

## 2. Submission by the Office of Legal Counsel

Since the Judiciary Act of 1789, the Attorney General has had the duty of giving legal opinions to the other officers of the executive branch. Today, this duty is largely delegated to the Office of Legal Counsel. Over the past eight years, OLC's opinions have determined the legal basis for many of the most important actions by the executive branch. OLC has weighed questions of war and peace – for example, the President's authority to use force in Haiti and deploy troops in Bosnia, and the lawfulness under the War Powers Resolution of the air campaign in Kosovo. It has explored issues of racial justice – for example, the meaning of the Supreme Court's cases on affirmative action and the analytical approaches by which agencies could review the lawfulness of their programs under those cases. It has identified the limits of the President's power not to enforce laws he considers unconstitutional and the significance of statements the President makes upon signing laws. It has laid out, more comprehensively than ever before, the executive branch's interpretation of the constitutional separation of powers between the President and Congress. Every executive order and proclamation has passed through OLC for a legal approval. It has considered elements of the Administration's economic program – for example, the Secretary of the Treasury's suspension of investments in the Civil Service Retirement and Disability Fund, which was essential to avoid exceeding the debt limit. Its opinions have also dealt with the Department's operations – its enforcement of the criminal laws, its authority to enter into civil settlements that will remain binding in future years, and its administrative authorities in such areas as implementation of the Brady Act and enforcement of the immigration laws. Although OLC itself does not manage programs of the government, its opinions over the past eight years have touched on an extraordinary range of those programs, both in this Department and elsewhere in the executive branch.

# **I. Controlling Illegal Immigration and Revitalizing the Immigration and Naturalization Service**

## Submission by the Immigration and Naturalization Service

### **Enforcing Our Immigration Law and Providing Immigration Services**

This section provides an overview of four topics: border control and facilitation; removing illegal aliens from the United States; naturalizing record numbers of new citizens; and reforming the asylum system.

Over the past seven years, the Immigration and Naturalization Service (INS) has set ambitious goals for itself in the face of unprecedented growth and ever-increasing workload responsibilities. The agency's budget has increased by more than 220 percent, growing from \$1.5 billion in FY 1993 to \$4.8 billion in FY 2001. The overall workforce expanded from approximately 17,000 to 30,000 in that same period. Much of this record growth was needed to keep pace with one of the busiest periods of immigration-related legislative activity in the nation's history, which caused the agency's mission to expand dramatically in both scope and complexity.

Broad-based management efforts and new resources have reshaped the agency over the past seven years, fundamentally transforming the agency's enforcement of immigration laws at the borders and within the interior of the country, and its delivery of services for our nation's immigrants. INS remains committed to professional law enforcement and the delivery of world-class customer service on a consistent basis nationwide.

#### **Border Control and Facilitation**

INS is responsible for securing the Nation's borders against unlawful trafficking and entry, while assisting legitimate travelers and commerce. Border Control and Border Facilitation are two components of INS' highest priority, Border Management, and have received considerable public attention in the last several years.

Prior to 1994, areas along the border were overrun with illegal alien traffic. Waiting times for travelers at ports-of-entry were unacceptably long. The INS did not have sufficient personnel or equipment to properly control illegal immigration, or to facilitate legitimate traffic. Acknowledging that new methods must be employed to improve INS' performance and restore border integrity, the agency developed a multi-year strategy to improve border management and provide prevention through deterrence. The strategy was implemented in 1994, with a concomitant infusion of resources and technology, and focused its efforts first on the U.S./Mexican border. The strategy is comprehensive, recognizing the unique nature of the different regions of the border and that action on any one part of the border affects conditions

along other parts.

Many of INS' recent initiatives involve partnerships with other federal agencies and private sector entities. In addition, notable achievements have been gained in U.S. relations with Mexico and Canada on border-related issues. INS has been working closely with Mexican officials on border safety and other security-related topics, and with Canada on a number of initiatives to promote information exchange, technology development, visa and policy coordination and joint analysis of trends in illegal migration.

The primary goals of the border strategy are to:

- progressively regain control of major entry corridors along the borders;
- close off routes most frequently used by smugglers and illegal aliens, both domestic and overseas;
- tighten security and control illegal crossings through ports of entry; and
- make the ports of entry more efficient for regular commuters, trade, tourists and other legitimate traffic.

The comprehensive Border Strategy was not intended to achieve immediate results. Rather, it was intended to be a multi-year, multi-task approach. Significant improvements have been made over the past four years, including major investments in personnel and technology. While there have been many accomplishments, there is still significant work to do.

### Border Control

The first priority of the Clinton Administration was to reverse years of neglect along the Southwest border. A \$1.9-billion increase in enforcement spending, which accounted for nearly 65 percent of INS' overall FY 2000 budget, has allowed the agency to increase personnel, equipment and advanced technology for various enforcement disciplines, including the Border Patrol, Inspections, and Detention and Removals. This includes the hiring of over 6,700 new Border Patrol agents and immigration inspectors since FY 1993. Faced with a tight labor market, the agency began a fundamental reform of its Border Patrol recruiting and hiring process in FY 1999. Innovative new steps, such as training agent-recruiters and offering a signing bonus for new agents, allowed INS to increase the Border Patrol's strength to 9,212 agents by the end of FY 2000.

A critical component of INS' enforcement strategy is its comprehensive Southwest border management plan that has the clear goal of establishing and maintaining borders that work—borders that facilitate the flow of legal immigration and goods while preventing the illegal entry of people and contraband. To achieve this goal, the plan links enforcement activities taking place at the ports of entry with those occurring between the ports. As a result of this integrated approach, INS has been able to enhance its enforcement capabilities at the same time it dramatically reduces waiting time for those seeking to cross the border legally.

INS has achieved considerable success in restoring integrity and safety to the Southwest border, improving the quality of life in border communities, through strategic operations such as Hold the Line (El Paso), Gatekeeper (San Diego), Rio Grande (Rio Grande Valley), and Safeguard (southern Arizona). The initial phases of these operations typically result in an increase in apprehensions, reflecting the deployment of more agents and enhanced technology. However, as the deterrence strategy takes effect, the number of apprehensions declines.

To illustrate with one example, Operation Gatekeeper, launched in October 1994, shows that deterrence works. Initially, the operation focused on five miles of Imperial Beach, Calif., which was the busiest illegal border crossing corridor in the nation. Once the Border Patrol regained control of this heavily trafficked stretch, Gatekeeper was expanded to include the entire 66 miles of border under the San Diego Sector's jurisdiction. As a result, apprehensions in FY 1998 reached an 18-year low in the sector, which accounted for nearly 45 percent of all apprehensions nationwide before Gatekeeper but only 16 percent in FY 1998. According to San Diego Chief of Police David Bejarano, "It is without question the quietest and safest the border has ever been in this area." Spurred by these dramatic results, INS extended Gatekeeper into California's Imperial Valley in FY 1998. The expanded operation targets alien smuggling rings that moved to the El Centro area in response to the increased Border Patrol presence in San Diego. Today, more than 2,000 agents are assigned to the San Diego Border Patrol Sector, nearly triple the number on duty prior to Gatekeeper. Since the operation was launched in 1994, the Sector has also vastly improved its infrastructure, adding miles of new border lighting, fencing, and roads. Operation Gatekeeper has reduced illegal entries along the San Diego border to their lowest level in 25 years.

Similar successes have been achieved by Operations Hold the Line, Rio Grande, and Safeguard through strategic deployment of personnel, equipment, and technology.

Recognizing that protecting the border includes a humanitarian obligation to protect the lives of those who attempt to cross it illegally, INS launched a comprehensive border-wide public safety initiative in June 1998. The initiative, developed in cooperation with the Mexican government and state and local officials in border communities, seeks to educate migrants about the very real dangers associated with illegal crossings and to assist those who do not heed these warnings. Since FY 1999, more than 3,500 migrants have been rescued from life-threatening situations. The initiative is comprised of three elements—prevention, search and rescue and identification—which draw on successful public safety practices previously implemented by the Border Patrol and other agencies at the local level on both sides of the border.

International deterrence is the first line of defense in immigration enforcement and complements INS' national border and interior enforcement strategies. In 1997, INS implemented its "Global Reach" initiative, which established for the first time a permanent presence of criminal investigators and intelligence analysts overseas to work on deterring migrant trafficking in source and transit countries. This initiative built upon ongoing efforts with DOS to encourage other countries to criminalize migrant trafficking and work cooperatively with U.S. law enforcement

agencies and other regional partners. Smuggling of aliens from the Peoples Republic of China (PRC) is an issue of growing concern. To address this problem, INS recently exchanged delegations of immigration officials with the PRC to foster mutual understanding and cooperation on handling this problem.

### Border Facilitation

Key to the success of INS' border management strategy has been the high level of cooperation and coordination established with other agencies in facilitating legal entry. Nowhere is this more evident than with the dedicated commuter lanes (DCLs) that INS and the U.S. Customs Service have established at land ports of entry. These facilities meet the needs of local commuters and other frequent travelers, while strengthening enforcement capabilities. Tapping state-of-the-art technologies, the two agencies developed the Secure Electronic Network for Travelers Rapid Inspection (SENTRI) system, which enables inspectors to screen rapidly low-risk traffic. After being successfully tested at a DCL in Otay Mesa, Calif., SENTRI was then deployed in El Paso, Texas. In September 2000, a third SENTRI lane was opened in San Ysidro, Calif., the world's busiest port of entry. The SENTRI lane there allows program participants, who are subject to a rigorous screening process before enrollment, to complete the inspection process of entering the United States within three minutes. The increased use of automation and technology allows federal officers to focus more time and attention on higher-risk traffic.

### Next steps

INS must continue its multi-year effort to achieve prevention through deterrence at the nation's borders, responding to changes in entry patterns, with increased emphasis on the northern border. In addition, the agency's infrastructure, particularly Border Patrol facilities, has not kept pace with the rapid growth in personnel.

With respect to facilitation, INS must respond to continuing demands for improved flow of legitimate travel and commerce without sacrificing its enforcement mission, incorporating new technology and nurturing key partnerships with other government agencies in the United States, Canada, and Mexico.

### **Removing Illegal Aliens from the United States**

The INS's commitment to restoring credibility to the nation's immigration laws is further underscored by its dramatically improved performance in removing criminal and other illegal aliens. Every year since FY 1993, INS has set a new record for removals. Preliminary figures show that removals for FY 2000 will exceed 181,000, more than quadruple the FY 1993 number. The increase in removals has been driven by a variety of factors. Removal numbers have been boosted by INS' expanded cooperation with other law enforcement agencies in removing criminal aliens, one of the agency's top enforcement priorities. This has been accomplished through initiatives such as the Institutional Removal Program, which identifies and processes

deportable inmates prior to their release from federal, state and local correctional facilities. Newly deployed Quick Response Teams (QRTs), created in response to a congressional mandate, have also aided INS' removal efforts, as well as its overall interior enforcement strategy. Comprised of special agents, detention enforcement officers and deportation officers, these teams respond to state and local law enforcement agencies that encounter illegal aliens, either transient or resident, in the course of their enforcement duties.

As a result of these and other efforts, criminal removals reached 69,312 in FY 1999, more than 20 times the number of criminal aliens removed in FY 1993, with aliens convicted for drug offenses and criminal violations of immigration law accounting for 44 percent and 17 percent of the criminal removals, respectively.

Introduction of the expedited removal process in April 1997 created a surge in non-criminal removals, which increased more than sevenfold between FY 1993 and FY 2000, when they reached 112,479. Mandated under IIRIRA, expedited removal streamlined the old exclusion process, which took months or even years, by allowing INS inspectors to remove aliens who arrive at ports of entry with fraudulent, improper or no entry documents in a matter of days or weeks. In FY 2000, expedited removals, most of which occur at ports of entry on the Southwest border, accounted for 47 percent of all removals.

### Detention

Since FY 1993, the average daily population of INS detainees has soared from 5,877 to approximately 19,000. This dramatic growth was spurred by the agency's expanding enforcement capability and changes initiated by Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). The 1996 immigration law requires INS to detain without bond virtually any alien who is subject to removal on the basis of a criminal conviction. INS is also required to detain aliens who have been ordered removed from the United States until they are removed or until 90 days have passed, regardless of the basis for the order and the prospects that their home country will accept their return.

To accommodate its fast-growing detention population, INS has greatly expanded its detention capacity, most recently with the opening of a 1,000-bed contract facility east of San Diego, Calif., in FY 2000. In addition to greatly increased capacity, INS' detention operations are also characterized by large numbers of people moving through the system in a short time. The number of aliens taken into detention and processed, as represented by the number of initial admissions to a detention facility, grew from 74,479 in FY 1994 to 167,342 in FY 2000, an increase of more than 120 percent. The average length of stay for a detainee in INS custody is about 35 days. However, applications for relief from removal, difficulties in obtaining travel documents from the detainee's country of origin, and efforts by some aliens to thwart removal can cause stays to last for months, even years.

As its detention population surged, INS has worked to ensure that all aliens in its custody are

detained under safe, secure and humane conditions. In November 2000, the agency issued detailed standards aimed at ensuring consistent treatment and care for all detainees, whether they are held at one of the nine INS Service Processing Centers (SPCs) or in a contract facility. The 36 new standards, developed with the assistance of the American Bar Association and other non-governmental organizations, build on some 17 standards implemented in 1998. They provide, among other things, consistent and expanded access to legal representation, telephones and family visits. INS is designing a curriculum that incorporates the detention standards into a comprehensive training program for all affected field officers.

