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Status of Achieving Key Outcomes and Addressing Major Management Challenges

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Supplementary Notes

Abstract
This report responds to your request that we review the Department of Justices (Justice) fiscal year 2000 performance report and fiscal year 2002 performance plan required by the Government Performance and Results Act of 1993 (GPRA) to assess agencies progress in achieving selected key outcomes that you identified as important mission areas for the agencies. 1 These are the same outcomes we addressed in our June 2000 report 2 on Justices fiscal year 1999 performance report and fiscal year 2001 performance plan to provide a baseline by which to measure agencies performance from year to year. These selected key outcomes are less drug- and gang-related violence; reduced availability and/or use of illegal drugs; timely, consistent, fair, and high-quality services provided by the Immigration and Naturalization Service (INS); and U.S. borders secure from illegal immigration. As agreed, using the selected key outcomes for Justice as a framework, we (1) assessed the progress Justice has made in achieving these outcomes and the strategies the agency has in place to achieve them and (2) compared Justices fiscal year 2000 performance report and fiscal year 2002 performance plan with the agencys prior year performance report and plan for these outcomes. Additionally, we agreed to analyze how Justice addressed the major management challenges, including the governmentwide high-risk areas of strategic human capital management and information security, that we and its Office of the Inspector General (OIG) identified. Appendix I provides detailed information on how Justice

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Abbreviations

BOP	Bureau of Prisons
CLAIMS	Computer Linked Application Information System
DEA	Drug Enforcement Administration
EPIC	El Paso Intelligence Center
FBI	Federal Bureau of Investigation
GPRA	Government Performance and Results Act
INS	Immigration and Naturalization Service
NICS	National Instant Criminal Background Check System
OCDETF	Organized Crime Drug Enforcement Task Force
OIG	Office of the Inspector General
OJP	Office of Justice Programs
OMB	Office of Management and Budget
USMS	United States Marshals Service

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Accountability * Integrity * Reliability

United States General Accounting Office
Washington, DC 20548

June 26, 2001

The Honorable Fred Thompson
Ranking Minority Member
Committee on Governmental Affairs
United States Senate

Dear Senator Thompson:

This report responds to your request that we review the Department of Justice's (Justice) fiscal year 2000 performance report and fiscal year 2002 performance plan required by the Government Performance and Results Act of 1993 (GPRA) to assess agencies' progress in achieving selected key outcomes that you identified as important mission areas for the agencies.[1] These are the same outcomes we addressed in our June 2000 report[2] on Justice's fiscal year 1999 performance report and fiscal year 2001 performance plan to provide a baseline by which to measure agencies' performance from year to year. These selected key outcomes are

- less drug- and gang-related violence;
- reduced availability and/or use of illegal drugs;
- timely, consistent, fair, and high-quality services provided by the Immigration and Naturalization Service (INS); and
- U.S. borders secure from illegal immigration.

As agreed, using the selected key outcomes for Justice as a framework, we (1) assessed the progress Justice has made in achieving these outcomes and the strategies the agency has in place to achieve them and (2) compared Justice's fiscal year 2000 performance report and fiscal year 2002 performance plan with the agency's prior year performance report and plan for these outcomes. Additionally, we agreed to analyze how Justice addressed the major management challenges, including the governmentwide high-risk areas of strategic human capital management and information security, that we and its Office of the Inspector General (OIG) identified. Appendix I provides detailed information on how Justice

[1]This report is one of a series of reports on the 24 Chief Financial Officers Act agencies' fiscal year 2000 performance reports and fiscal year 2002 performance plans.

[2]*Observations on the Department of Justice's Fiscal Year 1999 Performance Report and Fiscal Year 2001 Performance Plan* (GAO/GGD-00-155R, June 30, 2000).

addressed these challenges. Appendix II contains Justice's comments on a draft of this report.

Results in Brief

Justice's overall progress toward achieving each of the four key outcomes was difficult to ascertain because generally the performance report lacked fiscal year 2000 performance targets to measure success and lacked clear linkage between performance measures and outcomes. Justice did not set fiscal year 2000 performance targets for some measures because the measures were new, and for some measures Justice believes that setting performance targets could cause the public to perceive law enforcement as engaging in "bounty hunting" or pursuing arbitrary targets merely for the sake of meeting particular goals. Furthermore, Justice states that measuring law enforcement performance is difficult, in that it is not always possible to isolate the effects of Justice's efforts from other factors that affect outcomes and over which Justice has little or no control. We agree that measuring law enforcement performance is difficult given the clandestine and diffused nature of illegal drug trafficking and its related violence, and even with rigorous measurement efforts definitive results are illusive. In general, Justice's strategies varied in the extent to which they included sufficient information to inform decisionmakers about initiatives to achieve these outcomes. We note several areas of opportunity for Justice to improve the usefulness of its reports and plans.

Planned outcome: Less drug- and gang-related violence. Overall progress made by Justice toward achieving this outcome is difficult to ascertain because (1) three of nine performance measures did not have fiscal year 2000 targets to measure success and (2) Justice fell short of achieving its performance targets for four measures. For example, Justice was close to meeting its performance targets for three of the four unmet measures, but it met only about 51 percent of its performance target for preventing persons with criminal backgrounds from purchasing firearms. Justice's strategies and initiatives for meeting its fiscal year 2002 goals generally seem reasonable and clear. However, Justice could improve its performance strategies by exploring potential coordination efforts that might be used to mitigate external factors related to unmet performance targets and by considering the use of performance evaluations to better assess its progress toward achieving the planned outcome.

Planned outcome: Reduced availability and/or use of illegal drugs. Overall progress made by Justice toward achieving this outcome is difficult to ascertain because it did not have fiscal year 2000 performance targets for two of five measures, and the relationship of one other measure to the

outcome was not clear. Specifically, Justice did not indicate how the measure for positive responses for inquiries to its intelligence center contributes toward achieving this outcome. Justice's strategies and initiatives for meeting its fiscal year 2002 goals generally seem reasonable and clear. Although Justice generally explained why it did not meet certain targets and revised those targets downward, its strategies did not articulate what Justice would do differently to achieve its unmet performance targets in the future. Furthermore, Justice's strategies did not discuss efforts to coordinate crosscutting programs in relation to its efforts to achieve the planned outcome.

Planned outcome: Timely, consistent, fair, and high-quality services provided by INS. Overall progress made by INS towards achieving this outcome is difficult to fully gauge because several measures were not clearly linked to the planned outcome. For example, the performance measures on the number of naturalization cases adjudicated, the percent of naturalization and benefit applications found on line, and the number of these applications filed online do not indicate whether users of INS' services are receiving timely, consistent, fair, and high-quality services. Justice's strategies and initiatives do not sufficiently discuss achieving this outcome because the strategies primarily address maintaining or improving application processing times and generally do not adequately discuss consistent, fair, and high-quality services.

Planned outcome: U.S. borders secure from illegal immigration. Overall progress made by INS towards achieving this outcome is difficult to fully gauge because INS has a new performance measure for which there was no fiscal year 2000 performance target, and the other two performance measures were not clearly linked to the outcome. Because it was a new measure, Justice did not set a performance target for high-priority border corridors demonstrating optimum deterrence,[3] a critical performance measure to determine whether it is securing U.S. borders. Justice provided historical data for the new measure that showed INS' focus has been to reduce illegal immigration in six corridors along the Southwest border in fiscal years 1998, 1999, and 2000. Justice did not discuss the rationale for the new measure or how the new measure will better enable INS to assess its progress toward securing U.S. borders. Justice's strategy to secure U.S.

[3]The performance report states that optimum deterrence is the level at which applying more border patrol agents and resources would not yield a significant gain in arrests/deterrence.

borders from illegal immigration does not adequately discuss integration of resources to achieve this outcome.

Justice's performance reports for fiscal years 1999 and 2000 had a number of strengths in that both generally included (1) a comparison of actual performance with the projected level of performance and (2) an explanation when a performance target was not achieved. In addition, a key improvement of the fiscal year 2000 report was that, as required under GPRA, it showed that Justice reassessed fiscal year 2001 performance targets on the basis of its progress for fiscal year 2000. Furthermore, Justice stated that it has developed new performance measures for goals where in the past it had not set targets. However, several weaknesses remain. Like the previous year's report, the fiscal year 2000 performance report did not consistently address reasons for measures being discontinued, added, or revised—information that could be useful to decisionmakers in assessing progress toward measuring outcomes.

In both its 2001 and 2002 performance plans, Justice identified strategic human capital management goals and measures and program evaluations being conducted, but the plans did not discuss how each of these areas affected Justice's ability to achieve its outcomes. In our previous review of Justice's performance plans for fiscal year 2001,[4] we identified as a key weakness the lack of mutually reinforcing goals and measures among Justice components for crosscutting activities. In its fiscal year 2002 performance plan, Justice briefly discusses crosscutting program activities, but it does not explain how program activities mutually reinforce achieving the goals nor does it explain common or complementary performance indicators.

Regarding the two governmentwide high-risk areas—strategic human capital management and information security— Justice's performance plan had goals and measures, and the performance report explained progress in resolving these challenges. Although the strategic human capital management goals and measures were identified in its 2001 and 2002 performance plans, Justice's 2002 performance plan did not address human capital strategies in relation to achieving programmatic outcomes for two performance measurements—dismantling major drug trafficking organizations and providing timely processing of naturalization applications. In addition, we identified 12 major management challenges

[4] GAO/GGD-00-155R, June 30, 2000.

facing Justice. Justice's performance report discussed the agency's progress in resolving 8 of the 12 management challenges that we identified. Justice had performance goals and measures that either directly or indirectly addressed the management challenges or had strategies for 9 of the 12 challenges.

In its June 19, 2001, letter, Justice commented on a number of aspects of our draft report. Justice focused on four major areas—our report's overall focus, outcome goals that were evaluated, limited consideration of new goals and measures in Justice's performance plan, and the presentation of progress on management challenges. Justice believes that the overall focus of our report centers mainly on what Justice did not discuss in its performance report and on targets it failed to establish or failed to meet. Although our report discusses Justice not achieving some of its performance targets, we also discuss many of the improvements Justice has made. Justice does not believe that the outcome of reduced availability and/or use of illegal drugs is part of its mission and, thus, its annual goals and measures will not directly relate to this outcome. In our opinion, reducing the threat and trafficking of illegal drugs by identifying, disrupting, and dismantling drug trafficking organizations is directly related to reducing the availability and/or use of drugs. Justice also questioned why five of the performance measures for the outcome drug- and gang-related violence were selected, indicating that it believed that they were not related to the outcome. In its performance report, Justice included these five measures under its strategic goal to reduce the threat, incidence, and prevalence of violent crime, especially as it stems from gun crime, organized crime, and drug and gang-related violence. While Justice's strategic goal is not an exact match to the planned outcome, we believe that the performance measures included in our analysis are appropriate. For example, one disputed performance measure is the number of persons with criminal backgrounds prevented from purchasing firearms and we believe that this measure is related to the outcome because members of gangs may be prevented from purchasing firearms because of criminal background checks. Justice also said that our report did not give them sufficient credit for establishing new performance goals and measures. We added text to reflect the development of new performance measures in our comparison of the performance report and plan.

And finally, Justice believes that the format used to report on management challenges was, although technically correct, misleading. We added text to the first paragraph in appendix I to explain this point. Justice noted that it continues to face conflicting pressures to keep its performance report and

plan streamlined and yet to include more detailed information. Our point is not necessarily that Justice needs to include more detailed information, but rather that it needs to better articulate and explain how performance and strategies relate to achieving desired goals. Justice's comments are discussed in more detail on page 24 and reprinted in appendix II.

