

## **STRATEGIC GOAL SIX:**

Protect the Federal Judiciary and Provide Critical Support to the Federal Justice System to Ensure it Operates Effectively

---

The Department has significant responsibility for ensuring the effective, efficient and secure operation of the federal justice system. It does so by protecting judicial proceedings; ensuring the safe and secure environment of the federal courts; apprehending fugitives from justice; promoting the participation of victims at every stage of criminal and juvenile proceedings; and administering the Nation's bankruptcy laws.

The primary responsibility of the U.S. Marshals Service (USMS) is protecting the federal judiciary and ensuring that all federal court proceedings take place in an environment free and clear of intimidation and violence. In FY 2002, USMS will continue to provide the necessary services and expertise to maintain a high level of security in the federal judicial environment, to take steps to upgrade physical security at existing courthouses, and to ensure that new courthouses open with appropriate security measures in place. In addition, USMS will continue to monitor, assess and investigate threats made against judicial personnel, witnesses and victims in order to ensure their safety. Other responsibilities of USMS include the production of prisoners for court appearances, the service of court order process, the management of assets that have been seized and forfeited, and the apprehension of federal fugitives from justice.

DOJ will continue to give high priority to increasing the participation of victims and witnesses in the judicial process. Specifically, DOJ will take steps to ensure that there is full compliance with the Attorney General's Guidelines for Victim and Witness Assistance through increased training for law enforcement officers and prosecutors in victim/witness responsibilities and notification procedures.

Also in FY 2002, the U.S. Trustee Program (USTP) will continue to enforce bankruptcy laws and regulations of the nation. USTP will continue efforts to address the bankruptcy system's overall caseload, particularly older cases, by providing administrative support to help move cases expeditiously through the bankruptcy process. The program will continue to inform law enforcement agencies of possible violations of bankruptcy laws and to participate in task forces designed to identify and prosecute individuals or organizations engaged in fraud.

### **MANAGEMENT CHALLENGES**

There are no existing material weaknesses that will hinder the achievement of goals in this area in FY 2002, nor did the DOJ Office of Inspector General (OIG), in its December 2000 list of the ten most serious management challenges facing the DOJ, register any serious issues in this area.

### **PROGRAM EVALUATIONS**

There are no program evaluations projected for FY 2002.

**STRATEGIC OBJECTIVE 6.1: PROTECTING THE JUDICIARY**  
**Protect judges, witnesses, and other participants in federal judicial proceedings and ensure the safe and secure operation of the federal court system.**

**Annual Goal 6.1: Protect the participants in judicial proceedings**

**STRATEGIES**

Monitor, assess and investigate threats made against judges, court personnel, witnesses and victims to stop/deter any potential violence. Meet court security standards.

In FY 2002, DOJ will continue to deter and to respond to, threats to the safety of federal judges, court personnel, witnesses and other participants federal judicial proceedings. Our primary goal is to ensure that no judge, court participant or witness is the victim of assault stemming from involvement in a federal Court proceeding.

Specifically, we will effectively identify, assess, and respond to threats against court personnel and property; enhance the physical security of new and renovated federal courthouse facilities; and provide for the long-term protection of federal witnesses and their family members.

**MEANS – Annual Goal 6.1**

**Dollars/FTE**

Appropriation	FY 2000 Obligated		FY 2001 Enacted		FY 2002 Requested	
	\$ mil	FTE	\$ mil	FTE	\$ mil	FTE
U.S. Marshals Salaries and Expenses	388	2919	419	3134	454	3220
U.S. Marshals Construction	6	5	18	9	7	9
<b>TOTAL</b>	<b>394</b>	<b>2924</b>	<b>437</b>	<b>3143</b>	<b>461</b>	<b>3229</b>

**Skills**

USMS Deputy Marshals and Criminal Investigators must be able to plan and develop prisoner transportation routes; identify and react quickly to incidents; analyze and investigate inappropriate communications made against judges and witnesses; investigate threats; cultivate relationships with state and local law enforcement agencies; assess potential risks; devise threat management strategies; and coordinate protective investigations with the FBI.

**Information Technology**

USMS is in the process of developing one centralized application, the Justice Detainee Information System (JDIS), from its five offender-based applications: the Warrant Information Network, the Prisoner Tracking System, the Automated Prisoner Scheduling System, the Automated Booking Station, and the Prisoner Medical Tracking system. JDIS will allow USMS to manage prisoners and

**PERFORMANCE ASSESSMENT – Annual Goal 6.1**

**6.1A Protect Judicial Proceedings**

**Background/ Program Objectives:**

USMS maintains the integrity of the judicial security process by: (1) ensuring that each federal judicial facility is secure – physically safe and free from intrusion by technological devices intended to subvert court proceedings; (2) guaranteeing that all federal judges, magistrate judges, bankruptcy judges, prosecutors, witnesses, jurors and other participants, have the ability to conduct uninterrupted proceedings in open and safe environments; (3) maintaining the custody, protection and safety of prisoners brought to court for any type of judicial proceeding; and (4) limiting opportunities for criminals to tamper with evidence or use intimidation, extortion, or bribery to corrupt judicial proceedings.

