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STRATEGIC GOAL 2: Prevent Crime, Enforce Federal Laws, and Represent the Rights and Interests of the American People

48% of the Department's Net Costs support this Goal.

The heart of the Department of Justice's mission is to enforce federal laws and represent the rights and interests of the American people. Preventing and controlling crime is critical to ensuring the strength and vitality of the democratic principles, rule of law, and the administration of justice. The enforcement of federal laws keeps society safe by combating economic crime and reducing the threat, trafficking, and use of illegal drugs and related violence. The strengthening of partnerships between federal, state, local and tribal law enforcement will enhance our ability to prevent, solve and control crime. Through the enforcement of our laws, we protect the rights of the vulnerable by reducing the threat, incidence, and prevalence of violent crime, including crimes against children, and upholding the civil and constitutional rights of all Americans. The Justice Department enforces federal civil and criminal statutes, including those protecting rights, safeguarding the environment, preserving a competitive market structure, defending the public fisc against unwarranted claims, and preserving the integrity of the Nation's bankruptcy system. In addition, the Department combats public and corporate corruption, fraud, economic crime and cybercrime.

FY 2012 Outcome Goal: Dismantle a cumulative total of 212 organized criminal enterprises (FY 2007-2012)

FY 2009 Progress: The Department is on target to achieve this long-term goal.

Background/Program Objectives: Investigative subprograms that focus on criminal enterprises involved in sustained racketeering activities and that are mainly comprised of ethnic groups with ties to Asia, Africa, Middle East, and Europe are consolidated into the Organized Criminal Enterprise Program. Organized criminal enterprise investigations, through the use of the Racketeering Influenced Corrupt Organization statute (RICO), target the entire entity responsible for the crime problem. With respect to groups involved in racketeering activities, the FBI focuses on: the La Cosa Nostra and Italian organized crime groups, Russian/Eastern European/Eurasian organized crime groups, Balkan/Albanian organized crime groups, Middle Eastern criminal enterprises, Asian criminal enterprises, and Nigerian/West African criminal enterprises. Each of these groups is engaged in myriad criminal activities.

Performance Measure: Number of Organized Criminal Enterprises Dismantled

FY 2008 Revised Actual: 38 (Previous Actual: 34)

FY 2009 Target: 36

FY 2009 Actual: 39

Discussion of FY 2009 Results: The FBI's Organized Crime Program developed and implemented an enhanced collection and targeting strategy in FY 2009. Coupled with significant task force collaboration with local law enforcement, the strategy enabled the FBI to exceed the dismantlement goals. The FBI's Detroit office investigated a Lebanese criminal enterprise engaged in falsifying identification documents, mortgage fraud, identity theft, and money laundering. Ring leader Alaa Koubayssi was arrested, and his subsequent cooperation led investigators to a wider-scale identity theft and mortgage fraud ring, responsible for millions of dollars in fraud. To date, there have been six federal indictments, three federal complaints, three federal informations, five federal convictions (defendant Somail Aoun is believed to be hiding in Lebanon), \$1 million in federal restitution, and two asset forfeitures. This investigation led directly to opening a subsequent identity theft and mortgage fraud investigation of a Lebanese criminal enterprise operating in the Dearborn, Michigan area.

Gangs/Criminal Enterprises

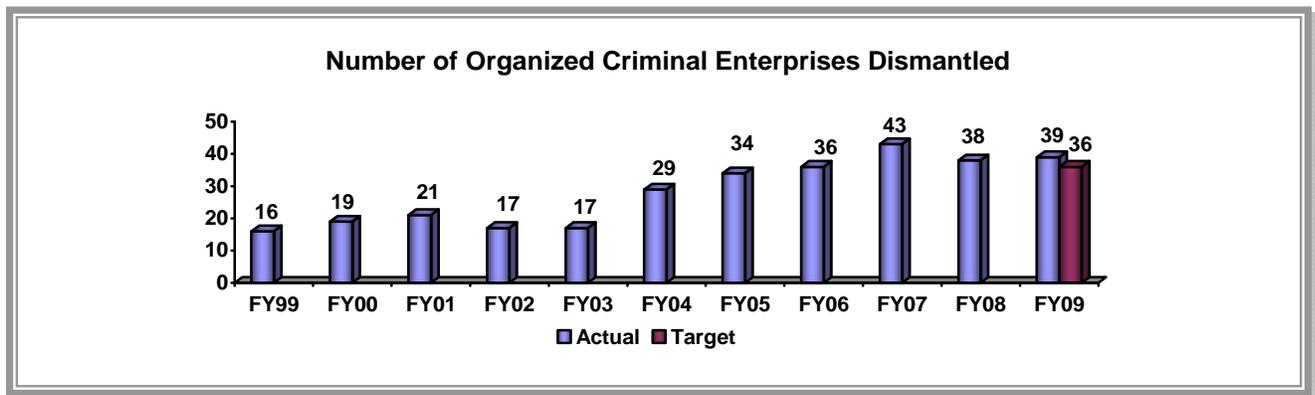
The mission of the FBI's Gangs/Criminal Enterprise Program is to disrupt and dismantle domestic cells (local, regional, national, and transnational) of criminal enterprises with ethnic ties to North, Central, and South

America that pose the greatest threats to the economic and national security of the United States. This is accomplished through the FBI's Violent Gang and Drug Programs, increased involvement in the Organized Crime Drug Enforcement Task Force Program, and support and leadership of High Intensity Drug Trafficking Area initiatives. In recent years, the FBI has concentrated anti-gang efforts in the Violent Gang Safe Streets Task Forces and the Mara Salvatrucha (MS-13) National Gang Task Force, supporting, coordinating, and facilitating investigations into local, state, national, and transnational criminal gangs.

The National Gang Intelligence Center (NGIC) supports this mission by sharing and coordinating information with state, local, and federal law enforcement agencies. The NGIC analyzes gang information from a broad spectrum to identify migration patterns and current trends involving gangs.

The Gang Targeting and Coordination Center (GangTECC) focuses on enhancing gang investigations of all federal agencies by acting as a deconfliction and case coordination center. It facilitates operations across agencies and promotes the dismantlement of national and transnational violent gangs. Tactical and strategic intelligence is shared between law enforcement agencies in conjunction with the NGIC.

In FY 2005, this measure started to include, and set targets for, dismantlements for activities covered by the FBI's Major Theft program. In FY 2008, program responsibility for Major Theft was moved from the Gang/Criminal Enterprise Program to the Violent Crime Program. Beginning with the FBI's performance reports in FY 2009, the FBI has revised this measure and the data reported for previous years to reflect the number of dismantlements without Major Theft included.



Data Definition: Dismantlement means destroying the targeted organization's leadership, financial base, and supply network such that the organization is incapable of operating and/or reconstituting itself.

Data Collection and Storage: The data source is the FBI's Integrated Statistical Reporting and Analysis Application (ISRAA) database that tracks accomplishments from inception to closure.

Data Validation and Verification: Before data are entered into the system, they are reviewed and approved by an FBI field manager. The data are subsequently verified through the FBI's inspection process. Inspections of ISRAA data occur at least once a year at each FBI Field Office. Using statistical sampling methods, data are traced back to source documents contained in FBI files.

Data Limitations: FBI field personnel are required to enter accomplishment data within 30 days of the accomplishment or a change in the status of an accomplishment, such as those resulting from appeals. Data for this report are compiled less than 30 days after the end of the fiscal year, and thus may not fully represent the accomplishments during the reporting period.

FY 2012 Outcome Goal: The performance measure for this goal has been modified – see below. The FY 2012 Outcome Goal now tracks the number of children depicted in child pornography identified by FBI. Accordingly, the long-term goal has been modified to target a cumulative total of 793 children identified (FY 2007-2012).

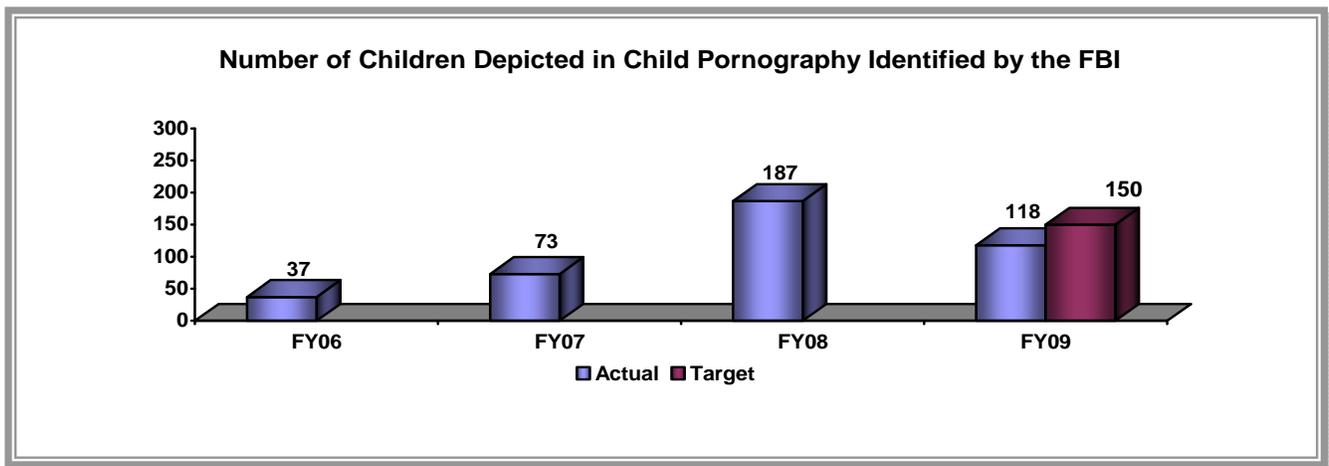
Background/Program Objectives: Facilitation of crimes against children through the use of a computer and the Internet is a national crime problem that is growing dramatically. The Innocent Images National Initiative (IINI), a component of the FBI's Cyber Crimes Program, is an intelligence-driven, proactive, multi-agency investigative initiative to combat the proliferation of child pornography and/or child sexual exploitation using online computers. The mission of the IINI is to: identify, investigate, and prosecute sexual predators who use the Internet and other online services to sexually exploit children; identify and rescue witting and unwitting child victims; and establish a law enforcement presence on the Internet as a deterrent to subjects who seek to exploit children.