Background

GPRA is intended to shift the focus of government decisionmaking, management, and accountability from activities and processes to the results and outcomes achieved by federal programs. New and valuable information on the plans, goals, and strategies of federal agencies has been provided since federal agencies began implementing GPRA. Under GPRA, annual performance plans are to clearly inform the Congress and the public of (1) the annual performance goals for agencies' major programs and activities, (2) the measures that will be used to gauge performance, (3) the strategies and resources required to achieve the performance goals, and (4) the procedures that will be used to verify and validate performance information. These annual plans, issued soon after the transmittal of the president's budget, provide a direct linkage between an agency's longer-term goals and mission and day-to-day activities.[5] Annual performance reports are to report on the degree to which performance goals were met. The issuance of the agencies' performance reports, due by March 31 each year, represents a new and potentially more substantive phase in the implementation of GPRA—the opportunity to assess federal agencies' actual performance for the prior fiscal year and to consider what steps are needed to improve performance and reduce costs in the future.[6]

As the nation's chief law enforcement agency, Justice is charged with, among other things, enforcing laws in the public interest and playing a key role in protecting the public from violence and criminal activity, such as drug smuggling and acts of terrorism. With a fiscal year 2001 budget of over $24 billion and a staff of about 111,000, including attorneys, investigators, and agents, Justice is a multifaceted organization whose functions range from securing the nation's borders to helping state and local agencies improve their capacity to prevent and control crime. Justice's responsibilities are divided among a number of major components, including the Drug Enforcement Administration (DEA), the

[5]The fiscal year 2002 performance plan is the fourth of these annual plans under GPRA.

[6]The fiscal year 2000 performance report is the second of these annual reports under GPRA.

Federal Bureau of Investigation (FBI), INS, the Office of Justice Programs (OJP), and the United States Marshals Service (USMS).

Assessment of Justice's Progress and Strategies in Achieving Selected Key Outcomes

This section discusses our analysis of Justice's performance in achieving the selected key outcomes and the strategies it has in place, particularly strategic human capital management[7] and information technology, when appropriate, for accomplishing these outcomes. In discussing these outcomes, we have also provided information drawn from our prior work on the extent to which the agency provided assurance that the performance information it is reporting is credible.

Drug- and Gang-Related Violence

Overall progress made by Justice toward achieving less drug- and gang-related violence is difficult to ascertain because (1) three of nine performance measures did not have fiscal year 2000 targets to measure success and (2) Justice fell short of achieving its performance targets for four measures.[8] Justice did not set fiscal year 2000 performance targets for its performance related to dismantling Asian criminal enterprises, dismantling Eurasian criminal enterprises, and cases in Indian Country.[9] Justice did not set performance targets for these measures because it considered two of the measures to be new measures, and for the number of cases in Indian Country, Justice did not want to set performance levels because it believes that setting performance targets could cause the public to perceive law enforcement as engaging in "bounty hunting" or pursuing arbitrary targets merely for the sake of meeting particular goals. In addition, even though Justice indicated that the performance measures for

[7]Key elements of modern strategic human capital management include strategic human capital management planning and organizational alignment; leadership continuity and succession planning; acquiring and developing staffs whose size, skills, and deployment meet agency needs; and creating results-oriented organizational cultures.

[8]The nine performance measures in Justice's fiscal year 2000 performance report under the strategic objective of "violent crime" that we used in our analysis included (1) percent of La Cosa Nostra members incarcerated, (2) number of dismantled Asian criminal enterprises [new measure], (3) number of dismantled Eurasian criminal enterprises [new measure], (4) number of gangs dismantled of the 30 gangs targeted by the FBI as the most dangerous, (5) number of criminal background checks, (6) number of persons with criminal records prevented from purchasing firearms, (7) number of cases in Indian Country, (8) number of new Interpol cases, and (9) number of new treaties with other countries.

[9]The FBI created an Indian Country Unit within its Violence Crime and Major Offenders Section to work with tribal authorities to combat and reduce the incidence of violent crime on Indian Reservations.

dismantling Asian and Eurasian criminal enterprises were new measures, these same measures were included in Justice's fiscal year 1999 performance report (albeit Eurasian was called Russian then).

Justice fell short of achieving the performance targets for four measures. For example, although close, Justice did not meet its performance target to perform 4.81 million criminal background checks. Justice reported that it had perfomed 4.49 million criminal background checks. Also, Justice did not meet its performance target to prevent 140,244 persons with criminal backgrounds from purchasing firearms. Justice reported it had prevented 71,890 ineligible persons from purchasing firearms. In its explanation of why it did not meet these performance targets, Justice noted that the reported targets for these measures were based on the assumption that all states and territories would be full participants in the National Instant Criminal Background Check System (NICS) program.[10] Justice reported that only 27 states have become full participants since NICS began in November 1998. In an April 2000 report, we reported that the states generally are better positioned than the FBI to conduct background checks and that there are potential barriers to states participating in NICS.[11] Justice's performance report does not articulate the implications of potential barriers if the intent is for all states to participate.

Although close, Justice also did not meet its performance measure to initiate 20,000 new Interpol cases or enter into 10 new mutual legal assistance treaties with other countries. Justice reported that in fiscal year 2000, it had initiated 19,549 new Interpol cases and entered into 8 treaties. Justice noted that it had not met its performance targets for these measures because there are a number of outside entities (such as, state liaison offices, foreign governments, the State Department, the White House, and the U.S. Senate) that have key roles in these efforts and that Justice has limited control over actions of these entities. However, Justice did not discuss any actions that it might take to mitigate the effects of external factors. Our February 1999 report[12] also suggested that to improve

[10]Justice has advised us that the NICS program information may not accurately reflect the NICS program and its accomplishments. Justice recognizes that our discussion of the NICS program is based on the information in its fiscal year 2000 performance report and has further advised that to the extent that this information is incorrect, it will amend such information in subsequent performance reports.

[11]*Gun Control: Options for Improving the National Criminal Background Check System* (GAO/GGD-00-56, Apr. 12, 2000).

[12]GAO/GGD/AIMD-99-69, Feb. 26, 1999.

the usefulness of annual plans, agencies show how strategies will be used to achieve goals that include describing approaches to leverage or mitigate the effects of external factors on the accomplishment of performance goals.

For each performance measure, Justice included a brief explanation about data collection and storage, data validation and verification, and any known data limitations. There were data limitations associated with four of the databases used with the performance measures. Two of the data limitations appear to be more of a clarification rather than a limitation. The other two data limitation explanations were more significant. One limitation noted that a significant number of criminal history records were not complete and that state and local agencies and the courts needed to update and complete the records in a more timely manner. The performance report did not indicate actions or steps that might be taken to mitigate the data limitations with state and local agencies and the courts in order to improve the data's reliability. For the other limitation, Justice reported that the current reporting system for the number of Interpol cases was severely limited. However, Justice reported that in fiscal year 2001 the database and procedures were to be validated for accuracy and redesigned for efficiency and that a comprehensive and flexible reporting system to extract the statistics from the database was to be developed.

Justice's strategies and initiatives to achieve less drug- and gang-related violence generally seem reasonable and clear. However, Justice could improve its performance strategies by exploring potential coordination efforts that might be used to mitigate external factors and by considering the use of performance evaluations to better assess its progress toward achieving the outcome. For example, on the basis of its fiscal year 2000 performance, Justice modified its fiscal year 2001 performance target from 5.05 million to 4.54 million for the number of criminal background checks performed. Modifying the performance target in the short term is a reasonable step; however, Justice may want to discuss what it has considered in response to only 27 states participating in the NICS since it began in November 1998 and whether other strategies to assist states are needed to achieve the outcome. As mentioned earlier, Justice did not have performance targets for one measure because of concerns about pursuing targets merely for the sake of meeting a goal. We suggest that Justice could compare the relative effectiveness of programs using a program evaluation approach to provide an indication of its progress towards achieving its goals. Specifically, Justice has a goal to provide enforcement assistance and training to tribal governments to combat and reduce the incidence of violent crime on Indian Reservations, especially crime related

to gang activity. This is a performance measure for which Justice did not provide performance targets and that Justice reported the number of cases in Indian Country. A program evaluation for this goal could compare the difference in gang activity on reservations where assistance and training is provided with reservations where assistance and training have not been provided.[13] While program evaluations will also be hampered by the lack of underlying data about the drug- and gang-related violence, they might provide some indications of the comparative effectiveness of different interdiction programs.

Availability and/or Use of Illegal Drugs

Overall progress made by Justice toward achieving a reduction in the availability and/or use of illegal drugs is difficult to ascertain because it did not have fiscal year 2000 performance targets for two of five measures, and the relationship of one measure to the outcome was not clear.[14] Justice did not have a performance target for measures related to drugs removed and its efforts to seize, dismantle, and dispose of clandestine laboratories. Justice indicated that the measure of the amount of drugs removed is to be discontinued because it does not adequately assess performance and is not results oriented. Justice explained that DEA could not estimate the amount of drugs to be removed by type because these vary from case to case. Rather, Justice reported that DEA seeks to investigate cases that will have the greatest impact on drug trafficking, drug-related crime, and violence and that drug seizures are merely a by-product of those investigations. Regarding not setting targets for its efforts to seize, dismantle, and dispose of clandestine laboratories, as previously noted, Justice does not want the public to perceive that it is pursuing arbitrary targets for the sake of meeting particular goals. Also, we noted that Justice's fiscal year 2000 actual performance of 1,888 clandestine laboratories seized, dismantled, and disposed had decreased from its fiscal year 1999 actual performance of 2,024. According to Justice, it receives

[13]This simple example is provided to illustrate what we mean by program evaluation and is not meant to be definitive or prescriptive regarding what a program evaluation should take into account.

[14]The five performance measures in Justice's fiscal year 2000 performance report under the strategic objective of "drugs" that we used in our analysis included (1) number of El Paso Intelligence Center inquiries resulting in positive responses; (2) number of major drug trafficking organizations identified; (3) number of major drug trafficking organizations dismantled; (4) amount of drugs removed: heroin, cocaine, cannabis, methamphetamine, and amphetamine [discontinued measure]; and (5) number of clandestine laboratories seized, dismantled, or disposed.

leads from state and local agencies or concerned citizens regarding the location of clandestine laboratories. The number of leads vary from year to year which results in a variance in the number of seizures in a given year. In addition, the performance report did not explain how positive responses for inquiries to Justice's El Paso Intelligence Center (EPIC) contributes toward achieving the outcome to reduce the availability of drugs. As previously noted, we believe the usefulness of annual reports and plans could be improved by better articulating a results-orientation that would include explanatory information on goals and measures.

Justice fell short of achieving the performance targets for three measures. Justice fell somewhat short on its performance target to improve intelligence gathering. Specifically, Justice reported it had 22,624 inquiries to EPIC resulting in positive responses instead of the performance target of 24,602 inquiries.[15] Justice reported that it did not meet its performance measure for the number of EPIC inquiries resulting in positive responses because EPIC did not receive as many requests for information as anticipated. Other unmet performance measures were to identify and dismantle major drug trafficking organizations. Specifically, Justice's performance target was to identify 250 and dismantle 50 U.S.-based drug organizations. Justice reported that the FBI identified 201 major drug trafficking organizations and dismantled 12. Justice attributed this shortfall to the FBI overestimating what could be accomplished based on resource constraints. Justice also indicated that the Organized Crime Drug Enforcement Task Force (OCDETF) had a base reduction of agents and support staff at the end of fiscal year 2000 and that this would affect FBI's ability to identify and dismantle major drug trafficking organizations in fiscal year 2001. Accordingly, the performance targets for fiscal year 2001 were revised.

In a July 1999 report,[16] we stated that DEA did not have performance targets for disrupting and dismantling drug trafficking organizations. In the absence of such targets, it is difficult to assess DEA's overall effectiveness in achieving its strategic goals. In our July 1999 report, we recommended that the Attorney General direct the DEA Administrator to work closely

[15] If an agency requests only a name check, that counts as one response. If an agency requests a series of information, such as names, social security numbers, and vehicle licenses about an organization, EPIC counts each response separately.

[16] *Drug Control: DEA's Strategies and Operations in the 1990s* (GAO/GGD-99-108, July 21, 1999).

with Justice and the Office of National Drug Control Policy to develop measurable DEA performance targets for disrupting and dismantling drug trafficking organizations consistent with the performance targets in the National Drug Control Strategy. In response to our recommendation, DEA (1) developed a new strategic plan, which was approved in May 2000; (2) participated in a Justice work group to define the terms "disrupt" and "dismantle"; and (3) formed an internal GPRA Work Committee to assess and develop a feasible management approach to identify and establish quantifiable performance targets. Justice indicated in its fiscal year 2000 performance report that, under DEA's new strategic plan, DEA developed another performance measure—percent of major drug trafficking organizations disrupted or dismantled—and is developing a process to capture information and data to report on this measure. Justice anticipates, however, that the system will take between 2 and 3 years to be fully operational.