**FY 2000 Actual Performance:**

**Performance Measure:** Inappropriate Communications and Assaults Against the Judiciary

**Target:** 710/ 0

**Actual:** 683/ 0

**Discussion:** USMS continues to meet its goal of zero assaults against members of the Judiciary despite the significant number of inappropriate communications received. USMS is changing its strategy of trying to distinguish the threats from the quantity of inappropriate communications received, and instead will treat each inappropriate communication as a threat for analysis purposes. USMS believes the indicator of inappropriate communications better captures potential harm to the judiciary then determining which communications would be deemed "threats".

**Public Benefit:** By properly analyzing inappropriate communications and responding appropriately, USMS aids its employees in protecting the federal judiciary and all participants in the judicial process. Inappropriate communications serve as early warnings of future potential incidents that can then be prevented.

**FY 2001 Performance Plan Evaluation:** Based on program performance in FY 2000, we expect to achieve the projected FY 2001 goal.

**Strategies and Initiatives to Achieve the FY 2002 Goal:**

USMS provides a high level of security in the federal judicial environment and will take steps to update physical security at existing courthouses and ensure that new courthouses open with appropriate security measures. To determine security risk, USMS conducts an assessment of the facility and personnel security requirements. Where a situation is deemed high risk, the USMS district staff develops an operation plan at least one month before the start of the trial. When situations are regarded as extraordinarily high-risk events, Court Security Inspectors prepare operation plans at least one month before trial. USMS also manages the Court Security Officer (CSO) program, through which nearly 27,000 weapons were confiscated at federal court facilities in FY 1999.

**Data Collection and Storage:** The USMS uses Weekly Activity Reports and Incident Reports from the Judicial Security Division as the data source. In addition, USMS uses the Courthouse Security Survey to determine the level of security deficiencies in USMS controlled space and provide a basis for prioritization for renovations.

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

**Data Limitations:** The results of Courthouse Security Survey were collated manually, and entered into a spreadsheet application. Funds have not been available to automate this data into the Courthouse Tracking System, which would include information on all current and planned courthouses.

In addition, USMS will continue to monitor, assess and investigate inappropriate communications (including threats) made to judicial personnel, witnesses, and victims in order to ensure their safety. USMS Criminal Investigators will also provide protective services at judicial conferences, and additional security measures for high-risk trials, and provide personal security details to address threats made against federal judiciary as necessary.

Through FY 2002, USMS projects that 332 out of 353 courthouse facilities will not meet security standards. For the current national security survey, USMS only included courthouse facilities where USMS pays rent on 250 square feet of space or more (on non-courthouse space) and has prisoner movement requirements. For the FY 2002 national security survey, USMS will encompass all physical issues in courthouse facilities by including the U.S. Courts and the Federal Protective Services. This will offer a more complete picture of physical security deficiencies in courthouse facilities. Due to the nature of construction projects and the increased scope of the survey, USMS plans to conduct the survey every two years (with data and analysis available the following year) assuming funds availability. Although many renovation projects have been initiated, the impact to the national security survey will not be felt for several more years as: (1) a renovation project may take several years to complete; (2) completing a renovation project does not ensure that a courthouse facility will meet security standards since several renovation projects at one facility may be required; and (3) most renovation projects are dependent upon GSA's renovation schedule, meaning that any delay with GSA's schedule will consequently delay the USMS schedule. Finally, every year, new courthouses are built by GSA, either adding to or replacing existing courthouse facilities. The total number of facilities is currently at 353; it will change in the future. At the conclusion of the survey, the USMS will be in a better position to project the number of courthouse facilities meeting requirements.

**Crosscutting Activities:**

USMS works closely with the USA, FBI, DEA, INS and BOP as well as non-DOJ agency tenants in buildings housing judicial proceedings. Non-DOJ tenants include the U.S. Postal Service, IRS, and the Social Security Administration. In addition, USMS coordinates and directs the District Courts Security Committee meetings to determine the security needs of the judiciary. These conferences are attended by the U.S. Courts (judges, clerks of the court, probation and pretrial services), the USA and GSA's Federal Protective Services.

**STRATEGIC OBJECTIVE 6.2 FUGITIVES**

**Annual Goal 6.2: Apprehend federal fugitives**

**STRATEGIES**

Focus on apprehending the 15 Most

In FY 2002, DOJ will focus on apprehending the USMS "15 Most Wanted Fugitives" and major case fugitives. Targeting even larger quantities of fugitives, USMS will oversee USMS district and regional fugitive apprehension cooperative task forces as well as expanding staff detailed outside of the United States.

