy case. These costs directly impact on the amount of assets that are available to be returned.

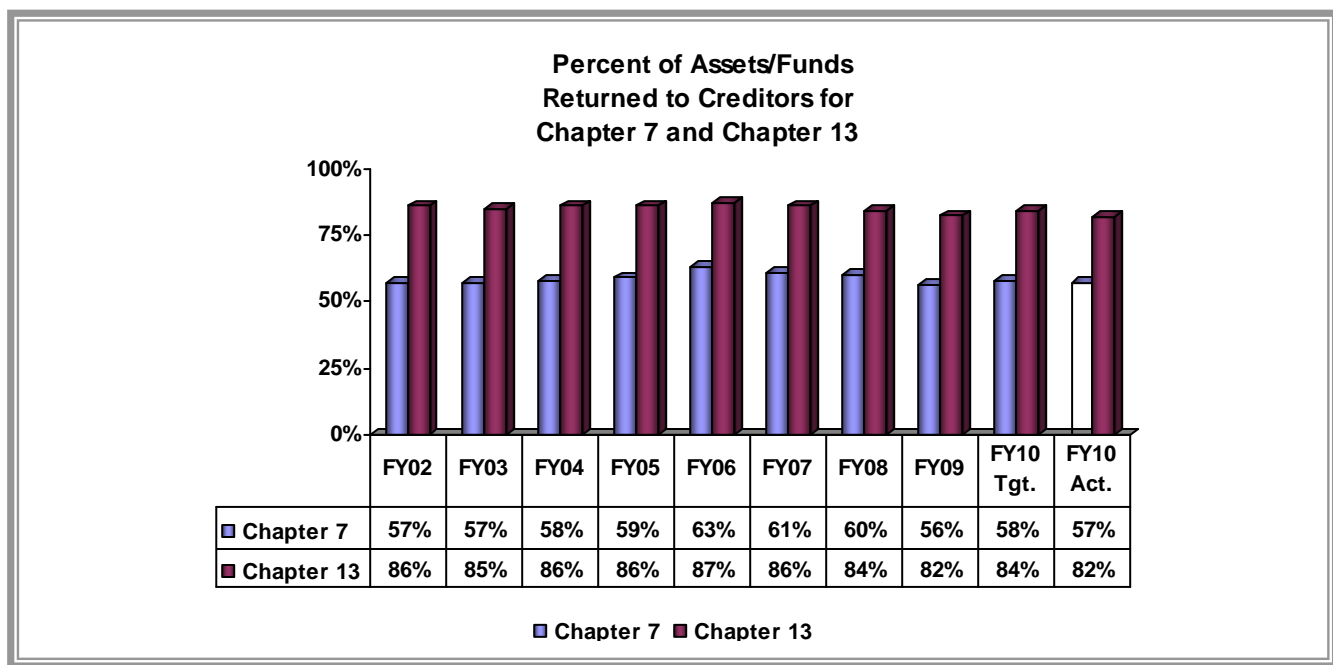
For Chapter 7 assets returned to creditors, the percentage was slightly below the target level. The USTP attributes this to abnormally high administrative costs in 2010 due primarily to one highly influential case (with highly-valued assets) where the percentage allocated to administrative costs was unusually high. Without this case, the USTP would have exceeded the performance measure target for FY 2010.

The USTP also did not meet its FY 2010 target for Chapter 13 assets returned to creditors. A recent analysis of the disbursements indicated that the lower percentage of assets returned is due to a decrease in assets available for disbursement and an increase in fees paid to debtor attorneys. This reduced the amount that otherwise could be distributed to creditors. The increased attorney fees account for the majority of the decrease in the proportion available for distribution to creditors.

The USTP periodically conducts an extensive review of its performance measures with special emphasis on achieving comprehensive programmatic results as they relate to resource expenditures and needs. Several new



measures were developed that better reflect the mission, outcomes and impacts of the USTP. They will be reported in the out years. As a result, the performance measure above has been discontinued.



**Data Definition:** Chapter 7 bankruptcy proceedings are those where assets that are not exempt from creditors are collected and liquidated (reduced to money). Chapter 7 percentages are calculated by dividing the disbursements to secured creditors, priority creditors, and unsecured creditors by the total disbursements for the fiscal year. In Chapter 13 cases, debtors repay all or a portion of their debts over a three to five year period. Chapter 13 percentages are based on the Chapter 13 audited annual reports by dividing the disbursements to creditors by the total Chapter 13 disbursements.

**Data Collection and Storage:** The data are collected on an annual or semi-annual basis. For Chapter 7 cases, the USTP receives trustee distributions reports as part of the Final Account on each Chapter 7 case closed during the year. The Chapter 7 data are aggregated on a nationwide basis and reported twice a year in January and July. Chapter 13 data are gathered from the standing Chapter 13 trustees' annual reports on a fiscal year basis.

**Data Validation and Verification:** Data on these annual reports are self-reported by the trustees. However, each trustee must sign the reports certifying their accuracy. In Chapter 7 cases, independent auditors periodically review the annual reports, in addition to the USTP's on-site field examinations. Additionally, USTP Field Office staff review the trustee distribution reports. The Field Office and Executive Office staff performs spot checks on the audited reports to ensure that the coding for the distributions is accurate. They also verify whether there have been any duplicate payments. Finally, the USTP conducts bi-annual performance reviews for all Chapter 7 trustees. In Chapter 13 cases, independent auditors must audit each report. This indirectly provides an incentive for trustees to accurately report data. In addition, the Executive Office staff reviews the combined distribution spreadsheet to ensure that the amounts stated coincide with what is reported in the audit reports.

**Data Limitations:** Out-year performance cannot be accurately projected, as the USTP has no reliable method of calculating the disbursements of future bankruptcy cases. Additionally, data are not available until January (Chapter 7) and April (Chapter 13) following the close of the fiscal year because of the need to audit data submitted by private trustees prior to reporting.

**FY 2012 Outcome Goal:** Reduce homicides at Weed and Seed Program sites from 4.4 to a maximum of 4.0 per Weed and Seed site by 2012

**FY 2011 Progress:** N/A

**Background/Program Objectives:** Prior to its elimination in FY 2011, the OJP Community Capacity Development Office (CCDO) provided the Weed and Seed Program, an innovative, comprehensive multiagency approach to law enforcement, crime prevention, and community revitalization. The Weed and Seed Program assists communities with linking federal, state, and local law enforcement and criminal justice efforts with private sector and community efforts. It assists communities in “weeding out” violent crime, gang activity, drug use, and drug trafficking in targeted neighborhoods and then “seeding” the targeted areas with programs that lead to social and economic rehabilitation and revitalization. In addition, the Weed and Seed sites engage in community policing activities that foster proactive police-community engagement and problem solving.

**Performance Measure:** (DISCONTINUED MEASURE) Number of Homicides per Site (funded under the Weed and Seed Program)

**CY 2009 Revised Actual:** 3.6 (Previous Actual: 3.9)

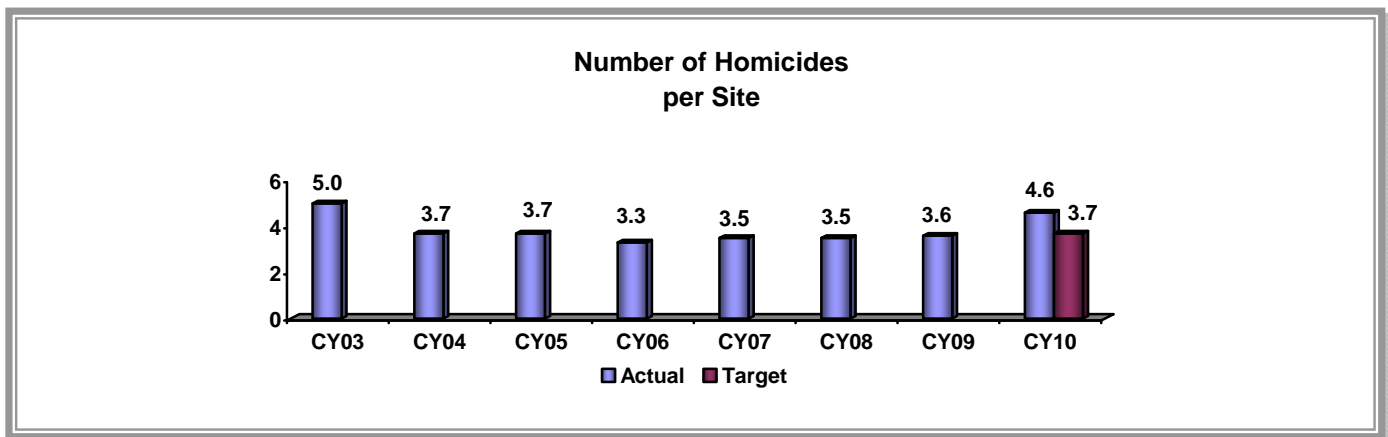
**CY 2010 Target:** Reduction to 3.7 homicides per site