Similar to the previous outcome, Justice's performance report included a brief explanation about data collection and storage, data validation and verification, and any known data limitations. Except as noted above about DEA developing a new process for capturing data on the percent of major drug trafficking organizations disrupted or dismantled, none of the performance measures noted any data limitations.

Justice's strategies and initiatives to reduce the availability and/or use of drugs generally seem reasonable and clear. Fiscal year 2001 performance targets were revised based on performance results in fiscal year 2000. Although Justice generally explained why it did not meet certain targets and revised those targets downward, its strategies do not articulate what Justice will do differently to achieve its unmet goals in the future. In addition, the strategies did not discuss determining the underlying reason for EPIC not receiving as many requests for information as anticipated—a piece of knowledge that might improve upon the relevancy, appropriateness, and usefulness of the performance measure and contribute to determining whether other measures might be more useful. Furthermore, Justice did not include specific strategies or goals for mitigating the implications of FBI and OCDETF resource constraints, including human capital management issues. Although Justice's performance plan identifies agencies that have crosscutting activities related to reducing the availability and/or use of drugs, the plan does not discuss efforts in relation to achieving the outcome. For example, the plan has FBI performance measures and expects future DEA performance measures on dismantling drug trafficking organizations, but the plan does not adequately explain how joint planning and coordination will contribute

to achieving the overall outcome to reduce illegal drug availability and/or use. According to Justice, interagency cooperation is key to successful drug enforcement, and Justice reported that it has developed a number of programs through which investigators can coordinate. However, the plan does not include strategies for enhancing or measuring the contribution of these programs to the overall achievement of the outcome. In our February 1999 report,[17] we note that the listing of current programs and initiatives that were often included in agencies plans were useful for providing an understanding of what agencies do. However, presentations that more directly explain how programs and initiatives achieve goals would be most helpful to congressional and other decisionmakers in assessing the degree to which strategies are appropriate and reasonable.

Services Provided by the INS

Overall progress made by INS towards providing timely, consistent, fair, and high-quality services was difficult to fully gauge because the measures did not enable us to assess progress toward achieving this planned outcome.[18] For example, the performance measures on the number of naturalization cases adjudicated, the percent of naturalization and benefit applications found on line, and the number of these applications filed on line do not indicate whether users of INS services are receiving timely, consistent, fair, and high-quality services. Regarding the performance target for achieving a 99-percent level of compliance with INS' quality standards for naturalization applications, the performance report did not clearly explain what is covered in these standards. Therefore, it is unclear whether compliance with these standards is an indication of timely, consistent, fair, and high-quality services. Again, we believe that opportunities exist for Justice to improve the usefulness of its annual report and plan by better articulating a results-orientation that would include explanatory information on goals and measures.

[17] GAO/GGD/AIMD-99-69, Feb. 26, 1999.

[18] The nine performance measures in Justice's fiscal year 2000 performance report under the strategic objectives of "immigration information services" and "immigration benefits services" that we used in our analysis included (1) percent of public use forms available online; (2) number of applications that can be filed online [new measure]; (3) response time for status verification for government customers; (4) response time for status verification for employers; (5) average case processing time, in months; for naturalization cases; (6) average case processing time, in months; for adjustment of status cases; (7) level of compliance with quality standards for processing naturalization and adjustment of status applications; (8) number of naturalization cases adjudicated; and (9) number of adjustment-of-status cases adjudicated.

Justice reported that it had not met its performance target for an average case processing time of 6 months for naturalization applications, instead reporting an average case processing time of 8 months during fiscal year 2000. Justice did not explicitly discuss the reason for missing the performance target for average case processing time, but implied that it was a resource issue. Specifically, Justice reported that during peak periods at the end of the year, INS met the targeted 6-month processing time for naturalization applications by shifting resources from other services to increase production. On the basis of its fiscal year 2000 performance, INS expects to achieve a case processing time of 9 months in fiscal year 2001 for naturalization applications. Furthermore, historical data in Justice's performance report shows that improvement has been made to reduce the average case processing time for naturalization applications from 27 months in fiscal year 1998 to 8 in fiscal year 2000.

Similar to the previous outcomes, Justice's performance report included a brief explanation about data collection and storage, data validation and verification, and any known data limitations. Justice's performance report indicated data limitations and efforts to improve the accuracy and timeliness of the data. For example, Justice reported that in fiscal year 2001 INS' naturalization case capability will be fully deployed under its Computer Linked Application Information System (CLAIMS 4) and will allow data for these cases to be fully automated and case-based, providing for timely and accurate data. In a May 2001 report,[19] we said that aliens face long waits for a resolution to their case and have difficulty obtaining accurate information on how long they can expect to wait. We reported that INS did not know how long it took to process aliens' applications because the agency's automated application data were incomplete and unreliable. Specifically, we reported that INS' available servicewide automated systems contained unreliable data and its districts did not have automated systems for tracking many types of applications. We pointed out that, in the absence of information on actual processing times, INS had been estimating processing times, but that the usefulness of the estimation method was limited. We recommended, and Justice agreed, that INS develop the capability to begin to calculate and report actual processing times for applications as soon as reliable automated data are available

[19] *Immigration Benefits: Several Factors Impede Timeliness of Applications Processing* (GAO-01-488, May 4, 2001).

from its servicewide systems, CLAIMS 3 and CLAIMS 4.[20] Justice's performance report states that on the basis of its fiscal year 2000 performance, it expects to meet the corresponding 2001 targets for average case processing times of 9 months for naturalization applications and 14 months for adjustment of status applications and expects to meet the 2001 performance target of 99 percent compliance with quality standards for naturalization applications.

Justice strategies and initiatives do not sufficiently discuss achieving the outcome to provide timely, consistent, fair, and high-quality services. The strategies primarily address maintaining or improving application process times and generally do not discuss consistent, fair, and high-quality services. As previously noted, INS has quality standards that it is using as a measure, but the performance plan does not articulate the specific quality standards for achieving the outcome. Justice did not discuss the implications of using strategic human capital management as a strategy to help achieve this outcome even though one performance target was not achieved until resources were realigned. Thus, the deployment of available staff appears to be critical to achieving the timeliness performance targets. In addition, the performance plan did not provide as much detail as it could have to describe INS' strategy to provide electronic filing of applications and the implications for accomplishing timely, consistent, fair, and high-quality services. Although Justice identified that it is deploying CLAIMS 4 software to field offices in fiscal year 2001 and upgrading CLAIMS 3 automated support, the performance report does not explain how the information technology improvements will contribute to achieving better INS services. In our February 1999 report,[21] we note that the listing of current programs and initiatives that were often included in agencies' plans were useful for providing an understanding of what agencies do. However, presentations that more directly explain how programs and initiatives achieve goals would be most helpful to congressional and other decisionmakers in assessing the degree to which strategies are appropriate and reasonable.

[20]CLAIMS 4 is INS' newest and most advanced case management and tracking system that is used to help process incoming naturalization applications. CLAIMS 3 is used to process applications other than naturalization applications.

[21]GAO/GGD/AIMD-99-69, Feb. 26, 1999.

Securing U.S. Borders From Illegal Immigration

Overall progress made by INS towards achieving this outcome is difficult to fully gauge because INS has a new performance measure for which there was no fiscal year 2000 performance target, and the other two performance measures did not enable us to assess progress toward achieving this planned outcome.[22] Because it was a new measure, Justice did not set a performance target for high-priority border corridors demonstrating optimum deterrence,[23] a critical performance measure to determine whether it is securing U.S. borders. Justice did not discuss the rationale for the new measure or how the new measure will better enable INS to assess its progress toward securing our borders. Justice said that during fiscal year 2000, INS continued to refine the border control operational effectiveness measure,[24] in particular by using "corridors" rather than zones, with each sector identifying the corridors within their area of operation. Even though this was a new measure, Justice provided historical data from fiscal years 1994 to 1999, provided actual performance for fiscal year 2000, and projected performance targets for fiscal years 2001 to 2004 for this performance measure as an indication of its progress. The historical data showed that INS has maintained optimum deterrence in 6 of 26 corridors along the Southwest border during fiscal years 1998, 1999, and 2000.

In addition, while Justice met the targets for the other two performance measures for this outcome, these measures were not directly linked to the outcome because they omitted some aspects of the performance. For example, to deter illegal immigration at the source, INS has a performance measure to intercept undocumented offshore travelers en route to the United States. Justice reported that these intercepts were accomplished as a result of INS officers working closely with their host country government agencies, diplomatic missions, and others to provide advice,

[22]The three performance measures in Justice's fiscal year 2000 performance report under the strategic objective of "border enforcement" that we used in our analysis included (1) number of high-priority border corridors demonstrating optimum deterrence [new measure], (2) number of interceptions of mala fide and offshore travelers en route to the United States, and (3) number of offshore prosecutions assisted by INS aided by fraudulent document detection.

[23]The performance report states that optimum deterrence is the level at which applying more border patrol agents and resources would not yield a significant gain in arrests/deterrence.

[24] The level of operational effectiveness within identified corridors (of the Southwest border) is defined as apprehensions plus turn backs (the attempt was thwarted), divided by attempts.

training, and assistance. Justice's performance report does not sufficiently discuss the working relationship with host countries and others or the quality of INS officers' training and assistance in relation to deterring illegal immigration at the source. In a May 2000 report,[25] we said that the agency does not believe that overseas efforts have produced long-term impacts because training that INS personnel provided to foreign air carrier and law enforcement personnel diminished within a few months. In addition, INS believes that the non-INS personnel they have trained do not receive continual encouragement and support to perform their jobs professionally and, therefore, revert to their old practices.

In its performance report Justice stated that it expects to meet the 2001 performance targets for the three performance measures. Specifically, Justice's performance report states that on the basis of fiscal year 2000 actual performance for demonstrating optimum deterrence in six corridors, INS expects to meet the 2001 performance target for this measure of deterrence in eight corridors. Justice exceeded, by a significant number, its performance targets for intercepting undocumented offshore travelers en route to the United States (the performance target was 8,283 interceptions and the actual was 19,007) and the offshore prosecutions assisted by INS (the performance target was 107 prosecutions and the actual was 514). Justice reported that improved and thorough reporting of these activities by the INS overseas district offices resulted in a more accurate account of these activities than had been available in the past, and INS significantly exceeded its targets. Justice's performance plan indicates INS expects to also exceed the fiscal year 2001 performance targets of 9,324 interceptions and 119 prosecutions.

Although Justice briefly explained its data collection and storage, and data validation for each performance measure, there is some question about the credibility of the performance data. Specifically, Justice reported that all three performance measures related to securing the U.S. borders from illegal immigration had data limitations. With respect to measuring border corridors demonstrating optimum deterrence, the report states that collecting data to measure this goal is currently an intensive manual process and that INS is implementing a process to standardize recording and reporting of data to ensure consistency and validity. Justice also reported that data provided for corridors demonstrating optimum

[25] *Alien Smuggling: Management and Operational Improvements Needed to Address Growing Problem* (GAO/GGD-00-103, May 1, 2000).

deterrence prior to fiscal year 1999 were estimated because data was not available for corridors during that period and that projected corridor effectiveness for fiscal years 2001 through 2004 is dependent on sufficient allocation of resources.

Justice's strategy to secure U.S. borders from illegal immigration does not adequately discuss integration of resources to achieve the outcome. Justice's basic strategy is to apply increased levels of Border Patrol staff, technology, and other resources in the busiest areas until the risk of apprehension is high enough to be an effective deterrent, thus creating acceptable areawide control. Justice's performance plan does not discuss the mix of staffing, equipment, and technology needed to achieve the desired level of deterrence in each area nor does it clearly discuss the basis upon which a determination is made that a particular corridor has achieved optimum deterrence. In addition, in December 1999, we reported that INS had had difficulties attracting and retaining qualified applicants for Border Patrol positions.[26] Justice's performance report indicates that INS did not meet its performance target to have 9,377 Border Patrol agents on board at the end of fiscal year 2000, falling short by 196 agents. According to Justice, additional Border Patrol resources (personnel and technology) are needed in fiscal year 2002 to maintain and extend control along the border. INS expects to meet its hiring goals for agents in fiscal year 2001, reaching an on-board strength of 9,807 and projected an on-board strength of 10,377 agents for fiscal year 2002. According to Justice, INS has overcome difficulties in hiring Border Patrol agents. The Justice report also states that INS set records in fiscal year 2000 for the number of qualified applicants and the number passing the required tests. However, Justice did not discuss actions planned to bringing agents on board nor did it explain how having more applicants and candidates passing tests will ultimately result in achieving the targeted level of agents to be on-board in fiscal year 2001. While hiring more agents is a first step, INS did not discuss training and deployment of hired agents--initiatives that also impact on INS' ability to have agents at the border. Furthermore, the performance plan did not explain Justice's plans for obtaining equipment and technology needed to implement the border control strategy. As previously mentioned, strategies can be more useful if they describe how they will enable the agency to achieve its goals.

