

*Defend the Federal Government against challenges to its jurisdiction and authority, and defend the constitutionality of statutes passed by Congress*

The Department represents the U.S. Government in court in a number of ways. It represents the government in challenges and jurisdiction in the Supreme Court; defends the constitutionality and application of federal statutes, policies, and programs; defends federal agency officials and actions in challenges to executive orders, federal statutes, regulations, and administrative decisions; defends federal civil rights laws from constitutional challenges; enforces the Nation's tax laws fully, fairly, and consistently, through both criminal and civil litigation, in order to promote voluntary compliance with the tax laws, maintain public confidence in the integrity of the tax system, and promote the sound development of the law; and defends challenges to federal environmental and conservation programs and activities by representing the United States in all matters concerning the protection, use, and development of the Nation's public lands and natural resources.

The Department will continue to support the Attorney General in his role as legal adviser to the President and the rest of the Executive Branch. This includes advising the President concerning the appropriate disposition of applications for executive clemency, counseling interagency task forces and providing comments and consultation, and participating in proceedings before federal regulatory agencies to support adoption of the best designed forms of regulation where continued regulation is deemed necessary. Component officials will continue also to testify before Congress concerning the impact of proposed federal legislation.

In the area of national security, the Department will seek to continue its successes in federal courts reviewing habeas corpus petitions by prisoners seeking release from Guantanamo Bay and from facilities in Afghanistan. The Department also will defend the legality of efforts to crack down on terrorist organizations seeking funds via U.S. charities. It will continue to defend the constitutionality of FISA against legal challenges. All the while, the Department will defend the country's national security interests in a manner consistent with law.

In matters pertaining to land management, the Department represents federal land management agencies in challenges to regulatory and permits activities which impact public lands. It will defend decisions concerning oil and gas leasing on public lands, as well as other actions which land management agencies take in fulfillment of their multiple use mandates.

### **Strategic Goal 3: Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal, and International Levels**

All levels of law enforcement – international, federal, state, local, and tribal – as well as the Intelligence Community and partners in industry and academia, look to DOJ for leadership and assistance. The Department will continue to maintain and enhance existing partnerships, develop new relationships, and work with organizations at all levels to achieve common operational objectives. Through strong relationships, all participants will enhance and benefit from the collective knowledge and understanding of the values inherent in the American justice system.

Goal 3 summarizes the work the Department will perform to promote relationships with law enforcement partners, protect individuals involved in federal judicial proceedings, provide housing and beneficial services for persons in federal custody, adjudicate and litigate immigration cases, and establish rule of law in the international community. In each of these areas, the Department will continue to support its partners through direct operations or grant programs or both.

The Department has established four objectives to guide its efforts in this area:

**Objective 3.1: Promote and strengthen relationships and strategies for the administration of justice with state, local, tribal, and international law enforcement**

**Objective 3.2: Protect judges, witnesses, and other participants in federal proceedings; apprehend fugitives; and ensure the appearance of criminal defendants for judicial proceedings or confinement**

**Objective 3.3: Provide for the safe, secure, humane, and cost-effective confinement of detainees awaiting trial and/or sentencing, and those in the custody of the federal prison system**

**Objective 3.4: Adjudicate all immigration cases promptly and impartially in accordance with due process**

Among the DOJ components that share responsibility for this strategic goal are: Bureau of Prisons (BOP); Office of the Federal Detention Trustee (OFDT); USMS; OJP; Executive Office for Immigration Review (EOIR); U.S. Parole Commission (USPC); Community Oriented Policing Services (COPS); CRM; FBI; DEA;

INTERPOL Washington; OVW; Office of Tribal Justice; and the U.S. Attorneys.

**Objective 3.1: Promote and strengthen relationships and strategies for the administration of justice with state, local, tribal, and international law enforcement**

Preventing and controlling crime is critical to ensuring the strength and vitality of democratic principles, the rule of law, and the fair administration of justice. Domestically, since state and local law enforcement are responsible for most crime control, prevention, and response in the United States, the Federal Government is most effective in these areas when it develops and maintains partnerships with the officers and officials who work in the Nation's states, cities, and neighborhoods. By partnering with key stakeholders at the state and local levels, the Department is able to build a cohesive and comprehensive body of knowledge on issues from illicit drug trafficking and terrorism to apprehending fugitives and other criminal elements. By also forging state, local, and tribal partnerships among police, prosecutors, victim advocates, health care providers, faith leaders, and others, the Department's grant and knowledge-sharing programs provide victims with the protection and services they need to pursue safe and healthy lives, while simultaneously empowering communities and local law enforcement to hold offenders accountable and implement effective crime prevention strategies.

