# UNITED STATES DEPARTMENT OF JUSTICE

# UNITED STATES ATTORNEYS



FY 2025 CONGRESSIONAL JUSTIFICATION



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## I. Overview of the United States Attorneys

#### A. Introduction

For FY 2025, the United States Attorneys request \$2,826,433,000 and 11,591 positions, of which 6,255 are attorneys. The budget request contains a program increase of 50 positions, including 50 attorneys and \$9,000,000 to support violent crime prosecutions.

Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <a href="https://www.justice.gov/doj/budget-and-performance">https://www.justice.gov/doj/budget-and-performance</a>

The United States Attorneys serve as the nation's principal litigators. In response to the mandates of the Constitution that required establishment of a system of Federal courts, Congress enacted the Judiciary Act of 1789, directing the President to appoint, in each Federal district, "a person learned in the law to act as an attorney for the United States." Since 1870, the United States Attorneys have worked under the direction of the United States Department of Justice.

There are 94 United States Attorneys' offices (USAOs) located throughout the continental United States, Hawaii, Alaska, Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands. The 93 United States Attorneys (Guam and the Northern Mariana Islands are under the direction of a single United States Attorney) are appointed by, and serve at the discretion of, the President of the United States, with the advice and consent of the United States Senate. The map on page 3 depicts the current district and branch office locations of each USAO.

The United States Attorneys report to the Attorney General through the Deputy Attorney General. Each United States Attorney serves as the chief Federal law enforcement officer within their 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, and the handling of criminal and civil appellate cases before the United States Courts of Appeals. The United States Attorneys (USAs) and Assistant United States Attorneys (AUSAs) represent the interests of the United States in cities, towns, and communities across the country and seek to ensure that justice is served throughout the nation. The USAOs conduct most of the trial work in which the United States is a party. Although caseloads vary by district, each USAO has a diverse docket of cases. Each United States Attorney exercises broad discretion in the use of their resources to further local priorities and to serve their community's needs.



## The Attorney General's Advisory Committee of United States Attorneys

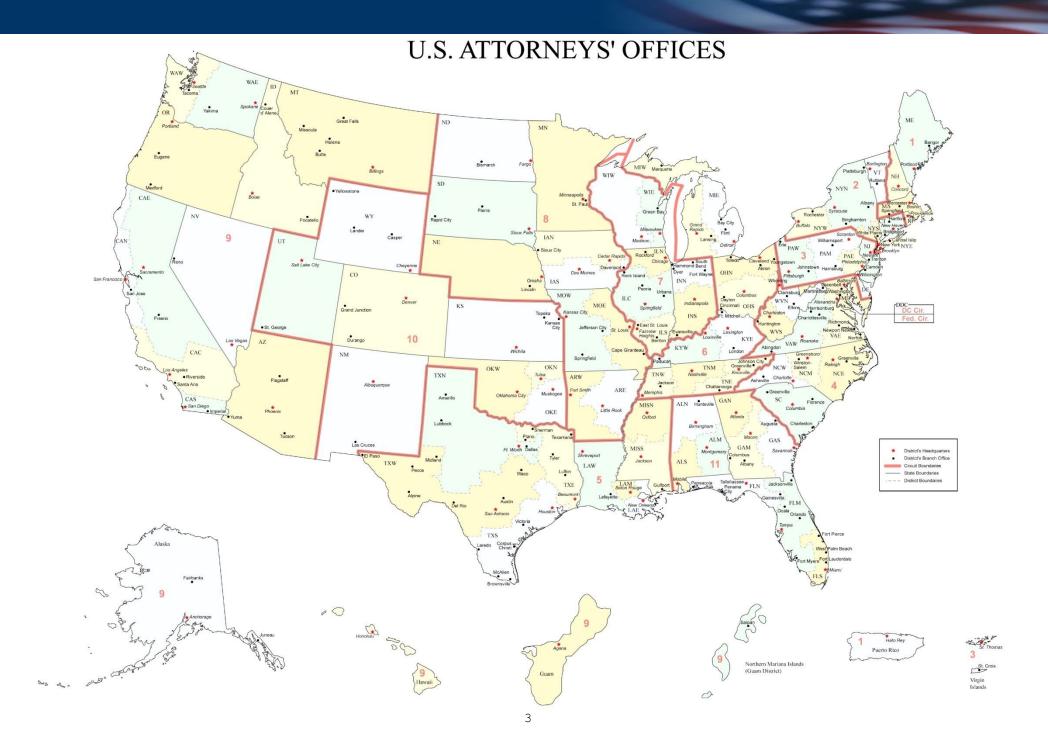
United States Attorneys provide advice and counsel to the Attorney General and the Department's senior leadership through the Attorney General's Advisory Committee (AGAC) and its various subcommittees and working groups. The AGAC was established in 1973 to give United States Attorneys a voice in advising the Attorney General on Department policies. The Committee is comprised of approximately 15 members, representing various Federal judicial districts, and geographic locations. The Committee members meet regularly with the Attorney General, the Deputy Attorney General, and the Associate Attorney General, and works to further the goals as set by the President of the United States. The AGAC's subcommittees and working groups plays an important role in addressing Administration priorities.

## Examples of recent subcommittees include:

- Border and Immigration
- Civil Rights
- Controlled Substances
- Cyber and Intellectual Property
- Elder Justice
- Environmental Justice and Environmental Issues
- Law Enforcement Coordination, Victim Assistance and Community Relations
- Native American Issues
- Office Management and Budget
- Terrorism and National Security
- Violent and Organized Crime
- White Collar/Fraud

## The working groups include:

- Administrative Officers
- Appellate Chiefs
- Civil Chiefs
- Criminal Chiefs





## **Executive Office for the United States Attorneys**

In 1953, Attorney General Order No. 8-53 established the Executive Office for United States Attorneys (EOUSA) to "provide general executive assistance and supervision to the offices of the United States Attorneys." One of the original directives instructed EOUSA to "serve as liaison, coordinator, and expediter with respect to the Offices of the United States Attorneys, and between these offices and other elements of the Department [of Justice]." EOUSA provides the 94 USAOs with general executive assistance and supervision; policy guidance; administrative management direction and oversight; operational support; and coordination with other components of the Department and other Federal agencies. EOUSA's responsibilities encompass legal, budgetary, administrative, and personnel services, as well as continuing legal education. See Exhibit A for an organizational chart of EOUSA.