Performance Measure: NEW MEASURE: Number of children depicted in child pornography identified by the FBI

FY 2009 Target: 150

FY 2009 Actual: 118

Discussion of FY 2009 Results: The FBI has not met its target for this measure. While the FBI always makes every effort to identify/rescue victimized children, the FBI cannot directly control the number of children identified and/or rescued at any given time through investigative techniques, due to the reactive nature of this measure. The FBI has, however, taken definitive action to negate the limitations through its continued collaboration with the National Center for Missing & Exploited Children (NCMEC)/Child Victim Identification Program (CVIP) and successful initiatives such as the Innocent Images International Task Force and the Endangered Child Alert Program.



Data Definition: These data record the number of children found in child pornography materials who have their identities determined as a result of FBI child pornography investigations.

Data Collection and Storage: Data are collected and stored in a database at the NCMEC. Subsequent analysis of these data is reported in communications stored in the FBI's Automated Case Support (ACS) system.

Data Validation and Verification: Law enforcement personnel nationwide are required to submit data on child pornography materials and victims to the CVIP, managed by FBI Cyber Division (CyD) personnel assigned to the NCMEC. Submissions of child pornography material must include a law enforcement point-of-contact, who will be willing to testify as to the identification of the child in any investigation. As investigations identify specific children within submitted materials, they are listed in electronic communications (ECs) reported in the FBI's ACS system.

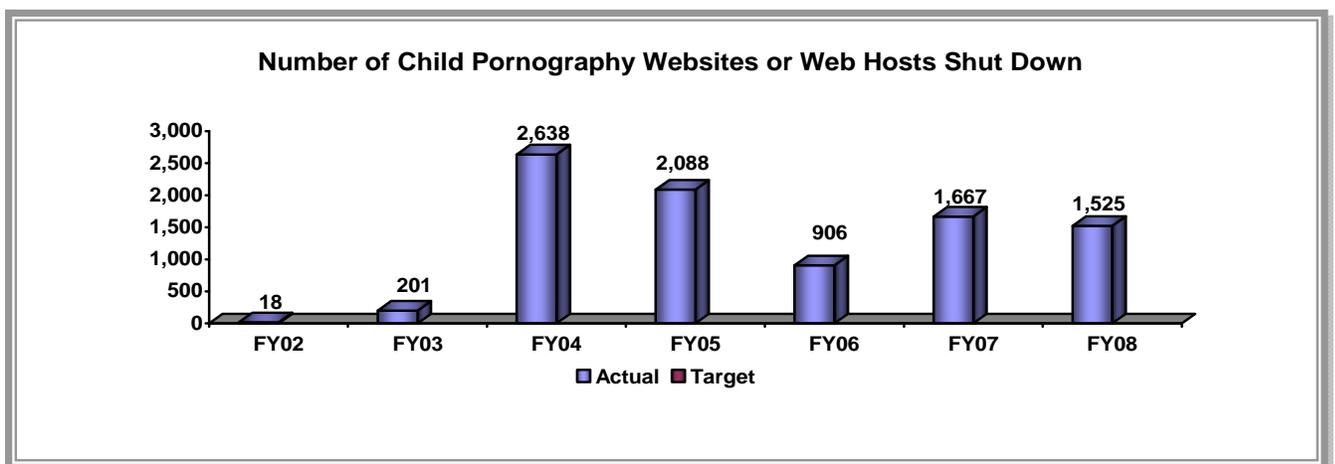
Data Limitations: The FBI cannot directly control the number of children identified at any given time through investigative techniques and/or any other methodology, due to the reactive nature of this measure. The FBI always makes every effort to identify and rescue victimized children. Historical data for this measure had to be retrieved from a manual count of identified victims in ECs during the years reviewed.

Performance Measure: DISCONTINUED MEASURE: Number of Child Pornography Websites or Web Hosts Shut Down

FY 2009 Target: N/A

FY 2009 Actual: N/A

Discussion of FY 2009 Results: The Department is discontinuing this performance measure in its FYs 2007-2012 Strategic Plan and in future performance reports. Per OMB program assessment review, a new measure has been developed and included in the Department's FYs 2007-2012 Strategic Plan.



Data Definition: A website/web host gets shut down at the request of the FBI once an administrative subpoena is served to obtain information on who is responsible for the illicit content. Often the subpoena would be the factor that alerted the Internet Service Provider (ISP) of the illegal content. The reported websites/web hosts shut down by the FBI's staff assigned to the NCMEC account for approximately half of the FBI's reported totals.

Data Collection and Storage: The data source is a database maintained by FBI personnel detailed to the NCMEC, as well as statistics derived by the FBI's Cyber Division's program personnel.

Data Validation and Verification: Data are reviewed and approved by FBI Headquarters program personnel.

Data Limitations: Data for this report are compiled less than 30 days after the end of the fiscal year, and thus may not fully represent the accomplishments during the reporting period. Information based upon reporting of locates and convictions is necessary for compilation of some of these statistics.

FY 2012 Outcome Goal: Increase the percentage of criminal investigations resulting in referrals for prosecution to 62% (FY 2007-2012)

FY 2009 Progress: The Department is on target to achieve this long-term goal.

Background/Program Objectives: Violent firearms crime remains a significant and complex domestic problem, fueled by a variety of causes that vary from region to region. The common element, however, is the relationship between firearms violence and the unlawful diversion of firearms out of commerce into the hands of prohibited persons. Therefore, firearm investigations and prosecutions remain a highlighted area of emphasis for the Department. ATF's unique statutory responsibilities and assets, including technology and information, are focused under the agency's Integrated Violence Reduction Strategy (IVRS) to remove violent offenders, including gang members, from our communities; keep firearms from those who are prohibited by law from possessing them; discourage, prohibit, and interrupt illegal weapons transfers in accordance with the law; and prevent firearms violence through community outreach.

The violence fueled by firearms trafficking is demonstrated on our Southwest Border. Our firearms trafficking strategy complements our continued focus on the deployment of resources to specific localities where there is a high incidence of gang and gun violence. Through firearms trafficking interdiction efforts, ATF decreases the availability of illicit firearms and recommends for prosecution those who illegally supply firearms to prohibited possessors. Violent gang members are often involved in firearms trafficking, both for potential profit and in furtherance of drug trafficking and other crimes. Recent trends have shown an increase in the number of firearms recovered in Mexico, and these firearms fuel the growing violence along the border, including the brutal murders of hundreds of law enforcement officers and government officials. ATF's efforts to reduce violent firearms crime include:

- ATF's Southwest Border initiative, Project Gunrunner, is a focused subset of ATF's broader firearms trafficking initiative, addressing U.S.-based firearms trafficking that is fueling the violence along the Southwest Border and nationwide. Project Gunrunner attacks the prevalence of illegal firearms available in the Southwest Border region and stems the flow of firearms to criminal organizations in Mexico. Additionally, ATF enhances its efforts along the Southwest Border with an integrated violent crime and gang reduction program with initiatives like the Violent Crime Reduction Teams and Regional Area Gang Enforcement Teams.
- Partnering with law enforcement agencies and prosecutors at all levels to develop focused strategies to investigate, arrest, and prosecute violent offenders, persons prohibited from possessing firearms, domestic and international firearms traffickers, violent gangs, and others who attempt to illegally acquire or misuse firearms.
- Assisting the law enforcement community in identifying firearms trafficking trends and resolving violent crimes by providing automated firearms ballistics technology, tracing crime guns, and developing advanced firearms investigative techniques.
- Ensuring that only qualified applicants who meet the eligibility requirements of the law enter the regulated firearms industry by employing appropriate screening procedures prior to licensing.
- Inspecting firearms dealers to identify any illegal purchases or diversion of firearms to criminals and to ensure the accuracy of records used in tracing firearms. ATF ensures that firearms industry members comply with the Gun Control Act, the National Firearms Act, and the Arms Export Control Act.
- Keeping restricted firearms such as machineguns out of the hands of prohibited persons by performing criminal records checks on applicants. ATF maintains the accuracy and integrity of the National

Firearms Registration and Transfer Record so that the location and ownership of restricted firearms are kept current.

- Ensuring that only firearms that are legally importable under ATF and State Department rules are imported into the United States and are properly marked and recorded by the importer for sale domestically.
- Collaborating with schools, law enforcement agencies, community organizations, and the firearms industry to implement educational programs which help reduce firearms violence.
- Informing the public and firearms industry about ATF policies, regulations, and product safety and security, so that they can better comply with the law. To do so, ATF uses a variety of communication methods such as the Internet, trade and community publications, seminars, and industry meetings.

Performance Measure: Percentage of firearms investigations resulting in a referral for criminal prosecution.

FY 2009 Target: 59%

FY 2009 Actual: 59%

Discussion of FY 2009 Results: ATF met its target goal of the percentage of investigations within the firearms programs area that resulted in a defendant being referred for criminal prosecution. Meeting this measure reflects the impact ATF has towards reducing firearms violence in targeted violent cities across America. ATF is the federal law enforcement agency with unique expertise and statutory authority to enforce Federal firearms laws and meeting this goal shows that ATF reduces firearms violence through investigations and their resulting law enforcement consequences (specifically the referral of criminals for prosecution).

ATF has been at the forefront of efforts across the country to reduce violent crime involving firearms. ATF is the lead federal agency in these efforts, actively initiating investigations against violent offenders and firearms traffickers and providing key services to its law enforcement partners. The following case examples highlight ATF's FY 2009 efforts:

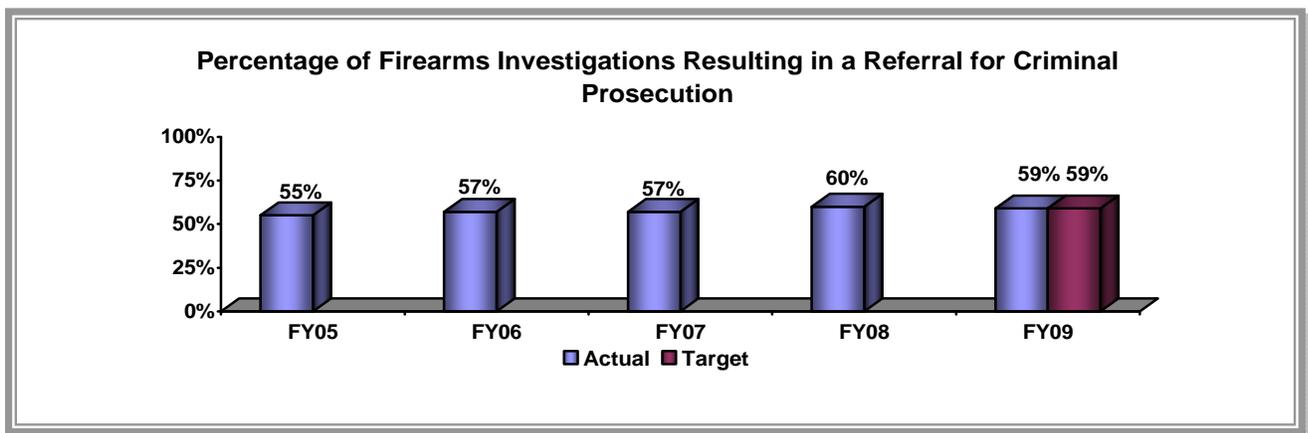
- Houston, Texas: In April 2009, ATF successfully completed a firearm trafficking investigation into a group of four suspects led by Ernesto *Garza* of Monterey, Mexico. The investigation resulted in their conviction ranging up to 12 years in prison on federal firearms charges related to the trafficking operation. The suspects were sentenced after pleading guilty to conspiracy for illegally obtaining firearms through false statements and trafficking firearms into Mexico. *Garza* conspired to buy guns using straw purchasers and then smuggle the guns into Mexico. Because of his citizenship status, he was not entitled to buy guns in the United States. *Garza* paid people in the United States to buy the guns for him and then lie about who the guns were for. *Garza* trafficked in high-powered, high-capacity handguns and assault rifles such as the FN 57 caliber pistol and the FNH PS90 rifle. *Garza* was the organizer and leader in the conspiracy involving at least nine other individuals who were purchasing firearms on his behalf. At least 50 weapons were purchased as part of this ring and smuggled to Mexico. One of the FN 57 pistols was recovered in Mexico after being used in a running gun battle between alleged drug dealers and Mexican soldiers in Xoxocutla on May 7, 2008. Two Mexican soldiers were killed as a result of the incident.
- Savannah, Georgia: In May 2008, ATF opened an undercover storefront in Statesboro, Georgia. The operation came at the request of the Statesboro Police Chief following the success of another ATF storefront operation in Augusta, Georgia and the excessive criminal activity affecting this area of the city.

ATF undercover agents opened a small retail tobacco store front across from the campus of Georgia Southern University. Undercover agents began making contacts with individuals involved in criminal activity in Statesboro and made it known that the retail store supplemented its legitimate business by

trafficking firearms to New York and dealing in narcotics. The store front was operational for approximately 10 months and resulted in the Federal indictments of 60 defendants on 434 counts and State indictments of 35 defendants. The undercover agents purchased 96 firearms and seized 11 more firearms from the suspects during the operation. The undercover agents were also offered to purchase illegal drugs that included prescription drugs resulting in the seizure of \$270,000 worth of narcotics purchased. In April 2009, State, local and federal agents executed arrest warrants pursuant to the indictments. The defendants in this investigation are currently being prosecuted through the appropriate judicial systems. Additional investigative efforts continue in furtherance of federal money laundering violations.

- Los Angeles, California:** The Mongols Outlaw Motorcycle Gang recruited as many as 200 new members from various Los Angeles based street gangs, including the 18th Street, the Mexican Mafia, Lomas, and Varrio Nuevo. The Mongols and its street gang connections are responsible for a large amount of violent crime, illegal firearms and explosives trafficking, armed narcotics trafficking, assaults, extortion, homicides, victim and witness intimidation, theft of motorcycles, fraud schemes, and various other related crimes. The ATF Los Angeles Field Division has been collating and analyzing historical and current intelligence regarding the alleged criminal activities of the current members and associates of the Mongols in California, Nevada, Colorado, and Oklahoma. In the last 5 years, the Mongols have established themselves as the dominant motorcycle gang in California, and one of the most dominant street gangs.

During this investigation, 87 members of the Mongols, including National and chapter officers, were indicted under RICO, Violent Crimes in Aid of Racketeering (VICAR), other Federal statutes related to murder, attempted murder, hate crimes, assaults, firearms violations, and narcotics violations. Twenty-seven suspects had been charged during the course of the investigation in both Federal and State court for firearms, narcotics, and assault charges. Those charged in State court were charged with the State gang allegation enhancement. On October 21, 2008, 134 local and 50 out of district Federal search warrants were executed in and beyond California. Search warrants were executed simultaneously in Oregon, Oklahoma, Montana, Nevada, Northern California, Colorado, and Florida on all Mongol presidents, sergeant at arms, and secretary/treasurers. Suspects in this investigation are currently being prosecuted in judicial courts throughout the country.



Data Definitions: This measure reflects the percentage of investigations within ATF’s firearms program area in which a defendant was referred for criminal prosecution. This measure is based on the premise that ATF is the Federal law enforcement agency with unique expertise and statutory authority to enforce Federal firearms laws, and that ATF reduces firearms violence through investigations and their resulting law enforcement consequences (specifically the referral for criminal prosecution and the ensuing incapacitation of criminals

under these statutes).¹ More effective enforcement of Federal firearms laws contributes to disrupting criminal activity, deterring violent crime, and safeguarding the legitimate firearms industry from exploitation by criminals. This measure allows ATF to gauge the impact of applying its Federal statutory authority and resources to a national strategy to fight violent crime in our communities – targeting those who commit the violence and those who facilitate their commission by supplying firearms through straw purchases, unlicensed dealing, theft from Federal firearms licensees and interstate carriers, and other illegal means.

Data Collection and Storage: The data source is ATF’s National Field Office Case Information System (NFOCIS), which is ATF’s integrated and centralized data management solution allowing real time monitoring and oversight of all criminal enforcement activities in the field.

Data Validation and Verification: There is an ongoing quality assurance and case management program in place within ATF which includes the required review and approval of case information by ATF field managers. The data are subsequently verified through ATF’s inspection process, performed internally by the Office of Professional Responsibility and Security Operations Directorate. The internal inspections occur on a four year cycle and are performed at each ATF field office and division.

Data Limitations: ATF investigations are often complex and time consuming in nature, and often span multiple years from initiation through closure. The data used to calculate this percentage are based on the date investigations are closed, and are therefore likely to include investigations that have spanned previous time periods. This methodology is specifically used to eliminate counting of investigations multiple times.

¹ “Although studies that focus exclusively on violent offenders is rare, empirical evidence about violent offending can be found in cross-sectional and longitudinal studies of general offending careers. The results from this research generally support the conclusion that incapacitation has nontrivial consequences for the control of violent crime.” Commission on Behavioral and Social Sciences and Education: Understanding and Preventing Violence, Volume 4: Consequences and Control (1994).

FY 2012 Outcome Goal: Develop meaningful baselines for the supply of drugs available for consumption in the United States (FY 2007-2009). Achieve a 6% reduction in the supply of illegal drugs (FY 2010-2012) available for consumption in the United States using the baseline established by the close of FY 2010.

FY 2009 Progress: The Department is on target to achieve this long-term goal.

Background/Program Objectives: Drug seizures, eradication efforts, precursor chemical interdictions, cash and asset seizures, increased border/transportation security, international military operations, social and political forces, climatic changes, and even natural disasters all impact the drug supply at any given time. The Department's strategy focuses on incapacitating entire drug networks by targeting their leaders for arrest and prosecution, by disgorging the profits that fund the continuing drug operations, and by eliminating the international supply sources. These efforts ultimately have a lasting impact upon the flow of drugs in the United States, although the results are not easily measurable in a single year. Accordingly, the Department reexamined its approach related to this goal and set realistic milestones in the Department's FY 2007-2012 Strategic Plan. For FYs 2007-2010, the Department will report progress toward establishing meaningful baselines for the supply of drugs available for consumption in the U.S. During FYs 2011-2012, the Department will focus on a targeted reduction in the supply of illegal drugs available for consumption.

Performance Measure: DOJ's Reduction in the Supply of Drugs Available for Consumption in The U.S.

FY 2009 Target: Progress toward establishing baseline

FY 2009 Actual: See Discussion of FY 2009 Results

Discussion of FY 2009 Results: Measuring reduction in the drug supply is a complex process reflective of a number of factors outside the control of drug enforcement. Moreover, the impact of enforcement efforts on drug supply and the estimated availability are currently not measurable in a single year. However, the Department is intent on achieving an interim goal of setting a baseline by the close of 2010. Once the baseline is set, the Department intends to achieve a 6 percent total reduction in the supply of illegal drugs available for consumption in the United States over the next two years.

FY 2012 Outcome Goal: Dismantle 810 Consolidated Priority Organization Target-linked drug trafficking organizations (FY 2007-2012). Disrupt 1,260 CPOT-linked drug trafficking organizations (FY 2007-2012).

FY 2009 Progress: The Department is on target to achieve the long-term goal of disrupting 1,260 CPOT-linked drug trafficking organizations by FY 2012. The Department remains committed to target, disrupt and dismantle these priority organizations in the future. The Department is on target for achieving the long-term goal of dismantling 810 CPOT-linked drug organizations (FY 2007-2012).

Background/Program Objectives: The Department focuses its drug law enforcement efforts on reducing the availability of drugs by disrupting and dismantling the largest drug trafficking organizations and related money laundering networks operating internationally and domestically, including those on the Attorney General's Consolidated Priority Organization Target (CPOT) List. The first CPOT List was issued in September 2002 and is reviewed and updated semi-annually. The List identifies the most significant international drug trafficking and money laundering organizations and those primarily responsible for the nation's drug supply. The Attorney General has designated the Organized Crime Drug Enforcement Task Force (OCDETF) Program as the centerpiece of DOJ's drug supply reduction strategy. The Program coordinates multi-agency and multi-

jurisdictional investigations targeting the most serious drug trafficking threats. The OCDETF Program is responsible for coordinating the annual formulation of the CPOT list. The OCDETF Program functions through the efforts of the United States Attorneys; elements of the Department's Criminal and Tax Divisions; the investigative, intelligence, and support staffs of the DEA, FBI, ATF, the U.S. Marshals, U.S. Immigration and Customs Enforcement, the U.S. Coast Guard, and the Internal Revenue Service. The OCDETF agencies also partner with numerous State and local law enforcement agencies.

The goal of each OCDETF investigation is to determine connections among related investigations nationwide in order to identify and dismantle the entire structure of the drug trafficking organizations, from international supply and national transportation cells, to regional and local distribution networks. A major emphasis of the Department's drug strategy is to disrupt the traffickers' financial dealings and to dismantle the financial infrastructure that supports these organizations. The OCDETF Program has the greatest impact upon the flow of drugs through this country when it successfully incapacitates the entire drug network by targeting and prosecuting its leadership and seizing the profits that fund continued operations.

