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Strategic Goal Seven: Protect the Federal Judiciary and Provide Critical Support to the Federal Justice System to Ensure it Operates Effectively

Strategic Objective & Annual Goal 7.1: Protecting The Judiciary

Ensure the integrity and the safe and secure operation of the federal judicial system by protecting judges, witnesses, and other participants in federal proceedings

7.1A Protect Judicial Proceedings

The Department's United States Marshals Service (USMS) maintains the integrity of the judicial security process by: (1) ensuring that each federal judicial facility is secure – physically safe and free from any intrusion 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; (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.

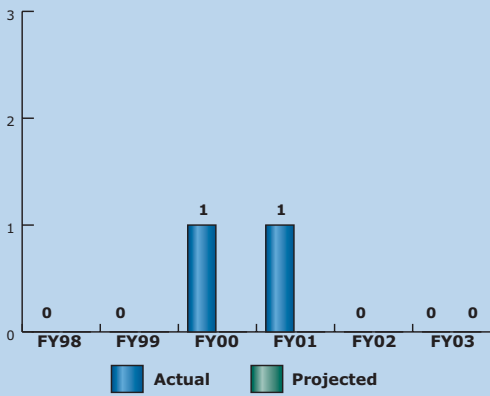
Performance Measure: Assaults Against the Judiciary [USMS]

- **FY 2003 Target:** 0 Assaults
- **FY 2003 Actual:** 0 Assaults
- **Discussion:** The USMS has met the performance goal for FY 2003.

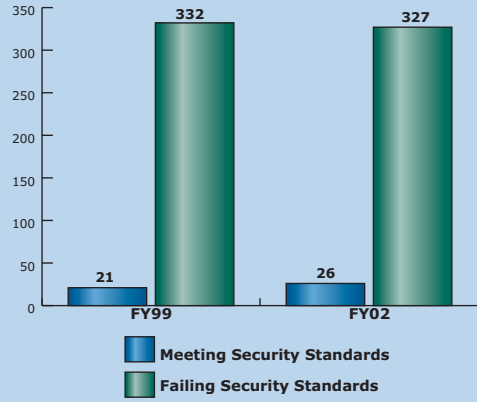
Performance Measure: Security Status of Courthouse Facilities [USMS]

- **FY 2003 Target:** No FY 2003 target was set, as data through survey results are not available on an annual basis.
- **FY 2003 Actual:** N/A
- **Discussion:** Every 3-4 years, the USMS surveys all Federal courthouse facilities to determine the extent of physical security weakness. Since 1999, the USMS has made significant progress toward reducing the number of courthouse facilities that do not meet minimum security standards.

Assaults Against the Judiciary [USMS]



Security Status of Courthouse Facilities [USMS]



Data Collection and Storage: The USMS uses Weekly Activity Reports and Incident Reports collected at Headquarters as the data source. In addition, USMS uses the National Security Survey to determine the level of security deficiencies (construction and equipment) in USMS controlled space and provide a basis for prioritizing 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 National Security Survey were collated manually and entered into a spreadsheet application. Funds have not been available to automate this data into a database, which would include information on all current and planned courthouses. Due to the nature of construction projects and the increased scope of the survey, USMS plans to conduct the survey every three to four 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.

Strategic Objective & Annual Goal 7.2: Victims' Rights

Protect the rights of crime victims and assist them in moving through the processes of the federal justice system

7.2A Assist Victims and Witnesses in their Participation in the Criminal Justice Process

Victim-Witness Coordinators 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 Federal Crime Victims Assistance Fund. These emergency needs include transportation costs to and from court, translation services, and emergency childcare or shelter.