To meet the special needs of its growing population of juvenile detainees, INS established a new Juvenile Detention and Shelter Care Program, and has more than tripled its juvenile care detention space since 1997, to approximately 600 beds. A national statistical database, known as the Juvenile Alien Management System, was created to track the status of all juveniles in INS custody, and some 15,000 employees who work with minors were trained in properly handling their needs. INS has also laid the groundwork for Family Shelter Care facilities, designed to help keep immediate family members together while in INS custody. The first such facility, to be located in Berks County, Pa., is scheduled to open in spring 2001.

#### Next steps

INS must increase the scope of effectiveness of its efforts to remove criminal aliens from the United States, using tools such as the Institutional Removal Program. In addition, it must implement its new detention standards at all facilities and ensure that all officers are properly trained in the new standards.

#### **Naturalizing Record Numbers of New Citizens**

INS has recognized the need to focus more intensely on the accurate and timely delivery of services and has set a goal of creating a world-class agency that provides high-quality, customer-friendly service on a consistent basis nationwide. Specific initiatives aimed at improving the way services are delivered to customers are being complemented by broader efforts to foster a culture that recognizes the importance of good service and rewards it. INS continues to enhance the integrity of the application processes for various benefit programs, while simultaneously addressing the growing backlog of pending applications. The agency also is acting to make its services more convenient, in terms of the location of its offices and customer access to forms and information. Critical to the success of these service efforts is INS' ability to tap state-of-the-art technologies.

The naturalization program demonstrates these goals. From FY 1993 through FY 2000, nearly 6.9 million immigrants applied for citizenship, more than the total in the previous 40 years combined. In the peak year, FY 1997, there were 1.6 million applicants, more than five times the annual average from 1982 to 1992. To deal with rapidly increasing receipts and a growing backlog of cases, INS created Citizenship USA in late FY 1995. The program sought to restore

6-month processing times for naturalization applications—the historical national average. However, program resources were outstripped by the increasing workload and undermined by deficiencies in the naturalization process, which included a lack of standard operating procedures for adjudicating citizenship applications.

Faced with problems that seriously threatened the integrity of the process, INS launched a complete overhaul of its entire service structure, beginning with naturalization. The initial focus was on ensuring the integrity of the process. Changes included implementing quality assurance procedures along with appropriate oversight provisions, requiring in-house fingerprinting of all applicants and opening more than 120 Application Support Centers (ASCs) to accommodate them, and increasing the efficiency of the criminal background checks conducted on all applicants. A series of audits by both an outside auditor and INS validated the success of these efforts.

With the integrity of the naturalization process ensured, INS launched a two-year initiative in August 1998 to clear the backlog of applications, which had grown to more than 1.8 million, with an average processing time of 28 months. INS received more than 1.2 million new applications over the next two fiscal years, and pending applications soared to a high of 2 million. As a result of the intensive two-year initiative, INS has reduced pending applications to approximately 800,000 and processing time to the historical average of 6-9 months by the beginning of FY 2000. To achieve this, INS processed 1.25 million applications in FY 1999 and 1.3 million in FY 2000.

Additional resources were vital to the success of this program, and Congress, with bipartisan support, provided them, authorizing an additional \$176 million for naturalization in FY 1999 and \$124 million in FY 2000. The additional funding helped support significant changes to the process in several key areas.

#### Fingerprinting

To reduce the fingerprint rejection rate, INS began requiring in-house fingerprinting for all applicants and installed electronic fingerprinting machines at its ASCs, which are located in immigrant communities across the country. Additionally, INS upgraded the system used to send fingerprints to the FBI. As a result, the fingerprint rejection rate has been reduced from double digits to an average of about 3 percent. Moreover, INS is now receiving fingerprint background check responses in less than one day—a process that previously took months.

#### Quality Assurance Procedures

In FY 1998 the INS Benefits Quality Assurance Program was established, and Congress authorized 121 new positions to enhance quality within the naturalization process. INS established at least one quality assurance analyst in each District. This program has allowed the agency to achieve and maintain an overall accuracy rating of 99 percent. Plans are underway to

expand quality assurance efforts to other benefits areas.

In FY 2000, INS extended naturalization improvement initiatives to two other major immigration benefit programs—the adjustment of status and "Green Card" renewal.

### Next steps

While INS has made significant improvements in quality assurance and timely processing of naturalization applications, application receipts remain high and are not anticipated to decrease significantly in the foreseeable future. In fact, receipts are expected to increase because large numbers of lawful permanent residents will become eligible to naturalize in the next few years. If INS is to maintain its progress in reducing the naturalization backlog and improving processing times, additional funding is essential. These naturalization challenges must be addressed simultaneously with significant backlogs in other immigration adjudications – such as adjustment to lawful permanent resident status – where receipts have soared and backlogs have increased to unacceptable levels.

In addition, policy and operational decisions must be made concerning various procedural improvements, including better methods of testing applicants' knowledge of English and U.S. history and government. Additional guidance is also required with respect to waivers and accommodations for applicants with disabilities.

Finally, vital to INS endeavors to improve naturalization adjudications, as well as all other immigration services and enforcement functions, are its on-going data integrity, records centralization, and technology initiatives.

### **Reforming the Asylum System**

INS published new regulatory procedures effective January 1995 that successfully reformed the asylum program by drastically reducing the adjudication period and eliminating the availability of employment authorization upon the filing of an asylum application. The guiding principles for the new procedures were that by speeding up the process and distancing it from employment authorization, the INS would eliminate the increasing incentive for people to file non-meritorious asylum applications simply to obtain work authorization and remain in the country for years until their claims could be finally adjudicated. Simultaneously, meritorious claims could be approved more quickly rather than pending in a large backlog. A key element of the reform package was increasing the size of the Asylum Corps, from 82 officers at its inception in 1991 to more than 300 specially trained officers today.

INS celebrated the 5<sup>th</sup> anniversary of asylum reform in February 2000. Today, the majority of applicants are receiving decisions from INS within 60 days of filing, and from Immigration Judges, in instances where INS has referred the case to them, within 180 days of filing. Receipts of new cases in FY 2000 were just over 40,000, a significant decrease from the pre-reform total

of 143,118 in FY 1993. As the number of non-meritorious filings has significantly decreased, the asylum approval rate has increased from 22 % in 1993 to 44 % in 2000. The Service has also substantially reduced the backlog of old cases that existed in 1995. There are approximately 329,000 pending cases, but the majority of these applicants (nearly 300,000) are able to apply for special relief under the Nicaraguan Adjustment and Central American Relief Act (NACARA) and the Haitian Refugee Immigration Fairness Act. As these applicants are granted other forms of relief, their asylum applications will be dismissed if they do not wish to pursue asylum. Approximately 16,000 cases in the reduced asylum "backlog" are pre-Reform cases that INS is steadily addressing. The integrity of the asylum program has also been improved by the installation of the IDENT system in all eight asylum offices nationwide, which uses fingerprints and photographs to identify individuals who may have filed multiple asylum applications.

As a result of the successes of the 1995 reform, the INS has regained the confidence of the government and public - finally achieving the balance between compassion and control in the asylum program that had previously been so elusive. Demonstrating confidence in the Asylum Corps, the Attorney General took the unprecedented step in 1998 of delegating to it her authority to adjudicate applications for suspension of deportation and special rule cancellation of removal for certain applicants for relief under NACARA. Traditionally, only Immigration Judges have had this authority.

In 1998, on the 50th anniversary of the adoption of the Universal Declaration of Human Rights by the UN General Assembly, INS issued new guidelines designed to enhance the ability of INS officers to evaluate the asylum claims of children. The guidelines recognize that children under 18 may experience persecution differently from adults and may not present testimony with the same degree of precision as adults. The United States is just one of two countries to adopt special procedures for considering the unique needs of its youngest asylum seekers.

#### Next steps

In addition to continuing with reduction of the pending asylum caseload, INS must complete action involving several other policy and operational issues, including work on a variety of regulations, including a proposed regulation that will provide an analytical framework for the determination of claims based on membership in a particular social group, including those involving gender, and finalizing the interim regulations necessary to implement Article 3 of the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment.

## **J. Enforcing Bankruptcy Laws**

### Submission by the Executive Office for United States Trustees

#### Enforcing the Bankruptcy Laws

##### Pursuing Civil and Criminal Enforcement Remedies

Since 1993 the U.S. Trustee Program has intensified its efforts to protect the integrity of the bankruptcy system and to combat fraud and abuse in bankruptcy cases. In the past eight years, annual bankruptcy filings have reached historic levels, rising from 977,478 cases in 1992 to an all-time high of 1,442,549 in 1998, and falling back to 1,262,102 in 2000. While the majority of participants in the bankruptcy system are honest, a small percentage are intent on fraud or abuse—whether as dishonest debtors, operators of scams against consumers and debtors, or unscrupulous creditors. These activities damage the integrity of the bankruptcy system, which, for the most part, relies upon voluntary compliance and honest reporting by all parties.

To address fraud and abuse in the system, and thereby protect the integrity of the federal judicial process, the Program has developed an array of criminal and civil enforcement resources. These enforcement options have been successful not only at penalizing abusive behavior, but also at deterring those who may contemplate fraud—a critical factor in view of the many competing demands upon law enforcement resources.

In the past eight years the Program has forged close relationships with federal, state, and local law enforcement agencies to encourage vigorous enforcement of the criminal laws pertaining to bankruptcy fraud. Criminal bankruptcy fraud ranges from concealment of assets to complex “bankruptcy foreclosure scams” designed to cheat scores of financially distressed homeowners out of their property. Moreover, bankruptcy fraud often goes hand-in-hand with other types of white collar fraud, such as credit card fraud, bank fraud, mail fraud, Social Security fraud, and health care fraud.

In February 1996 the Attorney General announced “Operation Total Disclosure,” a nationwide bankruptcy fraud initiative designed to increase bankruptcy prosecutions, encourage the establishment of local bankruptcy task forces, and coordinate the development of bankruptcy fraud training for local, state, and federal law enforcement agencies. Operation Total Disclosure, which was a multi-agency effort involving the Program, U.S. Attorneys, FBI, DOJ’s Criminal and Tax Divisions, IRS CID, and the Postal Inspection Service, resulted in criminal charges being filed against 123 defendants in 16 federal districts. Just as important, it served as a catalyst for inter-agency investigation, prosecution, and training activities that are now well-established. In fact, the number of successful prosecutions is at an all-time high.

Increasingly in recent years, Program staff have regularly participated in the investigation and prosecution of fraud cases they refer to the U.S. Attorney. They have provided bankruptcy technical expertise and testified as expert witnesses in criminal cases. Additionally, in some jurisdictions Program attorneys have been designated as Special Assistant U.S. Attorneys so they may prosecute bankruptcy fraud cases.

In a strikingly successful example of inter-agency cooperative efforts, the Program worked with several U.S. Attorneys and state Attorneys General to bring about the February 1999 agreement by Sears, Roebuck & Co. to pay a record \$60 million criminal fine in settlement of proceedings arising from its abuse of "reaffirmation agreements." A reaffirmation agreement is a written contract in which a Chapter 7 debtor promises to repay a debt that would otherwise be discharged in the bankruptcy. These agreements are governed by procedural requirements set forth in the Bankruptcy Code. Sears admitted that from 1985 through April 1997 it wrongly induced bankruptcy debtors to enter into reaffirmation agreements and engaged in collection practices to receive payment under those agreements, in violation of the requirements of federal law. The \$60 million fine was deposited into the Crime Victims Fund, a major funding source for victim services across the country.

In addition to the \$60 million criminal fine, Sears provided more than \$180 million in restitution to debtors and paid a \$40 million civil fine to the state Attorneys General. Part of the civil fine monies were used to establish a \$5 million fund for consumer education. Grants from this fund have already been awarded to non-profit groups developing projects to help consumer bankruptcy debtors understand the bankruptcy system and/or learn about personal financial management.

The Program also participated in similar investigations and prosecutions involving other major retailers.

Moreover, the Program has taken a very active role to help shut down scams that use the bankruptcy system to prey upon people in financial trouble. The Program has worked closely with law enforcement agencies to investigate and prosecute the perpetrators of these crimes, and has engaged in outreach to educate law enforcement officials, bankruptcy courts, lawyers, lenders, and consumers on how to recognize and avoid these scams. For example, the Program worked with law enforcement to obtain the June 1999 conviction of a Texas man found guilty of 14 counts of bankruptcy fraud for his role in operating a bankruptcy foreclosure scam. The man persuaded homeowners who faced foreclosure to transfer an interest in their homes to companies he controlled or individuals working with him. The companies and individuals then filed for bankruptcy to delay foreclosure on the homes. Homeowners paid the foreclosure scam operator a \$500 "set up" fee plus \$500 per month, assuming that he was working to address their mortgage problems. Instead, they eventually lost their homes.

To further enhance criminal enforcement efforts, in the summer of 1999 the U.S. Trustee Program helped reinvigorate the National Bankruptcy Fraud Working Group--the contact point

through which federal, state, and local agencies work together to detect, investigate, and prosecute bankruptcy fraud. The working group includes representatives from the U.S. Trustee Program; the United States Attorneys' offices; DOJ's Criminal Division; FBI; EOUSA; IRS CID; the Postal Inspection Service; SEC; the Inspectors General for HUD, VA, and CFTC; and other law enforcement agencies.