Under 28 CFR § 0.22, the Executive Office for United States Attorneys shall be under the direction of a Director who shall:

- A. Provide general executive assistance and supervision to the Offices of the U.S. Attorneys, including:
  - 1) Evaluating the performance of the Offices of the U.S. Attorneys, making appropriate reports and inspections, and taking corrective action where indicated.
  - 2) Coordinating and directing the relationship of the Offices of the U.S. Attorneys with other organizational units of the Department of Justice.
- B. Publish and maintain the Justice Manual for the internal guidance of the U.S. Attorneys' offices and those other organizational units of the Department concerned with litigation.
- C. Supervise the operation of the Office of Legal Education, which shall provide training to all Department of Justice attorney and non-attorney legal personnel and publish the Department of Justice Journal of Federal Law and Practice.
- D. Provide the Attorney General's Advisory Committee of United States Attorneys with such staff assistance and funds as are reasonably necessary to carry out the Committee's responsibilities (28 CFR 0.10(d)).
- E. Establish policy and procedures for the satisfaction, collection, or recovery of criminal fines, special assessments, penalties, interest, bail bond forfeitures, restitution, and court costs in criminal cases.

The major functions of EOUSA are to:

- Provide support to the Deputy Attorney General regarding United States Attorney appointments.
- Provide general direction and supervision of the management and policy activities of
  the United States Attorneys' financial litigation programs, including the establishment
  of policy and procedures for debt collection activities, affirmative civil enforcement
  and bankruptcy litigation, litigative and technical support, training, publication of
  newsletters, coordination and implementation of legislative initiatives and the
  establishment of guidelines, and procedures on criminal fine collection issues.



- Provide general legal interpretations, opinions, and advice to United States Attorneys
  in areas of recusals, cross-designations, outside activities, representation, allegations
  of misconduct, adverse actions, grievances, labor relations, and ethical and conflict of
  interest questions.
- Provide general support to the United States Attorneys in matters involving Assistant United States Attorney and Special Assistant United States Attorney appointments.
- Provide overall administrative management oversight and support to the United States
  Attorneys in the program areas of facilities management (to include acquisition of
  real property/space, construction, renovation, repair, and relocation); and support
  service programs (to include personal property management, small purchases
  procurement, motor vehicle support, telephone systems, printing, and records
  disposition).
- Provide overall management oversight and support to the United States Attorneys in the area of security programs (to include physical security, information security, communications security, security awareness and safety).
- Analyze, design, and provide automated services and systems in support of the litigation mission and of selected administrative functions of the United States Attorneys' offices including development, implementation, and monitoring of policies and programs for office automation, systems development activities, and data base maintenance.
- Design, develop, and support the operations and software for caseload and collections systems and administrative/litigative applications in the districts and in central systems; provide technical assistance; produce the Annual Statistical Report; and monitor the quality of the data of the USAOs.
- Support the USAOs in the conduct of their law enforcement coordination programs.
- Serve as the liaison on victim-witness assistance activities within the USAOs, supporting the United States Attorneys in their work relating to these matters.
- Provide budget and fiscal assistance and guidance to the 94 USAOs.
- Respond to requests under the Freedom of Information Act and Privacy Act (FOIA/PA) on behalf of the USAOs, coordinate and respond to litigation arising from these matters, and provide advice and training to the United States Attorneys' staffs relating to FOIA/PA.
- Respond to inquiries from members of Congress and private citizens and review and comment on legislative and regulatory proposals relating to the activities of the USAOs.



## **CRIMINAL PROSECUTIONS**

The USAOs investigate and prosecute the vast majority of criminal cases brought by the Federal Government – representing an incredibly diverse workload. The types of cases include violent crime and firearms; international and domestic terrorism; identity theft; public corruption; procurement, securities, and mortgage fraud; gangs and organized crime; drug enforcement; human trafficking; illegal immigration; southwest border enforcement; and criminal civil rights. Many of these cases involve multiple defendants and are extremely complex.



The United States Attorneys receive most of their criminal referrals, or "matters," from Federal investigative agencies, including the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA), the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the United States Immigration and Customs Enforcement (ICE), the United States Secret Service, and the United States Postal Inspection Service. The USAOs also receive criminal matters from state and local investigative agencies, and sometimes through reports from private citizens. Following careful consideration of each criminal matter, the United States Attorney must decide whether to present the matter to a grand jury for indictment.



Although historically a large percentage of criminal defendants have pled guilty prior to trial, a USAO must always be prepared to go to trial after the grand jury returns an indictment. Careful and diligent preparation for trial, including thorough pre-trial discovery and the litigation of pre-trial motions, helps to clarify issues, promote efficiency, and protect a defendant's rights under the Constitution and the Speedy Trial Act. When a defendant does not plead guilty, however, a trial before a petit jury or a judge (a bench trial) becomes necessary. If the defendant is convicted after trial, the USAO must participate in a sentencing hearing and also defend the conviction in post-trial litigation and on appeal. The USAOs handle most criminal appeals before the United States Courts of Appeal. If there is a further appeal, the United States Attorney may be called upon to assist the Solicitor General in preparing the case for review by the United States Supreme Court.