Crimes committed in the United States often have ties to networks or operations in other countries. To address these threats, the Department is committed to expanding the scope and depth of international partnerships by enhancing collaboration; helping to establish rule of law through international treaties and training and assistance; and

using international working groups to foster communication to enhance investigations, intelligence sharing, and threat awareness.

Overall, the Department will continue to ensure that law enforcement at every level, domestic and international, is engaged in the fair, impartial, efficient, and transparent administration of justice.

### **Strategies to Achieve the Objective**

*Partner with state, local, and tribal law enforcement agencies through grants and technical assistance to address public safety concerns, including drug use*

The Department supports agencies and communities by funding a variety of broad-purpose initiatives as well as specific programs that support the partnership between law enforcement and communities. The Department also encourages collaborative problem-solving to address both new and existing public safety concerns. By working together, victims will be kept safe and offenders held accountable.

The Department will continue to foster programs in state, local, and tribal communities through a variety of initiatives that provide innovative leadership, critical research and information, and essential funding to help communities implement public safety programs and strategies. The Department will also continue to provide financial, training, and technical assistance to communities across the country to develop programs, policies, and practices aimed at ending domestic violence, dating violence, sexual assault, and stalking. In addition, through grant programs, financial assistance will be available to state, local, and tribal law enforcement agencies to address law enforcement needs. These grant programs will focus on increasing the

capacity to implement community policing strategies, hire more officers, purchase equipment, obtain new technology, and receive training and technical assistance.

For more than a decade, the Department has provided resources, grant funding, and technical assistance to tribal communities across the Nation. The Department will continue to engage and coordinate actions in tribal communities on issues of public safety, such as violent crimes committed against Indian women, to ensure that the perpetrators of crime are held responsible for their actions.

The Department will also continue to support ongoing research and evaluation of program approaches and strategies, which show promise in reducing or preventing crime and victimization. These include research on the causes of, and solutions for, crime; violence, including violence against women and teen dating violence; elder mistreatment; children exposed to violence; and victimization. They also include evaluations of policing, courts, sentencing, institutional and community corrections; and other criminal justice programs and policies.

Finally, research indicates that treating non-violent drug offenders through court monitored rehabilitation helps reduce recidivism and substance abuse, and increase offenders' likelihood of successful rehabilitation through early, continuous, and intense judicially supervised treatment; mandatory periodic drug testing; community supervision; and appropriate sanctions. The Department will continue to support these programs through a variety of grants which provide financial and technical assistance to state, local, and tribal governments to develop and implement treatment drug courts and other alternatives to incarceration that effectively integrate substance-abuse

treatment, mandatory drug testing, sanctions and incentives, and transitional services in a judicially supervised court setting with jurisdiction over nonviolent, substance-abuse offenders.

*Support international cooperation and the establishment of rule of law through international treaties and training and assistance*

The Department will continue to develop strong working relationships with U.S. foreign counterparts to coordinate multi-dimensional investigations, evidence gathering and sharing, and tracking and apprehending international fugitives from justice. To promote strong working relationships, the Department will continue to provide assistance to foreign counterparts to improve the skills of foreign prosecutors, law enforcement, forensics specialists, corrections personnel, and judges; encourage legislative and justice sector reform in countries with inadequate laws; and promote the rule of law and regard for human rights. Such assistance will enhance the ability of foreign governments to prevent or disrupt terrorism before it extends beyond their borders to threaten the United States, and will help to establish a framework for effective international law enforcement cooperation. The successful investigation and prevention of terrorist attacks typically require international cooperation and the collection of evidence from abroad. The Department will continue to take the lead role in making formal requests to countries around the world in order to secure the return of international fugitives and evidence critical to the investigation and prosecution of terrorist activity. Using a network of bilateral extradition treaties, mutual legal assistance treaties, and multilateral conventions, DOJ will work closely with U.S. and foreign prosecutors,

law enforcement, and judicial authorities in matters relating to counterterrorism investigations to secure critical evidence located outside the jurisdiction of the United States.