USMS is dedicated to shortening the time frame required to capture fugitives. The longer it takes to capture a fugitive, the less likely it is that the fugitive will be caught. The other obvious problem is that they are still free to commit more crimes. Due to limited resources, USMS will focus its efforts on major case and violent fugitive cases to ensure that the most dangerous fugitives are brought to justice. To qualify as a major case, it must meet one or more of the following criteria:

- A career criminal with a history of violence or weapons convictions.
- A major narcotics distributor or manufacturer and those fugitives associated with violent gangs or significant organizations.
- A fugitive that has gained district, regional, or international attention, or who has been identified as a special interest case by the Investigative Services Division (ISD) or the DOJ.
- A significant state, local or other federal agency case where apprehension authority has been delegated to the USMS.
- A significant international fugitive for whom a provisional arrest warrant has been issued.
- A fugitive investigation that is supported by ISD with funding, staff, equipment or a task force.
- A physical custody escape (walkways from low security facilities are not included).

**MEANS – Annual Goal 6.2**

**Dollars/FTE**

Appropriation	FY 2000 Obligated		FY 2001 Enacted		FY 2002 Requested	
	\$ mil	FTE	\$ mil	FTE	\$ mil	FTE
U.S. Marshals Salaries and Expenses	107	880	112	883	121	895

**Skills**

**USMS Criminal Investigators must be able to analyze and investigate inappropriate communications made against judges/witnesses; cultivate relationships with state and local law enforcement agencies; develop and use informants to get leads to information; gather facts through interview, observation, interrogation, contact informant, analyze records. Foreign language expertise is essential for criminal investigators detailed outside of the**

Information  
Technology

USMS is in the process of developing one centralized application, the Justice Detainee Information System (JDIS), from its five offender-based applications; the Warrant Information Network, the Prisoner Tracking System, the Automated Prisoner Scheduling System, the Automated Booking Station, and the Prisoner Medical Tracking. These systems comprise the essential modules of JDIS. Once implemented, it will allow the USMS to manage prisoners and track them through the entire criminal judicial process. The USMS also utilizes several commercial and other agency databases for fugitive investigations.

## PERFORMANCE ASSESSMENT – Annual Goal 6.2

### 6.2A Apprehend Federal Fugitives

#### Background/ Program Objectives:

USMS has primary jurisdiction in conducting investigations involving escaped federal prisoners; probation, parole, supervised release and bond default violators; bench warrants; fugitives of agencies without arrest authority; and fugitives based on warrants generated during drug investigations. USMS is the primary agency responsible for tracking and extraditing fugitives apprehended in foreign countries who are wanted for prosecution in the U.S., as well as apprehending fugitives in the U.S. wanted by foreign nations.

Although USMS is very successful at apprehending fugitives, sometimes a fugitive is not caught immediately. This results in a warrant backlog. Often this is the result of a lack of unique identifying information. If a prisoner fails to appear for a court case and becomes a fugitive, there is frequently not a significant source of investigative information available. Investigating fugitives that were indicted but never arrested is another challenge for the USMS, as the information on the offender may be incomplete. Additionally, if an offender escapes to another country, assistance from the foreign country can be limited.

#### FY 2000 Actual Performance:

**Performance Measure:** Warrants Cleared

**Target:** Class I Warrants = 29,000

Class II Warrants = 33,000

Backlog = 7,776

**Actual:** Class I Warrants = 28,302

Class II Warrants = 27,889

Backlog = 9,542

**Discussion:** In FY 1999, the USMS identified funding shortfalls in several program areas that resulted in a hiring freeze. This hiring freeze resulted in less staff available to work warrants and affected the ability of the USMS to meet targets.

**Public Benefit:** USMS strives to support the Judicial system in the most efficient and comprehensive ways possible. By bringing fugitives to justice we are ensuring that justice is served and the public is not exposed to further risk of crime. Unless potential fugitives are convinced that they will be caught if they flee, there exists further possibility that they will flee. The fugitive program is essential to the successful operation of the Federal Justice System.

**FY 2001 Performance Plan Evaluation:** Based on program performance in FY 2000, we expect to achieve the projected FY 2001 goal.

**Data Collection and Storage:** The USMS fugitive workload data is maintained in the Warrant Information Network system (WIN). WIN data is entered by USMS Criminal Investigators. Upon receiving a warrant, the USMS Criminal Investigators access the National Crime Information Center (NCIC) through WIN to look for previous criminal information. WIN is updated as new information is collected and stored centrally at USMS headquarters and is accessible to all 94 districts.

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

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

**Performance Measure:** Average Number of Days for Fugitive Arrest

**Target:** NA

**Actual:** Major Case = 64

Violent Fugitives = 179

Non-Violent Fugitives = 218

**Discussion:** Because this indicator was refined this year to be more specific by fugitive category, there were no targets. The actual data creates the baseline for establishing future targets. Since no additional funding is anticipated in FY 2001 and FY 2002 for the Fugitive program, the targets for these years will remain the same as the baseline year. USMS has focused its fugitive strategy on major cases and violent fugitives as opposed to all fugitives to capture the most dangerous fugitives first.