**CY 2010 Actual:** 4.6

**CY 2011 Target:** N/A

**CY 2011 Actual:** N/A

**Discussion of CY 2010 Results:** The target for CY 2010 is to reduce the average number of homicides per site to 3.7; however the actual average number of homicides per Weed and Seed site for CY 2010 was 4.6. The Weed and Seed program was not funded after FY 2010 and, as a result, the 2010 data include data for one calendar quarter that was not funded. As a result of the discontinuation of the program, data for this performance measure will not be reported in the future.



**Data Definition:** Although sites are affected by a range of criminal activities, such as drugs and vandalism, CCDO selected homicide statistics as the indicator of the severity of sites’ crimes. The number of homicides per site is an average calculated by summing the number of homicides reported for all sites and dividing by the number of sites reporting.

**Data Collection and Storage:** Weed and Seed grantees report performance measure data on an annual basis via web submissions to the Justice Research and Statistics Association (JRSA) and OJP's Grants Management System.

**Data Validation and Verification:** CCDO validates and verifies performance measure data through site visits and follow-up phone calls conducted by JRSA. Additionally, homicide statistics reported by jurisdictions are verified against the Uniform Crime Report published annually by the FBI.

**Data Limitations:** Data for this performance measure are only reported by calendar year to coincide with submissions to the FBI Uniform Crime Reports. The data are not comparable across years because dissimilar sites are added and graduated (continue to use the Weed and Seed strategy without additional federal funding) each year and, due to the small number of sites overall, these changes can greatly affect performance data.

**FY 2012 Outcome Goal:** Realize a 31% reduction in the Casework DNA backlog by FY 2012.  
**FY 2011 Progress:** The Department is on target to achieve this long-term goal.

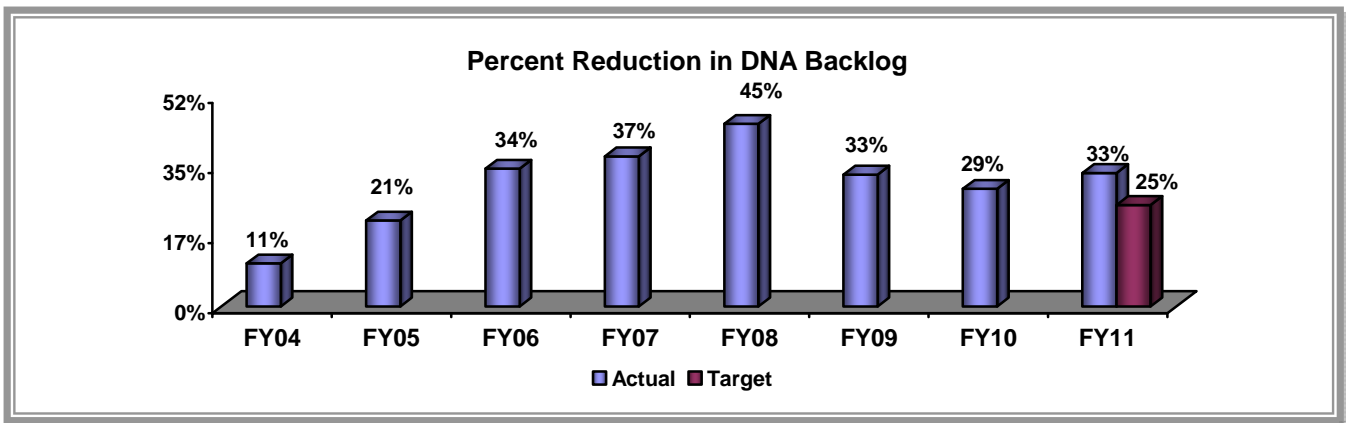
**Background/Program Objectives:** The National Institute of Justice (NIJ) funds and administers the DNA Backlog Reduction Program to increase the capacity of the nation’s public DNA laboratories and to reduce the number of backlogged casework DNA samples awaiting analysis and entry into the Combined DNA Index System (CODIS). The overarching goal of the program is to reduce the size of the DNA casework backlog so that more DNA samples profiles are available in CODIS for matching to forensic cases, offenders, and arrestees. CODIS matches offer powerful investigative leads that can solve past crimes and prevent new crimes from occurring. In the past, funds awarded for analysis of backlogged forensic casework DNA samples were only available for the analysis of violent offense samples (i.e., murder, non-negligent manslaughter and forcible rape); however, from FY 2008 to date, funds can be used for any criminal DNA case. OJP’s role in reducing the DNA backlog is to provide funding to qualified labs that apply for federal funding in analyzing cases.

**Performance Measure:** Percent Reduction in DNA Backlog (casework only)

**FY 2011 Target:** 25%

**FY 2011 Actual:** 33%

**Discussion of FY 2011 Results:** OJP’s FY 2011 target for reducing the DNA casework backlog was set at 25 percent. The DNA backlog was reduced by 33 percent, which exceeded the target.



**Data Definition:** NIJ computes this measure by calculating the cumulative number of samples requested to be worked with federal overtime, supply, and/or outsourcing assistance as part of the FY 2011 solicitation process. This number is divided by the total number of backlogged DNA cases as of December 31 of the year prior to when solicitations are released (for FY 2011, the number of cases in the backlog as of December 31, 2010). Because the size of the backlog is assessed at the end of each calendar year, the number of samples in the backlog tends to vary at other times as more or fewer samples are submitted for analysis and tested. For example, when more samples are submitted than tested, the number of samples in the backlog necessarily grows. Likewise, when more samples are tested than were submitted for analysis, the number of samples in the backlog shrinks.

**Data Collection and Storage:** Data for this measure are collected by NIJ program manager and are maintained in office files.

**Data Validation and Verification:** The number of cases funded for analysis in FY 2011 is computed from applications submitted by grantees to the FY 2011 DNA Backlog Reduction Program. During the course of the grant, which can take up to three years to complete, grant managers monitor each grant to ensure that

grantees are meeting or achieving the targets they proposed in their application. To date, on average, grantees have exceeded the targets proposed in their applications.