### **Objective 3.2: Protect judges, witnesses, and other participants in federal proceedings; apprehend fugitives; and ensure the appearance of criminal defendants for judicial proceedings or confinement**

USMS is the Federal Government's primary organization for protecting judges, witnesses, and other participants in federal proceedings and apprehending fugitives from justice. Protection is accomplished by anticipating and deterring threats to the judiciary and the continuous development and employment of innovative protective techniques. With prisoner populations growing throughout the country, USMS is challenged to maintain a high security standard while transporting prisoners. Along the Southwest Border in particular, large numbers of prisoners have dramatically affected the ability of Deputy Marshals to produce defendants before the court. In addition, the greater focus to apprehend and prosecute suspected terrorists will increase the demand for high-level security required for many violent criminal and terrorists-related court proceedings. USMS will continue to develop and employ innovative techniques to protect federal judges, jurors, other participants, and members of the federal judiciary.

#### **Strategies to Achieve the Objective**

*Stop potential violence against judges, court personnel, witnesses, and victims*

Investigating threats of violence planned against court officials – judges, attorneys, victims, witnesses, and court support staff –

is a critical aspect of providing security. With the help of other federal, state, and local law enforcement agencies, the Department will carefully assess each potential threat based on the best intelligence available and respond in a timely and appropriate way. The Department will continue to work closely with U.S. Courts, U.S. Attorneys, and other federal law enforcement agencies to ensure security for court personnel, witnesses, and victims, and make certain court sessions are not disrupted.

*Apprehend the most wanted and violent fugitives*

The Department will increase the effectiveness of fugitive apprehension through the Violent Offender Task Force (VOTF) network which is comprised of 75 district-managed task forces, Adam Walsh Act apprehension initiatives, and the OCDEF program. The Department will continue to enhance the VOTF network by assigning senior level criminal investigators to the field in order to supplement existing district-based assets ensuring effective management and supervision of the fugitive apprehension program.

Additionally, the Department will enhance its technical operations resources and capabilities in support of fugitive investigations, including strengthening the use of intelligence gathering and information sharing, increasing support for international investigations and sex offender investigations.

*Transport prisoners securely and efficiently*

The Department will continue to provide for the safe, secure, and humane transportation of persons in federal custody by the most cost-effective and efficient means possible,

while safeguarding transportation personnel and the American public. The Department's Justice Prisoner and Alien Transportation System (JPATS) is responsible for the transporting of prisoners. JPATS is one of the largest transporters of prisoners in the world — moving prisoners everyday between judicial districts, correctional institutions, and foreign countries. The Department will implement a strategy to optimize the JPATS transportation network by creating more flexibility in the system and determining the right-size aircraft, optimal routes, and hub locations. These efforts are focused on reducing the time between the movement request and arrival at the destination.

**Objective 3.3: Provide for the safe, secure, humane, and cost-effective confinement of detainees awaiting trial and/or sentencing, and those in the custody of the federal prison system**

The Department of Justice is responsible for detaining persons charged with violating federal criminal statutes, provided they have not been released on bond or personal recognizance pending disposition of their cases. The USMS assumes custody of individuals arrested by all federal law enforcement agencies and is responsible for the housing and transportation of prisoners from the time they are remanded into custody until they are either released or incarcerated. The BOP is responsible for the custody and care of federal offenders and ensures that they serve their sentences of imprisonment in facilities that are safe, humane, cost-efficient, and appropriately secure. In addition, BOP is responsible for the District of Columbia's sentenced felon inmate population. OFDT establishes detention policy and oversees the federal detention management system. OFDT is responsible for managing DOJ detention



resources and closely coordinates with the federal detention community to implement business process improvements and identify areas where operational efficiencies and cost savings can be realized.

Detention populations are projected to increase as a result of targeted law enforcement and prosecutorial efforts on the Southwest Border to combat illegal immigration, drug, and gun smuggling. The Department will continue to collaborate with other government agencies engaged in housing detainees to enhance operations and create potential opportunities for achieving efficiencies, such as sharing expertise and new innovations in detention management and exploring acquisition activities, information systems, planning models, or other operational/strategic initiatives that would benefit multiple agencies.

### **Strategies to Achieve the Objective**

#### *Ensure safety and security of inmates incarcerated in the federal prison system*

It is the Department's duty, and in the Nation's interest, to provide for the safety and security of inmates that are incarcerated in the federal prison system. A safe and secure environment for inmates and other persons in federal custody helps to protect inmates, staff, and the public. The Department will continue to maintain the highest level of security throughout the prison system, ensure that correctional staff are properly trained and equipped, and maintain procedures to minimize violence and the introduction of drugs in prison facilities. In particular, the Department will be prepared to house dangerous inmates, including any convicted of terrorist acts.