#### **CIVIL LITIGATION**

The United States Attorneys represent and defend the government in its many roles – as employer, regulator, law enforcer, medical care provider, revenue collector, contractor, procurer, property owner, judicial and correctional systems managers, and administrator of Federal benefits. When the United States is sued, the Department of Justice must be its legal representative. Defensive litigation includes actions seeking monetary damages for alleged torts, contract violations, and discrimination by the United States and its agents and employees. It also includes defending suits challenging government administrative actions, including Social Security disability determinations; habeas corpus petitions; and constitutional challenges to statutes and other Federal policies.

Defensive civil work is unique because it is not optional and non-delegable. Unlike criminal matters, defensive civil cases cannot be declined to manage or reduce an office's caseload. All cases filed against the United States, its agencies, and employees in their official capacities must be defended.

In addition to defending the government, the USAOs initiate civil actions, referred to as "affirmative litigation," to assert and protect the United States' interests. They also defend the United States' interests in lawsuits filed against the government, referred to as defensive civil litigation. In other civil cases, the United States is a third party, creditor, or intervener, such as representing the government's interests in bankruptcy actions.

Examples of affirmative litigation include civil actions brought to enforce the nation's environmental, admiralty, and civil rights laws; recoup money and recover damages resulting from Federal program and other fraud; enforce administrative summonses; and forfeit assets seized by Federal, state, and local law enforcement.

#### CRIMINAL AND CIVIL APPEALS

Appeals require a thorough review of the entire record in the case, the filing of briefs, and in many instances, participation in oral argument before the United States Court of Appeals. In most appellate matters handled by the USAOs, the United States is the appellee and must respond to an appeal initiated by an opposing party. Accordingly, the appellate workload of the United States Attorneys fluctuates based on decisions outside their control. Furthermore, the complexity of appellate work and the time required to handle that work increases when the case presents complicated facts or novel questions of law.



#### CRIMINAL AND CIVIL DEBT COLLECTION

The USAOs are responsible for collecting both criminal and civil debt for the Federal Government. Each USAO has a Financial Litigation Program (FLP) responsible for criminal and civil debt collection activities as well as an Affirmative Civil Enforcement staff devoted to civil debt collection.

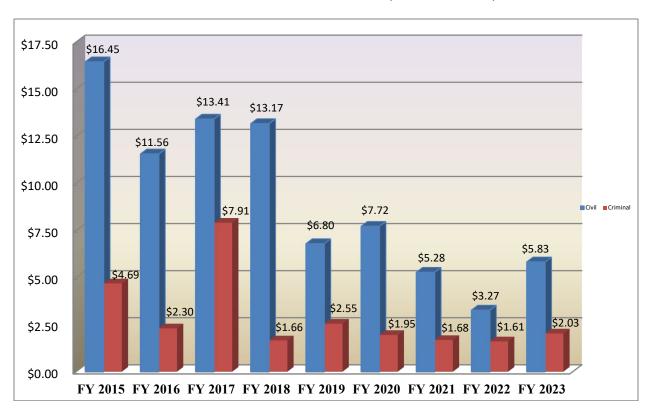
Debts are incurred by a criminal defendant when the defendant is sentenced by the court. These debts may be in the form of restitution to crime victims, fines imposed by the court, special assessments on each criminal conviction count, costs of prosecution and other costs, or forfeitures of appearance bonds. Interest may also be collected in certain cases. When restitution is ordered, the USAOs are involved in collecting Federal restitution payments (owed to the United States) as well as non-Federal restitution (owed to private individuals and entities). As a result of the Mandatory Victims Restitution Act (MVRA), courts must impose monetary restitution orders in all violent crimes and most property crimes, regardless of a defendant's ability to pay restitution. United States Attorneys are required to enforce restitution orders on behalf of all Federal crime victims.

The United States Attorneys are also the legal representatives for other Federal agencies to pursue repayment of debts. For example, when Federal agencies lend money and the recipients default on repayment, or when Federal agencies have paid on guaranteed loans that have not been repaid as provided for in the lending agreement, the United States Attorneys pursue repayment of the debt. The Departments of Agriculture, Education, Health and Human Services, Housing and Urban Development, Transportation, and Veterans Affairs, and the Small Business Administration are some of these client agencies. The United States Attorneys file suit to obtain judgments to collect debts, foreclose on real property, compel physicians to repay or fulfill their commitment to the Public Health Service in return for education grants, sue to set aside fraudulent transfers of property which could be used to satisfy defaulted loans, and manage debtor repayment schedules.



The table below illustrates the significant amount of debt collected each year from FY 2015 through the end of FY 2023.

# **Debt Collection Chart (in billions)**



In FY 2023, the USAOs collected \$7.86 billion in criminal and civil debts. Of the total debts collected, USAOs recovered \$2.03 billion in criminal debts; and \$5.83 billion in civil debts. The United States Attorneys' FY 2023 collection efforts, handled by a very small percentage of the total workforce, returned to the Treasury funding well in excess of the \$2.63 billion appropriated in the FY 2023 budget for the entire United States Attorneys' community.



## B. Issues, Outcomes, and Strategies

The following chart and descriptions provide a brief summary of the Department's Strategic Goals and Objectives in which the United States Attorneys play a role.

2. Keep Our Country Safe
56%

4. Ensure Economic
Opportunity & Fairness
For All
32%

3. Protect Civil
Rights
2%

FY 2025 Total Budget Request by DOJ Strategic Goal

## **STRATEGIC GOAL 1: Uphold the Rule of Law = \$266,066,000**

- Protect Our Democratic Institutions.
- Promote Good Government.

## STRATEGIC GOAL 2: Keep Our Country Safe = \$1,587,298,000

- Counter Foreign and Domestic Terrorism.
- Combat Violent Crime and Gun Violence.
- Enhance Cybersecurity and Fight Cybercrime.
- Combat Drug Trafficking and Prevent Overdose Deaths.
- Protect Vulnerable Communities.

## STRATEGIC GOAL 3: Protect Civil Rights = \$55,809,000

• Combat Discrimination and Hate Crimes.