[26] *Border Patrol Hiring: Despite Recent Initiatives, Fiscal Year 1999 Hiring Goal Was Not Met* (GAO/GGD-00-39, Dec. 17, 1999).

Justice stated in its 2002 performance plan that it continuously evaluates the effectiveness of its border control strategies, particularly for the Southwest border, and quarterly evaluates progress through the Commissioner's Performance Management Reviews. In addition, Justice reported that several special studies have been initiated and are ongoing to evaluate border enforcement effectiveness. In a December 1997 report on the Southwest Border Strategy,[27] we recommended a comprehensive and systematic evaluation plan of INS' border strategy be developed to obtain information about the effectiveness of the strategy in reducing and deterring illegal entry. Justice anticipates conducting additional studies related to the effectiveness of INS' enforcement activities at the border that includes one that responds to our recommendation. In a May 1999 report,[28] we concluded that information on INS studies was too limited for us to assess whether these studies will provide the information needed to comprehensively and systematically evaluate the effectiveness of the strategy.

Comparison of Justice's Fiscal Year 2000 Performance Report and Fiscal Year 2002 Performance Plan With the Prior Year Report and Plan for Selected Key Outcomes

For the selected key outcomes, this section describes strengths or remaining weaknesses in Justice's (1) fiscal year 2000 performance report in comparison with its fiscal year 1999 report and (2) fiscal year 2002 performance plan in comparison with its fiscal year 2001 plan. This section also discusses the degree to which the agency's fiscal year 2000 report and fiscal year 2002 plan addresses concerns and recommendations by us and Justice's OIG.

[27] *Illegal Immigration: Southwest Border Strategy Results Inconclusive; More Evaluation Needed* (GAO/GGD-98-21, Dec. 11, 1997).

[28] *Illegal Immigration: Status of Southwest Border Strategy Implementation* (GAO/GGD-99-44, May 19, 1999).

Comparison of Performance Reports for Fiscal Years 1999 and 2000

We identified several strengths in Justice's performance reports. First, both fiscal years 1999 and 2000 performance reports generally included (1) a comparison of actual performance with the projected level of performance (when a goal had a performance projection) as set out in the performance goals and (2) an explanation for why the goal was not met, where a performance goal was not achieved. Second, a key improvement of the fiscal year 2000 report was that, as required under GPRA, the report showed that Justice generally reassessed fiscal year 2001 performance targets on the basis of its performance for fiscal year 2000. Third, Justice's performance report included historical data to provide perspective on its progress. And finally, we also noted that this year Justice issued a combined fiscal year 2000 performance report and fiscal year 2002 performance plan. The information is now presented in a sequential manner, discussing the results of the past year, then the anticipated performance for the current year, and finally the impact of next year's performance. Presenting the information in this manner, we believe, provides decisionmakers with a better understanding of the agency's progression toward achieving its goals.

The fiscal year 2000 performance report, like the 1999 report, also contains several weaknesses in that it does not consistently address changes in the performance report as to why certain measures were discontinued, new ones added, or revisions made to existing measures. For example, INS changed its performance goal to measure deterrence in relation to corridors rather than zones; however, there is no discussion as to the rationale for changing the areas of operation to be measured or how the new measure will better enable INS to assess its progress toward securing our borders. We believe an explanation in the performance report would be useful to better understand the relationship of revised or new goals and measures toward achieving the performance goal. Furthermore, although Justice generally explained why it did not meet certain targets and revised those targets downward, its strategies do not articulate what Justice will do differently to achieve its unmet goals in the future.

In addition, eight management challenges identified in our 2000 GPRA report continue to be management challenges. Progress in resolving two of the eight management challenges—INS restructuring and internal control weakness at DEA—was not discussed in either the 1999 or 2000 performance report.

Comparison of Performance Plans for Fiscal Years 2001 and 2002

Our comparison of Justice's performance plans for fiscal years 2001 and 2002 found that many of the weaknesses previously identified by us in the 2001 plans were present in the 2002 plan. Although the strategic human capital management goals and measures were identified in its 2001 and 2002 performance plans, Justice's 2002 performance plan did not address human capital strategies in relation to achieving programmatic outcomes for two goals—dismantling major drug trafficking organizations and providing timely processing of naturalization applications. In addition, Justice identified personnel skills that supported each strategic goal, but did not discuss whether it had the staff with these skills or whether it needed to acquire or develop staff to meet agency needs. The performance plans also consistently identified program evaluations related to each of its strategic goals. However, the plans do not discuss whether these evaluations could be used in assessing the achievement of goals or as alternative measures for performance. For example, we noted that Justice reported on a program evaluation to verify and validate CLAIMS, which supports INS' benefit processing that may provide information to improve operations, but will not provide outcome measures. However, we noted that another program evaluation concerning a multiyear study of the employment verification pilots may provide some information toward measuring progress. We believe that providing information on how the program evaluations would help measure Justice's achievement of its outcomes could be useful to decision-makers.

Like its fiscal year 2001 performance plan, Justice's fiscal year 2002 performance plan consistently identified crosscutting activities, but its discussion of crosscutting activities generally did not discuss how the activities could be coordinated to improve overall performance within Justice. For example, to disrupt and dismantle major drug trafficking criminal enterprises, the performance plan states that interagency cooperation is key to successful drug enforcement and provides information on a number of programs through which investigators from various agencies can coordinate. The plan cites DEA, FBI, the Criminal Division, and other federal law enforcement agencies as participants in these programs. However, the plan does not explain how the strategies of Justice's components are mutually reinforcing, nor does it explain common or complementary performance indicators.

Justice stated that it has developed new performance measures for goals where in the past it had not set targets. Most of Justice's performance measures in its 2002 performance plan had targets against which to measure progress. However, we do not know the extent to which the new performance measures will clearly demonstrate results achieved. As

mentioned earlier, in our September 2000 report,[29] we provided information and examples to assist agencies in identifying how they might use evaluations to improve their performance reporting. We noted that program evaluations are objective, systematic studies that answer questions about program performance and results. An evaluation study can explore the benefits of a program as well as ways to improve program performance by examining a broader range of information than is feasible to monitor on an ongoing basis through performance measures. For example, a program evaluation was conducted of an INS border control initiative in El Paso, Texas, called Operation Hold the Line. Operation Hold the Line was a new INS enforcement approach introduced in 1993. Rather than apprehending aliens after they had illegally crossed the border in El Paso, INS sought to prevent illegal entry from occurring in the first place by increasing the number of Border Patrol agents in El Paso and position them in high visible locations along the border. The evaluation collected data to assess the effects of Operation Hold the Line on a number of outcomes, including illegal and legal crossings, business activity, crime, education, births, and the use of social services in El Paso. By collecting quantitative and qualitative data on a range of outcome indicators, the researchers were able to draw conclusions about the representativeness, scope, and magnitude of the Operation's effects.[30]

The fiscal year 2002 performance plan clearly identified the OIG management challenges and Justice designated areas of material weaknesses. The plan does not consistently identify our recommendations or concerns in relation to achieving goals and performance measures. For example, the Justice plan provided information on actions taken to address our recommendation to DEA regarding its performance measures but the performance plan did not address actions taken in response to our recommendation to INS regarding its estimation for application processing times.

[29] *Program Evaluation: Studies Helped Agencies Measure or Explain Program Performance* (GAO/GGD-00-204, Sept. 29, 2000).

[30] *Illegal Mexican Migration and the United States/Mexico Border: The Effects of Operation Hold the Line on El Paso/Juarez*, University of Texas at Austin, July 1994.

Justice's Efforts to Address Its Major Management Challenges Identified by GAO

We identified two governmentwide high-risk areas: strategic human capital management and information security. Regarding strategic human capital management, Justice's performance plan had goals and measures related to human capital, and the agency's performance report explained its progress in resolving human capital challenges. With respect to information security, Justice's performance plan had goals and measures related to information security, and the agency's performance report explained its progress in resolving its information security challenges.

In addition, we identified 12 major management challenges facing Justice. Justice's performance report discussed the agency's progress in resolving many of its challenges, but it did not discuss the agency's progress in resolving the following challenges: (1) internal control weaknesses at DEA, (2) options for restructuring INS, (3) weaknesses in Justice's asset forfeiture program, and (4) program management weaknesses in the Weed and Seed program. As shown in table 1, of the agency's 12 major management challenges, its performance plan (1) had goals and measures that were directly related to five challenges; (2) had a goal but no measures that were directly related to one challenge; (3) had goals and measures that were indirectly applicable to one of the challenges; (4) had no goals and measures related to two of the challenges, but discussed strategies to address them; or (5) had no goals, measures, or strategies to address three of the challenges. Appendix I provides detailed information on how Justice addressed these challenges and high-risk areas as identified by us and its OIG.

Table 1: Extent to Which Justice's Performance Plan Included Goals, Measures, and/or Strategies Related to GAO's Management Challenges

Had goals and measures that were directly related to the challenges	Had goals but no measures that were directly related to the challenges	Had goals and measures that were indirectly applicable to the challenges	Had no goals and measures related, but discussed strategies to address the challenges	Had no goals, measures, or strategies to address the challenges
Information systems planning and implementation	Financial statements and systems	Removal of illegal aliens	Asset forfeiture program	Internal control weaknesses at DEA
Police Corps program had a slower than expected start, due to funding and staffing limitations			Program management weaknesses remain in weed and seed program	Efforts to reduce unauthorized employment face impediments

Had goals and measures that were directly related to the challenges	Had goals but no measures that were directly related to the challenges	Had goals and measures that were indirectly applicable to the challenges	Had no goals and measures related, but discussed strategies to address the challenges	Had no goals, measures, or strategies to address the challenges
Develop measurable DEA performance targets to determine progress in reducing the availability of illegal drugs				Shortcomings in programs to control alien smuggling
INS' organizational structure remains undecided				
INS Southwest border strategy				

Source: GAO analysis.

Scope and Methodology

As agreed, our evaluation was generally based on the requirements of GPRA, the Reports Consolidation Act of 2000, guidance to agencies from the Office of Management and Budget (OMB) for developing performance plans and reports (OMB Circular A-11, Part 2), previous reports and evaluations by us and others, our knowledge of Justice's operations and programs, GAO identification of best practices concerning performance planning and reporting, and our observations on Justice's other GPRA-related efforts. We also discussed our review with officials in the Department of Justice and its OIG. The agency outcomes that were used as the basis for our review were identified by the Ranking Minority Member of the Senate Committee on Governmental Affairs as important mission areas for the agency and do not reflect the outcomes for all of Justice's programs or activities. The major management challenges confronting Justice, including the governmentwide high-risk areas of strategic human capital management and information security, were identified in our January 2001 performance and accountability series and high-risk update and were identified by Justice's OIG in December 2000. We did not independently verify the information contained in the performance report and plan, although we did draw from our other work in assessing the validity, reliability, and timeliness of Justice's performance data. We conducted our review from April through June 2001 in accordance with generally accepted government auditing standards.

Agency Comments

We discussed our draft report with Justice officials on June 13 and 14, 2001, and received written comments on June 19, 2001. The full text of Justice's written comments is included in appendix II. In its letter, Justice discussed four major areas—our report's overall focus, outcome goals that

were evaluated, limited consideration of new goals and measures in its performance plan, and the presentation of progress on management challenges.

Overall focus. Justice believes that our report focuses heavily on what its performance report and plan do not discuss, on targets not established, or on targets not met. In addition, Justice believes that our report does not focus on improvements the agency has made. For example, in addressing INS' goal for ensuring that immigration benefit services are timely, fair, and consistent, Justice said that our report focused on the agency missing the naturalization case processing time by 2 months. Justice believes that reaching an 8-month processing time is an incredible achievement, given that the processing time was 27 months just 2 years earlier.