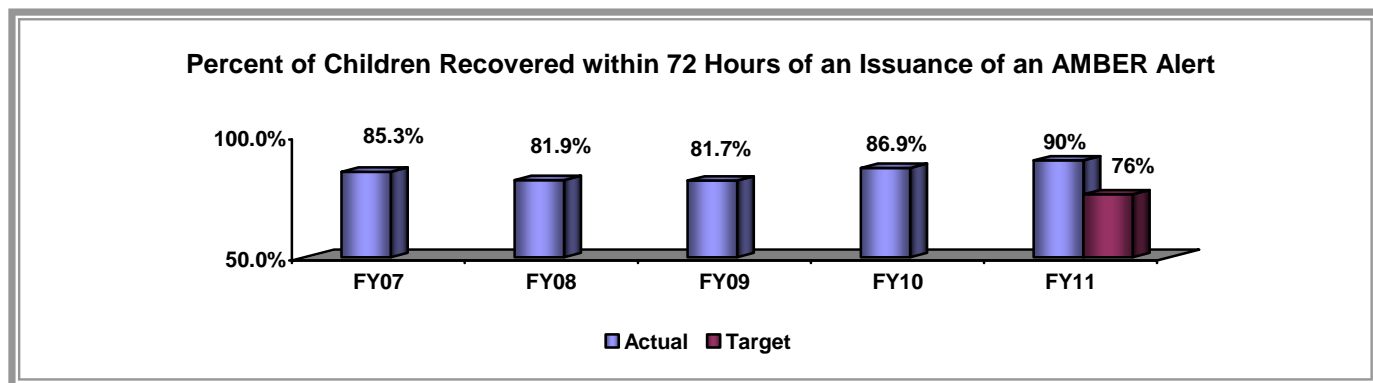
**Data Limitations:** None known at this time.

**FY 2012 Outcome Goal:** Continue to ensure a 75% or greater recovery rate in the number of children recovered within 72 hours of the issuance of an AMBER Alert through FY 2012  
**FY 2011 Progress:** The Department is on target to achieve this long-term goal.

**Background/Program Objectives:** Research shows that it is critical to post and resolve AMBER Alerts as soon as possible because abductors who murder children are most likely to do so within four hours following the abduction. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) administers OJP’s AMBER Program, which supports best practices training and technical assistance for state and regional AMBER Alert teams. At the end of 2001, there were only four statewide AMBER Alert plans. Today, all 50 states, 2 U.S. territories (the U.S. Virgin Islands and Puerto Rico), and 15 Indian tribes have plans in place. The AMBER Alert strategy focuses on: (1) strengthening the existing AMBER Alert system; (2) expanding the scope of AMBER Alert; and (3) enhancing communication and coordination.

**Performance Measure:** Percent of Children Recovered within 72 Hours of an Issuance of an AMBER Alert  
**FY 2011 Target:** 76%  
**FY 2011 Actual:** 90%

**Discussion of FY 2011 Results:** The target for FY 2011 was to recover 76 percent of children within 72 hours of issuing an AMBER Alert. OJP exceeded the target with an actual of 90 percent of victims recovered within 72 hours of an AMBER Alert.



**Data Definition:** Recovery rate is determined by taking the total number of AMBER Alerts cancelled within 72 hours of issuance because the subject child/children are recovered divided by the total number of alerts issued. The result is expressed as a percentage. Children from cases classified as hoax or unfounded after intake are excluded from the measure.

**Data Collection and Storage:** Data are collected from law enforcement and the National Crime Information Center database. This database stores the child’s name and other critical data elements.

**Data Validation and Verification:** Data for this measure are validated and verified through a review of progress reports submitted by grantees, telephone contact, and monitoring.

**Data Limitations:** None known at this time.

# III

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

---

**36% 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; 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 2010 Progress:** The Department is on target to achieve this long-term goal.

**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

**CY 2010 Target:** 25,000

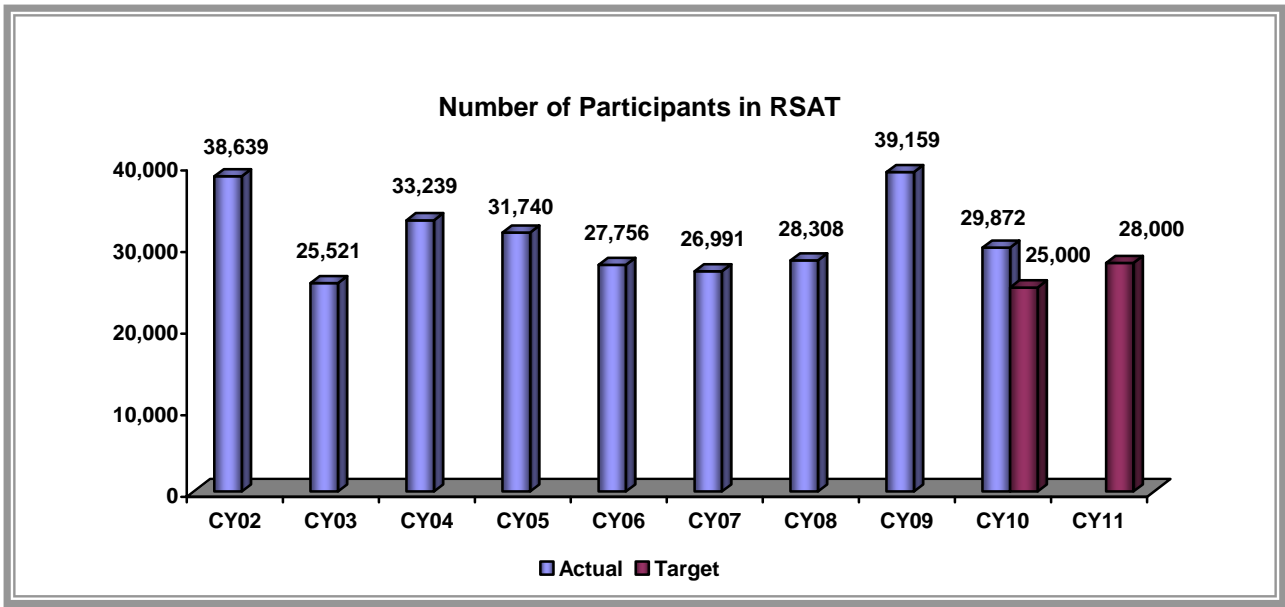
**CY 2010 Actual:** 29,872

**CY 2011 Target:** 28,000

**CY 2011 Actual:** Data for this measure is collected on a calendar year basis and will be available in June 2012

**Discussion of CY 2010 and CY 2011 Results:** The target for CY 2010 was to have 25,000 participants in RSAT programs. During CY 2010, OJP RSAT grantees reported that 29,872 individuals participated in RSAT programs, which exceeded the target by 4,872 participants.

The target for CY 2011 is to have 28,000 participants in RSAT programs. Data for this measure are collected on a quarterly basis and will be available in June 2012.



**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 grantee into the Bureau of Justice Assistance (BJA) Performance Measurement Tool (PMT).

**Data Validation and Verification:** Data are validated and verified through program managers' programmatic monitoring. This oversight includes a review of all relevant material to determine grant performance, desk reviews of grantee support documentation, telephone contacts, and on-site grant monitoring.

1. BJA applies front-end business rules and logic to the data grantees enter into the PMT so that erroneous data values are rejected. Grantees get an error message if they try to leave a required field blank or enter a value that is impossible.
2. BJA applies data cleaning techniques to the back-end data when analyzing it after reporting is complete. Follow-up phone calls or outreach may be conducted during this step.
3. BJA grant managers review and validate performance measure data during on-site visits, using specific questions pertaining to data included in the checklist. BJA conducts on-site monitoring for approximately five percent of active grants.
4. Outside of the on-site visit process, BJA grant managers review and approve the progress reports. As a result of this review, the BJA grant manager may contact the grantee to ask them to explain or resolve any perceived inconsistent or missing performance measure data.

**Data Limitations:** Due to previous data collection limitations regarding the variations in reporting period for the grantees, BJA migrated the collection of RSAT performance measures to the PMT, an online data collection tool. The grantees began reporting the RSAT data in the PMT for the reporting period January 1-June 30, 2009 and have reported on a quarterly basis since then. The number of RSAT participants for 2010 reflects the 2010 calendar year, but in the future, because grantees are reporting on a quarterly basis, BJA will be able to report these numbers on a fiscal or calendar year basis. The issue of variations in grantee reporting periods has been resolved.



**FY 2012 Outcome Goal:** Increase the graduation rate of drug court participants from 21% (FY 2005) to 32% by FY 2012

**2011 Progress:** The Department is on target to achieve this long-term goal.

**Background/Program Objectives:** OJP's Drug Court Program is administered by BJA and 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 2,500 jurisdictions have established or are planning to establish a drug court. Currently, every state and two U.S. Territories have one or more drug courts in operation.