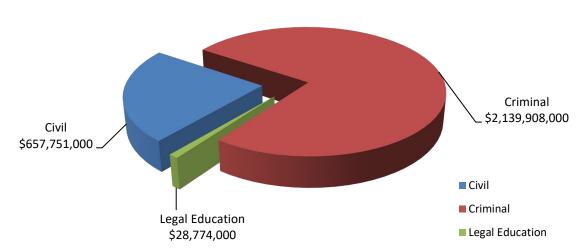
#### STRATEGIC GOAL 4: Ensure Economic Opportunity and Fairness = \$917,260,000

• Combat Corruption, Financial Crime, and Fraud.



## C. Full Program Costs

The United States Attorneys' \$2,826,433,000 budget request for FY 2025 is divided into three decision units: criminal, civil, and legal education.



FY 2025 Budget Request by Decision Unit

Some programs, as well as management and administration costs, cross decision units. The performance and resource tables for each decision unit reflect the total costs of achieving the strategies that the United States Attorneys will employ in FY 2025. Also included are the indirect costs of continuing activities, which are central to the operations of each decision unit. This request will fund the United States Attorneys' role in supporting the Department's Strategic Plan. We will continue to provide Federal leadership in preventing and controlling crime and seeking just punishment of those found guilty of unlawful conduct.

#### **D.** Performance Challenges

The United States Attorneys face both external and internal challenges that can impact their ability to meet their goals. Some of these performance challenges are summarized below.

#### **External Challenges**

Coordinating with External Partners: Law enforcement is a central element of the United States Attorneys' mission, yet the ability and willingness of other Federal, state, Tribal, and local law enforcement partners to coordinate and share intelligence, resources, and personnel with one another can pose significant challenges. Ongoing efforts to safeguard the public ensure that meaningful partnerships with local law enforcement, public officials, and leaders in communities remain relevant and collaborative. Failure to coordinate and collaborate can impede the prosecution of complex criminal activity and even disrupt ongoing investigations. Thus, the USAOs must continually strive to enhance coordination with our law enforcement partners.



Identifying Emerging Criminal Activities: Criminal activity continues to evolve in response to new technologies and law enforcement efforts. The proliferation of synthetic drugs requires additional analytical resources to accurately identify and schedule the compounds. Persistent high levels of heroin abuse continue to put a strain on Department resources, particularly the need for additional outreach and education to state and local communities. Increased diversions of pharmaceutical drugs create a challenge for prosecution, as the process is extremely technical, time-consuming, and document intensive. Fraud schemes, which have become more sophisticated and complex over time, can have a significant impact on individual financial stability as well as our economy. As a result, the United States Attorneys and their investigative partners are working to identify these criminal activities as they emerge so law enforcement can address these crimes in a timely and comprehensive manner.

Keeping Pace with Technology: New technologies have generated cutting-edge methods for committing crimes, such as the use of the dark web and encryption. The USAOs must also keep pace with the exponentially increasing volume and complexity of data associated with a diverse range of cases. The United States Attorneys must continue to develop innovative practices to ensure that each office has the capacity to process, analyze, and leverage electronic information. For example, the USAOs have implemented electronic litigation (eLitigation) processes to move from paper evidence to electronic evidence, and to manage, examine, and transfer large amounts of casework data. The USAOs have used technologically advanced tools and processes in sophisticated cases, allowing for data integration from multiple sources, which is critical to organizing and prosecuting complex cases, such as healthcare fraud and securities fraud cases. The USAOs are looking to expand this support to other types of cases, such as procurement fraud, and to increase data analytics capabilities.

## **Internal Challenges**

Maintaining a Skilled Workforce: To address certain external changes and challenges, such as increasing amounts of eLitigation, the United States Attorneys need employees who can adapt to changes in the law, its practice, and the case analysis tools used in support of the United States Attorneys' mission. Each USAO must have sufficient access to qualified automated litigation support specialists and legal support staff who have the expertise necessary to consult with attorneys on technical issues and institute and follow defensible practices with respect to electronic data. This requires a significant effort focused on improving the competencies of existing employees through training and hiring new employees with the appropriate skill sets.

Adapting to Changing Technology: As technology has evolved, so have the types and amount of electronically stored information that comprises critical evidence in our investigations and cases. To keep pace with technological changes and to ensure that our criminal and civil cases are adequately supported, the United States Attorneys must develop an integrated approach to eLitigation that focuses on the protocols, best practices, and technological tools needed to identify, collect, process, review, analyze, and present electronic evidence.

<u>Addressing the Fentanyl Epidemic</u>: Addressing the fentanyl epidemic – which accounts for some two-thirds of the more than 110,000 drug overdose deaths each year – is a top priority for



this Administration. Efforts to date include an unprecedented increase in enforcement operations, global leadership, and a sustained focus on public health.

The Administration has developed a series of legislative proposals to give the Nation the additional tools it needs to better detect and defeat illicit fentanyl. This legislation would close key loopholes that drug traffickers exploit and expand penalties for those who engage in trafficking deadly drugs into our communities. Key proposals that will enhance the U.S. Attorneys' efforts to combat illicit fentanyl trafficking include:

- Serializing and Tracking Pill Presses In 2023, law enforcement seized more than 76 million fentanyl-laced fake pills marketed as another substance but containing fentanyl. This proposal requires those who manufacture or distribute pill tableting or encapsulating machines and their critical parts to "serialize" their machinery, keep records of all relevant transactions, and report those transactions to the Attorney General thus enabling law enforcement to better track the machines used to manufacture fake pills. It also creates a national registry of pill tableting, encapsulating machines and their critical parts. Those who violate the serialization, record keeping, reporting, or registry requirements will be subject to penalties.
- Permanently Scheduling Fentanyl-Related Substances Consistent with the Administration's 2021 Recommendations to Congress Traffickers are continually altering the chemical structure of fentanyl to evade regulation and prosecution, sometimes with tragic results. The Administration and Congress worked together to temporarily close this loophole by making all fentanyl-related substances (FRS) Schedule I drugs, which carry additional reporting requirements and penalties. However, this measure expires on December 31, 2024. This legislation would permanently make all illicitly produced FRS Schedule I drugs consistent with the Administration's 2021 recommendations to Congress, such as creating a streamlined process for HHS to identify and remove or reschedule any FRS that are subsequently found to not have a high potential for abuse; require a study of the impact of permanent FRS class-wide scheduling research, civil rights, and illicit manufacturing and trafficking; and including additional provisions to improve public safety.
- Making Xylazine a Schedule III Drug Fentanyl alone can be lethal, but fentanyl mixed with xylazine a non-opiate sedative that is currently approved for veterinary use in the United States is even deadlier. The Administration calls on Congress to pass the core elements of the bipartisan Combating Illicit Xylazine Act, which would make xylazine a Schedule III drug subject to additional reporting requirements, would impose additional tracking and reporting requirements on the sale and distribution of xylazine, and subject those who unlawfully distribute xylazine to enhanced penalties.
- <u>Increasing Penalties on the Manufacturers, Distributors, and Importers of Deadly Drugs</u> These provisions would increase penalties on those who unlawfully manufacture and distribute fentanyl; add new penalties for those who make and sell devices used for the illegal manufacture of counterfeit pills; and require an increase in the sentencing



guidelines for, among other things, those who make or sell large numbers of fake pills or who knowingly distribute controlled substances to minors.

• Ensuring that Illicit Drug Traffickers Can be Held to Account - These provisions would give the Department of Justice additional tools to bring drug traffickers to justice. In particular, these provisions will allow prosecutors to bring money laundering charges against drug traffickers who have violated certain drug trafficking-related sanctions; make those who manufacture or distribute precursor chemicals and related equipment with the intent or knowledge that they will be used to manufacture illicit drugs imported into the United States accountable for their acts; and make clear that anyone who knows or intends to distribute controlled substance analogues – which are unscheduled substances that are similar to, and often as deadly as, scheduled controlled substances – should be held liable for their acts.



# **II. Summary of Program Changes**

For FY 2025, the United States Attorneys' budget request is \$2,826,433,000, which includes program increases totaling 50 positions; 25 FTE; and \$9,000,000. The program increases are outlined in the chart below:

Item Name	Description					
	Purpose	Pos.	FTE	Dollars (\$000)	Page	
Violent Crime Prosecutions	Funding is requested to implement the Department's violent crime reduction strategies essential to upholding its fundamental goal of keeping the American people safe. These resources will increase the USAOs' abilities to target priority violent street gangs and drug traffickers.	50	25	\$9,000	36	
TOTAL		50	25	\$9,000		



## III. Appropriations Language and Analysis of Appropriations Language

## **Appropriations Language**

#### SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, [\$2,632,000,000] \$2,826,433,000: Provided, That of the total amount appropriated, not to exceed \$19,600 shall be available for official reception and representation expenses: Provided further, That not to exceed \$40,000,000 shall remain available until expended: Provided further, That each United States Attorney shall establish or participate in a task force on human trafficking.

Note: A full-year 2024 appropriation for this account was not enacted at the time the Budget was prepared; therefore, the Budget assumes this account is operating under the Continuing Appropriations Act, 2024 and Other Extensions Act (Division A of Public Law 118-15, as amended). The amounts included for 2024 reflect the annualized level provided by the continuing resolution.

**Appropriations Language Analysis:** 

N/A



# IV. Program Activity Justification

## A. Criminal

	Perm.		
Criminal Litigation	Pos.	FTE	Amount
2023 Enacted	9,321	7,649	1,983,296,000
2024 Annualized Continuing Resolution	8,928	7,680	1,983,296,000
Adjustments to Base and Technical Adjustments	0	352	147,662,000
2025 Current Services	8,928	8,032	2,130,958,000
2025 Program Increases	50	25	8,950,000
2025 Request	8,978	8,057	2,139,908,000
Total Change 2024-2025	50	377	156,612,000

Criminal Litigation	Perm.		
Information Technology Breakout	Pos.	FTE	Amount
2023 Enacted	323	323	158,900,000
2024 Annualized Continuing Resolution	323	323	158,900,000
Adjustments to Base and Technical Adjustments	0	0	3,178,000
2025 Current Services	323	323	162,078,000
2025 Program Increase	0	0	0
2025 Request	323	323	162,078,000
Total Change 2024-2025	0	0	3,178,000



## 1. Program Description - Criminal Program Activity

The Department is committed to protecting national security and enforcing Federal laws that protect public safety and keep our country safe. To realize these goals, the Department has prioritized protecting the American people from the impact of all types of violent crime, domestic terrorism, cybercrime, Indian country crimes, illegal firearms possession, drugs, and gun related crimes that have been targeted nationwide to bring about safer communities. The United States Attorneys continue to play a vital role in combating these priorities.

Violent crime is devastating to communities in ways that are long-lasting and exceedingly difficult to overcome. As the chief Federal law enforcement officers in their districts, U.S. Attorneys play an important role in taking a multi-agency focus on particularly hard-hit areas suffering from elevated violence, and using innovative means to locate individuals, illicit trafficking organizations, and street gangs within specific high crime jurisdictions. The USAOs continue to work with law enforcement and community partners to implement effective anti-violent crime strategies. Through a unified and cohesive effort working with Federal, state, local, Tribal, and territorial law enforcement, and community counterparts, USAOs endeavor to

## USAO Success Story

United States v. Andre, et al.