We addressed many of the improvements that Justice made under the section comparing the performance report and plan with the previous year's report and plan. The sections discussing achieving outcomes are an assessment of progress toward achieving results on the basis of performance measures and targets, historical data, and our work related to program areas. We acknowledge that Justice's performance report included historical data for fiscal years 1998 and 1999 for many of its measures. But other than the example Justice cited in its comments, the historical data for the other measures did not clearly demonstrate improvements. Furthermore, after meeting with Justice to discuss the draft report, we revised the text to include the historical data regarding reported improvement to reduce the processing time of naturalization cases (the example Justice cited).

Outcome goals. Justice acknowledged that the outcomes we used in our analysis were prescribed by the requestor, but believes that the outcome of reduced availability and/or use of illegal drugs is not part of its mission. Instead, Justice stated that its strategic goal relative to enforcing the nation's antidrug laws is to reduce the threat and trafficking of illegal drugs by identifying, disrupting, and dismantling drug trafficking organizations. Thus, Justice does not believe that any of its annual goals or measures will relate directly to the achievement of the outcome to reduce the availability and/or use of illegal drugs, giving the false impression that its report and plan are deficient. Justice also believes that, while reducing drug- and gang-related violence is part of its mission, only four of its measures under this outcome, not nine, should have been used in our analysis. Thus, Justice believes that the other five measures in assessing this outcome should be deleted.

In our opinion, reducing the threat and trafficking of illegal drugs by identifying, disrupting, and dismantling drug trafficking organizations is directly related to reducing the availability and/or use of drugs. If drug trafficking organizations are disrupted and dismantled, clearly this will affect the availability of drugs on the street. Concerning Justice's contention that five of the measures under the planned outcome to reduce drug- and gang-related violence should be deleted, we disagree. The five measures in question are (1) number of criminal background checks, (2) number of persons with criminal backgrounds prevented from purchasing firearms, (3) number of cases in Indian Country, (4) number of new Interpol cases, and (5) number of new treaties with other countries. In its performance report, Justice included these five measures under its strategic goal to reduce the threat, incidence, and prevalence of violent crime, especially as it stems from gun crime, organized crime, and drug and gang-related violence. While Justice's strategic goal is not an exact match to the planned outcome, we believe that the performance measures included in our analysis are appropriate. Specifically, all of these measures, in our opinion, have the potential, in part, to be related directly or indirectly to drug- or gang-related violence. For example, members of gangs may be prevented from purchasing firearms because of criminal background checks. Additionally, under the measure for the number of cases in Indian Country, growing juvenile gangs is one of the major issues discussed in Justice's performance report. Likewise, Justice's performance report indicated that international law enforcement cooperation is critical to addressing the dramatic growth of transnational crime such as narcotics trafficking and terrorism, which may, in part, relate to drug- and gang-related violence on an international level.

New goals and measures. Justice believes that its performance measures have matured over time and indicated that it has discontinued old and added new measures as appropriate. Since some measures are new in fiscal year 2002, performance targets did not exist for the fiscal year 2000 plan. Nevertheless, Justice reported on its accomplishments by providing historical data for fiscal years 1999 and 2000 whenever possible. Justice believes that this is particularly significant for two outcomes: (1) timely, consistent, fair, and high-quality services provided by INS and (2) U.S. borders secure from illegal immigration. Concerning the first outcome, Justice noted that it has a new performance measure for the level of compliance with quality standards for processing naturalization cases, and Justice reports that it has achieved 99 percent compliance with those standards since fiscal year 1999. Concerning the second outcome, Justice believes that it is unfair for us to report that its performance was not considered sufficient to assess progress merely because there was no

performance target against which to measure. Furthermore, Justice believes that it is particularly discouraging for the managers and analysts that worked to develop a measure which Justice believes is an excellent example of reporting outcomes.

While we used performance measures and targets in our analysis, our evaluation was also based on other factors, such as previous reports and evaluations by us and others, our knowledge of Justice's operations and programs, and our identification of best practices concerning performance planning and reporting. Furthermore, we added text to reflect the development of new measures in our comparison of the performance report and plan with the previous year's report and plan. Concerning the quality standards issue, we did not indicate that INS had not met the 99-percent standard. We merely indicated that the performance report does not explain what is covered by these standards. While Justice believes that the existence of quality standards implicitly explains the relationship to the outcome, we believe that the report could articulate what aspects of quality service have been achieved. Moreover, we included information from our previous work relative to CLAIMS that indicated that data limitations could affect Justice's assessment of the quality of services.

Management challenges. Justice believes that the format used in appendix I of our report did not lend itself to an accurate description of its performance report and plan. In the column describing how Justice assessed its progress in resolving the management challenges, we sometimes indicated that progress relative to a management challenge was not discussed. Justice believes that, although technically correct, this is misleading because information about some of the management challenges may be included in the third column of the table, which discusses applicable goals and measures in Justice's performance plan. Justice suggested that, where appropriate, we should indicate in the report column that information about a particular challenge is included under the "plan" column. Further, Justice noted that, in some instances, more complete discussions of its progress in addressing some issues can be found in other, more applicable, documents.

We included text in the first paragraph of appendix I to explain that Justice did not have performance goals and measures for fiscal year 2000 to assess progress and that, for some of the management challenges, Justice discussed the challenge in its fiscal year 2002 performance plan. We did not verify whether additional information about Justice's management challenges may be found in other documents, but if information in other documents is relevant to assessing Justice's progress,

it would have been useful to decisionmakers if Justice were to identify these documents in the performance report.

In addition to the four areas discussed above, Justice raised one final issue. Justice noted that it continues to face conflicting pressures to keep its performance report and plan streamlined and yet to include more detailed information. Justice characterized our position as one desiring considerably more detail in its performance report and plan. Our point is not necessarily that Justice needs to include more detailed information, but rather that it needs to better articulate and explain how performance and strategies relate to achieving desired goals.

As arranged with your office, unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days after the date of this report. At that time, we will send copies of this report to appropriate congressional committees; the Attorney General; and the Director, Office of Management and Budget. Copies of this report will also be available to others on request.

If you or your staff have any questions, please call me at (202) 512-8777. Key contributors to this report were Linda Watson, Tim Outlaw, Mary Hall, Julia Duquette, David Irvin, and Charles Vrabel.

Sincerely yours,

Paul L. Jones
Director, Justice Issues

Appendix I: Observations on the Department of Justice's Efforts to Address Its Major Management Challenges

The following table identifies the major management challenges confronting the Department of Justice (Justice), which includes the governmentwide high-risk areas of strategic human capital management and information security. The first column lists the 19 management challenges identified by our office and/or Justice's Office of the Inspector General (OIG). The second column discusses what progress, as discussed in its fiscal year 2000 performance report, Justice made in resolving its challenges. The third column discusses the extent to which Justice's fiscal year 2002 performance plan includes performance goals and measures to address the challenges that we and the OIG identified. We found that Justice's performance report discussed the agency's progress in resolving many of its challenges, but it did not discuss the agency's progress in resolving the following challenges: (1) internal control weaknesses at the Drug Enforcement Administration (DEA), (2) options for restructuring the Immigration and Naturalization Service (INS), (3) weaknesses in Justice's asset forfeiture program, (4) program management weaknesses in the Weed and Seed program, (5) proper management of grant funds, and (6) enforcement efforts along the northern border. However, Justice officials pointed out that progress for these management challenges are not discussed in the fiscal year 2000 performance report because there were no goals, measures, or strategies in its fiscal year 2000 performance plan. Furthermore, Justice noted that some of these management challenges are included in its fiscal year 2002 performance plan.

Of the agency's 19 major management challenges identified by us and Justice's OIG, Justice's performance plan (1) had goals and measures that were directly related to ten challenges; (2) had a goal but no measures that were directly related to one challenge; (3) had goals and measures that were indirectly applicable to two of the challenges; (4) had no goals and measures related to two of the challenges, but discussed strategies to address them; or (5) had no goals, measures, or strategies to address four of the challenges.

Table 2: Major Management Challenges

Major management challenge	Progress in resolving major management challenge as discussed in the fiscal year 2000 performance report	Applicable goals and measures in the fiscal year 2002 performance plan
GAO-designated governmentwide high risk		
Strategic Human Capital Management GAO has identified shortcomings at multiple agencies involving key elements of modern human capital management, including strategic human capital planning and organizational alignment; leadership continuity and succession planning; acquiring and developing staffs whose size, skills, and deployment meet agency needs; and creating results-oriented organizational cultures. (The OIG also identified human capital as a management challenge for Justice.)	Justice's performance report addressed part of this management challenge. The report did not discuss progress related to information technology (IT) and Bureau of Prisons (BOP) staff recruitment and retention. Justice's 2000 performance report states that current assessment of recruitment and retention issues indicates that recent efforts to attract and retain qualified Border Patrol agents have been successful. According to Justice, INS has overcome difficulties in hiring Border Patrol agents. However, the performance report indicates that INS did not meet its fiscal year 2000 performance target. The report also states that INS set records in fiscal year 2000 for the number of qualified applicants and the number of applicants passing the required tests. Furthermore, the performance report indicates that based on program performance in fiscal year 2000, INS expects to achieve the fiscal year 2001 performance goal. Justice also reports that its attrition rates for IT positions are predicted to decrease as a result of special pay rates that went into effect in January 2000.	The 2002 performance plan has goals and measures directly related to this management challenge. Justice's 2002 performance plan includes an annual goal to increase hiring and retention in key positions, increase the quality of new hires, and increase employee satisfaction. Specific Justice performance measurements related to hiring resources needed to accomplish agency missions are for INS to have 10,377 Border Patrol agents on-board and for BOP to have 2,960 new correction staff on-board in fiscal year 2002. Justice reported that it did not set a performance target for IT positions because it was within the normal attrition rates and expected additional improvements. Justice plans to monitor its performance to ensure that recruitment and retention remain within acceptable levels. Because Justice has lost top candidates to other organizations due to a lengthy recruitment process, Justice has a performance measure to reduce the average cycle time for filling a job from 200 days to 186 days in fiscal year 2001 and 179 days in fiscal year 2002. Lastly, Justice surveyed employees in fiscal year 2000 (baseline) and plans to survey employees again in fiscal year 2002 to determine if employee satisfaction in selected areas has increased by a target of 5 percent.
Information Security Our January 2001 high-risk series update noted that since our last high-risk report in January 1999,[a] efforts to strengthen information security have gained momentum and expanded both at individual agencies and at the governmentwide level. However, recent audits continue to show that federal computer systems are riddled with weaknesses that make them highly vulnerable	Justice has acknowledged that it has information security weaknesses and reported information system controls as a material weakness in its Federal Managers Financial Integrity Act (P.L. 97-255) report for 2000. In addressing information security, Justice noted in its performance report that it has revitalized its security certification	The 2002 performance plan has goals and measures directly related to this management challenge. Justice's 2002 plan includes a management performance goal to ensure adequate information technology security. This goal focuses on meeting an ongoing requirement to certify department networks and systems. This goal is

Major management challenge	Progress in resolving major management challenge as discussed in the fiscal year 2000 performance report	Applicable goals and measures in the fiscal year 2002 performance plan
to computer-based attacks and place a broad range of critical operations and assets at risk of fraud, misuse, and disruption. (Justice's OIG identified security of department systems and data as a management challenge. In addition, the OIG reported information system controls as a material weakness on Justice's fiscal year 2000 financial audit report.)	accreditation program to ensure that components carry out comprehensive security planning, risk assessment, and contingency planning for all information systems. In addition, a penetration testing program was initiated 2 years ago to identify weaknesses, reduce unauthorized access to their systems, and ensure timely corrective action by system owner(s). Notwithstanding these actions, in its fiscal year 2000 financial audit, Justice's OIG reported information security weaknesses in access controls, segregation of duties, system software controls, change control processes, service continuity, and entitywide security programs. However, Justice did not address in its performance report steps it was taking to ensure that all information security weaknesses reported in connection with Justice's annual financial audit were effectively corrected.	measured based on the percentage of information systems that are certified by department components. In addition, Justice established a management goal to reduce "high risk findings" by 10 percent for fiscal year 2002 through a combination of certifying department systems and an ongoing system penetration-testing program. While these measurements provide an indication of progress made in reducing security weaknesses, they do not provide a measure of the overall effectiveness of Justice's security. The Chief Information Officers Council in coordination with the National Institute of Standards and Technology and the Office of Management and Budget has developed a framework for agencies to use in determining the current status of information system controls and, where necessary, to establish a target for improvement. Justice could use this framework as a means of measuring progress in improving its information security program.
GAO-designated major management challenge		
Asset Forfeiture Program The need to address weaknesses in Justice's asset forfeiture program, specifically, its management and accountability of seized and forfeited property. GAO has designated Justice's asset forfeiture program as high-risk since 1990 because (1) over the years, neither Justice nor Treasury adequately focused on managing and accounting for seized and forfeited items and (2) Justice and Treasury had not formed a plan to consolidate postseizure administration of certain properties to eliminate duplication of resources and reduce administrative costs. In recent years, Justice has taken many actions to improve the management and disposition of seized and forfeited property. However, challenges remain to address the programs' inadequate information systems and financial management weaknesses, including accountability over seized assets.	Progress in this area was not discussed.	The 2002 performance plan had no goals or measures directly related to this management challenge. As this area is a GAO-designated major management challenge, goals or measures addressing the weaknesses in Justice's asset forfeiture program should be included in the performance plan. However, the plan did note that in September 2000 Justice awarded a contract to a consulting firm to review the operational effectiveness of Justice's asset management and disposal practices as they pertain to assets seized for forfeiture. A final report is expected by the end of FY 2001.