**Public Benefit:** The successful capture of a fugitive can be directly proportional to the number of days they are at large. The longer the investigation takes, the more likely the fugitive will not be caught. By concentrating resources on recent cases first the USMS increases its capture rate. By taking the fugitives off the street faster USMS also reduces the reoccurrence of crime.

**FY 2001 Performance Plan Evaluation:** Based on program performance in FY 2000, we expect to achieve the projected FY 2001 goal.

**Strategies and Initiatives to Achieve the FY 2002 Goal:**

In FY 2002, DOJ will continue to apprehend Class 1 fugitives as quickly as possible and decrease the fugitive caseload. A Class 1 warrant is a felony warrant for which USMS has primary responsibility. USMS attempts to clear

85 percent of the new Class 1 warrants within one year and targets the reduction of the fugitive backlog (warrants over one year old) by three percent. Class 2 warrants are felony offenses for which other law enforcement agencies have primary responsibility. USMS classifies felony fugitive warrants into three categories: (1) fugitives with violent criminal convictions; (2) fugitives wanted on drug-related charges; and (3) all other felony fugitives. A warrant can be cleared by arrest, a USA dismissal, or a detainer, or purged for reasons such as death of the fugitive.

**Crosscutting Activities:**

USMS works closely with the USC, IRS' Criminal Investigations Division (CID), DEA, and OCDETF in the handling of warrants. It has established liaisons with DEA, HIDTA, OCDETF, NDIC, INTERPOL, and OIA. In addition, USMS works with state and local governments to assist in closing their warrants. USMS has Memoranda of Understanding to assume both administration and apprehension responsibility for agency fugitives with the following: DEA, IRS/CID, Food and Drug Administration's Office of Criminal Investigations, U.S. Customs, Naval Criminal Investigative Service, Air Force Office of Special Investigations, the Department of Agriculture's Office of the Inspector General (OIG), the DOJ/OIG, Social Security Administration's OIG, and the Defense Criminal Investigative Service.

**Data Collection and Storage:** The USMS fugitive workload data is maintained in the Warrant Information Network system (WIN). WIN data is entered by USMS Criminal Investigators. Upon receiving a warrant, the USMS Criminal Investigators access the National Crime Information Center (NCIC) through WIN to look for previous criminal information. WIN is updated as new information is collected. WIN data is stored centrally at USMS headquarters and is accessible to all 94 districts.

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

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



**STRATEGIC OBJECTIVE 6.3: VICTIMS AND WITNESSES**

**Annual Goal 6.3: Provide timely notification to victims and witnesses and assist victims and witnesses in their participation in the criminal justice process.**

**STRATEGIES**

Ensure that all federal law enforcement officers and prosecutors are trained in victim/witness responsibilities.  
Facilitate the participation of victims and witnesses by providing timely notification, emergency assistance and other means.

Victims and witnesses play a central role in the federal criminal justice system. Their participation often makes the difference between a conviction and an acquittal. Yet being a victim or witness can be an overwhelming and traumatic experience. Prior to recent federal and state legislation making improvements in how victims and witnesses are treated, some felt re-victimized by a criminal justice system they perceived as insensitive to their needs.

The Attorney General's Guidelines for Victim and Witness Assistance set forth DOJ requirements and policies regarding the treatment of victims and witnesses. They recognize that federal

criminal justice personnel, including investigators, prosecutors and correctional officers, have a special responsibility to treat victims and witnesses of federal crimes fairly by enforcing their rights, properly including them in criminal justice system processes, and referring them to the appropriate services.

Employees whose responsibilities include contact with crime victims and witnesses receive a copy of the guidelines and attend, at a minimum, a one hour training session concerning the guidelines and victim and witness rights within 60 days of assuming these responsibilities. Current employees whose responsibilities include contact with crime victims and witnesses receive the same training.

DOJ, through the USAs, employs victim-witness coordinators in each of the 94 federal judicial districts. Victim-witness coordinators play a crucial role in increasing the participation and cooperation of victims and witnesses. They help implement the guidelines, ensure that those involved in working with victims and witnesses are properly trained, and help victims and witnesses from a wide range of socioeconomic backgrounds, cultures, and ethnic groups understand their rights and their role as key participants in the federal criminal justice process.

**MEANS – Annual Goal 6.3**

**Dollars/FTE**

Appropriation	FY 2000 Obligated		FY 2001 Enacted		FY 2002 Requested	
	\$ mil	FTE	\$ mil	FTE	\$ mil	FTE
U.S. Attorneys	12	91	13	96	13	98
INS Detention Fees & Expenses of Witnesses	110	0	125	0	156	0
<b>TOTAL</b>	<b>122</b>	<b>91</b>	<b>138</b>	<b>96</b>	<b>169</b>	<b>98</b>

**Skills**

**Victims/Witness Coordinators need to be familiar with the federal litigation process,**

Information  
Technology

USAs rely on the LIONS case management system. However, a new system under

**PERFORMANCE ASSESSMENT – Annual Goal 6.3**

**6.3A Assist Victims and Witnesses in their Participation in the Criminal Justice Process**

**Background/ Program Objectives:**

While we do not provide services such as counseling and compensation to victims of crime, our coordinators assist victims through all stages of the criminal justice process. The Victim-Witness Coordinators provide information on the status of the case and provide referrals to crisis counseling victim compensation programs and victim assistance programs. When no other resources are available, the Victim-Witness Coordinators can provide funding for emergency needs from the Crime Victims Assistance Fund. These emergency needs include transportation costs to and from court, translation services and emergency child care or shelter.