The working group's goals are to coordinate a national response to bankruptcy fraud issues; organize pro-active national investigations of suspected criminal fraud; help judicial districts establish local bankruptcy fraud task forces; track all bankruptcy fraud referrals and convictions; and develop training programs on bankruptcy fraud.

The working group meets regularly to report on the status of current projects, develop new projects, discuss nationally significant bankruptcy fraud issues, and review case studies of successful prosecutions. The working group's projects have included: coordinating the investigation and prosecution of mortgage foreclosure scams and bankruptcy-related identity theft; conducting bankruptcy fraud training for FBI agents at the FBI Academy in Quantico, Va.; and providing bankruptcy fraud training, as well as development assistance, to local bankruptcy fraud working groups.

In addition to participating in a strong criminal enforcement program, the Program has pursued a variety of civil enforcement remedies against misconduct, fraud, and abuse. One of the leading remedies is to file a motion to dismiss or convert a consumer debtor's Chapter 7 case for "substantial abuse" of the bankruptcy system. Another is to file an action to revoke or deny a debtor's bankruptcy discharge. The Program also seeks sanctions, disgorgement, and civil or criminal contempt orders in appropriate circumstances.

Among the hundreds of actions that are filed each year, for example, the U.S. Trustee prevailed in a "substantial abuse" case against a debtor lawyer who earned more than \$210,000 per year--plus an annual bonus of \$15,000 to \$20,000--yet sought to discharge more than \$100,000 in unsecured debt. The Bankruptcy Court dismissed the case, finding excessive monthly expenses on the debtor's schedules, including \$320 for maid service, \$800 for the future acquisition of two replacement vehicles, \$1150 for several life insurance policies, and \$410 to repay educational loans for his 24-year-old daughter who earns \$40,000 a year.

Since the 1994 adoption of Section 110 to the Bankruptcy Code, the Program has been able to successfully pursue unlawful conduct by bankruptcy petition preparers--non-lawyers who prepare bankruptcy documents for a fee. These individuals' activities are strictly regulated by Section 110 to protect unsuspecting clients from incurring financial loss or suffering damage to their legal rights.

For example, three bankruptcy petition preparers and associated individuals were ordered by the Bankruptcy Court in New Jersey to disgorge more than \$147,000 to victims of their scheme and to pay fines exceeding \$96,000. These individuals had contacted the victims,

offering to eliminate all debts and allow them to stay in their homes or apartments in exchange for a \$300 fee. In another case, a bankruptcy petition preparer in Texas was subjected to penalties and sanctions after he committed numerous violations of Section 110, which included exposing debtors to potential criminal prosecution by advising them to omit creditors from their bankruptcy schedules, and engaging in deceptive conduct by practicing law without a license. The Bankruptcy Court permanently enjoined the petition preparer from assisting or participating in any manner in any bankruptcy case in the district, fined him, and ordered him to pay the U.S. Trustee's fees and expenses.

### Regulating Private Bankruptcy Trustees

The Program's statutory duties include appointing and supervising the private trustees who administer bankruptcy cases filed under Chapters 7, 12, and 13. These oversight activities help make sure that the more than 1 million consumer bankruptcy cases filed each year are effectively and efficiently moved through the bankruptcy system, and that bankruptcy estate assets are distributed to creditors in the manner required by the Bankruptcy Code.

Over the last eight years, to guard against misappropriation or waste of bankruptcy estate assets, the Program has promulgated regulations and implemented procedures to enhance trustee supervision and accountability. The Program has streamlined its requirements to reduce burdens on the private trustees and adopted procedures to ensure fairness in their decision-making.

In June 1997 the Program promulgated regulations addressing the qualifications for appointment as a Chapter 13 standing trustee, as well as standards of conduct for standing trustees. These regulations were put in place to guard against the potential for a trustee's misusing trust funds and improperly augmenting family income by unnecessarily hiring relatives and/or providing above-market benefits. The regulations made clear that certain persons who are related to standing trustees, Bankruptcy Judges, and Bankruptcy Clerks cannot be appointed as standing trustees. They also set forth fiduciary standards pertaining to a trustee's employment of relatives, dealings with related parties, and employment of other standing trustees.

Regarding budget disputes, the Bankruptcy Code permits a Chapter 13 trustee to be compensated and to receive reimbursements for "actual, necessary" expenses from debtors' payments. U.S. Trustees review the budgets submitted by Chapter 13 trustees to determine what expenditures are actual and necessary for the Chapter 13 operation and to ensure that these expenses are no greater than they would be in an arm's length transaction. Working with the standing trustees, the Program adopted clearer guidelines on acceptable expenditures. This has eased both the preparation of the budget by the standing trustee and its review by the U.S. Trustee.

Further, to minimize disputes over contested expenses, the Program worked with Chapter 13 standing trustees and developed a non-binding, voluntary mediation process to resolve the budget disputes. Inaugurated in June 1998, the speedy and low-cost process uses "co-mediation"

by two-member panels consisting of a United States Trustee and a Chapter 13 trustee to arrive at a neutral resolution of the dispute.

Sometimes it is necessary for a regional U.S. Trustee to suspend or terminate the assignment of bankruptcy cases to a Chapter 7, 12, or 13 trustee. To clarify the trustee's opportunity to appeal such a decision, in November 1997 the Executive Office adopted notice and comment regulations that formalize the procedure by which the U.S. Trustee must suspend or terminate a trustee and that permit the trustee to seek review.

The Program continues to engage in other joint projects with the private trustees. These include consulting with the Marshals Service to address issues of trustee security, and working with the trustees to develop training sessions for newly appointed trustees. The Program also collaborated with the Chapter 7 trustees to develop a new reporting form that will enhance the accuracy and usefulness of the data on money distributed to creditors in Chapter 7 cases.

#### Working to Protect the Privacy of Personal Financial Data

Like other federal agencies, the U.S. Trustee Program is moving to meet the information and technology demands of the future. The fact that massive amounts of debtors' personal financial data will be made easily accessible to the public through electronic case filing has prompted concern among policy makers and consumer groups.

At the direction of the White House, the Executive Office for U.S. Trustees coordinated with the Office of Management and Budget and the Treasury Department to study and report on the privacy of personal data disclosed in bankruptcy by December 2000. The study agencies recognized that, as bankruptcy court documents become accessible through the Internet, the personal financial data that consumer bankruptcy debtors are required to disclose—including bank account numbers, credit card numbers, medical information, and personal spending patterns--will become easily available to persons with no connection to the bankruptcy case. By December 31, 2000, the study agencies will make recommendations on how to avoid abuse of personal financial information that is easily available on the Internet without compromising the needs of law enforcement agencies.

#### Administrative Accomplishments

##### Providing Technical Assistance on Major Policy Issues

The Program has played a major role in helping policy makers understand the bankruptcy system and bankruptcy administration. From October 1995 through October 1997 the Program responded to the inquiries of the National Bankruptcy Review Commission, a nine-member body created by Congress in 1994 to examine tough questions of bankruptcy policy. In addition to

testifying many times before the Commission and helping it define and understand various issues and problems integral to bankruptcy administration, the Program suggested solutions, some of which were ultimately made part of the final report that the Commission presented to Congress in October 1997.

Since then, as Congress debated various bankruptcy bills to drastically alter the existing system, the Program provided the White House, the Department and other federal agencies, and Congress with technical assistance regarding bankruptcy administration. The Program worked closely with policy makers in an attempt to refine the means-testing provisions of the bill. The Program also provided input on such issues as pre-bankruptcy credit counseling, financial management education for debtors, reaffirmation agreements between creditors and Chapter 7 debtors, random audits of debtors, and small business Chapter 11 cases.

Working with Technology to Analyze Data  
and Increase Public Information  
About Bankruptcy

In 1997, the Executive Office established the Office of Research and Planning (ORP) to address policy issues and data needs, and to inform the public and policy makers about how the bankruptcy system works and the Program's role within the system. The following year, ORP statistical experts analyzed nearly 2000 bankruptcy petitions to determine Chapter 7 debtors' ability to repay all or part of their debts. Their report concluded that only about 3 percent of these debtors had any significant capacity to repay—a result consistent with a contemporaneous study undertaken by two professors at Creighton University Law School. ORP has coordinated the publication of numerous articles on bankruptcy-related issues of interest to the public, such as mortgage foreclosure scams, identity fraud in bankruptcy, "dot-com" bankruptcies, and Chapter 11 success rates.

The Program has also worked with the Department to launch its Internet and Intranet sites, and to provide up-to-date information to the public and to Program staff. The Program's web site now provides access to huge amounts of useful information, including hundreds of statistical charts that portray bankruptcy filing trends across the nation.

Establishing the  
National Bankruptcy Training Institute

In February 1999, the Program officially opened the National Bankruptcy Training Institute at the National Advocacy Center in Columbia, S.C., to provide a permanent location for a comprehensive employee training program, as well as a national center for scholarship in bankruptcy. The Institute represents the achievement of a long-term goal of the Program—to establish a professional training curriculum that provides employees with regular access to a range of courses to enhance their development through comprehensive skills and management training.

The NAC provides access to state-of-the-art training facilities, as well as the ability to share resources and work closely with the able and experienced legal trainers in the U.S. Attorney's Office of Legal Education and the National District Attorneys Association, both of whom are housed at the NAC. As an added benefit, training costs have declined by nearly 30 percent because the Program no longer needs to engage commercial facilities.

**III**

**Improving Our System of Justice**

# **Improving Our Understanding of Justice**

Submission by the Office of Justice Programs / National Institute of Justice

## **IMPROVING UNDERSTANDING OF CRIMINAL JUSTICE ISSUES**

### **Background**

The National Institute of Justice (NIJ) was created in 1969 at a time when criminal justice policy was based on conventional wisdom – not empirical data. Since then, NIJ's research has helped drive innovation in nearly every major policy advance in the criminal justice field. Understanding the nature of criminal careers, the effects of various sanctions, and how police, courts, and corrections operate has been at the heart of NIJ's research. NIJ's findings over the last generation have literally changed the face of how our nation's police, courts, and corrections systems operate. In short, the research sponsored by NIJ has played a central role in the development and acceptance of community policing, community responses to crime, and community justice.

### **Major Goals and Guiding Policies**

The hallmark of this Administration has been the true integration of research into practice and vice versa, bringing all of the players to the table and crossing the practitioner/researcher divide. A major focus has been a dedication to "knowledge building" and understanding why programs work or don't work. In short, the goal has been to have knowledge based on research and evaluation of programs and projects drive policy and program development, and to ensure that partnerships between researchers and practitioners are nurtured and supported.

As we continue to pioneer applications involving technology and data analysis, this problem-solving technology is always rooted in an empirical understanding of a crime problem or set of inter-related crime problems that tests interventions and incorporates an ongoing assessment of any interventions used.

### **Review of Major Activities and Accomplishments**

While for over 30 years NIJ has been working as the Department of Justice's research and evaluation arm, it has truly been since the passage of the 1994 Crime Act that research has become an integral part of program development and implementation. The Administration requested and Congress supported our decision to take funds "off the top" of grant programs to support research and evaluation. Since then, in succeeding years, the Congress has repeatedly endorsed set-asides for research and evaluation and is including these set-asides when creating

new programs. Thus, in the last half-dozen years, there has been a four-fold increase in the NIJ research portfolio.

Similarly, when tasked by the Congress to report on "what works," the Institute commissioned the landmark 1997, "Preventing Crime: What Works, What Doesn't, What's Promising" by the University of Maryland Department of Criminology and Criminal Justice. This important work laid the groundwork for demonstrating how research and evaluation can help us allocate our funds wisely with programs.

While it would be impractical to review all of the major components of this ambitious research agenda, an examination of several initiatives demonstrates how NIJ is supporting the evolution of new researcher-practitioner models, sometimes called the "strategic feedback model" of research. In 1994, NIJ began funding Professor David Kennedy of the Kennedy School of Government to work with the Boston Police Department to reduce juvenile violence. The goal was to develop an empirical understanding of the juvenile homicide problem, developing testable hypotheses about possible interventions, collecting data while those interventions were being implemented, and providing ongoing feedback to the strategic team. While this project was underway, it underwent several key transformations. Initially, it resembled a study of gun markets, then a study of youth gangs, and then a study of targeted deterrence strategies. The changes occurred because the real-time research and evaluation results shaped the City of Boston's responses to its juvenile violence problem. While one cannot attribute the sharp decline in youth gun-related homicides in Boston directly to this collaboration, clearly, the sharing of information among newly formed partners facilitated this success. Researchers helped the practitioners understand their crime problem and respond appropriately.

From the Boston experience, the Administration developed the Strategic Approaches to Community Safety Initiative, best known as SACSI, which began in five sites in 1999 (Memphis, TN; New Haven, CT; Winston-Salem, NC; Indianapolis, IN; and Portland, OR). Each of the respective U.S. Attorneys has taken a leadership role to work with local decision-makers and a local research partner to formulate strategic approaches to identified and verified crime problems. SACSI builds on the Boston experience and other efforts to improve crime prevention and control at the community level, such as in Weed and Seed sites.