Major management challenge	Progress in resolving major management challenge as discussed in the fiscal year 2000 performance report	Applicable goals and measures in the fiscal year 2002 performance plan
(Justice's OIG deleted this issue from its list of management challenges because the Asset Forfeiture Fund received an unqualified opinion on its most recent financial statement and Justice closed the issue as a material weakness.[d])		
Program Management Weaknesses Remain in Weed and Seed Program While Justice has made some progress toward addressing administrative and management weaknesses, challenges remain related to developing better performance measures for the Weed and Seed program. We recommended that Justice's Executive Office for Weed and Seed (EOWS) develop additional performance measures to track program outcomes, noting that indicators would help EOWS make more informed program decisions, such as whether to continue existing funding. EOWS officials told us that they had sought appropriations for fiscal year 2001 to expand evaluation and performance measurement efforts but that the additional funds requested had not been approved by the Congress as of November 2000.	Progress in this area was not discussed.	The 2002 performance plan had no goals or measures related to this management challenge. The fiscal year 2002 performance plan states that EOWS will continue to support communities in the development and implementation of the Weed and Seed strategy including safe havens and community policing. The performance plan states that the National Institute of Justice (NIJ) impact evaluation final report and GAO findings have assisted EOWS in improving data collection efforts. EOWS is establishing a Weed and Seed Data Center that will be showing such things as each site's geographic area and Safe Haven locations and selected demographic data that have been estimated for each site's service area.
Police Corps Program Had a Slower Than Expected Start, Due to Funding and Staffing Limitations While Justice has made some progress toward addressing administrative and management weaknesses, challenges remain related to increasing states' participation in the Police Corps program. We reported in February 2000 that the majority of participant slots for the Police Corps program, under the Community Oriented Policing Service (COPS), remained unfilled.[e] Several states indicated that participation in the program and reasons for the program's slow growth was related to the Police Corps statute (42 U.S.C. 14091-14119) not providing funding to pay states for program administration or for recruitment and selection of participants. We also reported that according to federal and state officials, a factor contributing to unfilled positions was that COPS dedicated insufficient staff to the program, which led to delays in providing	The fiscal year 2000 performance report has three performance measures associated with this management challenge. The Police Corps Program had one performance measure and the COPS had two performance measures. The Police Corps Program had a performance measure for the number of Police Corps graduates serving a 1-year community patrol. Justice fell just short of its target of 350, with an actual performance level of 345 graduates serving 1 year. The fiscal year 2000 target was not met because training classes lost participants as a result of removal or resignation. Justice also reported that, based on program performance in fiscal year 2000, it did not expect to achieve the fiscal year 2001 goal.	The 2002 performance plan has goals and measures directly applicable to the management challenge. Justice reports that, in the future, to reduce the removals and resignations, it will encourage a careful selection processes to correct the problem. Justice also stated that it will continue its past strategy of recruiting and providing technical assistance by telephone, through site visits, and during national conferences—a process that Justice states has proved successful. The COPS office will continue to support community-policing initiatives as a goal and measure new police officers funded and on the street.The 2002 performance plan states that the COPS office will use a combination of quantitative and qualitative analyses to measure its impact. These analyses include

Major management challenge	Progress in resolving major management challenge as discussed in the fiscal year 2000 performance report	Applicable goals and measures in the fiscal year 2002 performance plan
program guidance, processing program applications and payments, and answering participants' questions about the program. In December 1998, the Police Corps program was transferred from COPS to the Office of Justice Programs (OJP). We reported that OJP had made significant progress in obligating funds and establishing interagency agreements with participating states and providing program guidance. However, at the time of our review, it was too soon to tell whether OJP would succeed in filling empty participant slots in a timely manner.	Regarding COPS, one performance measure is the number of new police officers funded and the other is the number of police officers on the street. COPS exceeded the target for officers funded (targeted performance was 109,151 and actual performance was 109,212), but fell short of the target for the number of officers on the street (targeted performance was 84,500 and actual performance was 73,629). The projections for future performance measures have been revised to more accurately reflect the time it takes for an officer to reach the street. In addition, the report states that if the agency finds that grantees are encountering difficulties implementing their grant, COPS will provide training ranging from distance learning to on-site technical assistance.	examining the effect of COPS funding on the outcome measures, using existing evaluations to compile case studies to examine the effect of COPS funding on grantee communities, and examining completed NIJ-funded studies for the relationship between community policing and the outcome measures adopted by the agency, among other things. Preliminary results are to be available in fiscal year 2002, to be followed in subsequent years by more complete data. Justice also states that it plans to streamline component organizations within the Department that include consideration of alternatives for improving the efficiency and effectiveness of state and local assistance programs, which may include merging COPS' program and administrative offices in OJP and additional streamlining of OJP's organizational structure. The performance plan set a target date of September 30, 2002, to develop a plan to restructure state and local assistance programs and stated that Justice is awaiting further guidance from OMB.
Develop Measurable DEA Performance Targets to Determine Progress in Reducing the Availability of Illegal Drugs Consistent with the Office of National Drug Control Policy strategy to reduce the supply of illegal drugs to our nation, one of Justice's strategic objectives is to reduce the threat and trafficking of illegal drugs by identifying, disrupting, and dismantling drug trafficking organizations that are international, multijurisdictional, or have an identified local impact. Despite progress that DEA made in developing strategic goals and objectives and in enhancing its programs and initiatives, which are consistent with the National Drug Control Strategy, limitations in DEA's performance measures make it difficult to determine its progress in reducing the availability of illegal drugs.	Justice's progress in resolving this management challenge is discussed in this report under the outcome "Availability and/or Use of Illegal Drugs."	The 2002 performance plan has goals and measures directly related to this management challenge.
Internal Control Weaknesses at DEA Although DEA obtained an unqualified opinion	Progress in this area was not discussed.	The 2002 performance plan had no goals, measures, or strategies to

Major management challenge	Progress in resolving major management challenge as discussed in the fiscal year 2000 performance report	Applicable goals and measures in the fiscal year 2002 performance plan
on its fiscal year 1999 financial statements, the number of reported internal control weaknesses at DEA increased from fiscal year 1998 to 1999. These material weaknesses include, among other things, information system controls, the lack of a system to accurately and completely account for property and equipment, and a weak financial reporting process.		address this challenge.
INS' Organizational Structure Remains Undecided Proposals to restructure INS have been issued as a result of several critics' conclusion that "mission overload" has impeded INS from succeeding at either of its primary functions. To remedy problems identified, various entities and several members of Congress have proposed a wide range of reorganization options.	Progress in this area was not discussed.	The 2002 performance plan had a goal and measure related to this management challenge. Justice has a goal to streamline selected organizational units by delayering management levels. Specifically, the Justice report states that INS will be restructured by splitting it into two components—one for immigration enforcement and the other for immigration services. The performance plan had a target date to develop a plan to restructure state and local assistance programs by September 30, 2002, and stated Justice is awaiting further guidance from OMB.
Efforts to Reduce Unauthorized Employment Face Impediments The effectiveness of the verification process has been undermined by aliens' use of fraudulent documents. In addition, employers face little chance of being investigated by INS, in part because resources for worksite enforcement have been relatively small. Furthermore, INS issued an interior enforcement strategy that called for INS to pursue the criminal investigation of employers who are flagrant or grave violators. However, the strategy left unclear what was meant by a flagrant or grave violation, what criteria would be used for opening investigations of employers suspected of criminal activities, and how INS would measure the effectiveness of its strategy.	The Justice fiscal year 2000 performance report included a performance measure for the number of criminal cases of employers intentionally violating employer sanctions (hire illegal workers or violate other criminal statues relating to the employment of illegal workers). The performance measure did not have a projected target but reported that 229 criminal cases were identified in fiscal year 2000. Justice's reported historical information showed that this was an increase from the 182 criminal cases identified in fiscal year 1999. In an April 1999 report,[f] we recommended that INS needed to clarify the criteria for opening investigations of employers suspected of criminal activities. We believe that having clear criteria is important if INS is to effectively focus its limited staff to achieve its enforcement goals and intended results.	The 2002 performance plan had no goals, measures, or strategies to address this management challenge. Justice's fiscal year 2002 performance plan states that the measure related to employer sanctions is a discontinued measure. The plan states that INS projects it is unlikely to maintain the levels achieved in fiscal year 2000 in fiscal year 2001. Even though the measure is to be discontinued, the plan states that INS will continue to pursue criminal cases against employers who intentionally hire unauthorized workers or who violate other criminal statutes relating to employment of unauthorized workers. In fiscal year 2002, Justice will present principals for prosecution from complex, international and/or worksite-related antismuggling cases, large-scale benefit and document fraud cases, and criminal cases against employers. Performance measures for investigations are to be aligned with the emphasis on criminal violators in the Interior Enforcement

Major management challenge	Progress in resolving major management challenge as discussed in the fiscal year 2000 performance report	Applicable goals and measures in the fiscal year 2002 performance plan
		strategy. Other measures for sanctions, fines, task force apprehensions, and asset forfeiture continue to be tracked in INS' internal operational plan.
Shortcomings in Programs to Control Alien Smuggling The country's ability to combat the significant and growing problem of alien smuggling is hampered by management and operational problems at INS, such as fragmented and uncoordinated investigative efforts and lack of staff to perform intelligence functions.	The INS National Antismuggling strategy is to disrupt the means and methods that facilitate alien smuggling utilizing traditional and nontraditional enforcement efforts. The fiscal year 2000 performance measure focused on the number of smugglers presented for prosecution to the U.S. Attorneys. Justice did not project a performance target for this measure; rather it reported actual numbers for alien smuggling violations (2,520) and benefit or document fraud cases (785). Reported historical information showed that this was an increase from the 1,967 alien smuggling violations and 636 benefit or document fraud cases identified in fiscal year 1999. Limited performance measurement has hampered INS' ability to evaluate the effectiveness of its antismuggling program. INS does not provide information to measure the extent to which INS' antismuggling efforts have helped achieve the strategy's objective for deterring and disrupting alien smuggling. We recognized the difficulty in directly measuring outcomes such as deterrence and disruption of antismuggling. We believe that there are a variety of measures available—including information on smuggling fees, usage and tactics, and shifts in the flow of smuggled alien traffic—that could be used to collect systematic data and develop a composite picture of progress toward achieving the strategy's objectives. In a May 2000 report,[9] we recommended, among other things, that INS (1) establish criteria for opening an antismuggling case to help ensure that its antismuggling resources are focused on the highest-	The 2002 performance plan had no goals, measures, or strategies to address this management challenge. Justice's fiscal year 2002 performance plan states that the measures related to alien smuggling have been discontinued. The plan states that INS projects it will not maintain the levels achieved in fiscal year 2000 in fiscal year 2001 and may fall below its fiscal years 1998 and 1999 level. Even though the measures are to be discontinued, the plan states that INS will continue to pursue criminal cases against employers who intentionally hire unauthorized workers or who violate other criminal statutes relating to employment of unauthorized workers. In support of the INS' antismuggling goals contained in the interior and border enforcement strategies, INS intelligence will continue to collect and analyze intelligence related to alien smuggling and endangerment of large, complex smuggling organizations. On the basis of intelligence from within the INS intelligence system from domestic and overseas sources as well as classified information from the intelligence community, INS will identify and develop operations to disrupt and dismantle major criminal organizations. For fiscal year 2002, INS plans to target alien smuggling and trafficking organizations. Specifically, INS projects it will identify five organizations, disrupt two, and dismantle one.