In order to assist witnesses with their participation in the federal criminal justice system, we will provide information on court dates and times and keep them updated on any schedule change when possible. We will also provide emergency witness assistance to witnesses where the more formal security programs, administered under the provisions of the Witness Security Reform Act, are not available or are inappropriate. The purpose of this program is not to provide physical protection for witnesses; it is to address a witness' fears about assisting the government and seeks to promote their peace of mind when they have relevant information to contribute, thereby enhancing their ability to testify.

**Strategies and Initiatives to Achieve the FY 2002 Goal:**

In order to assist victims, we will first provide referrals to state and local agencies and victim organizations. When no other resources are available, we will provide funding for emergency needs including: crisis intervention; emergency food, clothing, legal assistance and medical services; temporary housing; necessary and reasonable transportation and per diem expenses to enable a parent to recover a kidnapped child; and services that assist a victim in participating in judicial proceedings such as necessary and reasonable transportation to court; emergency child care; and interpreters. We will also provide transportation expenses to secondary victims such as spouses and family members for the purpose of providing support when the primary victim is a child, deceased, or where the victim is incompetent or incapacitated.

In order to assist witnesses with their participation in the federal criminal justice system, we will provide notification of case events to all witnesses when possible. Also, when a witness is fearful in assisting the federal government, the Emergency Witness Assistance Program will be accessed for emergency needs. These funds are use to provide: transportation, housing, moving and subsistence expenses to enable a witness to leave their neighborhood, town, city or state temporarily; and other transportation costs as reasonably necessary, for school, immediate medical or

**Data Definition:** The percentages are calculated by dividing the number of services provided by the number requested.

**Data Collection and Storage:** Funding measurements for this goal includes data from the Executive Office for U.S. Attorney's LECC/Victim-Witness staff. Referral and notification information is reported on a survey.

**Data Validation and Verification:** Data is reviewed and approved by knowledgeable personnel. Information is updated periodically.

**Data Limitations:** This method of collection will be replaced by a comprehensive automated victim information and notification system in FY 2001.

counseling needs. The funds are limited to intimidated victims or witnesses and cannot be used solely because the witness is indigent or requires services. This assistance is limited to 30 days and \$4,000 per witness unless there are extenuating circumstances.

**Crosscutting Activities:**

Investigative agencies, particularly DEA and FBI, coordinate with the USAOs throughout the country to ensure that victims and witnesses are served. The USAOs provide training and information to state and local points of contact on topics such as family violence in Indian Country, victim-witness roles and responsibilities, and interviewing child witnesses. We will continue these and other efforts to build relationships and foster cooperation.

The Office of Victims of Crime in the Office of Justice Programs provides leadership and assistance in victims and witness matters to both Justice and non-Justice federal agencies including the Department of Treasury, State, Defense and Interior.

**6.3B Provide Timely Notification to Victims and Witnesses**

**Background/ Program Objectives:**

Proper notification allows the victim or witness the opportunity to prepare to participate in the judicial process. The prosecutor's case is enhanced by having a witness available and prepared to testify. Notification also enables victims and witnesses to make preparation for absences from their jobs, family and other responsibilities. The Department is developing a Victim Notification System (VNS) which will include a call center where victims can access automated case information via a toll free number. This system will play an important role in bridging any gap in information provided to victims during the different stages of the judicial process.

**FY 1999 Actual Performance:**

**Performance Measure:** % of Districts with a Victim Notifications Process – Discontinued.

**Target:** 70% **Actual:** 96%

**Discussion:** Each U.S. Attorney's Office has a Victim-Witness Coordinator who works closely with the office to develop and maintain a notification process. District manuals have been developed to assist the offices in maintaining their notification processes. In addition to these manuals, site assistance has been provided to districts that have requested assistance in developing and/or restructuring their process. Formal and informal training on victim notification has been conducted throughout the year.

**Public Benefit:** The Victim-Witness program in the U.S. Attorneys' Offices assists victims and witness in participating in the criminal justice system. By providing victims and witnesses with timely notification of case events, court dates, and scheduled appearances for testimony, they are able to make arrangements to allow them to participate in the process.

**FY 2001 Performance Plan Evaluation:** Based on program performance in FY 1999, we will complete our objective in FY 2001, therefore, this indicator will be discontinued at that point.