### **State of Affairs Today**

In 1996, NIJ recognized the largely untapped potential of computerized crime mapping and the need to expand its use. This effort led to the creation of the Crime Mapping Research Center, which promotes research, evaluation, development and dissemination of electronic approaches that monitor the location of crime and analyze identified trends. For the past four years, the Center has made significant progress in expanding the use and understanding of crime mapping. A 1997 survey showed that 33 percent of large law enforcement agencies used crime mapping. By 1999, that figure had nearly doubled to 60 percent. Center accomplishments include: the development of a Web site for immediate access to information on crime mapping

research, best practices, software tools, and training opportunities; crime mapping software that is free to law enforcement agencies; implementation of an Internet-based listserv that allows criminal justice officials worldwide to share information about crime mapping; and the development of prediction models that can enhance law enforcement officials' understanding of crime and their ability to more effectively prevent it

While working on SACSI, it became apparent that not all communities regularly collect the same data regarding crime. For example, there are currently 35 communities that participate in the Arrestee Drug Abuse Monitoring System (ADAM), which collects information about drug users, drug markets, and related criminal activity. Some communities collect information from the Bureau of Alcohol, Tobacco and Firearms gun tracing surveys regarding illegal gun markets. Other communities are utilizing the community crime surveys created by the Bureau of Justice Statistics with the COPS office as a means to gather data on crime and community policing at the community level, as well as victimization. Seldom, however, do communities collect data across the spectrum and overlay that information with current mapping technology.

NIJ is now pioneering an effort to develop a model set of data systems to help the strategic, data-driven planning process move forward. This program, Comprehensive Planning and Analysis for Safety Strategies, also known as COMPASS, is in Seattle, Washington and will soon be implemented in another site. In addition to crime data, analysts will look at employment statistics, land use data, and hospital records, as well as victimization data, all applied against a Geographic Information System (GIS). This GIS mapping capability will help communities assess their overall well-being. NIJ believes that COMPASS is setting a new standard.

The National Institute of Justice has helped foster enduring partnerships that will continue to support local efforts through its research-practitioner partnerships. For example, NIJ has sponsored efforts that pair local police and corrections officials with area universities. These partnerships should help inform crime prevention and control planning and programming long after NIJ stops direct financial support.

As part of its core mission, NIJ will continue to ensure ongoing research and program evaluation in the major program areas affecting our criminal and juvenile justice policies. For example, there are major research and evaluation initiatives underway examining the effectiveness of drug courts, sentencing policies, violence against women, community policing, school safety, police use of force, and community justice.

### **Next Steps and Challenges**

The predominant responsibility for preventing and controlling crime "on the streets," has been and remains with state and local government. The federal role in crime control across the nation must be in those areas that can only be mounted at a higher level – such as research and evaluation, program development and testing, and information dissemination. From OJP's perspective, our role must be to nurture and support state and local efforts and to evaluate them

to see "what works," and then to do an aggressive job of sharing this information with others around the country.

Budgets wax and wane. And while recent Congresses have been very supportive of the role of research in helping to steer criminal justice policy, the research budget remains a very small percentage of OJP's budget. We need to build in a significant, long-term investment into research that is insulated from politics. We must continue with current efforts and expand our knowledge-based program testing, evaluation, and replication cycle as first envisioned in the Omnibus Crime Control Act of 1968. Further, we must continue to ensure that the research function remains central and independent.

While we must continue to secure support for federal research and evaluation, we will never bring to scale the level of research and evaluation that is needed. Therefore, we must also continue our efforts to build capacity at the state and local levels to enable state and local officials to better understand and respond to crime. We must enhance their capacity to assess local crime statistics, analyze risk factors, and conduct research and evaluation to inform planning and programming.

According to Jeremy Travis, who was the NIJ Director from 1994-2000, a continuing challenge for the research field is to find ways to bring its analytical skills, objectivity, rigor, independence, and ability to link theory and practice into "the messy arena" of contemporary practice. To have a successful partnership between the research community and practitioners, each must come to understand the value the other brings to the mission of improving public safety.

### **Documentation**

1. Included are copies of each of the *NIJ Journals* that have been published during this Administration. Each edition focuses on the cutting-edge criminal justice issues of the day, and provides thoughtful articles by the leading researchers and practitioners. Beginning with a focus on drug abuse in 1993, *Journal* topics include: addressing crime in the inner-city, the health care/corrections partnership, juvenile violence, worldwide access to criminal justice information, crime and illegal immigration, the changing role of probation, the science of addiction, DNA evidence, community policing, reentry of offenders, school safety, child abuse, the intersection of the mental health and criminal justice communities, community justice, and violence against women.
2. Reprints of the speeches of Jeremy Travis, Director of NIJ, 1994-2000.
3. A photocopy of: United States, Department of Justice, Office of Justice Programs, National Institute of Justice, "25 Years of Criminal Justice Research," (Washington: December 1994).
4. Reference is made to "Preventing Crime: What Works, What Doesn't, What's Promising," by

the University of Maryland Department of Criminology and Criminal Justice, (February 1997) as published by United States, Department of Justice, Office of Justice Programs, National Institute of Justice, (Washington). Because of the volume, this document is not provided. NCJ165366

5. Various speeches by OJP and DOJ leadership officials at the annual NIJ research and evaluation conference that touch on the critical issues identified above.

## **STRATEGIC APPROACHES TO COMMUNITY SAFETY INITIATIVE**

The Strategic Approaches to Community Safety Initiative (SACSI), which began in five cities nationwide in 1998, takes a problem-solving approach to a specific local crime problem and increases the capacity of U.S. Attorneys to work in collaboration with federal, state and local law enforcement and community partners in reducing local crime.

The Strategic Approaches Initiative tests the assumption that crime is most effectively reduced by:

- Bringing together the various perspectives and capacities of community groups and agencies to address a major crime problem;
- Gleaning knowledge from street-level practitioners and working hand-in-hand with researchers to determine the exact nature and scope of a targeted crime problem and to design interventions based on the opportunities the analysis reveals;
- Adapting the strategy when ongoing analysis of information reveals failures or inefficiencies in specific aspects of the strategy.

The initiative is a direct outgrowth of Boston's highly successful Gun Project, which dramatically reduced youth homicides in that city. It also builds on lessons learned from crime analysis efforts like CompStat as well as neighborhood-based, resource-coordination strategies utilized in Weed & Seed.

Strategic Approaches began in Indianapolis, IN; Memphis, TN; New Haven, CT; Portland, OR; and Winston-Salem, NC, with each city focusing on a different crime problem. **The initiative has five distinct steps, or stages:**

- A. Form an interagency working group
2. Gather information and data about a local crime problem
3. Design a strategic intervention to tackle the problem
4. Implement the intervention
5. Assess and modify the strategy as ongoing analysis reveals effects

## **1. Form an interagency working group**

U.S. Attorneys spearheading the projects work in concert with a core group of their communities' decision-makers and research partners. In each site, these partnerships are tailored to meet local needs and characteristics.

Central to several of the partnerships are clergy and others from faith-based organizations. Their linkage with law enforcement in addressing mutually troubling crime problems has added to the credibility of the initiatives and generated more widespread acceptance of enforcement and intervention strategies. In addition, building a true collaboration, down to the grass-roots level and including such partners as schools, mental health agencies, and street outreach workers, strengthens law enforcement efforts and takes it outside the realm of "business as usual."

## **2. Gather information about a local crime problem.**

Sources of information about a problem differ, but all sources—whether firsthand knowledge from street-level practitioners or data collected by the probation office—systematically address the underlying issues behind crime incidents. This means that in addition to examining formal police records, sites are seeking street-level information, through incident reviews or other means, to paint a dynamic, real-life picture of the crime problem. Many law enforcement officers report that they have never before shared information with other agencies in such detail or analyzed it so systematically.

This unique partnership between academic researcher and front-line practitioner creates a new model for practical, action-based research and analysis: day-to-day dissection of a crime problem, blending the systematic inquiry of research with real-life experiences of the practitioner.

## **3. Design a strategic intervention to tackle the problem.**

Once the problem has been precisely defined, the teams begin designing the intervention strategies. This is perhaps the most creative part of the project: combining local data, street-level information, crime control theory, best practices and organizational capacities to develop strategies that zero in on what is likely to have the most impact. This is also where the "strategic approach" is most useful, helping U.S. Attorneys and other partners apply their resources where they will do the most good.

## **4. Implement the intervention.**

Interventions are specific to each city, but all are using some combination of enforcement, intervention and prevention strategies (see summary box). New knowledge

gleaned from the data allows prosecutors to make decisions about whom to prosecute; sites refer to it as "smart prosecution." Much emphasis is placed on communicating directly to offenders through focused deterrence meetings, where criminal justice and community members speak strongly to violent offenders on probation about exactly what will happen if they continue their behavior. Equally strong is an offer of resources and community help for those who want to stop. The key to success, the sites report, is immediate follow-through and commitment in both areas: swift, certain consequences as well as assurances of resources and services. Implementing the interventions has presented challenges in all sites, yet there are clear rewards through working collaboratively with new partners.

**5. Assess and modify the strategy as ongoing analysis reveals effects.**

As interventions are designed and implemented, research partners work alongside to measure effectiveness and suggest mid-course corrections or modifications. This is another key component of the Strategic Approaches Initiative: The evaluation does not merely assess and record the outcome, but rather dynamically guides ongoing implementation.

**Long-Range Outlook**

The initial Strategic Approaches sites have found that criminal justice agencies are not just doing business differently; they are also defining success differently. They continue to count arrests, convictions, and recidivism rates, but they also are defining success by how much crime they have deterred, by how much safer citizens feel, and by new relationships and trust built between law enforcement and the community.

Though initial federal support for the first five sites has ended, all are continuing their efforts, some in significant new ways. In Winston-Salem, widespread community support for this work has resulted in almost \$2 million in local and state funding to establish the Center for Community Safety at Winston-Salem State University. The Center will expand the Strategic Approaches work in Winston-Salem and also serve as a training center for other communities in the problem-solving approach. The University of Memphis is developing a Center for Community Criminology and Research to help prepare researchers to work directly with communities. Portland, Indianapolis and New Haven are beginning to apply this approach to new problems like offender reentry and domestic violence.

In FY 2000, five new sites were designated as Strategic Approaches sites, to reduce violent firearms-related crime. They are St. Louis, Detroit, Atlanta, Rochester, and Albuquerque. A training curriculum has been developed by the Department to transfer lessons learned to these new sites, and to others interested in adopting the approach. Key players from the first five sites will administer the training in the new sites, and to other interested districts. This curriculum will also soon be offered at the National Advocacy Center, as part of core training for incoming U.S. Attorneys and Assistant U.S. Attorneys.

## SACSI SITE SUMMARY

### INDIANAPOLIS, INDIANA

**Target problem:** Homicide and gun violence

**Analysis:** Analysis identified four elements common to majority of homicides - young men, firearms, drug use and distribution, and groups of chronic offenders known to police.

**Intervention:** Chronic offenders ordered to attend meetings with law enforcement, neighborhood residents, and representatives from social service agencies to communicate intolerance to violence and link them with services to reduce recidivism.

**Impact to date:** Homicides down 11 percent from 1999 level and 46 percent since 1997

### MEMPHIS, TENNESSEE

**Target problem:** Sexual assault

**Analysis:** Research showed that a significant portion of cases involve teenage girls and older men and that approximately 10 percent involve repeat offenders. A large proportion involve women abducted by men in cars.

**Intervention:** Different types of interventions applied to different typologies of cases. Those involving abduction occurred in specific areas, suggesting need to combine prevention through environmental design with community policing strategies.

**Impact to date:** Number of sexual assaults has declined, with a decrease of 26 percent between the peak year of 1997 and 1999.

### NEW HAVEN, CONNECTICUT

**Target problem:** Gun-related crime and community fear

**Analysis:** Analysis helped prosecutors identify offenders associated with most violent group of drug dealers. Survey developed to assess level of fear of crime.

**Intervention:** Larger drug gangs have been dismantled through concerted law enforcement, resulting in dramatic reductions in violent crime. Project's achievements will be communicated to the public as part of broad community awareness campaign to reduce fear of crime.

### PORTLAND, OREGON

**Target problem:** Youth gun violence, with special attention to 15- to 24-year-olds and the role of alcohol in youth-related violence

**Analysis:** Research shows that 60 percent of the city's 400 high-risk offenders are under probation or parole supervision in three of the city's ZIP code areas.

**Intervention:** These inner-city neighborhoods are receiving special attention through joint law enforcement, parole, and probation intervention and youth outreach strategies.

Special reentry program developed for juvenile offenders returning from incarceration to ensure that they receive outreach services and supervision for smooth transition.

## WINSTON-SALEM, NORTH CAROLINA

**Target problem:** Violent and assaultive crimes committed by youth under age 18

**Analysis:** More than 60 percent of juvenile violence concentrated in four specific areas. Within these areas, there is evidence that older offenders are "recruiting" juveniles into criminal activity. A small number of repeat juvenile offenders is responsible for a disproportionate amount of violent crime.

**Intervention:** Notification sessions held for repeat juvenile offenders as well as for older adults influencing them. Operation Reach law enforcement and community teams provide ongoing monitoring. Street outreach program helps connect repeat offenders to resources and services. Electronic information system used for case-management and monitoring of services.

**Impact to date:** Decrease in violent incidents involving juveniles in targeted neighborhoods, compared to previous years. Use of firearms by juveniles in targeted areas down 60 percent from previous year.