Performance Measure: CPOT-Linked Drug Trafficking Organizations Disrupted and Dismantled

Revised FY 2008 Actual:

Disrupted: 299

Dismantled: 104

FY 2009 Target:

Disrupted: 263

Dismantled: 137

FY 2009 Actual:

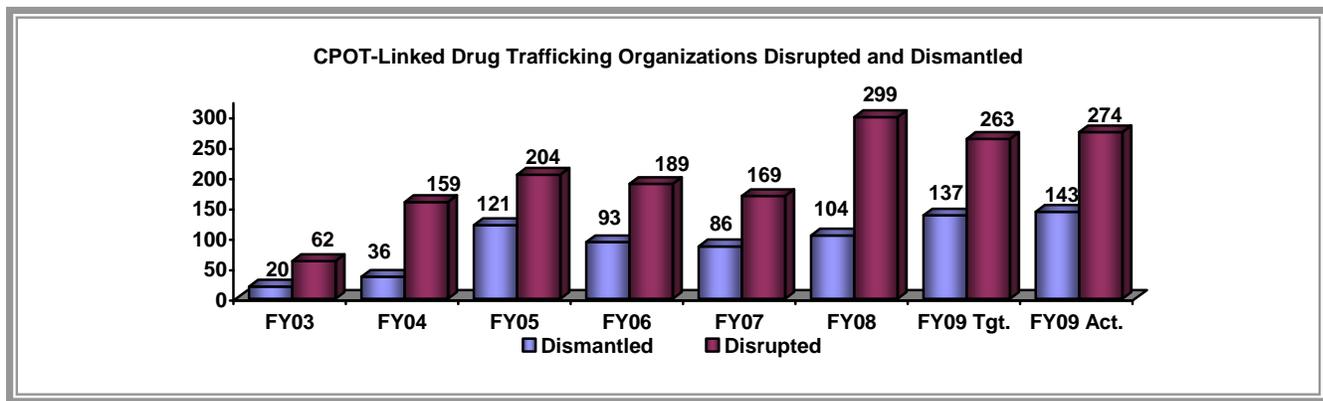
Disrupted: 274

Dismantled: 143

Discussion of FY 2009 Results: The Department dismantled 143 CPOT-linked organizations in FY 2009, exceeding its target. This is a 38 percent increase over the 104 that were dismantled in FY 2008 and an 18 percent increase over the 121 dismantled in FY 2005, the highest number reported prior to FY 2009. The Department disrupted 274 CPOT-linked organizations in FY 2009, also exceeding its target. The total of 417 CPOT-linked organizations that were either dismantled or disrupted during FY 2009 is over 3 percent higher than the 403 dismantled or disrupted in FY 2008, also the highest number reported prior to FY 2009.

The Department was able to meet the FY 2009 targets for disruptions and dismantlements of CPOT-linked organizations. To calculate these numbers, the Department aggregates both OCDETF and non-OCDETF disruptions and dismantlements. Although the Department was able to meet its overall targets in this area, resource reductions to the OCDETF Program in FY 2009 caused the OCDETF Program to fall short of its sub-target for disruptions of CPOT-linked organizations (OCDETF did meet its sub-target for dismantlements). Disruptions achieved by the law enforcement agencies in non-OCDETF cases allowed the Department to overcome the shortfall in OCDETF disruptions and meet the overall target. Despite the Department's ability to meet the overall target, the decline in OCDETF disruptions is a troubling sign, making it clear that as OCDETF resources are eliminated, Departmental components are incentivized to pursue stove-piped investigations of CPOT-level organizations, rather than conducting them in a coordinated fashion by means of the multi-agency, prosecutor-led OCDETF task forces that are the centerpiece of DOJ's strategy in combating the CPOTs.

During FY 2009, in addition to making important gains against CPOT-linked organizations, the Department continued to achieve successes against the CPOTs themselves. Nine CPOT targets were dismantled in FY 2009, also the highest number ever during a fiscal year. Additionally, two CPOT targets were disrupted. Significant impact was made during the year against leaders of organizations such as the Autodefensas Unidas de Colombia/The United Self-Defense Groups of Colombia, the Norte Valle Cartel, and the Tijuana Cartel, a violent and feared Mexican organization.



Data Definition: An organization is considered linked to a CPOT if credible evidence exists of a nexus between the primary investigative target and a CPOT target, verified associate, or component of the CPOT organization. Disrupted means impeding the normal and effective operation of the targeted organization, as indicated by changes in the organizational leadership and/or changes in methods of operation. Dismantled means destroying the organization's leadership, financial base and supply network such that the organization is incapable of reconstituting itself.

Data Collection and Storage: For this measure, OCDETF reviews all of the cases worked by FBI and DEA. When there are cases that both agencies work, they are counted as one case in the consolidated numbers reported. This procedure is in place to prevent double counting in Department-level reports.

Investigations may be linked to a CPOT organization at any time during the investigation. Once the link is verified, a specific code or other identifier is assigned to the investigation. Accordingly, data on this performance measure may lag behind actual identification of the link by the investigative agency. The investigation is tracked as “CPOT-linked” by the agency and within the OCDETF management information system.

Data Validation and Verification: The CPOT List is updated semi-annually. Each OCDETF agency has an opportunity to nominate targets for addition to/deletion from the List. Nominations are considered by the CPOT Working Group (made up of mid-level managers from the participating agencies). Based upon the Working Group’s recommendations, the OCDETF Operations Chiefs decide which organizations will be added to/deleted from the CPOT List.

Once a CPOT is added to the List, OCDETF investigations can be linked to that organization. The links are reviewed and confirmed by OCDETF field managers using the OCDETF Fusion Center, agency databases, and intelligence information. Field recommendations are reviewed by the OCDETF Executive Office. In instances where a link is not fully substantiated, the sponsoring agency is given the opportunity to follow up. Ultimately, the OCDETF Executive Office “un-links” any investigation for which sufficient justification has not been provided. When evaluating disruptions/dismantlements of CPOT-linked organizations, OCDETF verifies reported information with the investigating agency’s headquarters.

Data Limitations: Investigations of CPOT-level organizations are complex and time-consuming, and the impact of disrupting/dismantling such a network may not be apparent immediately. In fact, data may lag behind enforcement activity. For example, a CPOT-linked organization may be disrupted in one FY and subsequently dismantled in a later year when law enforcement permanently destroys the organization’s ability to operate.

FY 2012 Outcome Goal: Neutralize a cumulative total of 78 high-impact Internet fraud targets (FY 2007-2012)

FY 2009 Progress: The Department is on target to achieve this long-term goal.

Background/Program Objectives: Internet fraud is any scam that uses one or more components of the Internet to present fraudulent solicitations to prospective victims, conduct fraudulent transactions, or transmit the proceeds of fraud to financial institutions or others that are connected with the scheme. Identity theft and Internet auction fraud are problems that plague millions of U.S. victims, and the threat of illegitimate online pharmacies exposes the American public to unregulated and dangerous drugs.

The FBI and National White-Collar Crime Center partnered in May 2000 to support the Internet Crime Complaint Center (IC3). For victims of Internet crime, IC3 provides a convenient way to alert authorities of a suspected violation. For law enforcement and regulatory agencies, IC3 offers a central repository for complaints related to Internet crime, uses the information to quantify patterns, and provides timely statistical data of current trends. In addition, the FBI uses synchronized, nation-wide takedowns (i.e., arrests, seizures, search warrants, and indictments) to target the most significant perpetrators of on-line schemes.

Performance Measure: Number of High-Impact Internet Fraud Targets Neutralized

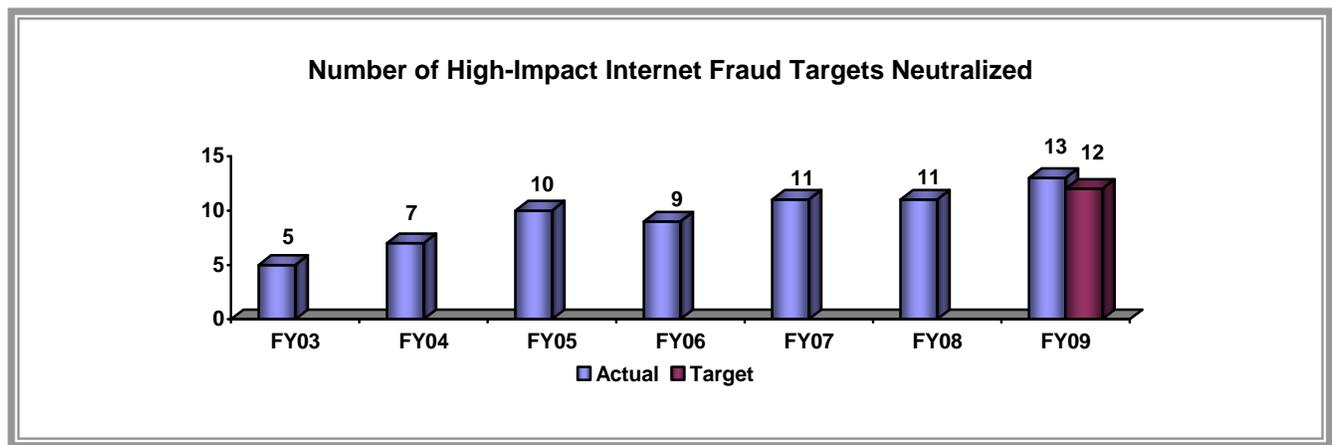
FY 2009 Target: 12

FY 2009 Actual: 13

Discussion of FY 2009 Results: The FBI exceeded its target for this measure in FY 2009. Two notable cases of Internet fraud follow.

A scam involving sales of undelivered vehicles for a combined loss of approximately \$2.5 million originated in Romania, with many operatives working out of the Las Vegas area. After an investigation by the FBI's Las Vegas office, four subjects have been convicted in relation to this crime, two in federal court and two in state court.

Following an investigation by the FBI's Milwaukee office, a woman pled guilty to four charges of wire fraud after it was discovered that she fraudulently convinced at least four different families that she was pregnant and wanted each family to adopt the unborn child. In each case, she later told the family the baby had died or the father would not agree to the adoption.



Data Definition: Case data are reviewed by IC3 staff to determine if investigative targets meet certain criteria for being counted as “high impact: “Total loss amount greater than \$100,000; Internal nexus; White Collar Crime-related fraud; Money Laundering Scheme, and Pharmaceutical Fraud; “Phishing” Attack/Identity Theft;

High volume of victims. The IC3 evaluates and tracks the progress of investigations meeting these criteria throughout the year.

Data Collection and Storage: The data source is a record system maintained by the IC3. The list of targets is updated each year.

Data Validation and Verification: Targets are determined by subject matter expert teams at the IC3 and approved by the Unit Chief. IC3 staff maintains the list and determines when a target has been the subject of a take-down.