**Strategies and Initiatives to Achieve the FY 2002 Goal:**

VNS will allow individuals to become more aware of the status of their case as it moves through the various stages of the criminal justice system by providing notification to victims of crime by either letter, outgoing calls or incoming calls through the center. The victim may call the center and receive (in English or Spanish) an automated response providing information on the latest event in their case. Case events include the arrest of a defendant, initial appearance of a defendant in court, trial date of a case, and sentencing of a defendant. An operator is available to offer assistance. The call center can also generate outbound calls to the victims with the latest updates on the case by generating: written notification, a facsimile notification, an e-mail, and pager notification.

VNS will be deployed in December, 2001. Although our true objective is to achieve 100% timely notification, we

**Data Collection and Storage:** Data are drawn from the USA's Attorney's Resource Summary Report System (USA-5) which summarizes the use of personnel resources allocated to USAOs on monthly basis. LECC data is a reported survey.

**Data Validation and Verification:** Data is reviewed and approved by knowledgeable personnel. Information is update periodically.

**Data Limitations:** Data reporting is currently lagging one year. This method of collection will be replaced by the VNS in FY 2001.

**Data Collection and Storage:** The data will be collected in standard format in the VNS application and stored at the Justice Data Center.

**Data Validation and Verification:** The data will be verified by the agency providing the data. At the onset, the information is placed in the system by the FBI and updated as necessary through the prosecution stage by USAO staff.

**Data Limitations:** The data will only include identified victims

anticipate the routine problems associated with the first year of operation for any new system and have therefore established our target for FY2002 at 85%.

**Crosscutting Activities:**

Investigative agencies, particularly DEA and FBI, coordinate with the USAOs throughout the country to ensure that victims and witnesses are served. The USAOs provide training and information to state and local points of contact on topics such as family violence in Indian Country, victim-witness roles and responsibilities, and interviewing child witnesses. We will continue these and other efforts to build relationships and foster cooperation.

The Office of Victims of Crime in the Office of Justice Programs provides leadership and assistance in victims and witness matters to both Justice and non-Justice federal agencies including the Departments of Treasury, State, Defense, and the Interior.

**STRATEGIC OBJECTIVE 6.4 BANKRUPTCY**

**Annual Goal 6.4: Ensure bankruptcy cases move effectively and efficiently through the bankruptcy system while maximizing the return of estate assets to creditors.**

**STRATEGIES**

- Provide administrative support to move cases efficiently and effectively through the bankruptcy process.
- Ensure that parties adhere to standards of the law and police for embezzlement, fraud and other abuses.
- Maximize the return of estate assets to creditors.
- Improve the accuracy of data and information on bankruptcy case administration and operation of the bankruptcy system to assess performance.

In FY 2002, DOJ, through the United States Trustee Program (USTP), will continue to enforce the bankruptcy laws and regulations of the Nation. USTP will continue its efforts to provide administrative support to move cases efficiently and expeditiously through the bankruptcy process, emphasizing the particular need to close old cases. The program will continue to inform law enforcement agencies of possible violations of bankruptcy laws and continue to participate in task forces designed to identify and prosecute individuals or organizations engaged in bankruptcy fraud. Neither the program nor anyone within the bankruptcy community has a true sense of how pervasive fraud is within the bankruptcy system.

The need for integrity is particularly resonant in bankruptcy because the system depends on honesty and full disclosure by debtors, creditors, and professionals in order to resolve disputes and to distribute money and property. The establishment of a National Bankruptcy Fraud Working Group, in FY 1999, marked a significant milestone toward addressing this issue. The Working Group coordinates a national response to bankruptcy fraud issues, facilitates proactive national investigations, assists districts in establishing local bankruptcy fraud task forces, tracks all bankruptcy fraud referrals and convictions, and develops training programs on bankruptcy fraud. The USTP will also work towards maximizing the return of estate assets to creditors by maintaining and promoting uniform fee and expense guidelines relating to the employment of professionals and others in the bankruptcy system, as well as continue other forms of oversight. In addition, the program will continue its efforts to be a resource for accurate information and practical analysis about the operation of the bankruptcy system.

**MEANS – Annual Goal 6.4**

**Dollars/FTE**

Appropriation	FY 2000 Obligated		FY 2001 Enacted		FY 2002 Requested	
	\$ mil	FTE	\$ mil	FTE	\$ mil	FTE
U.S. Trustees	122	1009	126	1017	154	1110

**Skills**

**Staff must have financial, analytical, and audit skills. Other key competencies include: expertise in bankruptcy law, criminal statutes, investigative techniques, and strong writing abilities. Support personnel must have automation expertise, management and administrative**

Information  
Technology

Operations rely upon the Justice Consolidated Office Network (JCON), office automation products, various database systems, and a legacy case management system operating on mini-computers, as well as notebook PCs and laptops.