Middle District of Louisiana - In September 2023, three individuals were sentenced as the result of an extensive federal, state, and local investigation by the Middle District of Louisiana's Organized Crime and Drug Enforcement Task Force aimed at a drug trafficking network based and operating in Baton Rouge. Quentin Mabin, 31, was sentenced to 144 months of imprisonment, for conspiracy to distribute and possess with intent to distribute 50 grams or more of methamphetamine. Jabari Williams, 38, was sentenced to 144 months of imprisonment for conspiracy to distribute and possess with intent to distribute a mixture of substance containing methamphetamine. Charles Andre, 40, was sentenced to 84 months of imprisonment, for conspiracy to distribute and possess with intent to distribute a mixture or substance containing methamphetamine.

reverse surges in violent crime so that our neighborhoods can become safer places.

Domestic Terrorism poses significant threats to our Nation. The term "domestic terrorism" is interpreted broadly and includes all violent criminal acts in furtherance of ideological goals stemming from domestic influences, such as racial bias, and antigovernment sentiment. The USAOs play a critical role in identifying, disrupting, and holding accountable domestic terrorists who engage in criminal conduct. In confronting this threat, the Department will ensure that it is using all available tools while remaining steadfast in protecting civil liberties and the rule of law.

While prosecuting terrorism, both international and domestic, will remain a top priority, the USAOs will also investigate and prosecute a wide range of white-collar crimes from large-scale crimes committed in the financial sector, to cases involving employee embezzlement, fraudulent document fraud such as unemployment and insurance fraud,

COVID-related fraud, and schemes to defraud the public. Opioid and drug prosecutions will continue to be a priority, with a particular emphasis on the operations of large drug organizations. In addition, the USAOs are committed to pursuing justice in violence related to



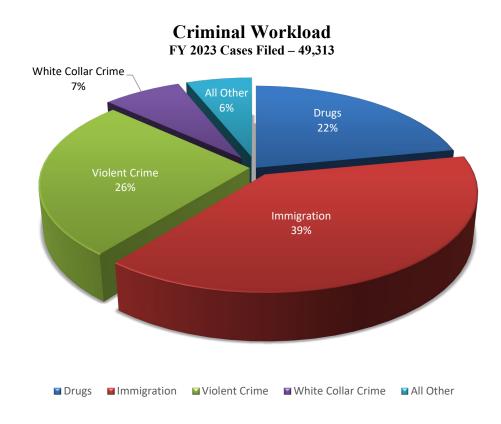
hate crimes, harassment, and discrimination on behalf of vulnerable members of our society. The USAOs will also focus resources on targeting emerging threats in cybercrime and cybersecurity as these threats pose a significant and increasing risk to our national security, our economic security, and our personal security.

The following cases are examples of the breadth of United States Attorneys' criminal case successes:

- The USAO in the **Northern District of Texas** In June 2023, Billy Marcum, Jr., 67, was sentenced to 210 months in prison and ordered to pay more than \$16 million in restitution. According to his plea agreement, Mr. Marcum, the owner of a number of oil and gas companies, solicited money from investors, telling them their funds would be used to purchase oil and gas leases and to pay for oil well repairs and returns would be paid out of profits from the ensuing oil and gas sales. A classic Ponzi scheme, instead of purchasing the leases, Marcum used new investors' money to fund earlier investors' returns, lulling them into believing their investments were sound and that they should continue investing with him. He also used some of the investment money to pay personal expenses. In furtherance of the scheme, Marcum fabricated reports about oil production and sales and sent them to investors. Marcum defrauded over 150 victims, collecting nearly \$30 million in investor funds and inflicting over \$16 million in losses. A coconspirator, Jay Taylor, also pleaded guilty to wire fraud and was sentenced in April 2023 to eight years in Federal prison. *United States v. Marcum Jr.*,
- The USAO in the **District of Connecticut** In April 2023, an investigation into the attempted smuggling of a dual-use export-controlled item to Russia in violation of United States export laws and regulations resulted in the forfeiture of approximately \$826,000. As alleged in court documents and statements made in court, operators of a Latvia-based corporation conspired with the operator of By Trade OU, an Estonia-based company, as well as individuals in Russia and a Russia-based company, to violate U.S. export laws and regulations to smuggle a jig grinder that was manufactured in Connecticut to Russia. A jig grinder is a high-precision grinding machine system that does not require a license to export to European Union countries but does require a license for export and reexport to Russia because of its potential application in nuclear proliferation and defense programs. At no time did the defendants apply for, receive, or possess a license of authorization from the U.S. Department of Commerce to export or reexport the jig grinder to Russia. *United States v. Mustafaev, et al.*,
- The USAO in the **District of Maine** In September 2023, Patrick Hanson, 32, was sentenced to 110 months in prison followed by six years of supervised release for possessing fentanyl with intent to distribute. Hanson pleaded guilty on November 3, 2022. According to court records, in October 2021, officers with the Waterville Police Department arrested Hanson after receiving information that he had threatened another individual. After his arrest, Hanson was found to have a total of seven packages of suspected narcotics on his person or in his immediate possession, including one package that he had kicked under a door while at the police station. *United States v. Hanson*.



• The USAO in the **Eastern District of Washington** – In July 2023, Merced Zamora, 41, was sentenced to 240 months in Federal prison for possession with intent to distribute 50 grams of actual methamphetamine, felon in possession of a firearm, as well as for use, carry, and possession of a firearm during and in relation to a drug trafficking offense. Zamora was previously convicted following a multi-day jury trial. The court also ordered Zamora to serve an additional ten years on Federal supervision after he is released from prison. According to court documents, Zamora, was the driver of a vehicle that was stopped for a traffic violation by a Spokane County Sheriff's Office Deputy. At the time of the traffic stop, Zamora's driver's license was suspended. Following a search of Zamora's vehicle, two firearms, ammunition, drug paraphernalia, and approximately a half pound of methamphetamine were recovered from inside the car. *United States v. Zamora* 



In FY 2023, the USAOs filed 49,313 felony criminal cases against 63,220 defendants in United States District Court. The above chart shows the types of cases filed by the USAOs. In addition to the cases filed, a total of 52,806 cases against 66,966 defendants were closed during FY 2023. Of the 66,966 defendants whose cases were closed, 92.5 percent, or 61,925, either pled guilty or were found guilty after a trial. Of these, 47,948 defendants received prison sentences, and 139 of these defendants' received sentences of life imprisonment.