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-eight percent of the 4.3 million people who reported to the 2009 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)

**FY 2010 Target:** 71%

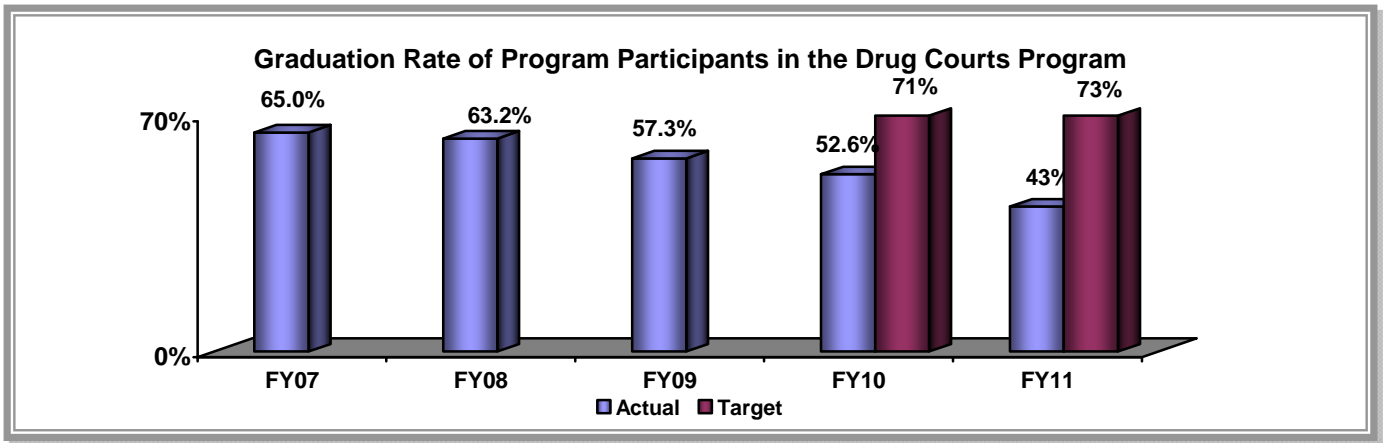
**FY 2010 Actual:** 52.6%

**FY 2011 Target:** 73%

**FY 2011 Actual:** 43%

**Discussion of FY 2010 and FY2011 Results:** The target for FY 2010 is a graduation rate of 71 percent. Drug Court grantees achieved a graduation rate of 52.6 percent in FY 2010. As a result of not meeting this target, BJA researched this performance measure and the data reported for it. As described below, BJA revised the FY 2011 and future targets to be more appropriate targets for the Drug Court program and participants.

The target for FY 2011 was originally set at 73 percent. However, during FY 2011, BJA established a new graduation rate target based on both historical grantee reporting and extensive research into a national average drug court graduation rate. The national average for drug court graduation rate is 50 percent for established (mature) drug courts. BJA has been reporting graduation rates for implementation (immature) grantees, which are just launching start up activities. The average historical rate for immature drug courts is near 46 percent. Since, in the future, BJA will report on graduation rates for implementation (immature) and enhancement (mature) grantees' graduation rates separately, BJA has established a static target of 48 percent. OJP Drug Court grantees reported that 43 percent of program participants graduated during FY 2011.



**Data Definitions:** The graduation rate is calculated by dividing the number of graduates (successful completions) during the reporting period by the sum of the successful and unsuccessful completions. Unsuccessful completions stem from failure to complete program requirements, as a result of actions such as re-arrest or relapse in substance abuse.

**Data Collection and Storage:** Program managers obtain data from reports submitted by grantees into BJA’s PMT.

**Data Validation and Verification:** Data are validated and verified through program managers’ programmatic monitoring. This oversight includes a review of all relevant material to determine grant performance, desk reviews of grantee support documentation, telephone contacts, and on-site grant monitoring.

1. BJA applies front-end business rules and logic to the data grantees enter into the PMT so that erroneous data values are rejected. Grantees get an error message if they try to leave a required field blank or enter a value that is impossible.
2. BJA applies data cleaning techniques to the back-end data when analyzing it after reporting is complete. Follow-up phone calls or outreach may be conducted during this step.
3. BJA grant managers review and validate performance measure data during on-site visits, using specific questions pertaining to data included in the checklist. BJA conducts on-site monitoring for approximately five percent of active grants.
4. Outside of the on-site visit process, BJA grant managers review and approve the progress reports. As a result of this review, the BJA grant manager may contact the grantee to ask them to explain or resolve any perceived inconsistent or missing performance measure data.

**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 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. The reporting cycle for these data is July 1-June 30.

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

**FY 2011 Progress:** The Department is on target to achieve this long-term goal.

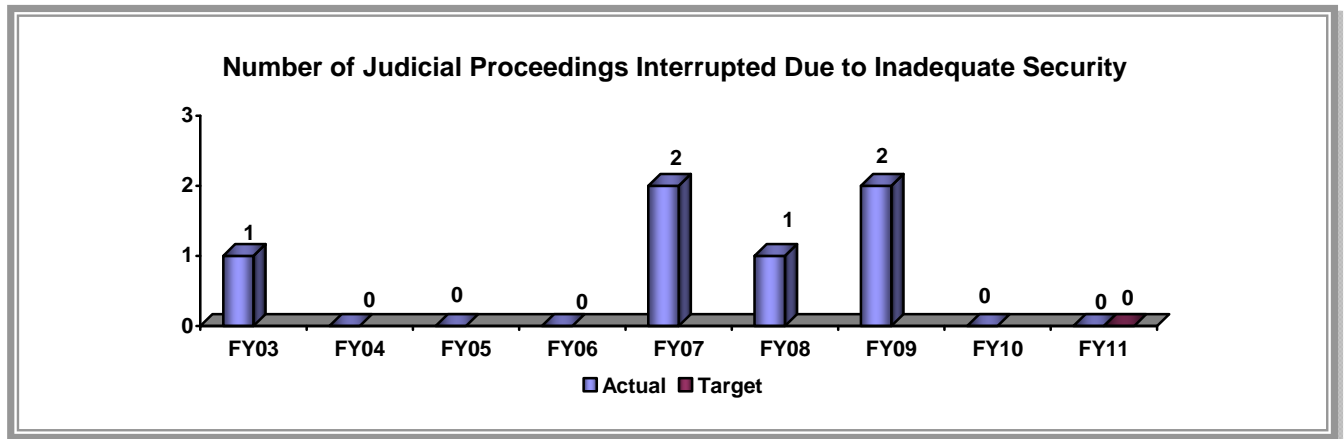
**Background/Program Objectives:** The USMS maintains the integrity of the federal judicial process by: 1) ensuring that each federal judicial facility is physically safe and free from any intrusion intended to subvert court proceedings; 2) guaranteeing that all federal judges, prosecutors, government 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 2011 Target:** 0

**FY 2011 Actual:** 0

**Discussion of FY 2011 Results:** The USMS met its FY 2011 target of zero interrupted judicial proceedings.



**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 Communication Center collects Weekly Activity Reports and Incident Reports from the districts. These reports have been collected by the USMS Communications Center via email since FY 2003.

**Data Validation and Verification:** Before data are disseminated agency-wide, the USMS Communications Center verifies the information with HQ operational program managers to ensure accuracy.

**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 2011 Progress:** The Department will not meet the original percentage target. A new target (51%) has been established for FY 2012.

**Background/Program Objectives:** The USMS has 7 Regional Fugitive Task Forces (RFTF) and approximately 82 district-based warrant squads that handle the warrant workload. The RFTFs and district warrant squads rely on interagency fugitive task forces involving hundreds of federal, state, and local law enforcement officers. Combining resources enables the USMS to focus on the most violent fugitives. In addition to domestic activities, the USMS is the lead agency responsible for extraditing (or deporting) U.S. fugitives that have fled to foreign countries back into this country. The USMS is also responsible for apprehending and deporting foreign fugitives within the U.S. who are wanted abroad.