Major management challenge	Progress in resolving major management challenge as discussed in the fiscal year 2000 performance report	Applicable goals and measures in the fiscal year 2002 performance plan
	priority cases and (2) establish performance measures for the antismuggling efforts and intelligence program with which to gauge program effects.	
GAO- and OIG-designated major management challenges		
Financial Statements and Systems Achieve excellence in financial management, including, but not limited to, a departmentwide unqualified opinion for fiscal year 2000 and beyond. (GAO) Continuing management control issues in financial statement preparation, i.e., hire contractors to complete financial statements; automated systems not capable of providing needed information during year (relied on manual process): significant difficulties implementing commercial off the shelf software.(OIG)	Justice's targets were to receive (1) an unqualified opinion on all 6 consolidated statements and (2) all 10 components. Actual FY 2000 performance was (1) an unqualified opinion on two statements (Balance Sheet and Statement of Custodial Activity) and a qualified opinion on four statements and (2) 8 out of 10 of its components with an unqualified opinion. FY 2000 is the first year Justice achieved an unqualified balance sheet opinion. In FY 1999, 9 out of 10 of Justice's components received an unqualified opinion, as compared with 8 in FY 2000.	The 2002 performance plan has a goal but does not have measures related to this management challenge. Justice has set a goal to achieve a departmentwide, unqualified audit opinion. Additionally, Justice will continue to focus on addressing the accounting practice, reporting, and systems weaknesses cited in the audit reports. However, no performance indicators or milestones for addressing these weaknesses are provided to allow for measurement of progress. While obtaining an unqualified opinion is an important goal, it is not an end in and of itself. The key is to take steps to continuously improve internal control and the underlying financial and management information systems as a means to ensure accountability and enhance the effectiveness of government. These systems must generate timely, accurate, and useful information on an ongoing basis, not just at the end of the year. Justice's OIG reports that most components tend to view the financial statements as an end-of-year assignment and often must hire a significant number of contractors. Several components do not have regularly functioning systems capable of providing needed accounting information to managers throughout the year. Systems improvements are critical given that all 10 components have major accounting system enhancement or replacement projects that are underway, planned, or in the final phases of implementation. Until system improvements can be implemented, Justice will continue to expend additional

Major management challenge	Progress in resolving major management challenge as discussed in the fiscal year 2000 performance report	Applicable goals and measures in the fiscal year 2002 performance plan
		resources in its accounting operations to compensate for the system deficiencies.
Information Systems Planning and Implementation Justice's mission-critical computer systems were poorly planned, experienced long delays in implementation, or did not provide timely, useful, and reliable data. Justice's OIG also identified this area as a management challenge.	The performance report discusses INS' continued move toward a more strategic approach to manage IT. The report states that management approaches to IT planning and implementation are undergoing significant long-term changes. Specifically, Justice noted that emphasis has been placed on compliance with IT architectural standards, security requirements, comprehensive investment review, and procedures for accurate reporting of current status. However, INS continues to have problems effectively managing its IT resources that are critical to its operations. In August 2000,[b] we reported that INS lacked an enterprise architecture to manage its IT efforts. Further, in December 2000,[c] we reported that INS lacked defined and disciplined processes to manage its IT investments. While INS has taken some limited steps to develop an enterprise architecture and has established some important capabilities for managing IT investments, we have noted in both of our 2000 reports that INS has considerable work ahead to fully implement them.	The 2002 performance plan has goals and measures directly related to this management challenge. The 2002 plan contains a management performance goal to provide an adequate, cost-effective, and compliant IT environment. This goal will be measured by the percentage of IT systems that are determined to be compliant with (1) security requirements, (2) system development lifecycle standards, and (3) supported with technologically adequate workstations. However, the plan does not specifically describe how system compliance within each of these areas will be determined. For example, in assessing a system to be compliant with security requirements, the Office of Management and Budget's (OMB) Circular A-130, Management of Federal Information Resources, provides guidelines on computer security that could be used as criteria.
INS Southwest Border Strategy Although INS generally allocated newly hired Border Patrol agents in accordance with its strategy, INS was not able to meet its goal of increasing its onboard strength of Border Patrol agents by at least 1,000 in fiscal year 1999. INS saw an increase of only 369 agents in fiscal year 1999 due to recruitment and retention problems. INS lacks performance information to determine the overall impact of its strategy to reduce the illegal alien flow across the border, reduce flow to the border, and reduce the number of illegal aliens who reside in the United States. (GAO)	Justice's progress in resolving this management challenge is discussed under the strategic human capital management challenge in this table and in this report under the outcome "Securing U.S. Borders from Illegal Immigration."	The 2002 performance plan has goals and measures directly related to this management challenge.

Major management challenge	Progress in resolving major management challenge as discussed in the fiscal year 2000 performance report	Applicable goals and measures in the fiscal year 2002 performance plan
In 1994, the Border Patrol issued a strategic plan for controlling U.S. borders. However, the strategic plan does not establish specific goals to be achieved in each phase of the plan, nor does it establish target dates for completing one phase or beginning another. (OIG)		
Removal of Illegal Aliens We found that for fiscal year 1999, 43 percent of the aliens released from detention prior to a determination of their asylum status had not appeared for subsequent removal hearings. We recommended that INS analyze the characteristics of those aliens who appeared and those who did not appear for their removal hearing and use the results to reevaluate its policy for when to release aliens in cases when an asylum officer determined the aliens to have a credible fear of persecution or torture. (GAO) OIG reported that INS was successful in deporting only about 11 percent of nondetained aliens after final orders had been issued. It noted that ineligible aliens, including convicted felons, are inappropriately granted voluntary departure because the INS and the Executive Office of Immigration Review have not ensured that all eligibility requirements are met. In addition, INS lacks an effective departure verification system and, therefore, has no way of knowing whether illegal aliens granted voluntary departure have left the country.[h] Additionally, Justice has classified the monitoring of alien overstays and removal of criminal aliens as material weaknesses because, among other reasons, the INS has failed to identify many deportable criminal aliens, including aggravated felons, or initiate Institutional Hearing Program proceedings for them before they are released from prison. INS also lacks an enforcement policy that specifically targets the overstay population. (OIG)	The fiscal year 2000 performance report does not specifically discuss nondetained aliens. However, the report measures the number of final order alien removals. The performance target for noncriminal removals was not projected and the performance target for criminal removals was 55,000. Justice reported that INS' noncriminal removals were 34,290 and criminal removals were 64,261. The Justice performance plan notes that current estimates of 67,000 criminal removals indicate that performance for this measure will fall short of the original targeted level for fiscal year 2001 of 70,300.	The 2002 performance plan has goals and measures that were indirectly applicable to this management challenge. In fiscal year 2002, INS will continue to use alternative orders of removal, such as administrative, reinstated, and expedited, as well as partner with the Executive Office of Immigration Review and the Board of Immigration Appeals to improve the hearing process. INS will maintain the Institutional Removal Program in conjunction with state and federal prison systems to identify and process illegal aliens for removal prior to their release from custody. INS will continue to improve its relationship with state and local law enforcement. To this end, INS will improve coverage to law enforcement activities through the use of Quick Response Teams and the Law Enforcement Support Center. The projected performance measure for fiscal year 2002 is 31,500 final orders for noncriminal alien removals and 71,700 final orders for criminal alien removals.
OIG-designated major management challenges		
Departmental Response to Terrorism The OIG said that GAO found governmentwide, antiterrorism resources were not clearly linked to a threat analysis and a national antiterrorism strategy.[i] This situation creates the potential for	Justice had six performance measures related to preventing terrorist acts. Four of these measures had no performance target. For the two measures that had a performance	The 2002 performance plan has goals and measures that were indirectly applicable to this management challenge. Justice has set goals to prevent terrorists' acts, improve

Major management challenge	Progress in resolving major management challenge as discussed in the fiscal year 2000 performance report	Applicable goals and measures in the fiscal year 2002 performance plan
gaps or duplication in U.S. antiterrorism strategy. The OIG also noted that management of counterterrorism funds is a concern because of discrepancies found in a previous audit of the fund. The OIG plans to assess the readiness of selected state and local emergency response agencies that receive Justice funding and determine whether grant funds are being used for their intended purpose.	target, Justice met the performance level. Justice's performance measures do not address concerns to link resources to threat analysis and a national antiterrorism threat. The OJP Office for State and Local Domestic Preparedness Support (OSLDPS) is to assist state and local emergency response agencies (law enforcement, fire, hazardous materials, emergency medical services, emergency management, and public health) to enhance their capabilities to respond to the threat posed by terrorist uses of weapons of mass destruction. Justice has a goal that the OJP OSLDPS effectively manage counterterrorism efforts. OSLDPS is to continue to provide targeted assistance to states through on-site monitoring based on the specific needs identified with each state's plan. Justice's performance report shows that OJP conducted 34 monitoring visits in fiscal year 2000.	response capabilities to terrorists' acts, and protect critical infrastructures. In fiscal year 2002, Justice will continue to combat terrorism by building maximum feasible capability throughout Justice to attack terrorism by investigating and prosecuting those persons and countries that finance terrorist acts. Justice's performance measures for its goal to prevent terrorist acts are the number of terrorist cases investigated and the number of terrorist convictions. Justice provides actual performance but does not provide a performance target level for these two measures. To improve response capabilities to terrorists' acts Justice's strategy is to build maximum feasible capability in the counterterrorism program, allowing Justice to identify and address terrorist threats. Justice will expand partnerships with other federal agencies as well as state and local, foreign, and international entities to enhance domestic and international responsiveness to terrorist acts. The performance measure for this goal is the number of U.S. Attorney Offices with crisis response plans. To protect critical infrastructure (to enhance U.S. national security by preventing infrastructure damage through a multifaceted approach to maximizing its investigative and preventive resources to thwart cyber attacks on the nation's infrastructure), the National Infrastructure Protection Center is working to develop maximum feasible capacity in detecting, deterring, assessing, investigating, and responding to cyber attacks on the nation's infrastructures from both a reactive and increasingly proactive field, headquarters, and interagency standpoint. The performance measures for this goal are (1) computer intrusions investigated, (2) computer intrusions convictions, and (3) key assets identified. Only the third measure has a performance target level.