## 2. PERFORMANCE AND RESOURCE TABLE

PERFORMANCE AND RESOURCES TABLE										
Decision Unit: Criminal										
RESOURCES (\$ in thousands)	Target		Actual		Target		Changes		Requested (Total)	
	FY	2023	FY	2023	FY 2024		Current Services Adjustments and FY 2025 Program Changes		FY 2025 Request	
Total Costs and FTE	FTE	<b>\$0</b>	FTE	\$0	FTE	\$0	FTE	\$0	FTE	\$0
Total Costs and FTE	8,073	1,983,296	7,649	1,983,296	7,680	1,983,296	377	156,612	8,057	2,139,908
Reimbursable FTE and Costs: reimbursable FTE are included, but reimbursable costs are bracketed and are not included in the total.	173	[52,057]	138	[63,851]	173	[66,682]	27	0	200	[66,682]

## 2. PERFORMANCE AND RESOURCE TABLE

	PERFORMANCE MEASURE TABLE									
Strategic	<b>Decision Unit: Cri</b>	minal								
Objective		Key Performance Measures	FY 2	2023	FY 2024	FY 2025				
		Rey I el loi manee Measures	Target	Actual	Target	Target				
1.1	Priority Measure	Percent of cases concerning COVID-19 related fraud in which the Department seeks restitution.	90%	100%	90%	90%				
1.1	Priority Measure	Percent of COVID-19 related fraud cases favorably resolved.	90%	99%	90%	90%				
2.3	Priority Measure	Priority Measure Percent of USAOs in which criminal unit AUSAs who routinely handle firearms cases have received training on BSCA.		N/A	95%	95%				
2.3	Priority Measure	Percent of USAOs that have reviewed their screening protocols/prosecution guidelines for firearms cases to include incorporation of the 2022 BSCA statutory changes.	N/A	N/A	95%	95%				
3.2	Priority Measure	Percent of United States Attorney's Offices meeting at least annually with local law enforcement partners and community stakeholders to collaborate on efforts to prevent hate crimes and incidents. Reported annually.	100%	100%	100%	100%				
2.3	Key Performance Indicator	Percent of Federal Violent Crime Defendants' Cases Favorably Resolved.	90%	98%	90%	90%				
2.3	Key Performance Indicator	Volume of USAOs records uploaded to the National Instant Criminal Background Check System.	5%	7%	5%	5%				
2.6	Key Performance Indicator	Percent of USAOs conducting training on trauma-informed and culturally sensitive approaches for attorneys, victim witness specialists, and support staff. Reported annually.	100%	59%	70%	70%				
2.6	Key Performance Indicator	Percent of Indian Country homicide cases and sexual abuse cases favorably resolved.	90%	96%	90%	90%				
3.5*	Key Performance Indicator	Percent of Environmental Justice Coordinators Designated. Reported annually.	100%	100%	N/A	N/A				
3.5	Key Performance Indicator	Percent of Environmental Justice Coordinators Trained. Reported annually.	N/A	N/A	95%	95%				
4.2	Key Performance Indicator	Percent of corporate criminal cases in which individual responsibility was evaluated. Reported annually.	95%	100%	95%	95%				
4.2	Key Performance Indicator	Percent of corporate criminal resolutions containing compliance reporting obligations that are evaluated by DOJ at least annually.	95%	100%	95%	95%				

<sup>\*3.5 –</sup> Percent of Environmental Justice Coordinators Designated will be replaced by Percent of Environmental Justice Coordinators Trained in FY 2024 and FY 2025.



## 3. Performance, Resources, and Strategies

The Criminal Decision Unit contributes to the following Department Strategic Goals:

Strategic Goal 1: Uphold the Rule of Law. Within this priority area, the decision unit's resources address promoting good government through modernizing the processing of USAO knowledge, documents, and data required for today's litigation work.

Strategic Goal 2: Keep Our Country Safe. Within this priority area, the decision unit's resources address protecting national security, countering foreign and domestic terrorism, combating violent crime and gun violence, and enhancing cybersecurity and fighting cybercrime.

**Strategic Goal 3: Protect Civil Rights.** Within this priority area, the decision unit's resources address combating discrimination and hate crimes, advancing environmental justice, and protecting voting rights and fair elections.

Strategic Goal 4: Ensure Economic Opportunity and Fairness. Within this priority area, the decision unit's resources address combating corruption, financial crime, and fraud.

## a. Performance Plan and Report for Outcomes

In the criminal area, the key performance indicator for the United States Attorneys is the percentage of Federal violent crime defendant cases favorably resolved during the fiscal year. The United States Attorneys' community has consistently met or exceeded its goal of 90 percent by successfully resolving each of its prosecutions. The United States Attorneys will continue to individually assess each case brought for criminal prosecution in a manner that promotes the ends of justice.

The United States Attorneys will continue to play a vital role in combating violent crime across the country. Protecting the American people from terrorism, both international and domestic, will remain a top priority of the Department. The United States Attorneys will use the resources provided to us to identify and disrupt threats and keep our communities safe.

The United States Attorneys will continue to prioritize cybercrime prosecutions, protecting Americans from future occurrences of computer hacking, data thefts and cyberattacks. Such threats can compromise national security and have the potential of crippling our nation's infrastructure. The USAOs handle a broad range of the cyber cases from cyber threats, transnational criminal groups, infrastructure and ransomware attacks, and the use of cryptocurrency and money laundering to finance and profit from cyber-based crimes.

Federal prosecution of crimes committed on our nation's northern and southwestern borders span a wide range of priorities, including felony and misdemeanor immigration cases, human trafficking, alien smuggling, firearms and ammunition trafficking, document fraud, drug offenses, and significant threats from designated criminal and terrorist organizations.