Data Limitations: There are no requirements for the IC3 to receive feedback from FBI field offices or state and local law enforcement regarding neutralizations that were a result of IC3 case referrals. Due to this lack of feedback, the IC3 may underreport the number of neutralizations.

FY 2012 Outcome Goal: Dismantle a cumulative total of 745 criminal enterprises engaging in white-collar crime (FY 2007-2012)

FY 2009 Progress: The Department is on target to achieve this long-term goal.

Background/Program Objectives: Through the White-Collar Crime (WCC) Program, the FBI investigates criminals and criminal enterprises that seek illicit gains through fraud and guile. Illegal activities investigated include corporate, health care, securities and commodities, financial institution, mortgage, government (defense procurement and other areas), insurance, mass marketing, and bankruptcy fraud; environmental crimes; and money laundering.

U.S. citizens and businesses lose billions of dollars each year to criminals engaged in non-violent fraudulent enterprises. The globalization of economic and financial systems, technological advances, declining corporate and individual ethics, and the sophistication of criminal organizations have resulted in annual increases in the number of illegal acts characterized by deceit, concealment, or violations of trust. These crimes contribute to a loss of confidence in financial institutions, public institutions, and industry.

Performance Measure: Number of Criminal Enterprises Engaging in White-Collar Crimes Dismantled

FY 2008 Revised Actual: 211 (Previous Actual: 194)

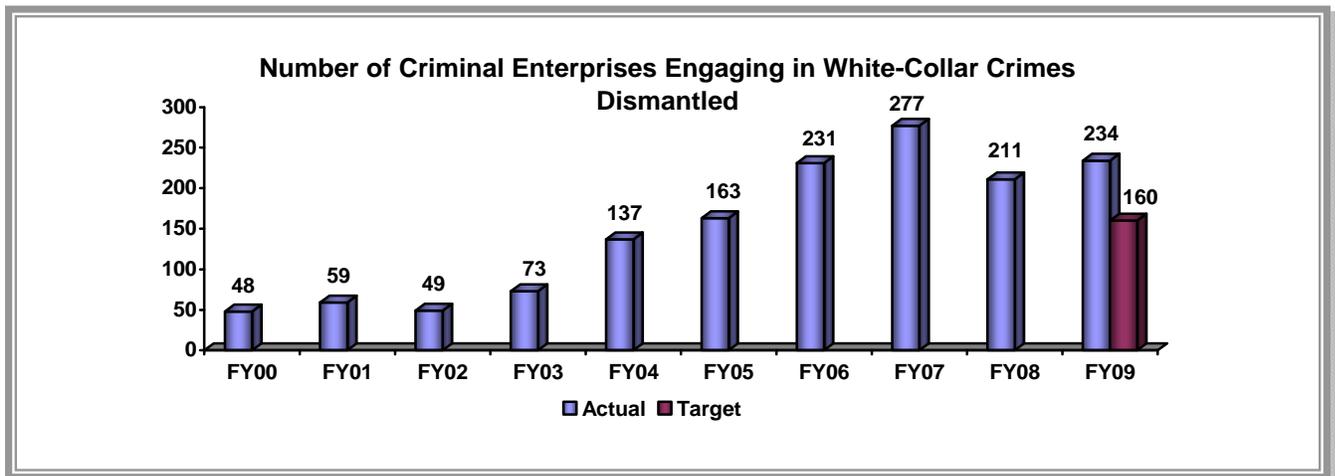
FY 2009 Target: 160

FY 2009 Actual: 234

Discussion of FY 2009 Results: The FBI surpassed its target due to the redirection of investigative resources, supplemented by FY 2009 enhancements, to priority WCC matters in response to an increase in their threat level.

On March 27, 2009, Lance Poulsen, former co-owner and CEO of National Century Financial Enterprises (NCFE), and Rebecca Parrett, former co-owner of NCFE, were sentenced for perpetrating a \$2.34 billion investment scheme. In an investigation led by the FBI's Cincinnati office, Poulsen and Parrett were charged with securities, mail, and wire fraud; money laundering, and conspiracy. They were convicted for lying about how investors' funds would be used, diverting the funds, and hiding the shortfall by shuffling the money between subsidiaries' bank accounts. NCFE operated as a holding company buying accounts receivables from health care providers. As a result, this fraud led to bankruptcies of numerous health care providers. Parrett fled following her conviction and her current whereabouts are unknown, but her sentencing will proceed.

As part of a related FBI investigation, Karl Demmler was also sentenced on March 27, 2009, for charges of witness tampering and obstruction of justice for his role in conspiring with Poulsen to influence the testimony of a former NCFE executive and witness. Demmler, on behalf of Poulsen, approached a previously-convicted subject in this case and offered to pay her to alter her testimony against Poulsen.



Data Definition: Dismantlement means destroying the organization’s leadership, financial base, and supply network such that the organization is incapable of operating and/or reconstituting itself.

Data Collection and Storage: The data source is the FBI's Integrated Statistical Reporting and Analysis Application (ISRAA) database that tracks accomplishments from inception to closure.

Data Validation and Verification: Before data are entered into the system, they are reviewed and approved by an FBI field manager. The data are subsequently verified through the FBI's inspection process. Inspections of ISRAA data occur at least once a year at each FBI Field Office. Using statistical sampling methods, data are traced back to source documents contained in FBI files.

Data Limitations: FBI field personnel are required to enter accomplishment data within 30 days of the accomplishment or a change in the status of an accomplishment, such as those resulting from appeals. Data for this report are compiled less than 30 days after the end of the fiscal year, and thus may not fully represent the accomplishments during the reporting period.

FY 2012 Outcome Goal: Favorably resolve 90% of Criminal Cases (litigating divisions)
FY 2012 Outcome Goal: Favorably resolve 80% of Civil Cases (litigating divisions)
FY 2009 Progress: The Department is on target for the achievement of this long-term goal.

Background/Program Objectives: Representing the rights and interests of the American people is a top priority for the Department of Justice. Among the DOJ components sharing responsibilities to achieve this goal are the U.S. Attorneys, and the Antitrust, Civil, Civil Rights, Criminal, Environment and Natural Resources and Tax Divisions.

There are 94 U.S. Attorney Offices located throughout the United States and its territories. Each U.S. Attorney serves as the chief federal law enforcement officer within his or her judicial district and, as such, is responsible for the prosecution of criminal cases brought by the federal government; the litigation and defense of civil cases in which the United States is a party; the handling of criminal and civil appellate cases before United States Courts of Appeal; and the collection of civil and criminal debts and restitutions owed the federal government which are administratively uncollectable.

Additionally, the Department has litigators that specialize in the areas of: preserving a competitive market structure; defending the public fisc against unwarranted claims; protecting civil rights; enforcing federal civil and criminal statutes; safeguarding the environment; and administrating internal revenue laws.

The Antitrust Division (ATR) promotes and protects the competitive process – and the American economy – through the enforcement of antitrust laws. These laws apply to virtually all industries and to every level of business, including manufacturing, transportation, distribution and marketing.

The Civil Division (CIV) defends challenges to Presidential actions; national security issues; benefit programs; energy policies; commercial issues such as bankruptcy, contract disputes, banking, insurance, patents, fraud, and debt collection; all manner of accident and liability claims; and criminal violations of the immigration and consumer protection laws.

The Civil Rights Division (CRT) enforces federal statutes prohibiting discrimination in education, employment, credit, housing, public accommodations and facilities, voting, and certain federally funded and conducted programs. Additionally, CRT enforces criminal civil rights responsibilities for human trafficking and involuntary servitude statutes, acts of racial, ethnic or religious violence, “color of law” offenses by local and federal law enforcement officials, and conspiracies to interfere with federally protected rights.

The Criminal Division (CRM) develops, enforces, and supervises the application of all federal criminal laws (except those specifically assigned to other divisions). The Division performs four key program activities to fulfill its mission: investigating and prosecuting significant criminal cases and matters; providing expert legal advice and training; providing critical law enforcement tools (i.e., Title III wiretaps); and forging global law enforcement partnerships.

The Environment and Natural Resources Division (ENRD) brings cases against those who violate the nation's civil and criminal pollution-control and wildlife protection laws. Additionally, the Division defends environmental challenges to government programs and activities and represents the U.S. in matters concerning the stewardship of the nation's natural resources and public lands. In addition, the Division litigates cases concerning Indian rights and claims.

And finally, the Tax Division's (TAX) mission is to enforce 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.

Performance Measure: Percent of Cases Favorably Resolved

Revised FY 2008 Actual:

Criminal: 92% (Previous Actual: 90%)

Civil: 79% (Previous Actual: 80%)

FY 2009 Target:

Criminal Cases: 90%

Civil Cases: 80 %

FY 2009 Actual:

Criminal Cases: 92%

Civil Cases: 83%

Discussion of FY 2009 Results: The Department exceeded its target for this performance measure. The following are highlights of the accomplishments achieved by relevant components in FY 2009.

The collaboration of the U.S. Attorney Offices (USAOs) with each of the FBI's Mortgage Fraud Task Forces and Working Groups, the targeted mortgage fraud training provided at the National Advocacy Center, and the enhanced ability to track mortgage fraud prosecutions resulted in significant accomplishments. For example, in the District of New Jersey in June 2009, the former president and director of U.S. Mortgage Corporation, Michael McGrath, pleaded guilty to mail and wire fraud and money laundering charges in connection with a \$139 million fraud scheme that bankrupted U.S. Mortgage Corporation and its subsidiary, CU National Mortgage Corporation, LLC. McGrath conspired to fraudulently sell loans belonging to various credit unions and use the proceeds to fund U.S. Mortgage's operations and his personnel investments. The scheme started with the diversion of funds that should have been paid to various credit unions for mortgage loans they had made and authorized CU National to sell to Fannie Mae. McGrath withheld these funds to help U.S. Mortgage address cash flow problems caused by losing investments in mortgage-backed securities he had made on the company's behalf. When U.S. Mortgage's financial conditions deteriorated, he sold hundreds of loans to Fannie Mae without the knowledge and consent of the credit unions that owned the loans. To accomplish the fraudulent loans, he executed documents assigning the loans from the credit unions to U.S. Mortgage in which he pretended to be an officer of the credit unions in question. He also caused subordinates at U.S. Mortgage to execute documents purporting to assign the loans from U.S. Mortgage to Fannie Mae. The scheme netted \$139 million.