**IV**

**Managing a Growing Department and  
Preparing for the Future**

## A. Managing our Human Resources

### Submission by the Justice Management Division

#### Managing a Growing Department and Preparing for the Future

The Department has experienced tremendous growth during the past eight years. Since 1993, the Department's budget has increased from \$11.2 billion to \$24.1 billion for 2001, an increase of 115 percent. Our on-board staffing has risen from 95,000 employees in January 1993, to over 125,000 in December 2000. Overall crime rates have dropped during this Administration, in part due to the programs and policies we have put in place during this Administration have contributed to this decline. This Administration has made a significant investment in the administration of justice. But increasing budgets alone does not make America safer. Our employees at the Department have worked hard to make good use of these resources to confront the problems and challenges we face.

#### Budget and Workload Increases

Law enforcement is a team effort. The criminal justice system is a continuum and not compartmentalized for specific agencies or levels of government. The Clinton Administration has made grants to fund over 100,000 new police officers through the COPS program. Since 1993, the Department's grant programs have grown from under \$1.0 billion, to over \$4.5 billion, to help local communities with their criminal justice needs. We have helped communities to: form partnerships between the criminal justice system, schools, health care, and area businesses to address drug problems; promote information-sharing; and develop strategic state and local programs such as community policing, community prosecutors, and task forces. The Department also provides operational assistance on Safe Trails Task Forces, Safe Streets Task Forces, Mobile Enforcement Teams, and other joint law enforcement efforts.

In 1994, we were ill-equipped to secure our borders against illegal entries. Our southern border was porous, with our agents confronting more aliens than they could apprehend. Beginning in that year, we started to thoughtfully and strategically address this problem. Since then, we more than doubled the number of Border Patrol agents—to a workforce of more than 9,000 agents. We have also built the infrastructure needed to meet this challenge: technology, such as the Immigration and Naturalization Services' Integrated Surveillance Intelligence System and IDENT system; physical barriers, to make passage more difficult; and lights and roads, to help our agents work more effectively. This has resulted in dramatic improvements in border security in areas such as San Diego and El Paso.

To strengthen our mission of preventing future terrorist acts and carrying out our law enforcement missions, we have received OMB and congressional support to enhance our capabilities through the Communications Assistance for Law Enforcement Act and funding for related technologies. To combat acts of cyber-terrorism against the United States, this Administration established the FBI's National Infrastructure Protection Center (NIPC), which plays a central role in investigating attacks against our infrastructure.

Our budget continues funding for the highly successful drug courts program. Over the past 10 years, drug courts have grown from a concept to a full fledged, successful initiative with more than 500 drug courts operating across the Nation. Since our drug courts program was authorized under the 1994 Crime Act, the Office of Justice Programs (OJP) has made approximately 650 grants totaling more than \$125 million. All 50 states have drug courts in operation or in the planning stages. Twenty-two states have enacted legislation that authorizes or funds drug courts, and 12 additional states are considering such legislation. The OJP has found that 80 percent of drug court participants in its grantee programs did not commit other crime while participating in the program.

Our efforts at solving and prosecuting crime have resulted in a large increase in the prison population. The federal prison population has also grown dramatically during the past 8 years--the Bureau of Prisons has successfully accommodated a growth of 66,857 inmates, in part by activating over 25 new correctional facilities. BOP has had to accommodate annual population increase of over 10,000 inmates--the largest increases in its history. To manage this unprecedented growth, the number of personnel in the Federal Bureau of Prisons has increased by 8,700 over the past 8 years--an increase of 37 percent. That population growth outstripped increases in bed space, and BOP's crowding rate has increased to 32 percent. More critically, the crowding levels at medium and high security institutions have increased to 50 percent and 54 percent respectively, and are rising. To address this situation, the Department continues to implement an aggressive long-term prison expansion program, which will add capacity and help alleviate the current situation.

Likewise, the United States Marshals Service and the Immigration and Naturalization Service has seen their populations greatly increase. INS' detention population has nearly quadrupled in the past 8 years, while the Marshals' population has almost doubled. To help with the management of this huge increase, the Department proposed, and is now establishing, an Office of the Federal Detention Trustee.

Successfully managing such growth brings great challenges in order to get the job done well and to not be wasteful. Much planning and foresight is required. We have updated our computer systems and technological capabilities to take advantage of new technology. We have innovated the ways we do business. Through our important investment in human and information resources, the Department has become better equipped to fulfill its criminal and civil law enforcement responsibilities.

## Management Improvements

Over the past 8 years, the Department of Justice has taken a number of significant steps to improve its operations organizationally and administratively. A number of existing Justice organizational components were reorganized, new offices formed, and administrative processes established to improve the Department's range and level of services.

While it continues to receive much scrutiny and can be considered a work in progress, the Immigration and Naturalization Service, for example, was reorganized early in the Clinton Administration to de-politicize the regional INS offices which, under prior administrations, had become independent fiefdoms that did not always manage their operations in a manner consistent with national policy and procedural direction. The INS consolidated and centralized certain administrative activities, including file maintenance, personnel functions, and other alien paperwork processing at various, centralized locations and at Service Centers. In addition, the INS' Border Patrol faced the daunting task of hiring and deploying unprecedented numbers of Border Patrol, primarily at the Southwest Border, which required the creation of streamlined, centralized hiring and training mechanisms to help meet this goal. Finally, the increasing dependence on information systems and the need to ensure that INS' information management infrastructure was functioning in a manner supportive of the INS missions led to the development of an oversight group chaired by the Department's Assistant Attorney General for Administration which worked diligently to bring information management at INS under better control. At the same time, the relatively frequent and sweeping changes in Immigration laws during this Administration presented organizational and administrative difficulties that were difficult to surmount, and there was continual pressure to split the INS into two separate entities, one focused on enforcement and the other on services. The Department fought successfully throughout the Clinton Administration to keep the INS intact.

Several new Justice entities were established during the Clinton Administration to address specific initiatives and to provide better services in certain specific areas, namely: community policing; the protection of privacy and assurance of public access to information; the expanded use of alternatives to litigation in resolving disputes; more coordinated efforts among Federal law enforcement agencies; improved relationships between Federal, State, and local governments with regard to Justice issues; and increased focus on justice issues pertaining to American Indians. To emphasize the core Administration initiative of promoting, establishing and managing a grants program to put 100,000 new cops on the beat across the U.S., the Attorney General established a separate Community-Oriented Policing Services office. The Attorney General also clearly wanted to emphasize the rights of every citizen with regard to privacy and information access, so she elevated these functions by establishing in 1993 an Office of Information and Privacy in the Department reporting directly to her. The Office of Dispute Resolution was established to promote the broader use of alternative dispute resolution in appropriate cases, to improve access to justice for all citizens, and to lead to more effective resolution of disputes involving the government. A key consideration in the establishment of the Office of Intergovernmental Affairs was to better manage and coordinate the Attorney General's

and other leadership's relationships with state and local interest groups. In addition, such mechanisms as the National Drug Intelligence Center, the Counter-drug Intelligence Executive Secretariat, various law enforcement coordinating committees aimed at drug crime, terrorism, and other concerns were operative. Finally, although never formally approved by Congress, the Attorney General established for the first time an Office of Tribal Justice to address unique enforcement needs and issues identified as pertinent to the those living on our American Indian Reservations.

In addition to these organizational changes at the Department of Justice, the Clinton Administration and Attorney General Reno established a number of laboratories to improve government management as part of Vice President Al Gore's initiative to reinvent the U.S. Government. The key goals of this initiative were to put customers first, eliminate needless red tape, empower employees, and cut government functions back to basics. Examples of administrative processes that were improved include: expedited border crossing capabilities at the U.S. ports of entry; improved telephonic access to DOJ entities through enhanced listings in the blue pages of telephone books; automation of grants processing, consolidation of the Justice Prisoner and Alien Transportation Service; etc. As a result of these efforts, many DOJ employees and their organizations were honored with Hammer and JustWorks awards (see attached).

Finally, a longstanding administrative concern of Attorney General Reno has been the need to develop a rational basis for deploying Department of Justice staff resources across the U.S. The Justice Management Division has provided maps that show a geographic analysis of current law enforcement staffing by Federal judicial district, recent enhancements, and longer term allocation trends. In addition, various special analyses have been done showing information for specific components, enforcement staff in proximity to Indian Reservations, worldwide DEA staffing, geographic distributions of certain types of cases, drug seizures, and detention trends. This type of information has proven useful to the Attorney General in trying to assess where to seek and to deploy any new resources provided by the Congress in order to have the most beneficial law enforcement effect. Increasingly, the move is toward placing information of this type in a central data warehouse format, available not only for DOJ internal use, but also for broader public consumption via the Internet.

#### Managing our Human Resources

Overall, the Department has grown by than 30,000 employees over the past eight years-an increase of almost one-third. In addition to adding these new employees, we have had to hire replacements for the many employees who have retired or otherwise left our employment. This has present a huge challenge, especially in a competitive economy. Our growth includes a 13 percent increase in the size of the FBI, a 21 percent increase in DEA, and a 72 percent increase in the INS workforce. The Department has faced a tremendous management challenge recruiting, screening, hiring, training and integrating these new employees into our operations.

As we have grown, the Department has worked to assure that we maintain high standards of excellence. The Federal Law Enforcement Training Center (FLETC) in Glynn, Georgia, has experienced phenomenal growth in both the number of students -- to more than 25,000 students per year -- and the range of instruction. Over 200 courses are now offered at this facility. We have also expanded our training capacity at the FBI Academy in Quantico, Virginia. We opened a new training center in Charleston, South Carolina to train Border Patrol agents. And, in 1998, the Department opened a new National Advocacy Center (NAC) in Columbia, South Carolina. As the principal training site for prosecutors and civil advocates, NAC will train approximately 15,000 people a year. Each of these training centers maintains state-of-the-art facilities and offers a variety of programs for federal, state, local, tribal, and international law enforcement personnel.

Using a variety of new commercial software applications, the Department has automated several of its human resource functions, such as personnel action processing, position management, an integrated workflow for routing personnel action requests, and an interface used to transmit payroll data to the Department of Agriculture's National Finance Center (NFC) database.

A particular staffing issue we have faced is the competition for information technology (IT) professionals. In March 1999, the Department initiated a work group to study the types of IT work being performed in Department components. Participants included position classification specialists and subject matter experts from components. The goal of the work group was to develop position titles and brief descriptions of the work being performed. Components have been using this effort to help in planning recruitment and to provide more meaningful descriptions of IT position vacancies advertised.

Another major human resource challenge has involved improving the safety of our employees. Many Department employees do very dangerous work, involving very dangerous criminals. Workers' Compensation costs for injured Department of Justice (DOJ) employees have risen an average of 10% per year, to a current cost of \$84 million in 2000. The Department's lack of an automated tracking system for these expenditures and cases had resulted in an inability to track costs, manage cases, and implement strategies to return injured workers to duty. The management has been improved and automated, and constitutes the backbone of the effort to reduce compensation costs, by helping our employees return to the job and by reducing bogus claims.

## **B. Improving Our Information Resources**

### Submission by the Justice Management Division

#### Improving Our Information Resources

Over the past eight years, the Department has been able to invest in new technology to improve efficiency, aid law enforcement and keep pace with rapid changes in crime. Our development and deployment of crime-solving technology tools has created an information superhighway accessible by federal, state and local law enforcement. The Federal Bureau of Investigation's (FBI) Integrated Automated Fingerprint Identification System, the National Crime Information Center 2000, the National Instant Criminal Background Check System (NICS) and the Combined DNA Index System, have become operational and are accessible to law enforcement for apprehending and identifying criminals. As a result of these new tools, crimes can be solved through fingerprint and DNA technology that was not widely available 8 years ago.

The Department is also continuing its efforts to improve the security of our computer and technology systems against external threats and internal weaknesses. We recognize that the internet is an important tool in our day-to-day activities. We are vigilant in our efforts to respond to the security risks that the internet and other new technologies may present.

## **C. Submission by the Bureau of Prisons**

### **Incarceration and Detention**

The important issues and priorities for the Bureau of Prisons from 1993-2000 relate to the increasing Federal inmate population and the agency's ability to manage institutions that are operating above their intended capacity. The Federal inmate population has increased more than 80 percent since the end of 1992, from approximately 80,000 inmates to over 146,000. Some 26 new institutions were built during these 8 years to help meet the demand for incarcerating Federal offenders and bringing the total number of Bureau institutions to 98. The growth of the Federal inmate population during this time was due to the continuing war on crime; the increase in Federal prosecutions and convictions particularly for drug and immigration violations; and the continuing impact of legislation enacted between 1984 and 1990 that established determinate sentencing, abolished parole, reduced good time, and established mandatory minimum sentences. With increasing Federal law enforcement efforts and the responsibility for incarcerating approximately 8,300 District of Columbia sentenced felons, the Bureau is projecting dramatic population increases for the next several years.

While the Bureau's primary mission is the incarceration of sentenced Federal inmates, the agency has provided increasing assistance over the past 8 years to the U.S. Marshals Service by confining pretrial detainees and presentenced offenders. At the end of FY 2000, the Bureau confined approximately 11,500 prisoners for the U.S. Marshals Service (USMS), which represents approximately 34 percent of the USMS detainee population. The Bureau also assisted the Immigration and Naturalization Service (INS) by confining INS detainees. At the end of FY 2000, approximately 3,000 INS detainees were housed in Bureau institutions and contract facilities.