Major management challenge	Progress in resolving major management challenge as discussed in the fiscal year 2000 performance report	Applicable goals and measures in the fiscal year 2002 performance plan
		In fiscal year 2002, OSLDPS will continue to provide targeted assistance to states through on-site monitoring based on specific needs identified within each state's plan. OJP is projected to conduct 52 monitoring visits in fiscal year 2002.
Prison Overcrowding Justice continues to make slow progress in reducing prison overcrowding, a material weakness for Justice since 1985. Prison overcrowding will remain a management challenge for Justice as long as the number of incarcerated inmates outstrips available BOP housing. Any solution must be cost-effective and provide the appropriate level of security for staff and inmates. BOP's management challenge is to find the optimum mix of new facilities, expansion of existing facilities, alternatives to incarceration, and privatization options.	To reduce prison overcrowding is a performance goal for Justice. BOP has set targets for each of three security levels. For fiscal year 2000, BOP met its goal for medium (50 percent overcrowding compared with a target of 58 percent) and high (54 percent compared with 69 percent) level prisons, but not for low (44 percent compared with 36 percent). Justice reported that BOP revised its classification in fiscal year 2000, which resulted in a short-term population reduction at the medium- and high-security levels and an increase at the low security level. In addition, Justice commented that increases of immigration cases had a substantial impact on overcrowding at the low-security level. BOP also has a performance measure related to the number of prison beds put into service and under development or construction. For fiscal year 2000, BOP's target was 6,695 new beds; it actually activated 5,346 new prison beds. Its target for beds under development or construction was 20,417; it actually had 23,904 beds under development or construction. Justice noted that it had activated some beds in fiscal year 1999, ahead of schedule, which resulted in fewer being activated in fiscal year 2000. Justice attributed the increase in beds under development or construction to provision of funding for several new facilities.	The 2002 performance plan has goals and measures directly related to this management challenge. As a step toward achieving the fiscal year 2007 target of reducing systemwide overcrowding to 30 percent, Justice is planning to achieve the following goals in fiscal years 2001 and 2002: Low – 40 percent and 36 percent; Medium – 57 percent and 61 percent; and High – 56 percent and 57 percent. Justice expects BOP to meet its targets for fiscal year 2001. We note that, except for the low security level, these goals are headed in the wrong direction – BOP is predicting more overcrowding, not less. With regard to beds put into service and under development or construction, Justice has targets for activating 3,723 beds in FY 2001 and 5,455 in FY 2002. Justice expects to fall short of the fiscal year 2001 target by only activating 3,609 beds. It also has targets for the number of beds under development or construction in each fiscal year. Justice acknowledges that, in the longer run, the beds under development and construction will address only some of its overcrowding concerns.
Detention Space and Infrastructure – U.S. Marshals Service and INS This has been a management challenge for	The USMS administers the federal prisoner detention program. Federal detainees are people who are detained while awaiting trial or	The 2002 performance plan has goals and measures directly related to this management challenge. USMS and INS each have increasing targets for average

Major management challenge	Progress in resolving major management challenge as discussed in the fiscal year 2000 performance report	Applicable goals and measures in the fiscal year 2002 performance plan
Justice since 1989. Both the USMS and INS are experiencing rapid growth in their need for detention space. This places increasingly heavy demands on the agencies' infrastructure, including buildings, transportation, communications equipment, and staff.	sentencing, a hearing on their immigration status, or deportation. USMS depends on state and local governments and BOP to house detainees. Justice uses four performance measures to assess its success in achieving this goal: both USMS and INS measure the average daily population in custody and the cost of an average jail day. For fiscal year 2000, both agencies had less average daily population than they had targeted. INS met its average jail day cost target; USMS slightly exceeded its target.	daily population for fiscal years 2001 and 2002. USMS expects its average jail day cost to increase to $62; INS expects its cost to stabilize at $75. Justice expects to achieve its fiscal year 2001 performance targets. Its plan states that it will work cooperatively with the private sector and state and local governments as well as BOP to establish and maintain adequate capacity for federal detainees.
Grant Management The infusion of funds for the COPS grants has resulted in a management challenge for Justice to properly dispense and monitor funds under the Violent Crime Control and Law Enforcment Act of 1994 (P.L. 103-322). Justice's multibillion dollar grant programs are a high risk for fraud given the amount of money involved and the tens of thousands of grantees.	Progress in this area was not discussed. The performance report has no quantifiable targets associated with grant management. Administration of grants could be strengthened through better monitoring and by obtaining more timely and definitive information about project funding and the progress of program implementation.	The 2002 performance plan has goals and measures that were directly applicable to this management challenge. Justice has set a goal to ensure effective management of grants. Justice plans to achieve this goal by continued progress toward full implementation of the Grants Management System (GMS) as a way of standardizing and streamlining the grant process. However, the system is still in its initial implementation phase; 5 percent of new grants were processed through GMS in FY 2000. Out-year targets based on FY 2000 implementation success project only 45 percent of new grants being processed by GMS by FY 2003. Once implemented, GMS will electronically track and process grants from initial application to closeout. The plan does not address how Justice will effectively manage grants in the interim while GMS is being implemented.
INS Enforcement Efforts Along the Northern Border In a recent Justice OIG report,[j] concerns were raised regarding enforcement efforts along the northern border. Specifically, the OIG report indicated that organized criminal activity along the northern border was encountered more often than along the Southwest border and that the level of illegal activity along the northern border is likely much greater than the Border Patrol can	Progress in this area was not discussed. Since its inception in 1994, the Border Patrol's National Strategic Plan has been the basis for a multiyear, multiphased approach to the deployment of new resources along the Southwest border, the northern border, and coastal areas. The	The 2002 performance plan had no goals, measures, or strategies to address this management challenge.

Major management challenge	Progress in resolving major management challenge as discussed in the fiscal year 2000 performance report	Applicable goals and measures in the fiscal year 2002 performance plan
document because of the lack of intelligence information to the northern border and the limited number of agents available to patrol the area. In addition, the OIG report noted that most of the world's prominent terrorist organizations have established operational bases in Canada, which help facilitate the illegal transit of members into the United States.	performance report states that progress toward this management challenge will not be addressed until phase IV of this strategy. Phase three is not expected to begin until after fiscal year 2004.	

[a]High Risk Series: An Update (GAO-01-263, Jan. 2001).

[b]Information Technology: INS Needs to Better Manage the Development of It Enterprise Architecture (GAO/AIMD-00-212, Aug. 1, 2000).

[c]Information Technology: INS Needs to Strengthen Its Investment Management Capability (GAO-01-146, Dec. 29, 2000).

[d]Justice's OIG report #00-24.

[e]Police Corps: Some Problems Resolved, But Most Positions Remain Unfilled (GAO/GGD-00-69, Feb. 22, 2000).

[f]Illegal Aliens: Significant Obstacles to Reducing Unauthorized Alien Employment Exist (GAO/GGD-99-33, Apr. 2, 1999).

[g]Alien Smuggling: Management and Operational Improvements Needed to Address Growing Problem (GAO/GGD-00-103, May 1, 2000).

[h]Justice's OIG report #I-99-09.

[i]Combating Terrorism: Issues in Managing Counterterrorist Programs (GAO-T-NSIAD-00-145, Apr. 2000).

[j]Justice's OIG report, #I-2000-004

Source: Prepared by GAO on the basis of Justice and GAO data.

Appendix II: Comments from the U.S. Department of Justice

U.S. Department of Justice

Washington, D.C. 20530

JUN 19 2001

Mr. Paul Jones
Director, Justice Issues
U.S. General Accounting Office
441 G Street, NW
Washington, DC 20548

Dear Mr. Jones:

This responds to your request for comments on the General Accounting Office (GAO) draft report entitled *Department of Justice: Status of Achieving Key Outcomes and Addressing Major Management Challenges* (GAO-01-729). We appreciate the opportunity to review this draft and for the hours your review team devoted to meeting with us to discuss our concerns, both technical and substantive.

As noted in the GAO draft, the purpose of your review was to assess our progress in achieving selected outcomes identified by the requester as important Department mission areas. This assessment was to be based on the Department's FY 2000 Performance Report and FY 2002 Performance Plan. We believe the restrictive structure of this request generated many of the issues we have with the substance of the report related to the 1)overall focus of the report, 2)identified outcome goals, 3)limited consideration of new goals and measures, and 4)presentation of progress on management challenges. A brief discussion of each of these four areas follows.

Overall Focus. Your review team agrees with us that our plan and report have improved this year. Not only have we combined performance planning and reporting to better tell the story about what we have accomplished and how that affects current and future plans, we made the extra effort to report on all performance measures included in the FY 2000 and FY 2001 performance plans as well as reporting available trend data and current year performance reporting for newly developed FY 2002 performance measures. After careful review and analysis, we have discontinued performance measures that do not adequately relate to our goals, do not demonstrate the outcome of our efforts, or for which reliable data are unavailable. We have established new

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measures in several key areas, as discussed above. We have provided trend data for nearly every measure. In reviewing only the prescribed outcome goals, the report does not focus on these improvements; instead, the report focuses heavily on what we did not discuss and on targets that we failed to establish or failed to meet. This is important because, regrettably, many people will not read our performance report, which shows this improvement; rather, they will only read your assessment.

For example, in addressing INS' goal of ensuring that immigration benefit services are timely, fair, and consistent, the report focuses on Justice missing its naturalization case processing performance target by two months (an average case processing time of 8 months versus the target of 6 months). We believe that reaching an 8 month processing time is an incredible achievement, given that 2 years ago the processing time average was 27 months. We do not view missing the stretch goal of 6 months as a failure. We also believe that this measure is clearly linked to the outcome of providing timely, consistent, fair, and high-quality services.

Outcome Goals. We understand that the outcomes evaluated were prescribed by the requester; however, we must note for the record that the outcome "reduced availability and/or use of illegal drugs" is not part of the mission of the Department of Justice and, as such, does not appear in our Strategic Plan. Instead, our strategic goal related to enforcing the Nation's anti-drug laws is as follows: "Reduce the threat and trafficking of illegal drugs by identifying, disrupting and dismantling drug trafficking organizations which are international, multi-jurisdictional, or have an identified local impact." Therefore, none of our annual goals or measures will relate directly to the achievement of that outcome, giving the false impression that our plan and report are deficient. We suggest that subsequent reviews focus on the outcome of disrupting and dismantling drug trafficking organizations.

Furthermore, while reducing drug and gang-related violence is clearly a part of our mission, as reflected in our Strategic Plan, we believe that four, not nine, of our measures relate to this outcome. Our strategic objective regarding this enforcement function reads as follows: "Reduce the threat, incidence, and prevalence of violent crime, especially as it stems from gun crime, organized crime and drug and gang-related violence." The following measures relate to reducing drug and gang-related violence: percent of La Cosa Nostra members incarcerated; dismantled Asian criminal enterprises; dismantled Eurasian criminal enterprises; and number dismantled of the 30 targeted

gangs identified as most dangerous. As such, we believe that your review of our other five measures do not relate to this outcome and should be deleted.

New Goals and Measures. GAO's assessment of performance focused on performance compared to targets established in FY 2000. As is true for many agencies, our measures have matured significantly since that time, and we have discontinued old and added new measures as appropriate. Of course, targets do not exist for measures developed after the FY 2000 plan was written. Nevertheless, we reported on our accomplishments for FY 1999 and FY 2000 whenever possible.

This is particularly significant in the areas of "timely, consistent, fair, and high-quality services provided the Immigration and Naturalization Service (INS)" and "U.S. borders secure from illegal immigration." Although previous performance plans included a measure for timeliness of our INS case processing, we lacked a performance measure for quality. The Department's new measure shows that our performance in our level of compliance with quality standards for processing naturalization cases has been 99 percent since FY 1999.

We also have a newly developed measure that reports on high priority border corridors demonstrating optimum deterrence. As stated in our performance plan and report, "*Deterrence* is defined as raising the risk of apprehension so high that it is futile to attempt entry...*Optimum deterrence* is defined as the level at which applying more Border Patrol agents and resources would not yield a significant gain in arrests/deterrence. This is a critical point in our strategy as it would make little sense to try to reach essentially zero illegal entry attempts in one location while there are literally thousands of such attempts in another." While the data clearly depict the results of our efforts directly related to the concentration of our resources, because there was no target comparison, the reported performance success was not considered sufficient to assess progress in the GAO report. This is particularly discouraging for the many managers and analysts that have worked for several years to develop a measure that we believe is an excellent example of reporting outcomes.

Management Challenges. We understand that GAO was required to follow a prescribed format for this report, particularly in the section on management challenges. That format required GAO to place a symbolic checkmark in the performance report column and the performance plan column when reviewers found text addressing each GAO and Office of Inspector General management challenge. This format presents a technically correct, yet misleading

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description of our document. For some challenges, where the GAO states in its second column that the Department's report does not discuss progress, progress related to the particular challenge is discussed under the GAO's third column, *Applicable goals and measures in the fiscal year 2002 performance plan*. Finally, we note that, in some instances, more complete discussions of our progress in addressing certain issues can be found in other, more applicable, documents, such as our Annual Financial Statement and our Management Controls Report.

In closing, I would like to raise one final issue. As you know, we are continuously pressured to produce shorter and better reports that are available earlier and earlier. Yet your report urges us throughout to provide more information on almost every aspect under discussion. Other critics have opined that we provide too much detail. We are concerned that, even if we were to include everything that you suggest, our report would still be deficient by your standards because we would need to include even more detail, and in doing so we would further offend those critics that believe the report is already overly detailed. These ever increasing and sometimes conflicting demands frustrate even the Department's strongest advocates for performance-based management.

Thank you again for allowing us to comment on your draft report. We look forward to working with you on performance management issues in the coming year.

Sincerely,

Janis A. Sposato
Acting Assistant Attorney General
for Administration

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