The USAOs in the Districts of Massachusetts, Pennsylvania Eastern and Kentucky Eastern reached a global criminal and civil resolution with the drug manufacturer, Pfizer, for a record sum of \$2.3 billion. Of this sum, Pfizer will pay \$1.0 billion to resolve civil allegations that the company illegally promoted the drugs Bextra, Geodon, Zyvox, and Lyrica for uses not approved by the Food and Drug Administration. It also will resolve allegations that Pfizer paid kickbacks in connection with its marketing of Aricept, Celebrex, Lipitor, Norvasc, Relpax, Viagra, Zithromax, Zoloft, and Zyrtec. Pfizer's illegal conduct caused federal health care programs to pay hundreds of millions of dollars for drugs and uses that were not otherwise covered by those programs. Moreover, the off-label conduct as to some of these drugs raised significant patient safety concerns. Bextra was withdrawn from the market after studies confirmed an increased cardio-vascular risk in certain types of patients – uses for which Pfizer had marketed the drug. Bextra was approved by the Food and Drug Administration for the relief of pain associated with arthritis and primary dysmenorrhea (menstrual cramps). From 2002 through April 2005, Pfizer used false and misleading claims of safety and efficacy to promote Bextra for unapproved uses and for dosages above the approved level. The unapproved uses included the use of Bextra for acute pain and pre- and post-operative pain. The criminal fine will be \$1.195 billion and there will be a criminal forfeiture of \$105 million.

The Criminal Division prosecuted and achieved favorable dispositions in FY 2009 in cases covering a wide range of complex case law. Examples of this work include the successful prosecution of Lloyds TSB Bank for falsifying wire transfers (resulting in a deferred prosecution agreement and forfeiture totaling \$350 million);

the sentencing of four MS-13 gang members to more than 90 years in prison (combined) for pleading guilty to racketeering charges; and the largest ever identity theft and hacking prosecution, involving the conviction of Albert Gonzalez and his accomplices for the theft of more than 40 million credit and debit card numbers, and the resulting identity thefts.

The Antitrust Division assessed over \$1 billion in criminal fines in FY 2009 against antitrust violators. The Division's investigations into the liquid crystal display panel and air transportation industries yielded significant fines which help to fund the Department's Crime Victims Fund. In addition, the Division launched an Economic Recovery Initiative to provide nationwide training and public outreach to ensure successful results from the implementation of the American Recovery and Reinvestment Act of 2009. On the civil side, the Division was successful in protecting competition and U.S. consumers by challenging proposed mergers and agreements in areas as diverse as financial services, web advertising, beef packing, and real estate brokerages.

The Civil Division exceeded its target by defeating billions of dollars in unmeritorious claims, in addition to the successful defense of suits filed against the government as a result of the government's policies, laws, and involvement in commercial activities, domestic and foreign operations and entitlement programs, as well as law enforcement initiatives, military actions, and counterterrorism efforts. The Division also pursued affirmative litigation, bringing suits on behalf of the United States, which resulted in the return of over a billion dollars to the Treasury, Medicare, and other entitlement programs.

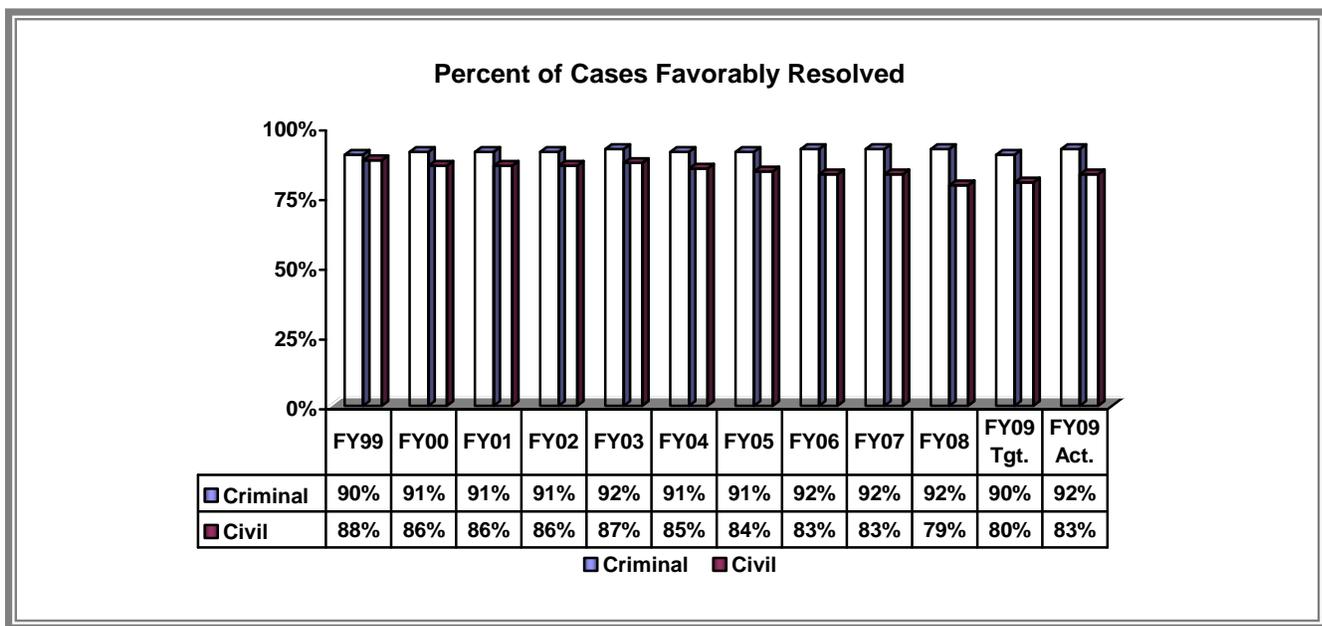
The Civil Rights Division had a productive year enforcing the nation's civil rights statutes. The Division had an overall civil enforcement success rate of 100% (excluding appeals) and a success rate of almost 90% in its criminal prosecutions, one of the highest conviction rates ever recorded for the Division. During fiscal year 2009, the Criminal Section filed the third largest number of federal civil rights cases ever in a single year history of the Division (93 cases). The Employment Litigation Section also had a record year, filing 35 suits, the largest number of suits filed during any prior fiscal year. The Housing and Civil Enforcement Section also had a record year, filing 45 cases, including 24 pattern and practice cases, which is the highest number of cases filed since FY 2002. The Disability Rights Section achieved favorable results for persons with disabilities in 325 cases and matters, including 51 formal settlement agreements, 67 informal resolutions of complaints, 205 successful mediations, and two favorable court decisions. The Section also achieved a precedent-setting settlement agreement with the City of Philadelphia, Pennsylvania, that will give people with mobility disabilities greater opportunity to vote in person at the City's 1,200 polling places, rather than voting by alternative ballot because of inaccessible polling places. The Special Litigation Section maintained over 100 active cases and pattern or practice investigations regarding more than 200 facilities.

The Environment and Natural Resources Division made significant progress in addressing air pollution from oil refineries. Specifically, as a result of a Clean Air Act settlement achieved in U.S. v. BP Exploration & Oil Co., et al; No. 96-CV-095RL (N.D. Ind.), which resulted from the company's non-compliance with a 2001 consent decree, BP Products agreed to spend more than \$161 million on pollution controls, enhanced maintenance and monitoring, and improved internal management practices to resolve violations at the company's Texas City, Texas, refinery. This imposition was levied on top of a \$12 million civil penalty payable to the U.S. Treasury. As a result of the injunctive relief achieved in this case, BP is required to upgrade pollution control equipment and manufacturing processes used to handle benzene and benzene-containing wastes generated during petroleum refining operations and conduct in-depth audits to ensure compliance and minimize the amount of wastes generated at the refinery. It is estimated that these actions will reduce emissions of benzene and other volatile organic compounds by approximately 6,000 pounds annually. The settlement also requires that BP limit emissions of stratospheric ozone-depleting hydrochlorofluorocarbons (HCFCs) from leaking cooling appliances. BP will eliminate approximately 51,000 pounds of HCFCs by retrofitting industrial and commercial cooling appliances at Texas City to use non-ozone-depleting refrigerants. The company also agreed to improve its oversight and management of asbestos-containing wastes generated during routine renovation and demolition activities at the Texas City refinery. Finally, as part of the settlement, the company will spend an additional \$6 million to reduce air pollution from diesel vehicle emissions in Texas City and the surrounding area. BP will convert approximately 100 diesel

municipal vehicles, including several dozen school buses, to operate on compressed or liquefied natural gas and will construct four refueling stations for the converted vehicles. As a result, emissions of particulate matter, nitrogen oxides and hydrocarbons from these vehicles will be substantially reduced.

The Tax Division achieved unprecedented results in its efforts to obtain information about, and prosecute where appropriate, those U.S. taxpayers who elected to hide their income and assets offshore. In February 2009, UBS AG, Switzerland’s largest bank, entered into a groundbreaking deferred prosecution agreement (DPA) admitting guilt on charges of conspiring to defraud the United States by impeding the IRS. As part of the agreement, UBS agreed to immediately provide the United States with the identities of, and account information for, certain United States customers of UBS’ cross-border business. Also as part of the agreement, UBS will expeditiously exit the business of providing banking services to United States customers with undeclared accounts and will pay \$780 million in fines, penalties, interest, and restitution. That agreement has so far led to the prosecution of five U.S. persons, two Swiss bankers and a Swiss lawyer, with many more prosecutions in the offing.

Following immediately on the heels of the DPA, the Tax Division brought a civil John Doe summons action against UBS, seeking yet more U.S. taxpayer names. After approximately six months, the United States, UBS, and the Swiss government entered into an historic agreement that has put a large chink in the armor of Swiss bank secrecy. Under the settlement, the IRS is to receive account information of thousands of the most significant tax cheats among the U.S. taxpayers who maintain undeclared Swiss bank accounts – bank accounts having an aggregate deposit value of over \$14 billion.



Data Definition: Cases favorably resolved include those cases that resulted in court judgments favorable to the government, as well as settlements. For merger cases, favorably resolved data includes: abandoned mergers, mergers “fixed,” or mergers with consent decrees. Non-merger cases favorably resolved also includes instances where practices changed after the investigation and complaints filed with consent decrees. The data set includes non-appellate cases closed during the fiscal year.