The National Capital Revitalization and Self-Government Improvement Act of 1997 requires the Bureau to assume custodial responsibility for approximately 8,300 inmates that comprise the District of Columbia's sentenced felon population. The Bureau's effort to absorb these D.C. inmates began immediately after passage of the Act and continues to date. Nearly 3,000 D.C. sentenced felons were in Bureau custody at the end of 2000, and the remainder will be in Bureau custody by December 31, 2001, as required by the Act. Monies have been appropriated to construct sufficient new beds to confine the D.C. inmates, however the statutory date for completing the transfer was advanced from the originally agreed upon date of 2003 to 2001 during the final hours of Congressional negotiations. Thus, some of the additional bed space needed will be activated after the D.C. inmates have been transferred.

The Bureau anticipates a net increase in the Federal prison population of 54,092 inmates from the end of FY 2000 to the end of FY 2006. This represents an increase of 37 percent over the next 6 years or an average annual increase of 6.2 percent per year. Approximately 4,000 long-term Immigration and Naturalization Service (INS) detainees are included in the Federal inmate

population projections. In an effort to provide further assistance to the INS, the Bureau has agreed to house INS long-term detainees contingent on the addition of the necessary capacity.

The Bureau has 29 new facilities under development. Thirteen are high-security United States penitentiaries, 15 are medium-security Federal correctional institutions, and one is a Federal detention center. Of this number, 19 facilities are fully-funded, and the remainder have site development and planning monies appropriated. These 29 facilities are planned for activation during the period encompassing FY 2001 through FY 2007. In total, the new institutions will provide the Bureau with approximately 33,000 additional beds.

### **Additional Capacity Expansion, Privatization, and Intergovernmental Agreements**

In addition to the construction of new institutions, the Bureau is continuing to renovate and expand existing facilities where possible and to use private sector and other government-owned, non-federal facilities to complement its expansion efforts, especially in housing non-U.S. citizens. The Bureau has contracted for the confinement of certain subpopulations of offenders for many years (juveniles, community corrections center inmates, low-security non-U.S. citizens, and short-term detainees). The Bureau contracts for bedspace when that arrangement is cost-effective, complements its operations and programs, and provides some flexibility in order to avoid extreme overcrowding.

Contracts with the private sector and agreements with local governments for the confinement of appropriate subpopulations of offenders have expanded significantly over the last 8 years, with approximately 14,000 secure contract beds being brought on line. Recently, the Bureau has entered into agreements with the State of Virginia for the confinement of District of Columbia inmates (in order to meet the mandate of the National Capital Revitalization and Self-Government Improvement Act of 1997 as mentioned above) until new institutions are constructed. Currently, the Bureau is seeking contracts for up to an additional 6,000 beds from private firms to house the burgeoning criminal alien population.

### **Federal Death Penalty**

The death penalty was reinstated as an available punishment under Federal law with the passage of the Anti-Drug Abuse Act of 1988 that included provisions allowing for capital punishment for certain drug-related offenses. The availability of capital punishment in Federal criminal cases expanded significantly with enactment of the Violent Crime Control and Law Enforcement Act of 1994 (VCCLEA). The VCCLEA included the Federal Death Penalty Act, which made more than 40 Federal offenses punishable by death. The Act established the method and procedure for carrying out the death penalty, requiring that executions be carried out in the manner prescribed by the State in which the sentence is imposed. In the case of a State without the death penalty, the court would designate a State with capital punishment and the execution would be carried out in that State in the manner prescribed by the law of the State. (This requirement conflicts with Federal Regulations established in 1993 which provide lethal injection to be the method of

execution. Resolution of this inconsistency requires legislative action, which the Bureau has pursued.)

In July 1993, the United States Penitentiary (USP) in Terre Haute, Indiana, was selected by the Bureau as the site for implementation of the Federal death penalty and for modification of an existing housing unit for Federal Death Penalty case inmates. USP Terre Haute was one of seven Bureau high-security prisons that had the security features necessary for this role. In addition, Terre Haute, Indiana, is located near the central part of the United States. Modification of the existing housing unit began in August 1993 and was completed in May 1996; the execution facility was readied in August 1995. Federal inmates serving death sentences (most of whom were confined on contractual basis in various States) were transferred to the special confinement unit in July 1999. There are 19 inmates currently housed in the Special Confinement Unit. President Clinton granted two temporary reprieves to Juan Raul Garza, who had been scheduled for execution. The first reprieve was to give the Department of Justice time to develop guidelines for clemency procedures, and the second reprieve was to permit sufficient time for the Department of Justice to review recent research examining racial and geographic bias in the application of the Federal death sentence. Inmate Garza is now scheduled to be executed on June 19, 2001.

Timothy McVeigh, who is also confined in the Special Confinement Unit, recently asked U.S. District Court Judge Richard Matsch (who presided over McVeigh's trial) to withdraw the appeal of his conviction in the Oklahoma City bombing case and to set a date for execution. The court granted inmate McVeigh's request after a hearing on December 28, 2000, but allowed McVeigh until January 11, 2001, to change his mind. If at that time McVeigh remains steadfast in his request, an execution date will be set. The date will most likely be at least 120 days from January 11.

### **Inmate Programs and Population Management**

The Bureau believes that inmates are responsible for the behavior that led to their incarceration and, while in prison, they should participate in self-improvement programs to learn skills needed to be productive, law-abiding citizens upon release. As the Federal inmate population grew significantly over the last 8 years, the Bureau enhanced existing and implemented new self-improvement programs, including work in prison industries and other institution jobs, vocational training, education, religious observance, substance abuse treatment, parenting, anger management, counseling, and other programs that teach essential life skills. Rigorous research has shown that industrial work programs, vocational training, education, and drug treatment reduce recidivism and reduce misconduct in prison. Work and vocational training programs also have been proven to increase released offenders' ability to remain employed and to earn higher wages (compared to those who did not complete these programs). Drug treatment programs also decrease offenders' likelihood of relapse to drug use after release. The correctional programs provided at Federal prisons not only help to meet the societal goals of public safety and crime prevention through reduced recidivism. They also help to maintain the security of Bureau

institutions by keeping inmates constrictively occupied. Programs that have shown significant positive results are Federal Prison Industries, vocational and apprenticeship training, residential substance abuse treatment, and cognitive restructuring programs. Each of these types of programs has been shown by BOP research to significantly reduce inmates' involvement in institution misconduct.

### **Federal Prison Industries**

The mission of Federal Prison Industries (FPI) is to: (1) employ, instill good work habits in, and provide skills training to as many inmates as possible; (2) contribute to the safety and security of Federal prison by keeping inmates constructively occupied; (3) produce market-priced, quality goods for Federal Government customers; (4) operate in a self-sustaining manner; and (5) minimize its impact on private business and labor. FPI inmates gain marketable job skills working in factories that produce metal products, furniture, electronics, textiles, and graphic arts. Inmates employed by FPI also develop a strong work ethic, and are less likely to engage in prison misconduct. Approximately 25 percent of the Bureau's medically-able, sentenced inmates work in Federal Prison Industries.

Federal Prison Industries also operates under several constraints: (1) inmates who work for FPI are generally undereducated and unskilled, and have little steady work experience relative to the U.S. population; (2) enhanced staff supervision is necessary to meet the goal of training and to provide security in a prison environment; (3) there is a need to maintain accountability of tools and raw materials that could be used in an assault or to escape; (4) unpredictable occurrences, such as institutional emergencies, lockdowns, and inclement weather, shut down factory operations without notice; and (5) FPI sales are restricted to the Federal market.

Federal Prison Industries has faced significant challenges over the last 8 years in providing sufficient work opportunities to the rapidly growing inmate population. FPI's statutory "mandatory source" preference has generated considerable opposition from many private vendors and some of their representatives in Congress. Several industry trade associations and organized labor unions are actively opposed to FPI and any expansion of its operations. These groups suggest that FPI's impact on private industry is too great already. The Bureau and the Department have worked with stakeholders in both the private sector and the congress to find an effective solution to the challenges of growth of growth and sufficient employment. The efforts will continue. With the Federal inmate population projected to increase by approximately 54,000 inmates by the year 2006, the greatest challenge facing FPI will be its ability to continue to generate the required number of new inmate jobs.

### *The Post Release Employment Project*

A 12-year study of Federal inmates demonstrates convincingly that work skills experience and training increases the likelihood that inmates will successfully reintegrate into the community following release from Federal prison. The study, which compared inmates who worked in

prison industries or completed vocational and apprenticeship programs with similar inmates who did not complete those programs, revealed that program participants were 24 percent less likely to recidivate than non-work program participants. The results further indicated that industries and training program participants were 14 percent more likely to be employed at 12 months following release from prison than their non-participating peers. The data also revealed that these programs provide the greatest benefit to minority groups that are at the greatest risk for recidivism. Additional analyses, completed in 1999, of a subset of 18 to 24-year-old male inmates with 9th- to 11th-grade educations (those generally believed to be difficult to manage in prison and at greatest risk of unemployment and recidivism after release) revealed that, while all racial and ethnic groups benefitted, Hispanic and racial minority inmates benefitted the most from participating in industries and vocational or apprenticeship programs -- this group's decrease in recidivism was nearly triple that of non-minorities.

### **Residential Substance Abuse Treatment**

The Bureau uses a comprehensive substance abuse treatment strategy in an effort to change inmates' criminal and drug-using behaviors. In the drug abuse education component, inmates receive information about alcohol and drugs and the physical, social, and psychological impact of abusing these substances. Inmates who are identified as having a further need for treatment are encouraged to participate in non-residential or residential drug abuse treatment. Non-residential drug abuse treatment and counseling are available in every Bureau institution. Treatment includes individual and group therapy, as well as specialty seminars and self-improvement group counseling programs. The most intensive drug abuse treatment in the Bureau is the residential drug abuse treatment program.

With the emphasis on drug treatment in the late 1980's and early 1990's, heightened by the Anti-Drug Abuse Act of 1986 and with funding from the Anti-Drug Abuse Act of 1988, the Bureau enhanced its drug abuse treatment program to include 31 residential programs by 1993. The most significant impact on the program occurred in 1994, with the passage of the Violent Crime Control and Law Enforcement Act (VCCLEA). This law requires the Bureau to provide residential treatment to 100 percent of eligible inmates, beginning in fiscal year 1997. In response, the Bureau accelerated its expansion plan which included staff recruitment, redesigning and implementing the most effective staff training approaches, refining the standardized drug treatment curriculum, and expanding the transitional services component to keep offenders engaged in treatment as they return to their home communities. By the close of fiscal year 1997, the Bureau satisfied the requirement of providing treatment to all eligible inmates, and the agency continues to satisfy this requirement.

At the end of 2000, residential drug abuse treatment programs existed at 47 Bureau institutions, offering a system-wide treatment capacity for over 12,000 inmates. Inmates who participate in the residential programs are housed together in a separate unit of the prison that is reserved for drug treatment. The residential programs provide intensive treatment, 5 to 6 hours a day, 5 days a week, for 9 to 12 months. The remainder of each day is spent in education, work skills training, and other inmate programs. Upon completion of a residential substance abuse treatment

program, aftercare treatment services are provided in the general population and in community corrections centers to ensure an effective transition from the residential program to the community. Residential drug treatment is provided to the 34 percent of Federal prisoners who have a drug use disorder; treatment is provided toward the end of their sentences to maximize the effectiveness of treatment. Currently, 92 percent of inmates who need residential drug treatment volunteer and receive treatment before release. The requirement for volunteering is one of the criteria used to establish "eligible" drug offenders for purposes of mandatory treatment under VCCLEA.

### *Results of Research*

According to the results of a rigorous study on the effect of residential drug treatment, male and female inmates who completed the residential drug abuse treatment program and were released to the community for at least 3 years were less likely to be re-arrested, less-likely to have their supervision revoked (and be returned to prison), and less-likely to be detected for drug use than were similar inmates who did not participate in the drug abuse treatment program. The study also found improved employment among women after release. Female inmates who completed residential drug abuse treatment were employed for more than two-thirds of the time that they were in the community following release, while women who did not receive treatment were employed 59.1 percent of the time. In addition, an evaluation of inmate behavior found that institution misconduct among male inmates who completed the residential drug abuse treatment program was reduced by 25 percent when compared to misconduct among similar male inmates who did not participate in the residential program, and institution misconduct among female inmates who completed residential treatment was reduced by 70 percent.

### **Cognitive Restructuring Programs**

Encouraged by the positive results of the residential substance abuse treatment program, the Bureau implemented a number of new residential programs in the late 1990's for special populations (including younger offenders, high-security inmates, and intractable, quick-tempered inmates) who are responsible for much of the misconduct that occurs in Federal prisons. The cognitive restructuring approach used in the drug treatment programs was carried over as the foundation for programs to change the criminal thinking and behavior patterns of inmates. These programs focus on inmates' emotional and behavioral responses to difficult situations. Cognitive restructuring programs emphasize life skills and the development of pro-social values, respect for self and others, responsibility for personal actions, and tolerance. Each program was developed with an evaluation component to ensure the program meets the goals of promoting positive behavior in the most cost-effective manner. While too early to assess value in terms of reducing recidivism, the Bureau has found that these cognitive restructuring programs significantly reduce inmates' involvement in institution misconduct. Previous studies have shown a strong relationship between institution misconduct and recidivism.

## **Inmate Education and Implementation of VCCLEA and PLRA**

The Bureau offers a variety of literacy and vocational training programs for inmates intended to help them obtain employment after release from prison. All institutions offer literacy classes, English as a Second Language, and adult continuing education. The Bureau's mandatory literacy standard requires that, with few exceptions, inmates who do not have a 12th-grade education, through either a verified high school diploma or a General Educational Development (GED) credential, participate in the literacy program for a minimum of 240 hours or until they obtain the GED credential. Inmates must have a high school diploma or a GED credential to receive a promotion in job and pay above the entry level. Non-English speaking inmates are required to participate in an English as a Second Language program until they are proficient in oral and written English.