#### *Ensure adequate, cost-effective prison and detention capacity*

The Department is responsible for providing oversight of detention management and for improving and coordinating detention activities of federal agencies involved in contracting for detention services. The bed space to house pretrial detainees is acquired through intergovernmental agreements with state and local governments and contracts with private vendors. Containing housing cost is a multi-faceted effort. Strategies include the use of confinement alternatives, utilizing the least costly bed space within the desired location, and partnered contracting.

#### *Provide programs that support inmates' reintegration into society*

Each year approximately 70,000 inmates are released from federal prison and millions more cycle through local jails. Most inmates lack education and job skills and many have a history of drug dependency. Research has shown that inmates who complete at least one educational course or a residential drug treatment program and those who work in prison industries while incarcerated are less likely to recidivate. To assist federal inmates diagnosed with substance use disorders, the Department will continue to develop evidence-based treatment practices such as the Residential Drug Abuse Treatment Program designed for inmates with moderate to serious substance abuse disorders. The Department will also continue to provide opportunities for inmates to participate in an array of educational, vocational job training, religious, and other rehabilitation programs to assist offenders with the transition back to communities. Through the implementation of the Inmate Skills Development Initiative, inmates are assessed to determine their skill development needs and prioritized for program placement. In addition, the initiative focuses on the development of collaborations to address barriers and assist

in obtaining needed resources for reentry preparation, as well as enhancing continuity of care and information exchange with external entities. Additionally, the Department has been taking steps to reduce recidivism, namely, by developing graduated sanctions to address non-compliant behavior, thereby reducing the number of low-risk, non-violent offenders returning to prison.

**Objective 3.4: Adjudicate all immigration cases promptly and impartially in accordance with due process**

Advancing the fair, expeditious, and uniform application of the Nation's immigration laws is a priority for the Department. Enforcing these laws is a sensitive and complex process that may involve initiatives and activities of DHS or raise fundamental questions regarding the authority of the Executive Branch and the respective roles of Congress and the courts.

Under delegated authority from the Attorney General, EOIR interprets and administers federal immigration laws by conducting immigration court proceedings, appellate reviews, and administrative hearings. The Department's ability to process cases in a timely fashion directly affects DHS' ability to remove criminal or other removable aliens expeditiously and to efficiently use its detention resources.

In addition to these efforts, Civil Division's Office of Immigration Litigation (OIL) provides expert defense for government agencies in immigration-related litigation and issues that arise from EOIR decisions, such as when aliens file petitions for review in the circuit courts of appeals. The caseload for OIL is directly tied to DHS's immigration efforts and to the immigration

adjudication rates of the Board of Immigration Appeals (BIA). As DHS enforcement activities become more aggressive, OIL will continue to implement efficiencies and effectively manage its resources to meet this demanding workload.

**Strategies to Achieve the Objective**

*Adjudicate priority cases within specified time frames and manage litigation resources efficiently*

The Department has identified three adjudication priorities regarding immigration and has set specific processing time frames for each. The first concerns the Institutional Hearing Program, which provides for the adjudication of cases involving alien inmates incarcerated in federal, state, and local institutions for criminal offenses. The objective is to adjudicate these immigration cases prior to the inmate's release from criminal custody. In cases where an alien inmate is determined to be removable, this will facilitate DHS' process for removing that person from the United States. The second priority is to adjudicate cases involving detained aliens within 60 days. The third priority is to improve the efficient use of DHS detention space by processing appeals through the BIA within 150 days.

In order to achieve these objectives, the Department will monitor caseload volume, trends, and geographic concentration on an on-going basis and adjust resource allocations accordingly. In coordination with DHS, the Department will continue to adjudicate cases efficiently and in accord with fairness and due process.

*Defend immigration laws, policies, and immigration judgments*

Immigration litigation is primarily defensive in nature, with the volume and character of the cases reflecting the varied personal, political, and economic circumstances that bring persons to the United States. The Department defends the decisions of the Executive Branch in immigration matters for which it carries primary responsibility, represents the positions of the United States, and handles and coordinates all federal court litigation arising under the Immigration and Nationality Act and related statutes. For certain immigration cases, suits are filed by individual aliens seeking to avoid or defer

expulsion from the United States. In addition to cases challenging orders of removal, resources are expended to defend against class actions and other district court challenges to various aspects of immigration policy and enforcement, including cases involving counterterrorism and national security.

The Department will continue to be responsible for a wide variety of trial and appellate litigation brought by citizens, domestic and international companies and unions, and special interest groups.