Data Collection and Storage: Data are currently captured within each component’s automated case management system and companion interface systems. Representatives from each component providing data for this measure were participating in a working group to build a litigation case management system (LCMS) to collect and manage case information, however, this group has been on a temporary hiatus since January 2008. Until LCMS is implemented, the following information about this measure should be noted. Currently, cases worked on by more than one component are included in the totals from CRM, CRT, ENRD, and EOUSA. Also, the court’s disposition date is used for reporting purposes for ATR, CIV, CRM, CRT, and

ENRD; however, EOUSA and TAX use the date it is entered into their current case management system. Additionally, CIV counts at the party level; CRM, ENRD, and EOUSA count cases at the defendant level; CRT and TAX count Civil and Criminal cases. Lastly, ATR includes Criminal, Civil Merger, and Civil Non-Merger; ENRD includes affirmative, defensive, criminal, and condemnation cases in their totals. Once LCMS is fully implemented, all components will be using the same procedures for reporting.

Data Validation and Verification: Each component implements their individual methodology for verifying data; however, in general, case listings and reports are reviewed by attorney managers for data completeness and accuracy on a routine basis. Batch data analysis and ad hoc reviews are also conducted.

Data Limitations: Data quality suffers from the lack of a single DOJ case management system and a standardized methodology for capturing case related data. Due to the inherent variances in data collection and management, cases may refer to cases or individuals. In addition, due to reporting lags, case closures for any given year may be under or over-reported. To remedy these issues, the Department is developing a LCMS to standardize methodologies between the components and capture and store data in a single database. Further, Criminal Division data for FYs 1999 through 2002 are estimates. Actual data are not available due to technical and policy improvements that were not implemented until FY 2003. Lastly, EOUSA data does not include information for the month of September 2005 for the Eastern District of Louisiana due to Hurricane Katrina.

FY 2012 Outcome Goal: Return 58% of assets/funds to creditors in Chapter 7 cases
FY 2012 Outcome Goal: Return 85% of assets/funds to creditors in Chapter 13 cases
FY 2008 Progress: Although the Department missed its Chapter 13 target, the Department is on track to achieve both long-term goals.

Background/Program Objectives: The U.S. Trustee Program (USTP) was established nationwide (except in North Carolina and Alabama) in 1986 to separate the administrative functions from the judicial responsibilities of the bankruptcy courts and to bring accountability to the bankruptcy system. The USTP acts as the “watchdog” of the bankruptcy system and ensures that parties comply with the law and that bankruptcy estate assets are properly handled. The USTP appoints Trustees who serve as fiduciaries for bankruptcy estates and administer cases filed under Chapter 7 and Chapter 13. The U.S. Trustee regulates and monitors the activities of these private trustees and ensures their compliance with fiduciary standards. To promote the effectiveness of the bankruptcy system and maximize the return to creditors, the Department targets and reports the percent of assets/funds returned to creditors.

Performance Measure: Percent of Assets/Funds Returned to Creditors for Chapter 7 and Chapter 13

FY 2008 Target: Chapter 7: 58%
Chapter 13: 86%

FY 2008 Actual: Chapter 7: 60%
Chapter 13: 84%

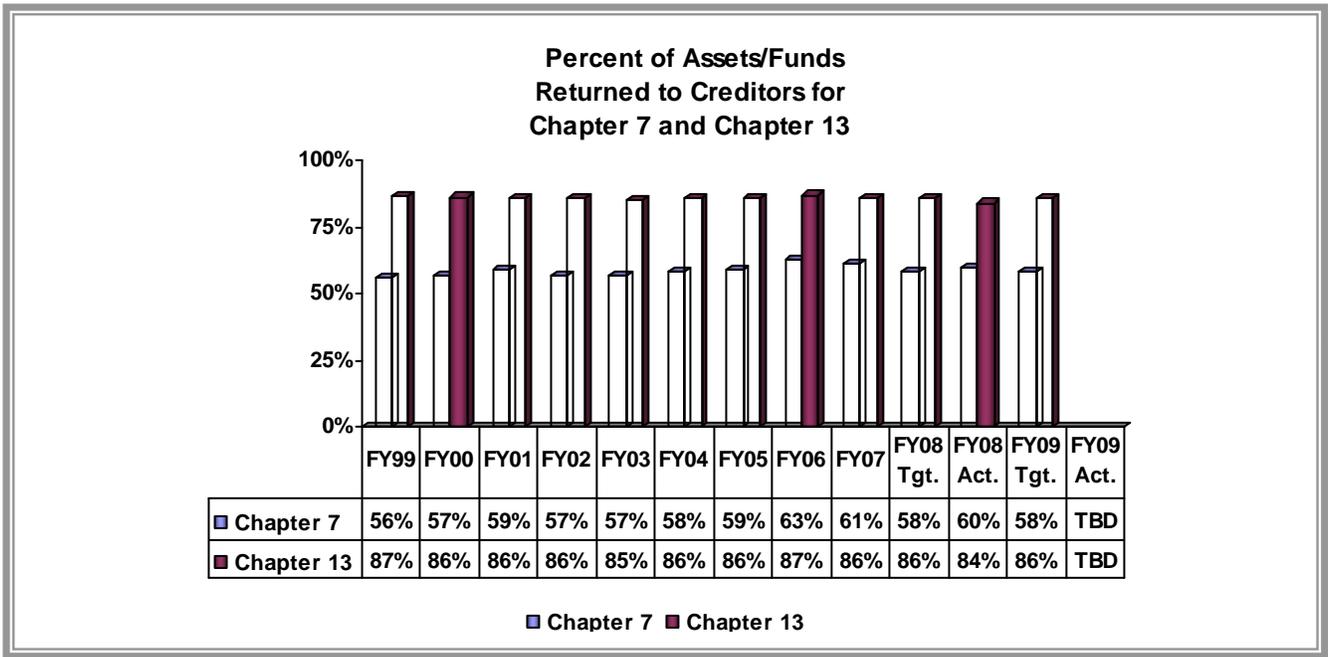
FY 2009 Target: Chapter 7: 58%
Chapter 13: 86 %

FY 2009 Actual: Data will not be available until FY 2010 because of the need to audit data submitted by private trustees prior to reporting.

Discussion of FY 2008 Results: The USTP utilizes a comprehensive process that ensures that cases filed each year are effectively and efficiently moved through the bankruptcy system. This includes following up on deficiencies, monitoring case age and ensuring that old cases are closed promptly, ensuring that assets are identified and distributed in a timely manner and that action is initiated quickly when private trustees fail to comply with their obligations. In FY 2009, the USTP’s civil enforcement efforts resulted in almost \$1.1 billion in potential additional returns to creditors.

The USTP’s goal is to return to creditors the maximum amount possible, recognizing that certain legitimate expenses must be paid, and that returning 100 percent of assets will never be possible. Funds not distributed may include private trustee compensation, professional fees and costs associated with administering the bankruptcy case. These costs directly impact the amount of assets that are available to be returned.

The USTP periodically reviews and reevaluates its performance targets and the Program’s efforts toward reaching them. Beginning in FY 2008, the percentage of assets returned to creditors for Chapter 13 bankruptcy filings was increased to 86% to reflect a more aggressive target. The actual percentage of funds returned during FY 2008 was 84%. A detailed analysis revealed that the lower percentage of assets returned is primarily due to a decrease in total disbursements while administrative costs and debtor attorney fees increased as a percentage of total disbursements.



Data Definition: Chapter 7 bankruptcy proceedings are those where assets that are not exempt from creditors are collected and liquidated (reduced to money). Chapter 7 percentages are calculated by dividing the disbursements to secured creditors, priority creditors, and unsecured creditors by the total disbursements for the fiscal year. In Chapter 13 cases, debtors repay all or a portion of their debts over a three to five year period. Chapter 13 percentages are based on the Chapter 13 audited annual reports by dividing the disbursements to creditors by the total Chapter 13 disbursements.

Data Collection and Storage: The data are collected on an annual or semi-annual basis. For Chapter 7 cases, the USTP receives trustee distributions reports as part of the Final Account on each Chapter 7 case closed during the year. The Chapter 7 data are aggregated on a nationwide basis and reported twice a year in January and July. Chapter 13 data are gathered from the standing Chapter 13 trustees' annual reports on a fiscal year basis.

Data Validation and Verification: Data on these annual reports are self-reported by the trustees. However, each trustee must sign the reports certifying their accuracy. In Chapter 7 cases, independent auditors periodically review the annual reports, in addition to the USTP's on-site field examinations. Additionally, USTP Field Office staff review the trustee distribution reports. The Field Office and Executive Office staff performs spot checks on the audited reports to ensure that the coding for the distributions is accurate. They also verify whether there have been any duplicate payments. Finally, the USTP conducts biannual performance reviews for all Chapter 7 trustees. In Chapter 13 cases, independent auditors must audit each report. This indirectly provides an incentive for trustees to accurately report data. In addition, the Executive Office staff reviews the combined distribution spreadsheet to ensure that the amounts stated coincide with what is reported in the audit reports.

Data Limitations: Out-year performance cannot be accurately projected, as the USTP has no reliable method of calculating the disbursements of future bankruptcy cases. Additionally, data are not available until January (Chapter 7) and April (Chapter 13) following the close of the fiscal year because of the need to audit data submitted by private trustees prior to reporting.

FY 2012 Outcome Goal: Reduce homicides at Weed and Seed Program sites from 4.4 (CY 2005) to a maximum of 4.0 per Weed and Seed site by 2012

FY 2008 Progress: The Department is on target to achieve this long-term goal.

Background/Program Objectives: The Office of Justice Programs' Community Capacity Development Office (CCDO) administers the Weed and Seed program. The Weed and Seed program strategy is to assist communities in establishing strategies that link federal, state, and local law enforcement and criminal justice efforts with private sector and community efforts. It assists communities in "weeding out" violent crime, gang activity, drug use, and drug trafficking in targeted neighborhoods and then "seeding" the targeted areas with programs that lead to social and economic rehabilitation and revitalization. In addition to the weeding and seeding aspects of the strategy, the Weed and Seed sites engage in community policing activities that foster proactive police-community engagement and problem solving.