As part of the fugitive apprehension mission, the USMS has been designated by the Attorney General as the lead agency for location and apprehending non-compliant sex offenders and others who violate the provisions of the Adam Walsh Child Protection and Safety Act. A non-compliant sex offender is any person who fails to comply with Federal registration requirements.

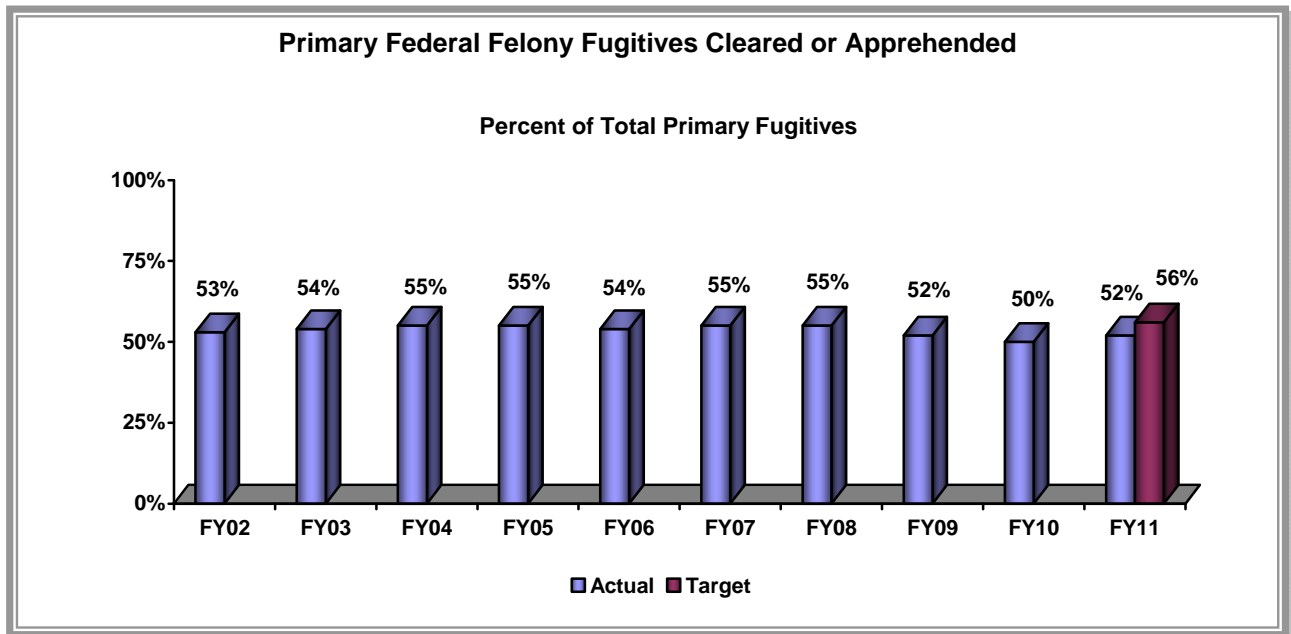
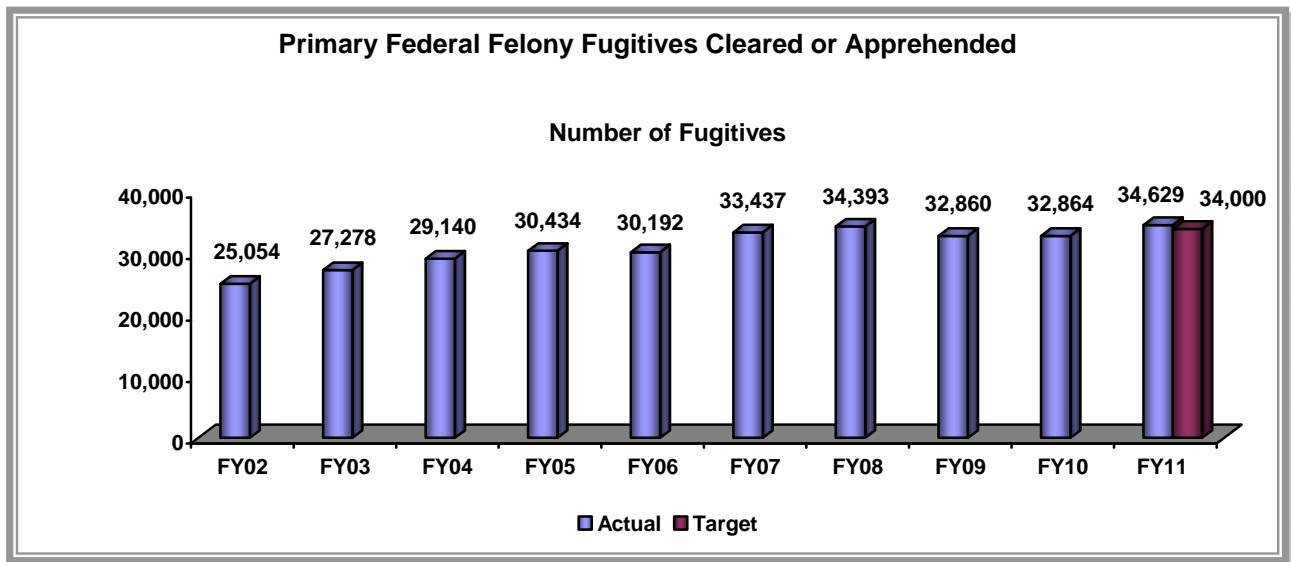
**Performance Measure:** Number and Percent of Primary Federal Felony Fugitives Cleared or Apprehended  
**FY 2010 Revised Actual:** 32,864 or 50% (Previous Actual: 36,126 or 56%)

**FY 2011 Target:** 34,000 or 56%

**FY 2011 Actual:** 34,629 or 52%

**Discussion of FY 2011 Results:** The USMS revised the previously reported figure for the FY 2010 performance measure from 36,126 and 56 percent to 32,864 and 50 percent. The change is a result of an update to reflect final data/information. For FY 2011, The USMS exceeded its target of 34,000 primary Federal felony fugitives apprehended or cleared by apprehending or clearing 34,629 primary Federal felony fugitives in FY 2011. This resulted in 52 percent of total primary Federal felony fugitives apprehended or cleared which is more than half of all warrants on hand or received during FY 2011. While the target number was met for this measure, the percentage target of 56 percent was not met due to a larger than expected increase in the number of wanted primary federal felony fugitives. The USMS still views this as a successful performance because the targeted number of primary federal fugitives apprehended or cleared was achieved. Among those arrested, 3,913 were for crimes of homicide, 4,958 were gang members, and 12,793 were sex offenders. In addition, in FY 2011, the USMS had 885 fugitives extradited and /or deported to the United States from other countries.

The 7 operating RFTFs, 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 RFTFs and District Fugitive Task Forces combined led to the arrest of 85,691 state and local fugitive felons in FY 2011. The USMS initiated 2,808 Federal investigations into the failure of sex offenders to meet their registration requirements.



**Data Definition:** A “primary” federal felony fugitive means that the USMS has apprehension responsibility. The USMS has primary jurisdiction to investigate fugitive matters involving escaped federal prisoners; probation, parole, and bond default violators; warrants generated by DEA and referred to the USMS; any other federal warrant referred by another federal agency without arrest powers; and any warrant referred by state and local agencies. 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:** The USMS maintains a centralized Warrant Information Network (WIN) with the Justice Detainee Information System (JDIS) to collect warrant information, investigative leads, and other criminal information. Upon receipt of a warrant from a federal judge, Deputy U.S. Marshals query the FBI’s National Crime Information Center (NCIC) through WIN to look for previous criminal information.

**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 is able to enhance fugitive investigative effort by sharing data with other agencies, such as the Social Security Administration, DEA, Department of Agriculture, Department of Defense, Department of State, and a variety of state and local task forces around the country.