The Violent Crime Control and Law Enforcement Act of 1994 and the Prison Litigation Reform Act of 1995 require inmates without a verified high school diploma or a GED credential to participate in a high school credential program in order to earn the maximum amount of good conduct time and to vest the time earned. Following enactment of these laws, GED enrollments increased 85 percent from August 1997 to November 2000. The Bureau also experienced GED waiting lists for the first time even though the agency is enrolling more and more inmates in the GED program. As of November 2000, there were 8,814 inmates waiting for placement in the GED program.

## **Inmate Financial Responsibility**

The Inmate Financial Responsibility Program (IFRP) requires inmates to make payments from their earnings to satisfy court-ordered fines, victim restitution, child support, and other monetary judgments. Inmates in Federal Prison Industries work assignments who have court-ordered financial obligations must pay 50 percent of their earnings to the IFRP. The majority of the court-ordered fine and restitution money goes to crime victims or victim support organizations through the Crime Victims Fund in the Department of Justice. Under the IFRP, the Bureau collected over \$7.3 million during fiscal year 2000, for a total of more than \$37 million over the past 8 years.

## **Institution Security**

The Bureau has continued to ensure institution security through physical features, including the use of emerging security technologies; the classification of inmates based on risk factors; and direct staff supervision. Although architecture and technological innovations help the Bureau maintain safety and security, events in 1995 indicated the importance of direct supervision of inmates by staff.

A series of institutional disturbances in October 1995 (caused by forces external to the Bureau) focused the Bureau's attention on basic inmate management practices and communication between staff and inmates. The agency re-emphasized the importance of staff moving about all

areas of the institution and being present in certain key areas on a daily basis. Additionally, the Bureau placed greater emphasis on frequent and constructive interaction and communication between staff and inmates. The Bureau also made improvements in the design and construction of its facilities and began providing more training and resources to enable staff to respond more effectively to institution emergencies. In 1999 and 2000, the Bureau conducted regional crisis management training exercises designed to provide command and control staff from the local, regional, and national levels with on-site training in tactical response and maneuvers, hostage negotiations, and employee and family assistance.

As a result of physical plant improvements, enhanced training, and increased emphasis on staff supervision of inmates, the Bureau has experienced significant reductions in assaults and a general reduction in escapes from secure institutions over the past 8 years. Escapes from secure institutions for the past 8 years are as follows: 1993 - 6 escapes; 1994 - 1 escape; 1995 - 6 escapes; 1996 - 3 escapes; 1997 - 0 escapes; 1998 - 0 escapes; 1999 - 1 escape; and 2000 - 2 escapes. From 1995 to 1999, the rate of inmate-on-inmate assaults decreased 29 percent, the rate of inmate-on-staff assaults without a weapon decreased 53 percent, and the rate of inmate-on-staff assaults with a weapon decreased 45 percent. These numbers are particularly noteworthy in the context of the dramatically increasing inmate population and crowding levels that have climbed from 22 percent over capacity in 1997 to 32 percent over capacity in 2000.

## **Security and Technological Improvements**

### **Inmate Telephone System**

The Bureau provides inmates with access to telephones to allow them to maintain positive ties with family, friends, and the community. Research has shown that inmates who maintain ties to their family have reduced recidivism rates. While the agency recognizes the need for inmates to maintain family ties, it also takes measures to prevent inmates from using the telephones to engage in criminal activity.

In the 1970's, when the inmate telephone system was developed and the Bureau was responsible for approximately 25,000 inmates, the collect calling system that was in use met the Bureau's needs and supported law enforcement with investigations and prosecutions. The system in place allowed the Bureau to record all phone calls and monitor a portion of the calls. By the mid 1980's, the Bureau recognized that technology was becoming available whereby inmates would pay for direct dial telephone calls through a commissary account maintained at the institution, and the telephone numbers an inmate was able to call could be controlled. After a pilot test in the late 1980's, the Bureau began the implementation of a significantly enhanced inmate telephone system (ITS) in the early 1990's.

In 1993, the Bureau began installing ITS gradually at various correctional facilities but was enjoined by the U.S. District Court in the Eastern District of Kentucky from continuing, in response to a class action law suit filed by female offenders at the Federal Medical Center in Lexington, Kentucky. Following a settlement of the suit, the Bureau began procuring a slightly

different, and enhanced inmate phone system (ITS-II), but these efforts were also stalled, this time by litigation involving competing vendors.

Finally, in late 2000, the Bureau completed installation of ITS-II, an automated inmate phone system that permits both debit and collect calls, and provides the Bureau with a variety of mechanisms that afford greater control of inmate phone calls. For example, the system allows the Bureau to place inmates on individual, automated calling restrictions to control the specific approved numbers to be called by each inmate, allows limits to be placed on the minimum time required to elapse between calls, allows the recipient of a call to determine whether or not to accept it, and provides a means for recipients to block all future calls from an inmate. The new system also provides detailed reports to help investigators target inmates that are abusing their telephone privileges and other significant security features. The rates that inmates are charged to place phone calls are comparable to what non-prisoners are charged.

In addition to implementing ITS-II the Bureau has taken further substantive steps to remedy concerns regarding inmate abuse of telephones, including:

- (1) establishing new intelligence positions within institutions and coordinating with law enforcement agencies to share information about inmates who are of concern regarding their criminal activity and their propensity for continuing their criminal activity while incarcerated;
- (2) enhancing training and developing more-proactive telephone monitoring practices;
- (3) establishing additional staff telephone monitoring stations;
- (4) limiting hours of inmate telephone access;
- (5) revising disciplinary procedures to increase sanctions for abuse of the telephone;
- (6) increasing telephone restrictions for inmates who have a history of abuse or attempted abuse of telephone privileges; and
- (7) more thoroughly reviewing of the names submitted for placement on an inmate's approved telephone list.

Effective April 1, 2001, the Bureau will further limit and standardize the amount of time inmates may spend on the phone. The Bureau continues to review patterns of inmate phone calling and cases of phone abuse to explore additional means to further curtail possible illegal activity facilitated through phone calls.

### **Cameras/CCTV**

The importance of cameras and Closed Circuit Television (CCTV) has changed significantly during the last 8 years from a tool to provide surveillance of visiting rooms and the opening and closing of doors and grilles to an investigative and management tool that has had an impact on staff and inmate safety. Cameras and video recording equipment serve as a deterrent to misconduct and assaults within Bureau facilities and allow the Bureau to conserve staff resources. The importance of video cameras was apparent during and after the disturbances at several Bureau institutions in 1995. Video cameras assisted in the prosecution of inmates involved in the disturbances; some inmates reported that the presence of cameras caused many inmates to forego participation in the disturbances.

## **Information Systems/Wide Area Network**

The Bureau has one of the most mature and reliable information systems -- a system that is an integral and essential part of institution operations. The system (known as Sentry) is a data base of all Federal prisoners, complete with sentencing information and scores of internal assignment categories relating to all aspects of the Bureau's management of offenders. In the early 1990's, the Bureau successfully created a network infrastructure, enhancing the connection between all Bureau offices and institutions. The network connects approximately 17,000 work stations and allows Bureau staff to quickly and effectively share a wide variety of documents, policies, and other information, enabling the agency to operate with optimum efficiency and to remain a "singular Bureau" despite its tremendous growth.

## **Social Security Administration Matching Agreement**

In April 1998, President Clinton issued a memorandum directing Federal agencies to work together to reduce or suspend Federal benefits to inmates. Pursuant to provisions of the Social Security Act, the Social Security Administration is required to limit or deny the payment of benefits to certain incarcerated individuals. In July 1999, in furtherance of the Administration's goal and in accordance with the computer matching provisions of the Privacy Act, the Bureau entered into a computer matching agreement with the Social Security Administration. Under the agreement, the Bureau provides the Social Security Administration with inmate data for that agency to match with its rolls and to use in deciding to limit or deny benefits. The anticipated savings for the Government with this agreement are expected to be more than \$7 million per year.

## **Interagency Cooperation**

The Bureau works closely with other components of the Department of Justice. For example, (1) the Bureau confines thousands of pretrial detainees and presentenced offenders for the U.S. Marshals Service (USMS) and thousands of detainees for the Immigration and Naturalization Service (INS); (2) the Bureau assists the Office of Enforcement Operations by operating secure units for offenders in the Witness Protection Program; (3) the Bureau, USMS, and INS have been working together for years to ensure the safe, efficient transportation of inmates to and from the courts, between correctional and detention facilities, and on international deportation flights; and (4) the Bureau assists the Office for Victims of Crime by notifying victims and witnesses prior to the release of inmates who are identified as potential ongoing threats to these victims or witnesses.

In March 1996, the Bureau of Prisons, the Immigration and Naturalization Service, and the Executive Office for Immigration Review created the enhanced Institution Hearing Program, designed to provide deportation hearings to non-U.S. citizen inmates while they are still serving their Federal sentences, thus avoiding the need for post-sentence detention. At the end of FY

2000, fourteen facilities (10 Bureau-operated and 4 contractor-operated) functioned as hearing sites and release sites. An additional 16 facilities (12 Bureau-operated and 4 contractor-operated) functioned solely as release sites.

All Federal prisons have arrangements with State and local law enforcement agencies to facilitate coordination during the rare occurrences of escapes or other security concerns. To enhance these relations, Bureau institutions participate in joint training activities with State, local, and other Federal law enforcement agencies, primarily conducting emergency preparedness exercises and drills in mock situations. In 1995, the Bureau and the FBI held a mock emergency at the Federal Correctional Institution in Beckley, West Virginia; and in 1997, the two agencies staged a mock disturbance at the Federal Correctional Complex in Florence, Colorado. In addition, the Bureau often allows other agencies to use training areas in their institutions.

The Bureau works closely with Federal and State law enforcement to reduce criminal and gang activity in its institutions, to identify threats to institution security, and to reduce crime in the community. The Bureau has formalized a process through which Federal prosecutors and law enforcement officials can notify the agency about inmates of "great concern" so that the Bureau can monitor these inmates and their communications more closely.

Bureau staff provided assistance to specific law enforcement efforts in a variety of ways during the past 8 years. Most often, the Bureau's institution-based tactical response teams, called Special Operations Response Teams, were called upon and stood ready to assist with crowd control and detention during urban disturbances. In a specific instance of assistance to Federal law enforcement efforts, from May 11 to June 29, 1999, the Bureau sent 32 staff to Tinian Island to support the INS in the detention of Chinese nationals who were seeking asylum in the United States by traveling to the island of Guam. Bureau staff helped provide custodial services for the detainees, who were diverted to Tinian Island, until they could be repatriated.

### **The National Institute of Corrections**

Over the last 8 years, the National Institute of Corrections (NIC) ably fulfilled its mission to provide technical assistance, training, and information services to State and local correctional agencies throughout the country and technical assistance to foreign governments on correctional matters. Most recently, NIC has been taking advantage of new technology and has been providing training through "distance-learning videoconferences." Through technical assistance, training, and information services, NIC responded directly to the needs identified by practitioners working in State and local corrections. Some major strategic program themes included: correctional leadership, inmate classification, offender mental health issues, facility planning, staff sexual misconduct, women offender issues, institution culture, the interstate compact addressing offender supervision, and offender job training and placement. In addition, NIC awarded numerous cooperative agreements to advance State and local corrections throughout the United States and abroad from 1993-2000.

NIC was involved significantly with many issues related to the implementation of provisions in the VCCLEA of 1994, especially the Violent Offender Incarceration and Truth in Sentencing Grant Program. In addition, and in conjunction with the Bureau, NIC has been significantly involved over the last 8 years regarding the analysis of options for the District of Columbia Department of Corrections (D.C. DOC); the evaluation of policy proposals and implications; and the provision of technical assistance to the D.C. DOC regarding the future of the Lorton Correctional Complex, the transition of D.C. inmates to the custody of the Bureau of Prisons, and the operations of the D.C. DOC with reduced responsibilities. Two other major initiatives deserve mention.

### *Interstate Compact Initiative*

In 1999, NIC entered into a partnership with the Council of State Governments to shape a replacement to the outdated and deficient Interstate Compact for the Supervision of Parolees and Probationers. The compact provides statutory authority for regulating the transfer of adult parole and probation supervision across State boundaries. In FY 2000, the replacement phase began as NIC offered information and technical assistance to States to assist them in considering whether to enact the new legislation (the Interstate Compact for Adult Offender Supervision). The goal is to have 35 States pass the legislation by the end of FY 2001. Currently, nine States have passed the legislation.

### *Training Regarding Staff Sexual Misconduct*

Since 1996, NIC has developed several strategies to assist State and local correctional agencies in addressing the increasing instances and concerns about staff sexual misconduct with inmates. These strategies have involved direct technical assistance and training to requesting agencies, regional training seminars, and training programs at the NIC Academy. They include a survey that provides information regarding the progress of agencies in addressing staff sexual misconduct and workshops at the recent American Jail Association national meeting and the National Symposium on Women Offenders. As a result of NIC's efforts, 16 State departments of corrections have developed new policies on staff sexual misconduct with inmates, and at least 12 more are in the policy-development process. Thirty-one departments of corrections have developed or are developing staff training programs to address this issue. At the end of 1999, all but 7 States had specific legislation prohibiting staff sexual misconduct with inmates -- 16 of those States having passed legislation since 1996.