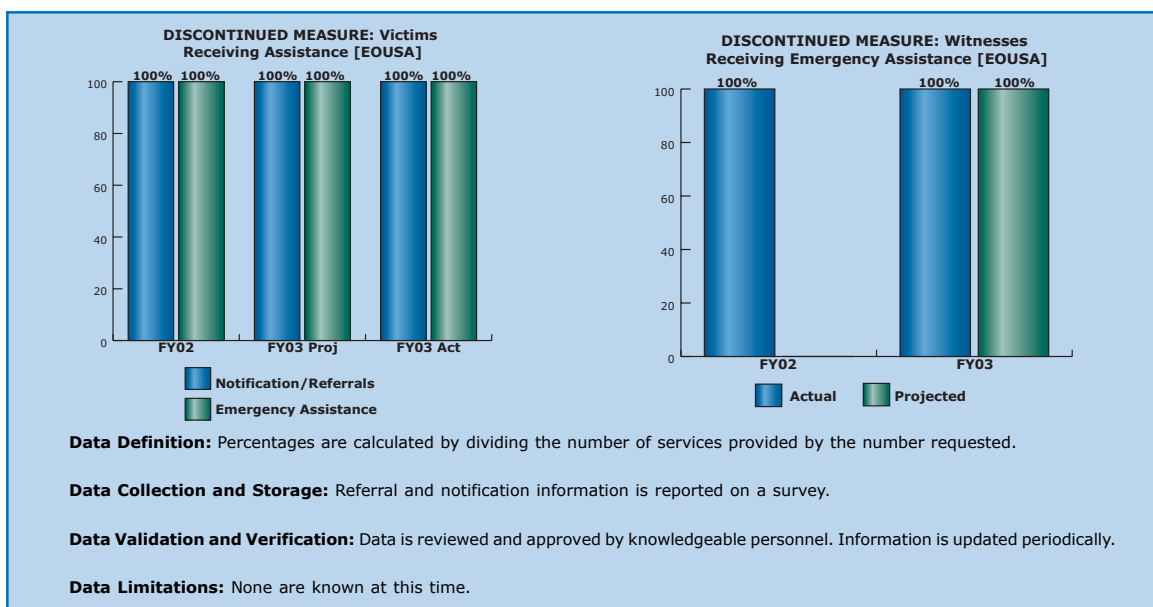
The Department also provides emergency witness assistance to witnesses where the more formal security programs, administered under the provisions of the Witness Security Reform Act, are not available or are inappropriate. The purpose of this program is not to provide physical protection for witnesses; 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.

Performance Measure: DISCONTINUED
MEASURE: Victims Receiving Assistance [EOUSA]

- **FY 2003 Target:** 100%
- **FY 2003 Actual:** 100%
- **Discussion:** when a federal crime victim is in need of immediate assistance, and no other state or local resources are available, the Federal Crime Victim Assistance Fund is assessed to meet this need.

Performance Measure: DISCONTINUED
MEASURE: Witnesses Receiving Emergency Assistance [EOUSA]

- **FY 2003 Target:** 100%
- **FY 2003 Actual:** 100%
- **Discussion:** By providing assistance, we ensure the rights of the federal crime victims are preserved and victims obtain needed services. This also enables them to participate in federal court proceedings when they otherwise could not.



Strategic Objective & Annual Goal 7.3: Defendants And Fugitives

Ensure the appearance of criminal defendants for judicial proceedings or confinement through secure transportation, and ensure the apprehension of fugitives from justice

7.3A Apprehend Federal Fugitives

The Department's U.S. Marshals Service (USMS) has primary jurisdiction to conduct and investigate fugitive matters involving escaped federal prisoners, probation, parole, and bond default violators, and warrants generated by DEA investigations and certain other related felony cases. USMS has maintained its own "15 Most Wanted" fugitives list since 1983. Additionally, USMS sponsors interagency fugitive task forces throughout the United States focusing its investigative efforts on fugitives wanted for crimes of violence and drug trafficking. Major Case fugitives are the highest priority fugitives sought by the USMS and consist of all fugitives connected with the USMS 15 Most Wanted and Major Case Programs. Fugitive investigations are designated as major cases according to: a) the seriousness of the offenses charged; b) the danger posed by the fugitive to the community; c) the fugitive's history of violence, career criminal status, or status as a major narcotics distributor; d) the substantial regional, national, or international attention surrounding the fugitive investigation; and/or e) other factors determined by the USMS. On the international front, USMS has become the primary American agency responsible for extraditing fugitives wanted in the United States from foreign countries. USMS also apprehends fugitives within the United States who are wanted abroad.

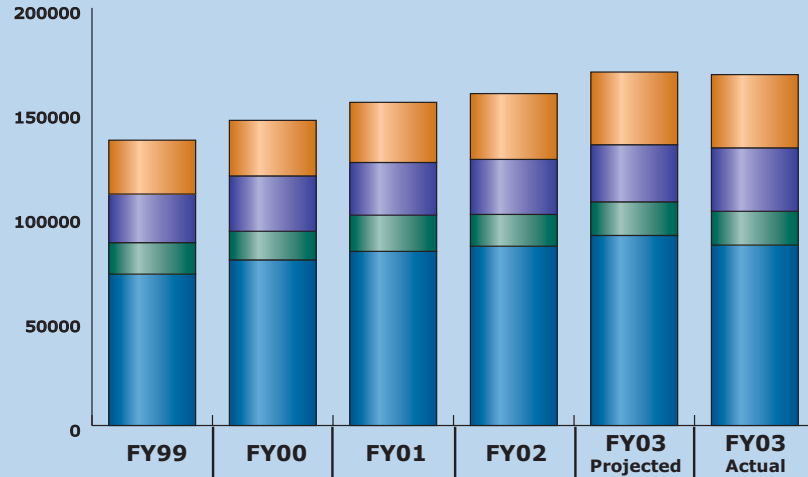
In support of its fugitive mission, USMS provides investigative support such as telephone monitoring, electronic tracking and audio-video recording. In addition, analysts provide tactical and strategic expertise and judicial threat analysis. USMS maintains its own central law enforcement computer system, the Warrant Information Network, which is instrumental in maintaining its criminal investigative operations nationwide. In addition, USMS is able to enhance fugitive investigative efforts through data

exchanges with other agencies, such as the Social Security Administration, the DEA, the Department of Agriculture, the Department of Defense, the Department of State, and a variety of state and local task forces around the country.