**Data Limitations:** WIN data are accessible to all USMS district offices and continuously 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 2011 Progress:** The Department is on target to achieve this long-term goal.

**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 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, the 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, the 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).

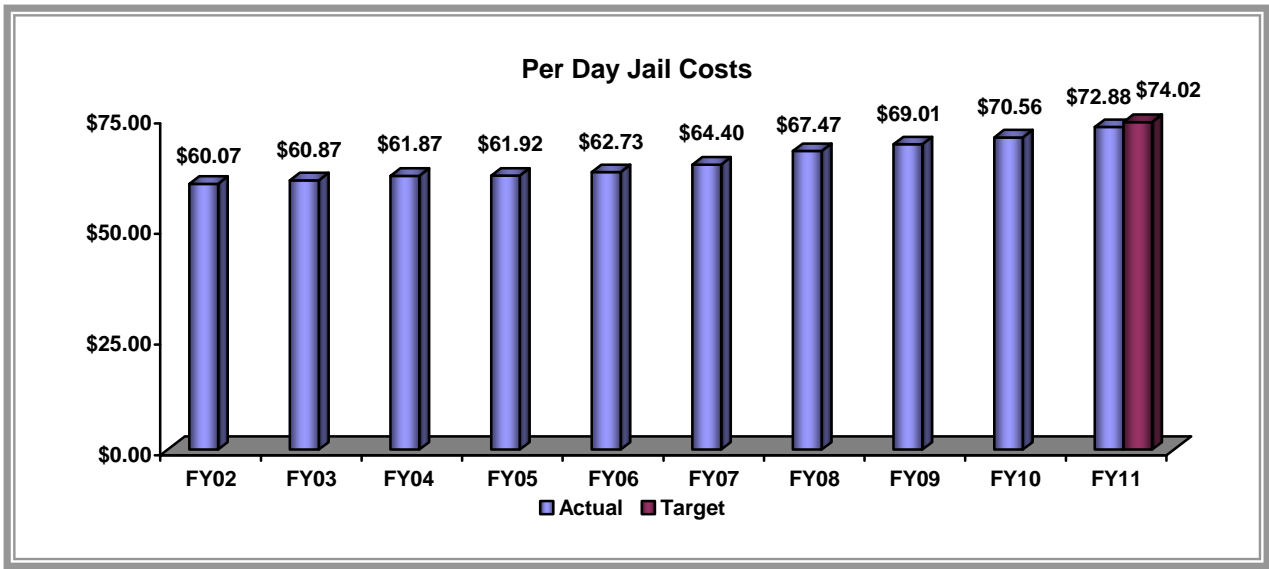
**Performance Measure:** Per Day Jail Costs

**FY 2010 Revised Actual:** \$70.56 (Previous Actual: \$70.59)

**FY 2011 Target:** \$74.02

**FY 2011 Actual:** \$72.88

**Discussion of FY 2011 Results:** The actual per day jail cost for FY 2011 was below the target because of 1) a moratorium on per diem rate increases awarded to state and local facilities providing detention space to the USMS, and 2) economies of scale realized through greater than anticipated usage of private detention facilities that provide reduced housing costs for greater facility utilization. The per diem rate moratorium resulted in cost avoidances during FY 2011.



**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 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 2011 Progress:** The Department will not meet this long-term goal target by FY 2012.

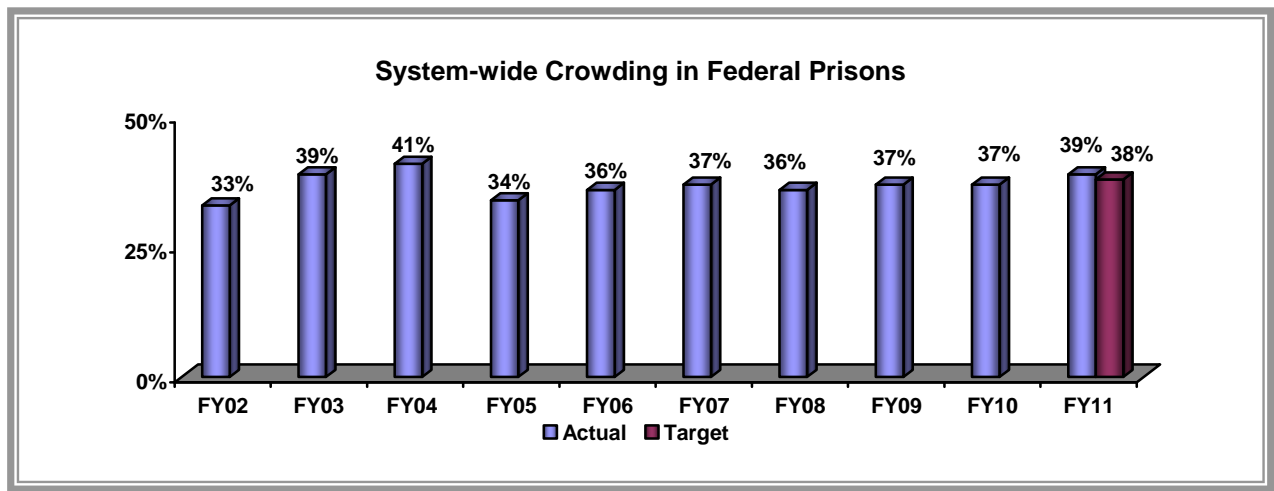
**Background/Program Objectives:** The BOP constantly monitors and reports weekly on facility capacity, population growth, and prisoner crowding. As federal inmate population levels are projected to increase and continue to exceed the rated capacity of the BOP, every possible action is being taken to 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 2011 Target:** 38%

**FY 2011 Actual:** 39%

**Discussion of FY 2011 Results:** During FY 2011, the overall BOP population increased by 7,541. The target crowding level was based upon a projected population increase of 6,034 inmates during FY 2011. Further, the projected population increase for BOP institutions was 2,695 and the actual increase was 4,645. During FY 2011, the BOP was able to increase the rated capacity by 830 of the 958 planned beds, by bringing on-line the remaining beds at the Federal Correctional Institution (FCI) McDowell and the minimum security satellite camp at Mendota. The BOP was not able to achieve the target due to greater than expected inmate growth and lack of funding to bring on-line the medium security beds at FCI Mendota.



**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 percent occupancy, which equals 0 percent crowding. Any occupancy above 100 percent 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 lower inmate-to-staff ratio than low security facilities. High security facilities: also known as U.S. Penitentiaries, highly secure perimeters, multiple and single cell housing, lowest inmate-to-staff 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 conduct 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 all available prison space is fully utilized, 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 2011 Progress:** The Department is on target to achieve this long-term goal.

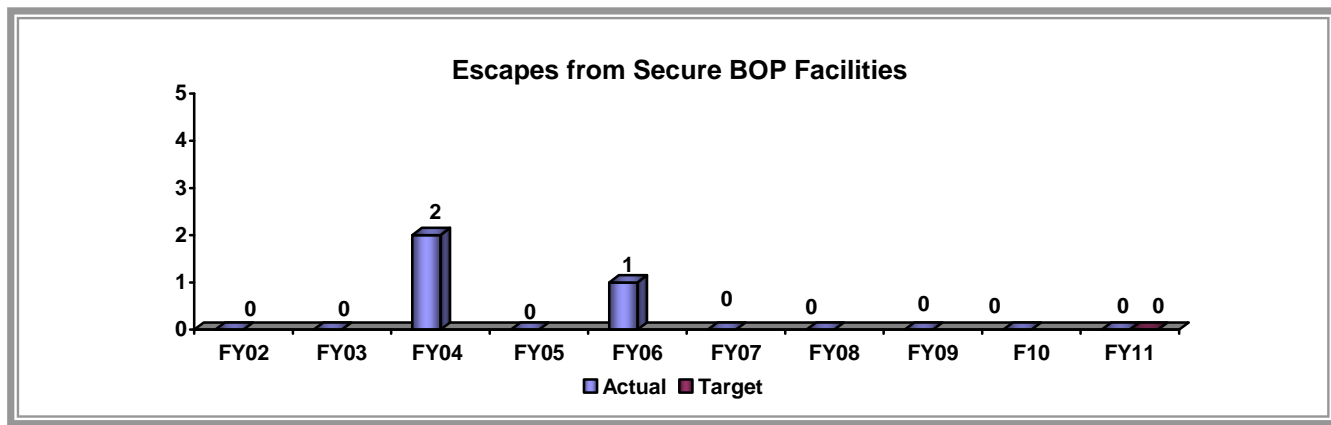
**Background/Program Objectives:** The BOP significantly reduces the possibility of escape with long-term emphasis on security enhancements, physical plant improvements, enhanced training, and increased emphasis on staff supervision of inmates. In the event an escape does occur, the BOP will initiate 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 2011 Target:** 0