**PERFORMANCE ASSESSMENT – Annual Goal 6.4**

**6.4A Ensure Cases Move Effectively and Efficiently Through the Bankruptcy System**

**Background/ Program Objectives:**

The General Accounting Office noted in a July 1994 report that “at almost every level of case size, the longer a case takes to close the smaller the percentage of total receipts paid to creditors and the larger the percentages of receipts paid for professional fees.” Timely administration of bankruptcy cases is critical to the integrity of the bankruptcy system and for the maximum distribution of funds to creditors. While the program does not directly administer the cases, it is responsible for ensuring that cases are administered properly, effectively and fairly.

**FY 2000 Actual Performance:**

**Performance Measure:** Percent of Open Chapter 7 Cases Three Years Old or More

**Target:** Less than 4.5%      **Actual:** 2.3%

**Discussion:** In FY 2000, USTP exceeded its target. USTP relied upon a comprehensive oversight process to ensure that the approximately one million Chapter 7 cases filed each year were effectively and efficiently moved through the bankruptcy system. The USTP audited and evaluated private trustees, followed-up on deficiencies, ensured that old cases were closed promptly, and initiated action when private trustees failed to comply with their obligations. Specifically, the program reviewed semi-annual reports filed by over 1,600 panel and non-panel trustees, reviewed trustee final reports and trustee final accounts for all asset cases, and conducted annual performance reviews for all panel trustees. In addition, a portion of the all trustee operations were closely reviewed each year either through the Office of Inspector General audits or on-site examinations by program personnel. In addition, program staff reviewed every asset case before it was closed to ensure that all assets were disclosed and that estate funds were properly paid out to creditors. They participated in thousands of asset cases, filed pleadings and objections, and appeared in court on a daily basis. Finally, program staff spent a considerable amount of time identifying individuals who filed under Chapter 7, yet were not legally entitled to its protection, and made motions to convert the cases to Chapter 13 wage earner repayment plans, or to have the case dismissed.

**FY 2001 Performance Plan Evaluation:** Based on program performance in FY 2000, we expect to achieve the corresponding FY 2001 target.

**Data Collection and Storage:** Quarterly, data regarding the age of Chapter 7 and 11 cases are transmitted electronically to headquarters from 21 regional offices. These data are extracted directly from the original case file data download into the Automated Case Management System (ACMS) from the Bankruptcy Courts.

**Data Validation and Verification:** Data are then compiled using an antiquated programming language, RPGII, converted to a database file, and then a hard copy is printed and sent to the field office for verification.

**Data Limitations:** Since the original data call was written to only age cases on an annual basis, it treats all cases opened in calendar year 1996 as three years old on January 1, 1999, regardless of whether the case was opened on January 1, 1996 or December 31, 1996. Changes are underway in FY 2001 to upgrade and standardize the ACMS to a more comprehensive operating system with enhanced functionality. In addition, there is a pilot underway to facilitate the collection and transmission of case information to ACMS while leveraging the Bankruptcy Court's use of Internet technology.

**Performance Measure:** Percent of Open Chapter 11 Cases Three Years Old or More

**Target:** Less than 6.5%      **Actual:** 4.2%

**Discussion:** Chapter 11 cases have been processed more quickly than anticipated. More than 60 percent of all Chapter 11 cases are either converted, dismissed, or confirmed within the first year of filing, over 90 percent of them are disposed of within two years. To that end, U.S. Trustees met with debtors after cases were filed to make sure that they knew what was expected in Chapter 11 and gathered information about the general condition of their financial situations. The USTP monitored the progress of the debtors' cases and acted promptly to move them out of Chapter 11 when they were not complying with the Bankruptcy Code or

were unable to reorganize. Based upon the success of these actions, the program will continue to forge ahead using these strategies in FY 2001 and FY 2002 and improve performance.

**Public Benefit:** USTP efforts resulted in reducing the number of Chapter 7 cases in excess of three years old to 4,987 (out of 218,285 open Chapter 7 cases) and 302 Chapter 11 cases (out of 7,271 open Chapter 11 cases). Reducing lingering cases in the system offers the best chance to ensure estate assets and disbursements will be properly paid to creditors.

**FY 2001 Performance Plan Evaluation:** Based on program performance in FY 2000, we expect to achieve the corresponding FY 2001 target.

**Strategies and Initiatives to Achieve the FY 2002 Goal:**

In FY 2002, DOJ will continue to emphasize the timely administration of bankruptcy cases and will meet projected increases in all chapter filings while maintaining the percentage of "old" cases to less than 3.8 percent and 5.5 percent for Chapter 7 and 11 cases respectively. The program will accomplish these objectives through a comprehensive oversight process whereby it audits and evaluates the trustees, follows-up on deficiencies, ensures that old cases are closed promptly, and initiates action when the trustees fail to comply with their obligations. USTP will continue to work closely with Chapter 7 panel trustees and Chapter 12 and 13 standing trustees to ensure that cases are moved efficiently and effectively through the bankruptcy system. The program looks to identify non-performing trustees, removes them from the panel, and monitors their remaining workload to ensure that cases are closed-out in a timely manner.