Performance Measure: Reduction in Number of Homicides per Site (funded under the Weed and Seed Program)

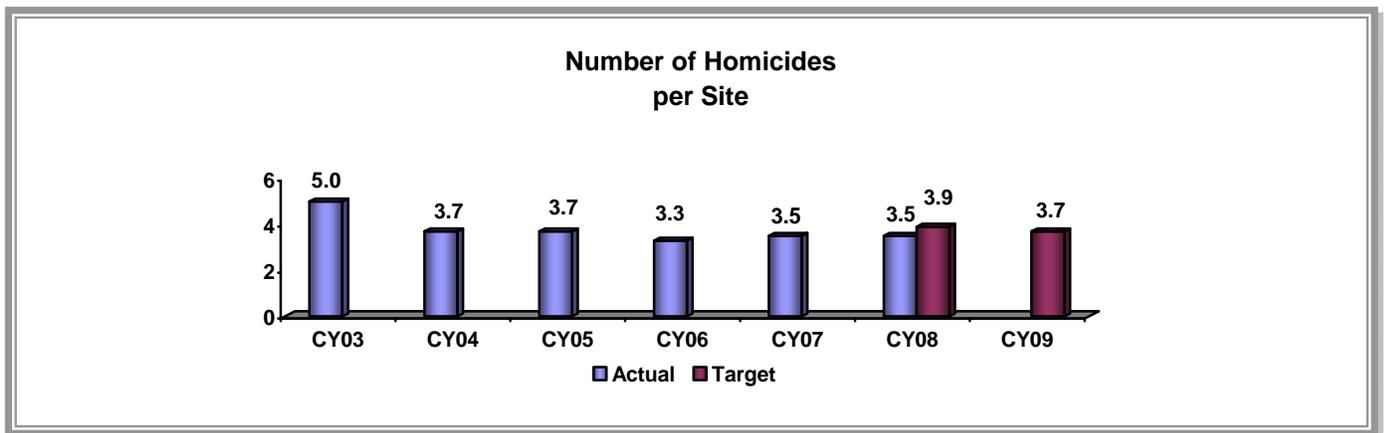
CY 2008 Target: Reduction to 3.9 homicides per site

CY 2008 Actual: Reduction to 3.5 homicides per site.

CY 2009 Target: Reduction to 3.7 homicides per site

CY 2009 Actual: Data for this measure are collected on a calendar year basis and will be available in September 2010.

Discussion of Calendar Year (CY) 2008 Results: The target for CY 2008 was to reduce the average number of homicides per site to 3.9. In CY 2008 there was an average of 3.5 homicides per site, which is better than the target by 10.3 percent. The Weed and Seed program is successful because it develops a strategy tailored individually for each site to target all of the factors that affect a high crime area. The Weed and Seed program works to develop effective community/police cooperation to ensure that the resources and efforts of local police departments and community groups are used more effectively and efficiently.



Data Definition: Although sites may be affected by a range of criminal activities, such as drugs and vandalism, CCDO has selected homicide statistics as the indicator for the severity of a site's crime problem. The number of homicides per site is an average calculated by summing the number of homicides reported for all of the sites and dividing by the number of sites reporting.

Data Collection and Storage: Weed and Seed grantees report performance measure data on an annual basis via OJP's Grants Management System (GMS).

Data Validation and Verification: CCDO validates and verifies performance measure data through site visits and follow-up phone calls conducted by the Justice Research and Statistics Association and CCDO's FBI Fellows. Additionally, homicide statistics reported by jurisdictions are verified against the Uniform Crime Report published annually by the FBI.

Data Limitations: Data for this performance measure are only reported by calendar year because the same data are reported to the FBI Uniform Crime Reports each calendar year. The data are also not comparable across years because dissimilar sites are added and graduated each year and, due to the small number of sites overall, these changes can greatly affect performance data.

FY 2012 Outcome Goal: Realize a 31% reduction in the Casework DNA backlog by FY 2012.
FY 2009 Progress: The Department is on target to achieve this long-term goal.

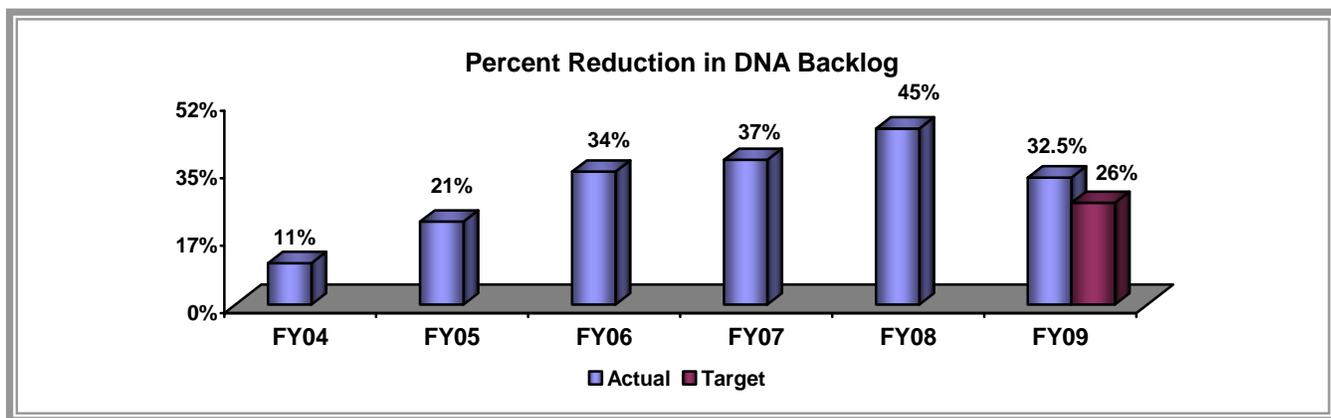
Background/Program Objectives: The DNA Backlog Reduction program, which is administered by the National Institute of Justice (NIJ), exists to increase the capacity of the nation’s public DNA laboratories and to reduce the number of backlogged casework DNA samples awaiting analysis and entry into the Combined DNA Index System (CODIS). CODIS is used to solve past crimes and prevent new crimes from occurring. Reducing the growth of the DNA sample backlog is crucial to the program’s success. In the past, funds awarded for analysis of backlogged forensic casework DNA samples were only available for the analysis of violent offense samples (i.e., murder/non-negligent manslaughter and forcible rape); however, for FY 2008 and FY 2009, funds can be used for any criminal DNA case.

Performance Measure: Percent Reduction in DNA Backlog

FY 2009 Target: Casework: 26%

FY 2009 Actual: Casework: 32.5%

Discussion of FY 2009 Results: In FY 2009, NIJ reduced the DNA backlog by 32.5 percent, which exceeded its target of 26 percent. The target was exceeded due to a \$14 million increase in funding for the program and a higher number of requests for casework assistance, compared with previous years. Additionally, accurate targets are difficult to set due to the uncertainty of program funding amounts during target setting.



Data Definition: The objective of the DNA Backlog Reduction program is to accelerate the analysis of backlogged DNA casework samples in order to provide CODIS-compatible data for state and national DNA databases, so that law enforcement is provided with critical investigative information in a timely manner. The NIJ computes this measure by calculating the cumulative number of backlogged DNA cases federally-funded for analysis (31,525) and dividing it by the total number of backlogged DNA cases (97,102).

Data Collection and Storage: Data for this measure are collected by the program manager and are maintained in office files.

Data Validation and Verification: The number of cases funded for analysis in FY 2009 is computed from applications submitted by grantees to the FY 2009 DNA Backlog Reduction Program.

Data Limitations: None known at this time.

FY 2012 Outcome Goal: Continue to ensure a 75% or greater recovery rate in the number of children recovered within 72 hours of the issuance of an AMBER alert through FY 2012

FY 2009 Progress: The Department is on target to achieve this long-term goal.

Background/Program Objectives: It is critical to post and resolve AMBER Alerts as soon as possible because research shows that abductors who murder children are most likely to do so within four hours following the abduction. OJP's AMBER Alert Program, which is administered by the Office of Juvenile Justice and Delinquency (OJJDP), supports training and technical assistance for state and regional AMBER Alert teams to encourage them to use the best practices. At the end of 2001, there were only four statewide AMBER Alert plans; now all 50 states and twelve Indian tribes have plans in place. The AMBER Alert program's strategy focuses on: (1) strengthening the existing AMBER Alert system; (2) expanding the scope of the AMBER Alert program; and (3) enhancing communication and coordination.

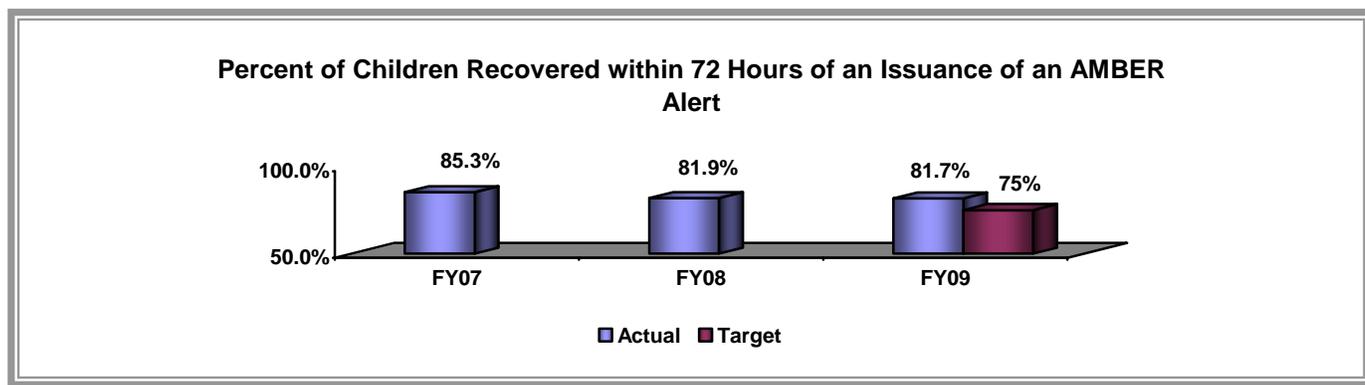
Performance Measure: Percent of Children Recovered within 72 Hours of an Issuance of an AMBER Alert

FY 2009 Target: 75%

FY 2009 Actual: 81.7%

Discussion of FY 2009 Results: The total recovery rate within 72 hours of the issuance of an AMBER Alert was 81.7 percent for FY 2009. This result exceeds the target of 75 percent by 6.7 percent. This is attributable to better coordination and training; increased public awareness of the AMBER program; technological advances; and greater cooperation among law enforcement, transportation officials, and broadcasters. Additionally, in FY 2009, the AMBER Alert Program completed a number of activities. The following are actual results for the National Center for Missing & Exploited Children (NCMEC)-tracked accomplishments:

- Number of participants provided AMBER Alert training: 2,002
- Number of requestors provided technical assistance: 3,500



Data Definition: Recovery rate is determined by comparing the total number of AMBER Alerts cancelled within 72 hours of issuance because the subject child/children are recovered divided by the total number of children involved in AMBER Alerts issued multiplied by 100. The result is expressed as a percentage.

Data Collection and Storage: Data are collected by the NCMEC from law enforcement and the National Crime Information Center database. This database stores the child's name and other critical data elements.

Data Validation and Verification: Data for this measure are validated and verified through a review of progress reports submitted by grantees, telephone contact, and monitoring.

Data Limitations: None known at this time.