Performance Measure: Fugitives Cleared [USMS]

- **FY 2003 Target:**
 - Cleared Class I: 34,801
 - Cleared Class II Felony: 27,357
 - Cleared Class II Non-felony: 16,102;
 - Active: 91,022
- **FY 2003 Actual:**
 - Cleared Class I: 35,067
 - Cleared Class II Felony: 30,397
 - Cleared Class II Non-felony: 16,188
 - Active: 86,398
- **Discussion:** The USMS directed its investigative efforts toward reducing the number of violent crimes, including terrorist activities, organized crime, drugs, and gang violence. In FY 2003, the USMS cleared ten of the most wanted fugitives. The increase in the number of class I and II fugitives cleared is primarily due to two new regional fugitive task forces and three foreign field offices that became operational in the fourth quarter of FY 2003.

Fugitives Cleared



	FY99	FY00	FY01	FY02	FY03 Projected	FY03 Actual
Active	72,497	79,315	83,399	85,858	91,022	86,398
Cleared II Non-felony	15,080	13,706	17,335	15,237	16,102	16,188
Cleared Class II Felony	23,273	26,521	25,234	26,348	27,357	30,397
Cleared Class I	25,800	26,600	28,799	31,512	34,801	35,067

Data Definition: Active fugitives are those fugitives that have a warrant for arrest that has not yet been cleared. Class I fugitives consist of all federal felony fugitives for which the USMS has primary apprehension responsibility including warrants for escape, bond default, failure to appear, violation of conditions of release, violation of parole, violation of probation, and Drug Enforcement Administration (DEA) warrants, and other warrants. Class II felony fugitives consist of felony fugitives for which another law enforcement agency has primary apprehension responsibility. Class II non-felony fugitives (misdemeanor and traffic) are those that the USMS has primary apprehension responsibility.

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

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

Data Limitations: These data are accessible to all 94 districts and are updated as new information is collected.

Strategic Objective & Annual Goal 7.4: Bankruptcy

Protect the integrity and ensure the effective operation of the Nation's bankruptcy system

7.4A Maximize Dollars Returned to Creditors

The Department's United States Trustees Program (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 ensures the proper administration of more than \$5 billion in bankruptcy estate assets that are disbursed to creditors in Chapter 7 and 13 cases. In addition, USTP oversees cases that file under Chapter 11, which involve hundreds of billions of dollars in assets. While protecting the rights of the debtors, USTP must maximize the return of estate assets to creditors.

Performance Measure: Percent of Assets/Funds Returned to Creditors [USTP]

- **FY 2002 Target:**
52% Chapter 7; 80% Chapter 13
- **FY 2002 Actual:**
57% Chapter 7; 86% Chapter 13

- **FY 2003 Target:**
54% Chapter 7; 80% Chapter 13
- **FY 2003 Actual:** Not available until January 2004 for Chapter 7 data and April 2004 for Chapter 13 data because of the need to audit data submitted by private trustees prior to reporting.
- **Discussion:** The USTP has a comprehensive oversight process that ensures that cases filed each year are effectively and efficiently moved through the bankruptcy system. USTP audits and evaluates private trustees, follows-up on deficiencies, and initiates action when private trustees fail to comply with their obligations. USTP tracks the cost of trustee operations, as well as distributes to creditors. Finally, USTP's civil enforcement and related efforts, by reducing the amount of fraud and abuse in the system, have increased potential additional return to creditors by \$244.8 million through the end of June 2003.

Data Definition: Chapter 7 bankruptcy proceedings where those assets that are not exempt from creditors are collected and liquidated (reduced to money). In Chapter 13 cases, debtors repay all or a portion of their debts over a three to five year period.

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. The 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: Chapter 7 cases are audited periodically by independent auditors, in addition to the USTP's on-site field examinations. In Chapter 13 cases, an independent auditing firm must audit each report. Finally, the USTP conducts biannual performance reviews for all Chapter 7 trustees. This indirectly provides an incentive for trustees to accurately report data.

Data Limitations: Out-year performance cannot be accurately projected, as the USTP has no reliable method of calculating the disbursements of future bankruptcy cases.

% of Assets/Funds Returned to Creditors for Chapter 7 & Chapter 13 [USTP]