**Crosscutting Activities:**

The USTP will look for insight from trustees, the American Bankruptcy Institute, and the National Association of Bankruptcy Trustees as to what constitutes effective case administration and as resources for providing effective bankruptcy related training for both program employees and trustees.

## 6.4B Maximize Dollars Returned to Creditors

### Background/ Program Objectives:

USTP was established nationwide in 1986 to separate the administrative functions from the judicial responsibilities of the bankruptcy courts and to bring accountability to the bankruptcy system. USTP acts as the "watchdog" of the bankruptcy system and is responsible for ensuring that the more than \$4 billion in bankruptcy estate assets that flow through the system annually are properly handled. Therefore, while protecting the rights of the debtors, USTP must maximize the return of estate assets to creditors. USTP accomplishes these goals by continuing to review methods to reduce professional fees in bankruptcy and ensuring that the expenses of administering a case are actual and necessary, as specified by statute. USTP also monitors cases to ensure that conflicts of interest are not present. Every dollar that is spent on administrative expenses or professional fees that does not meet the "actual and necessary" test means that one less dollar is returned to creditors. Dissipation of estate assets to excessive fees undermines the integrity of our bankruptcy system.

### FY 2000 Actual Performance:

**Performance Measure:** Percent of Funds to Creditors for Chapter 7 Asset Cases Closed

**Target:** 50% **Actual:** 56.7% (through June 2000)

**Performance Measure:** Distribution of Funds to Creditors

**Target:** Not Projected

**FY 1999 Actual:** Chapter 7: \$941,475,347

Chapter 12: \$38,296,000

Chapter 13: \$2,824,000,000

**Discussion:** The program tracked the cost of trustee operations as a percent of funds distributed to creditors, objections to compensation and fees filed, and motions to surcharge filed. In addition, the Form 4, Distribution Report for Closed Asset Cases, enhanced the administration and oversight of distributions in Chapter 7 cases. This form helped trustees to identify specific distributions in closed asset cases. It also assisted the U.S. Trustees in overseeing the administration of cases, and enabled the program to provide more accurate and reliable information regarding distributions to creditors. The program distributed 56.7% Chapter 7 Assets to Creditors. Data on Chapter 12 and 13 distributions for FY 2000 will be available in April 2001.

**Public Benefit:** Through the oversight and guidance of the USTP, a total of \$959,221,047 in Chapter 7 assets was distributed to creditors. In addition, \$38,296,000 in Chapter 12 disbursements and \$2,824,000,000 in Chapter 13 disbursements were paid to creditors in 1999.

**FY 2001 Performance Plan Evaluation:** Based on program performance in FY 2000, we expect to achieve the corresponding FY 2001 target.

**Data Collection and Storage:** The data are collected on an annual or semiannual 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. Chapter 12 data are pulled from the standing trustee's annual report and submitted to the program after the close of the calendar year. Similarly, data regarding standing Chapter 13 creditors are gathered from the standing chapter 13 trustee's annual report, but on a fiscal year basis rather than a calendar year basis.

**Data Validation and Verification:** Data on these annual reports are self-reported by the trustees. However, each trustee must sign the report, certifying its accuracy. In the case of the Chapter 13 standing trustees, each report must be audited by an independent audit firm.

**Data Limitations:** Actual data is reported by CY and will not be available until the following March for Chapter 7 and April when the audit is completed. Out-year performance cannot be accurately projected as the USTP has no reliable method of calculating the disbursements of future bankruptcy cases.

**Strategies and Initiatives to Achieve the FY 2002 Goal:**

In FY 2002, USTP will continue its efforts to maximize the return of estate assets to creditors by maintaining and promoting uniform fee and expense guidelines relating to the employment of professionals and others in the bankruptcy system, as well as performance audits of trustee reports and other forms of oversight. USTP staff review trustee distribution reports and analyze trends and deviations from the norm with regards to professional fees and administrative expenses. These trends, or deviations, are discussed with the trustees on a case by case basis. If necessary, USTP will address any excessive professional fees and administrative expenses that persist by filing objections to compensation and motions to surcharge.

In order to ensure that the return of estate assets to creditors is maximized, USTP must work closely with Chapter 7 panel trustees and Chapter 12 and 13 standing trustees. During the course of reviewing a Chapter 7 final account, or a Chapter 12 or 13 annual report, excessive fees and expenses appear to have been filed, the USTP staff will work with the trustee to verify that the amount is justified or seek that it be reduced appropriately. If the trustee and USTP cannot resolve the issue, USTP will then work with the courts to address the problem. USTP employees also work closely with Chapter 7 trustees to identify debtors who appear to be abusing the system and could in fact repay a portion, if not all, of their debt. If that is the case, a 707(b) action is filed with the courts to either dismiss the case or convert it to a Chapter 13.

**Crosscutting Activities:**

USTP works with the trustees and courts as indicated above.