D. Submission by the Office of the Inspector General

**Office of the Inspector General  
Accomplishments  
1993 - 2000**

<b>Investigations</b>	
Allegations received	53,326
Investigations opened	4,570
Investigations closed	4,571
Criminal indictments	927
Arrests	1,065
Convictions/ Pleas	867
<i>Monetary Results</i>	
Fines/Restitutions/Recoveries	\$ 13,835,733
Seizures	\$ 2,598,604
Bribe monies deposited to	\$ 1,025,403
Forfeiture	\$ 2,500,000
Civil penalties	\$ 187,050
<i>Total Monetary Results</i>	<i>\$ 19,959,740</i>
<b>Audits</b>	
Funds recommended to be put to	\$82,647,027
Total questioned costs	\$69,183,435
Enhanced revenues	\$72,885,127

Recommendations for mgmt	8,355
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<b>Inspections</b>	
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Inspections initiated	123
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Inspection products issued	120
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## **E. Submission by the Office of Public Affairs**

### **THE RENO RECORD EIGHT YEARS OF JUSTICE**

**DECLINING CRIME RATES:** Every year Attorney General Janet Reno has been in office, the nation's crime rate has dropped -- in part, due to the Attorney General's efforts to put more police officers on the streets, provide more funding for prevention programs, and forge closer cooperation among federal, state and local law enforcement. Violent crime is at its lowest level since 1973. From 1993 through the first half of 2000, the violent crime rate has declined by more than 27%. For the first half of 2000, both property and violent crime continued to decline. The 1999 Crime Index, which measures the number of offenses per 100,000 population, was 8% lower than in 1998 -- 19% below the 1995 rate -- and, 27 % lower than the 1990 rate. In 1999, the number of violent crimes was 20% below the 1995 figure and 21 percent below the 1990 figure. The recorded rate of 6 murders per 100,000 inhabitants was the lowest figure since 1966.

**ENCOURAGING COMMUNITY POLICING:** Attorney General Reno oversaw a program that funded more than 100,000 new community police officers -- under budget and ahead of schedule -- in 11,300 communities across the country. Today, more than 69,000 of those officers are on the beat interacting with the community, rather than simply responding to crimes. This marks a new approach to law enforcement.

**ADVANCING COMMUNITY LAW ENFORCEMENT:** Attorney General Reno revamped the way law enforcement fights crime. Rather than having agencies work at cross purposes, the Attorney General established an initiative to better coordinate federal, state and local efforts so that resources were used wisely. The Department has awarded nearly \$4.3 billion in grants to jurisdictions in all 56 states and territories to fund law enforcement programs and criminal justice research. From 1993 to 2000, assistance to state and local governments increased by 354%, from almost \$1 billion to about \$4.5 billion.

**REDUCING YOUTH VIOLENCE:** In an effort to develop a comprehensive response to youth and gang violence, the Attorney General created unprecedented partnerships between local, state and federal governments, as well as the business, non-profit and faith communities to steer youth at risk youth away from trouble. Through her leadership, the Department fought for after-school and other prevention programs, spearheaded a crackdown on gangs, and linked federal grants on increased community cooperation to reduce youth violence. Since 1994, the Department has provided more than 885 communities with funding for comprehensive youth crime prevention efforts and has supported more than 170 local mentoring programs. The Department also joined with HHS and the Education Department through the Safe Schools/ Healthy Students Initiative to support efforts by school districts to make schools safer, foster children's healthy development and prevent aggressive behavior and drug and alcohol use. From 1993-1999, the juvenile arrest rate for murder in the U.S. fell 68%; the lowest since 1966. And, the juvenile arrest rate for violent crime overall dropped 36% from 1994 to 1999; the lowest since 1988.

**COMBATING ILLEGAL DRUGS:** During Attorney General Reno's tenure, federal law enforcement disrupted or dismantled the Cali Cartel and portions of the Medellín cartel in Colombia, as well as the Arellano-Félix drug organization, the Amado Carrillo-Fuentes drug transportation organization, and the Amezcua-Contreras methamphetamine trafficking organization in Mexico. In addition, Mexico deported – and the Justice Department prosecuted – Juan Garcia Abrego, who was leader of the Gulf Cartel. Further, the Attorney General fought to expand the use of drug courts, which seek to alter behavior of drug offenders through escalating sanctions, mandatory drug testing, treatment, and strong aftercare programs. The Attorney General also obtained increased funding for drug testing and treatment in prisons across the country. She also developed and instituted a nationwide strategy to halt the production and spread of methamphetamine.

**FIGHTING VIOLENCE AGAINST WOMEN:** Since passage of the 1994 Violence Against Women Act, the Attorney General has launched an aggressive campaign against domestic violence, stalking, and sexual assault. Through grant programs, the Department has awarded more than \$800 million to law enforcement officials, prosecutors, victim advocates, and courts to address the problem at the state, territorial, tribal, and local level. It has prosecuted more than 180 cases involving interstate domestic violence, interstate stalking, interstate violations of protection orders, and illegal possession of firearms while under a protective order or after conviction for a misdemeanor crime of domestic violence. It also has worked aggressively to implement the full faith and credit provision of VAWA, providing training, technical assistance, and grants to law enforcement agencies, prosecutors, courts, and victim service providers and advocates to ensure states and territories honor civil protection orders issued elsewhere.

**PROSECUTING GUN VIOLENCE:** Over the past seven years, the Attorney General has taken aggressive steps to control gun violence. She successfully fought for passage of the Brady Law, which has kept more than 470,000 guns from criminals and other prohibited persons. She fought for passage of the 1994 Crime Act which outlawed deadly assault weapons that have no legitimate civilian use. Through her leadership, the Department developed locally-based gun violence reduction plans in coordination with state and local law enforcement agencies. Additionally, the Department sought to vigorously prosecute those who illegally use or possess firearms, and those who supply them to criminals, unauthorized juveniles and other prohibited persons. For instance, it set up a program that puts prosecutors in local communities working to fight crime as part of an overall crime reduction strategy. In 2000, \$200,000 million was awarded to communities around the country to hire 1000 community prosecutors in high gun crime areas and another 400 community prosecutors in any community. Through combined federal, state and local efforts, overall prosecutions of gun-related crimes increased by 22 percent since 1992, and gun-related homicides fell by 36% between 1993 and 1998.

**EXPEDITING NATURALIZATIONS:** During the Attorney General's tenure, the INS overhauled its entire service structure, and cut its processing time from 28 months down to just six months – processing 1.3 million applications last year alone. In her time, nearly 6.9 million immigrants applied for citizenship, more than the total in the previous 40 years combined.

**FIGHTING CONSUMER FRAUD:** Seeking to fight fraud and safeguard taxpayers dollars, Attorney General Reno stepped up the Department's efforts, recovering nearly \$3 billion under the False Claims Act in areas including health care and defense procurement fraud. In addition, the Department has recovered more than \$275 million from oil companies which underpaid royalties on federal and Indian lands. In FY 2000 alone, the Department recovered more than \$1.5 billion. Such efforts have acted as a deterrent to fraud against the United States and enabled the government to continue to provide the best services possible to all our citizens.

**COMBATING ILLEGAL IMMIGRATION:** Every year since FY 1993, INS has set a new record for removals. Last fiscal year, INS removed more than 180,000 illegal aliens -- more than five times the number in FY 1993. Since FY 1993, the average daily population of INS detainees has soared from 5,877 to about 19,000. This dramatic growth was spurred by the agency's expanding enforcement capability and changes initiated by the 1996 immigration law changes. Over that time, the INS' enforcement budget increased \$1.8 billion, which led to increased personnel, more equipment and advanced technology to enforce immigration laws. A critical component of the enforcement strategy was the agency's comprehensive Southwest border management plan that has the clear goal of establishing and maintaining borders that work. Through strategic operations, the INS has experienced considerable success in restoring integrity and safety to the Southwest border, and improving the quality of life in border communities.

**PROTECTING THE ENVIRONMENT:** During Attorney General Reno's tenure, the Department revitalized the enforcement of environmental laws. Federal prosecutors spearheaded an initiative to combat illegal pollution from ocean vessels, resulting in more than 40 prosecutions in the last seven years, including the conviction of Royal Caribbean Cruise Line, which paid a record \$18 million fine for its environmental crimes. The Department's initiative to stop the illegal trade of CFCs that destroy the Earth's ozone layer led to over 80 convictions and more than \$58 million in criminal fines and restitution. Prosecutors also secured the longest sentence ever imposed -- 18 years -- for an environmental crime following the 1999 conviction of an Idaho man who illegally handled toxic chemicals. The Department also secured the largest civil settlements ever under the Clean Air Act and Clean Water Act, including three agreements with electric utility companies worth more than \$3 billion that will reduce air pollution from 20 power plants.

**ENFORCING ANTITRUST LAWS:** Over the last eight years, the economy has been characterized by increased globalization, technological change, and deregulation. Recognizing that our antitrust laws keep our markets competitive, the Attorney General oversaw the Department's Antitrust Division as it pursued criminal price fixing cartels, prosecuted dominant firms that abused market power, and prevented mergers that would substantially lessen competition. The Division filed hundreds of price fixing cases, obtained over \$1.8 billion in fines, and broke-up global cartels -- including the prosecution of the largest price fixing cartel in history, the vitamins cartel, which affected billions of dollars of U. S. commerce. It also sued to prevent the abuse of market power in the software, airlines, and credit card network industries, among others. Finally, it challenged over 200 mergers which would have lessened competition in the defense, Internet, banking, health care, media, agriculture and energy industries -- leading to either the abandonment or restructuring of the transactions.

**REINVIGORATING CIVIL RIGHTS ENFORCEMENT:** Attorney General Reno fought for more resources for the Civil Rights Division, increasing its budget 75% – from \$52.7 million in FY 1993 to more than \$90 million in FY 2001. Under her leadership, the Division filed a record number of cases against landlords for housing discrimination, reached hundreds of settlements ensuring greater access for people with disabilities, brought a record number of suits alleging lending discrimination, and prosecuted a record number of criminal civil rights cases, including hate crimes. In addition, the Division has used the police misconduct provisions of the 1994 Crime Act to combat allegations of patterns of misconduct by law enforcement agencies, including racial profiling. It also helped to launch the National Church Arson Task Force to probe a rash of suspicious fires in houses of worship; pressed for enactment of a law that outlaws violence at women's health clinics; successfully defended the constitutionality of the "Motor Voter" law to make it easier for Americans to register to vote; and, successfully challenged the male-only admissions policy of two public universities.

**PROVIDING MORE ACCESS TO THE DEPARTMENT:** Attorney General Reno sought to make the executive branch "more open, more responsive and more accountable." She was the only cabinet member to conduct a weekly press availability – holding more than 280 sessions with reporters over the past 8 years. She helped create a new standard of disclosure under the Freedom of Information Act which encouraged the discretionary release of information that would not otherwise have been public. She added hundreds of new FOIA officers who helped to cut the backlog of FOIA requests even though the number of requests had doubled to more than 230,000 per year. She made FOIA responsiveness part of the employee performance ratings, created new procedures to expedite requests that are of significant public interest, and instituted public summaries of attorney discipline cases handled by the Department's Office of Professional Responsibility.

**COMBATING CYBERCRIME AND PREPARING FOR THE 21ST CENTURY:** Under the Attorney General's leadership, the Department moved aggressively to confront the challenges posed by computer hackers and others cyber-criminals. The Attorney General helped to create the National Infrastructure Protection Center, which investigates, analyzes and deters threats to the critical information infrastructure. She also created a specialized unit of prosecutors - the Computer Crime and Intellectual Property Section -- responsible for supervising investigations and litigation. The two entities have successfully built bridges between law enforcement and the private and public sector. These efforts have produced programs like the Cybercitizen Partnership, which teaches children about online ethics, and InfraGard, which established a direct exchange of information about infrastructure protection between industry and law enforcement in chapters nationwide. Reno also launched the Internet Fraud Initiative to pursue those who use the Internet to deceive consumers, and the Intellectual Property Fraud Initiative, a joint law enforcement initiative aimed at combating piracy and counterfeiting of intellectual property both domestically and internationally. Finally, Reno also established Internet Crimes Against Children Task Forces around the country, which have successfully targeted international child exploitation rings for prosecution, and also obtained the first criminal copyright convictions under the "No Electronic Theft" Act for unlawful distribution of software on the Internet.

**COMBATING INTERNATIONAL CRIME:** Over the past eight years, the Department has dramatically expanded its international efforts to combat crime. Attorney General Reno met with more than 260 foreign dignitaries and has been an active participant in conferences such as the G8 group of industrialized states, the European Union, and the Organization of American States. Also during that time, the U.S. has signed more than 60 new treaties on law enforcement matters such as extradition, mutual legal assistance, and the transfer of prisoners, with countries as diverse as Austria, Mexico, the United Kingdom, South Africa, and South Korea. Through these efforts, the number of fugitives arrested abroad for extradition to the U.S. has skyrocketed. In Colombia alone, the number of fugitives arrested and awaiting extradition jumped from 5 in FY 1998 to more than 50 in FY 2000. The Department has also signed multilateral conventions at the UN and the OAS to prevent terrorist bombings, combat transnational bribery and corruption, control drug trafficking, and stem the international trafficking in firearms. More than 50 of these treaties have entered into force -- more than in any other period in history.