**FY 2011 Actual:** 0

**Discussion of FY 2011 Results:** During FY 2011, 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 DHS/ Immigration and Customs Enforcement 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 submitted by the institution where the incident occurred. This has become an automated process, which went nationwide in August of 2009, known as the TruIntel system. The data is captured in data sets and made available to the Office of Research and Evaluation, which analyzes the data and makes the escape information available through the Management Analysis Portal, specifically the Institution Management Dashboard.

**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  
**FY 2011 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 to help inmates develop a basic work ethic and marketable skills, thereby allowing them to become productive law-abiding citizens upon release. 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 than similarly situated non-participants.

Treatment subjects, defined as inmates who participated in FPI for at least six months, are drawn from the population of recently released inmates, released FY 2005-2007. The treatment subjects are matched with comparison subjects who did not participate in FPI using a propensity score technique designed to insure that the comparison subjects are similar to treatment subjects. Subjects are followed over a 3-year period and the comparison between groups is reviewed and interpreted to identify the relative difference in the risk of recidivism.

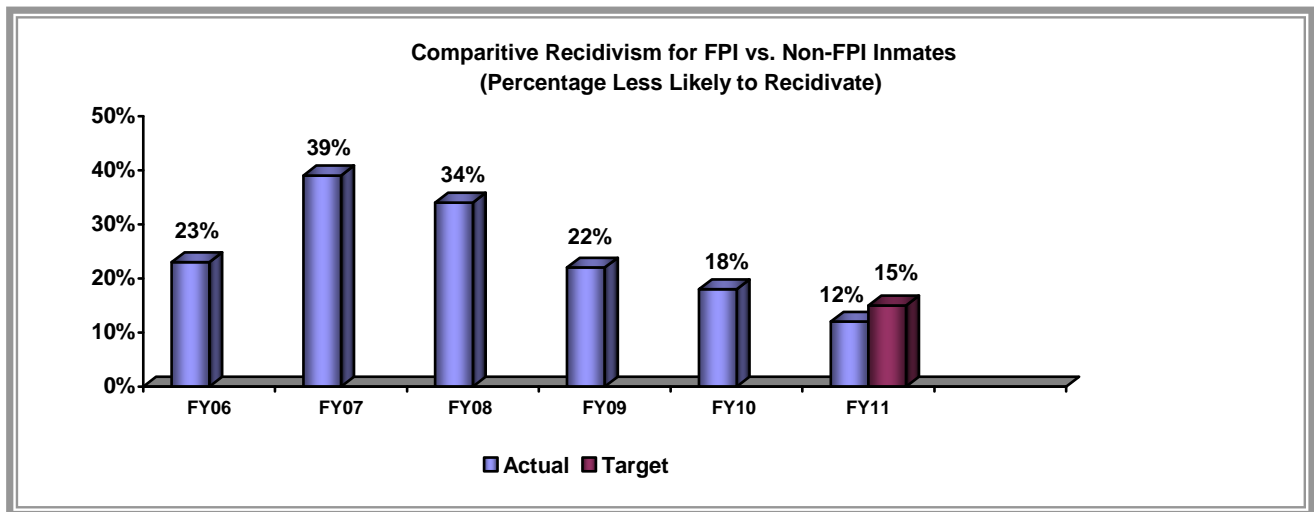
The targets for inmates released in FY 2005-2007 is: Inmates who participated in FPI will remain 15 percent less likely to recidivate after release from a secure facility, compared to similarly situated inmates who did not participate.

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

**FY 2011 Target:** 3 years; 15%

**FY 2011 Actual:** 3 years; 12%

**Discussion of FY 2011 Results:** Analyses show a 12 percent relative reduction in recidivism comparing FPI participants with similarly situated comparison subjects. 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. Comparing results from one year to the next is inherently speculative. That type of analysis would be confounded by changes in the composition of the release population, changes in law enforcement practices, changes in the program, the unpredictable effects of unique historical events, changes that affect opportunities to commit crime, start a family, get a good job, live in a safe neighborhood, and obtain treatment and support. The FPI does not currently plan to revise the target in the near future.



**Data Definition:** Recidivism is defined as a tendency to relapse into a previous mode of behavior, such as criminal activity resulting in arrest and incarceration. For purposes of the measure, recidivism over the 3 years following release is defined as an arrest or a return to BOP custody for a supervised release violation or a new conviction.

**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 verifications 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 significant 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. A 1-year lag after the end of the follow-up period is necessary to complete the study. The data provided utilizes a statistical model to predict recidivism, based upon the confounding factors known to be predictors, such as demographic characteristics, prior record, and types of offense. Although considered to be a valid method, sampling risk is present. Projected targets are based on an earlier study of recidivism by FPI participating inmates and their similarly situated non-participating counterparts, also referred to as comparison subjects. 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 2011 Progress:** The Department is on target to achieve this long-term goal.

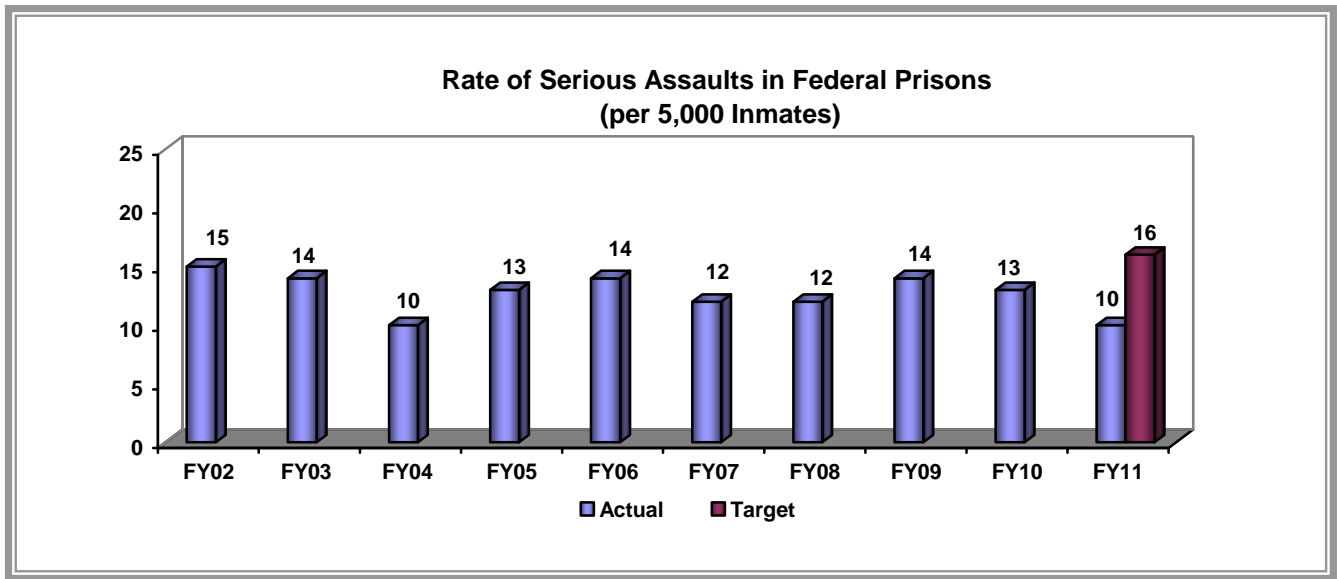
**Background/Program Objectives:** Every reasonable precaution is taken to ensure that inmates are provided with a safe and secure environment in facilities according to their needs. While it is the objective of the DOJ and BOP to eliminate all assaults, the target reflects projections based on historical data and observed trends. This data represents the rate of adjudicated, inmate-on-inmate serious 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 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 2011 Target:** 16

**FY 2011 Actual:** 10

**Discussion of FY 2011 Results:** The FY 2011 target was met. The actual rate of serious assaults was 10 per 5,000 inmates, lower than the target rate of 16 per 5,000 inmates for FY 2011.



**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 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 and the Institution Management Dashboard), which permits retrieval of data in an aggregated manner. The data represents guilty findings of serious inmate on inmate assaults.

**Data Validation and Verification:** The most senior managers in the agency conduct annual reviews of institution performance including assaults and other misconduct. Additionally, during Program Reviews

(which are conducted at least every three years), annual operational reviews, and Institution Character Profiles (which are conducted every three years), reviews of assaults and other misconduct patterns are accomplished. The SENTRY system is BOP's 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 12 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 2011 Progress:** The Department is on target to achieve this long-term goal.

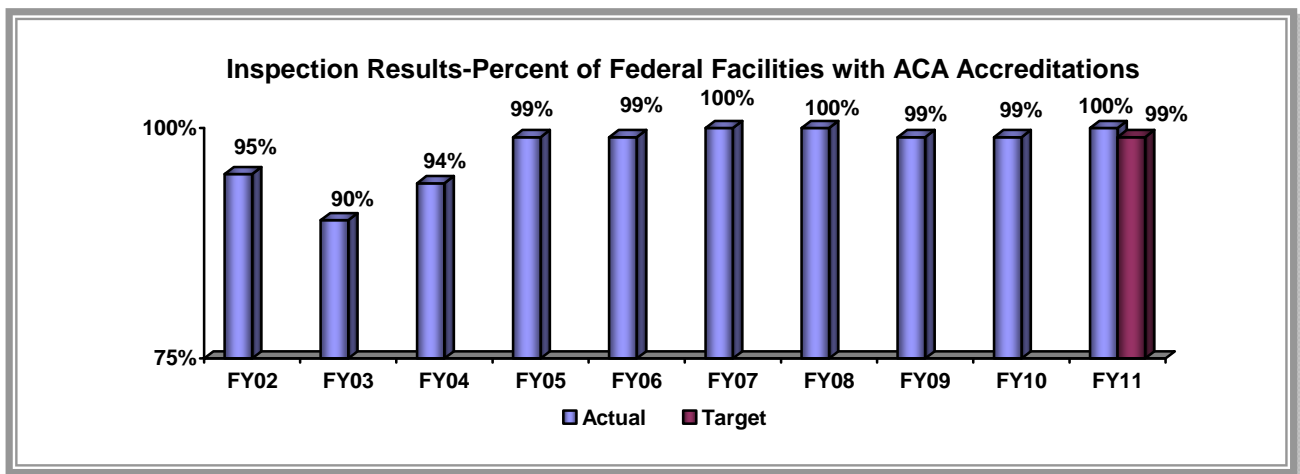
**Background/Program Objectives:** The BOP has the highest regard for human rights and public safety. Therefore, it strives to maintain facilities that meet the accreditation standards of several professional organizations including the American Correctional Association (ACA). ACA auditors conduct on-site 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 2011 Target:** 99%

**FY 2011 Actual:** 100%

**Discussion of FY 2011 Results:** All of the BOP's one hundred fifteen prisons eligible to participate in the accreditation program achieved or maintained their accreditation. FCI McDowell, WV will be eligible for initial accreditation in January 2012 and has successfully completed their site visit. New institutions are not considered eligible for accreditation status until approximately two years after initial activation.



**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 2011 Progress:** The Department is on target to achieve this long-term goal.

**Background/Program Objectives:** The Executive Office for Immigration Review (EOIR) has jurisdiction over various immigration matters relating to 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 and the expeditious removal of criminal and other inadmissible aliens where no relief is available. 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 and other detained aliens, 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 2011 Target:** 85% for Institutional Hearing Program (IHP) and detained immigration court cases and 90% for detained appeals

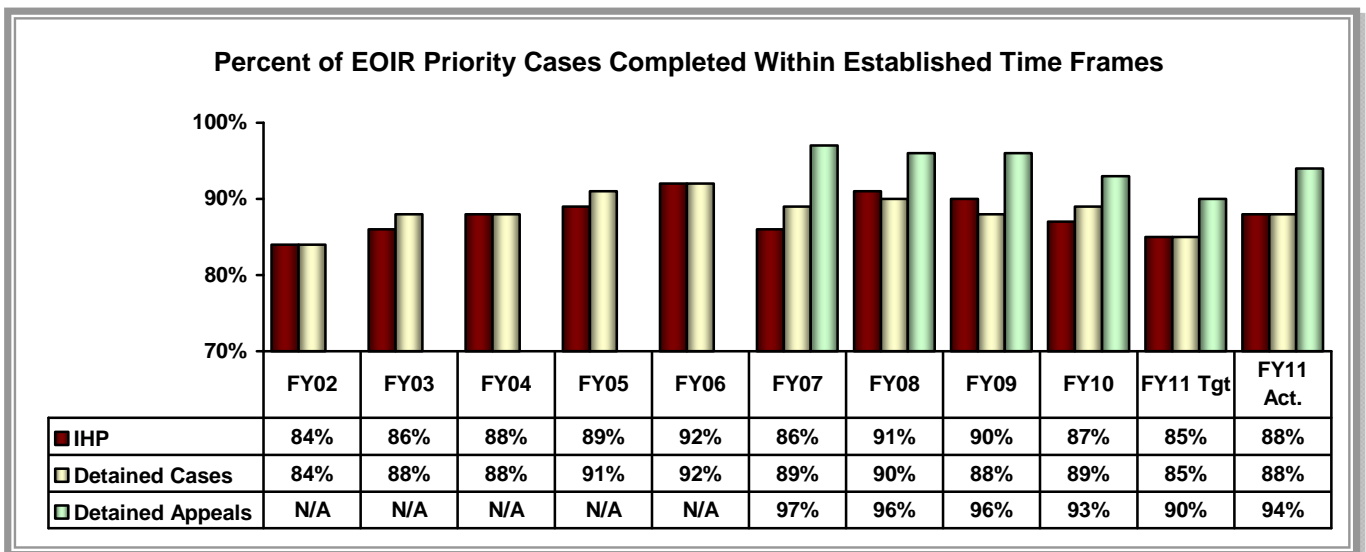
**FY 2011 Actual:**

Immigration Court IHP Cases Completed Prior to Release from Incarceration: 88%

Immigration Court Detained Cases Completed Within 60 Days: 88%

Immigration Court Detained Appeals Completed Within 150 Days: 94%

**Discussion of FY 2011 Results:** Through careful management of EOIR’s resources, the agency exceeded all three of its goals for FY 2011. As part of the Department’s priority goal initiative, EOIR has placed its focus on continuing to meet its large detained caseload. EOIR also used video teleconferencing when appropriate to handle the detained immigration court docket, including Institutional Hearing Program cases. The BIA also continued to manage its resources carefully to ensure that it exceeded its goal of completing 90 percent of detained appeals within 150 days. EOIR will continue to look at innovative ways to manage its detained docket, including close coordination with DHS.



**Data Definition:** The EOIR has defined its priority caseload as two types of immigration court cases (IHP, and detained cases) and one type of Board of Immigration Appeals case (detained appeals). The 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.

**Data Collection and Storage:** Data are collected from the Case Access System for EOIR (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.