The United States Attorneys continue to address the illegal use of firearms and other acts of violence in our communities. Drug prosecutions will also continue to be a priority, with a particular emphasis on the operations of large drug organizations.

USAOs will leverage a multi-agency focus on reducing violent and gun-related crime in particularly hard-hit areas by using innovative means to locate individuals, organizations, and gangs within specific high crime jurisdictions. As part of the Project Safe Neighborhoods (PSN) program, and through partnerships with Federal, state, and local law enforcement, the United States Attorneys will utilize the tools and resources available to develop and implement strategies for eradicating violent crime wherever it may occur.

Fraud, in any form, continues to be a Department of Justice priority. The USAOs' will make every effort to identify and prosecute those offenses that are designed to produce financial gain using some form of deception. The United States Attorneys expect the workload to remain elevated over the coming years because of fraud associated with the COVID-19 pandemic and the unprecedented government spending for pandemic relief. It will take several years to discover and investigate sophisticated schemes, such as those involving large-dollar relief programs like the Paycheck Protection Program (PPP), Economic Injury Disaster Loans (EIDL), and Unemployment Insurance (UI); and complex healthcare fraud schemes that take advantage of pandemic regulatory waivers, and fraud in healthcare provider payments. The USAOs' efforts continue to achieve tremendous results in combating fraud and protecting public rights and interests.

The following cases are additional examples of the United States Attorneys' criminal case successes:

- The USAO in the **Eastern District of Kentucky** In February 2023, Justin Bryant, 38, was sentenced to life in Federal prison, for distributing fentanyl and para-fluorofentanyl that caused death of a victim, and for conspiring with others to distribute heroin, fentanyl, and para-fluorofentanyl. Bryant was convicted by a Federal jury in October 2022. According to evidence at trial, on October 12, 2021, Bryant smuggled drugs into the Pike County Detention Center and distributed them. The drugs contained fentanyl and para-fluorofentanyl, and their use resulted in the death of another individual in the jail. *United States v. Bryant*
- The USAO in the **Eastern District of Pennsylvania** In March 2023, David Perez 37, was sentenced to 110 months of imprisonment, three years of supervised release, and ordered to pay restitution to the Philadelphia School District and to Wells Fargo Bank for engaging in the business of manufacturing explosive devices, possession of explosives by a convicted felon, malicious damage to a building/institution receiving Federal financial assistance, possession of firearm by a convicted felon, possession with intent to distribute a mixture and substance containing a detectable amount of phencyclidine (PCP), and conspiracy to commit bank fraud. Devices consistent with those made by Perez were found at numerous post-blast scenes, including at multiple scenes where explosive devices were used to attempt to access ATMs in the summer and fall of 2020. Perez admitted to using some of his homemade



illegal explosive devices on July 4, 2020, in the courtyard of the Honorable Luis Munoz-Marin Elementary School in Philadelphia. Use of these devices caused extensive damage to property inside and outside the school and resulted in damage to numerous windows. Upon arrest, Perez was found in possession of multiple firearms and distribution-level quantities of PCP in his home. *United States v. Perez* 

• The USAO in the **District of New Hampshire** – In March 2023, Sean Crockett, 41, was sentenced to 18 months in Federal prison for bank fraud. In addition to his prison sentence, Crockett was ordered to pay restitution and will be under three years of supervised release

following the completion of his sentence. According to court documents and statements made in court, Crockett used other peoples' identities to open merchant accounts and used those accounts to process fraudulent credit card payments. Merchant accounts are bank accounts for businesses that allow them to accept payments by debit or credit card. To execute the scheme, Crockett used altered bank and incorporation records, false tax documents, and other persons' identities to apply for and open merchant bank accounts for companies Crockett controlled. *United States v.* Crockett

March 2023, Alec Ramirez, 32, was sentenced to 18 months in prison and his nursing license was forfeited after stealing controlled substances from his employer. According to court documents, in March 2021, Ramirez removed vials of fentanyl and hydromorphone from an automated dispensing cabinet at Menorah Medical Center in Overland Park and replaced the substances with an alternate liquid before returning the vials to the cabinet. In December 2022, Ramirez pleaded guilty to one count of tampering with a

## **USAO Success Story**

United States v. Saipov

Southern District of New York – Sayfullo Saipov, 34, was sentenced to eight consecutive life sentences, two concurrent life sentences, and a consecutive sentence of 260 years in prison for carrying out a terrorist attack on October 31, 2017, in the name of the Islamic State of Iraq and al-Sham (ISIS), in which Saipov used a truck to murder eight victims and injure many more on a bike path in lower Manhattan. Saipov used a 6,000-pound truck to strike more than 20 innocent people on the Hudson River Bike Path in lower Manhattan. Saipov killed eight of his victims and critically injured many others, including a 14-year-old child. Saipov surviving victims suffered amputations, serious brain injuries, life-altering physical injuries, and significant psychological trauma. Saipov committed his attack after years of devotion to the brutal terrorist organization ISIS and after months of careful planning. In the years since his attack, Saipov continued to demonstrate his devotion to ISIS, including through statements in court, recorded telephone calls, and writings seized from his prison cell. In prison, Saipov also made statements confirming his continued belief that enemies of ISIS should be eliminated and threatening to cut the heads off of corrections officers.

consumer product and one count of possession of fentanyl by deception and subterfuge. *United States v. Ramirez* 



## b. Strategies to Accomplish Outcomes

The United States Attorneys play a central role in assisting the Department in accomplishing its core priorities by contributing to keeping our country safe, protecting civil rights, ensuring economic opportunity and fairness, managing excellence, and prioritizing immigration enforcement. In FY 2025, the United States Attorneys will continue to place a high priority on prosecutions related to domestic terrorism, combating violent crime and gun violence, enhancing cybersecurity, dismantling violent drug trafficking gangs and cartels while addressing the problem of substance abuse, protecting the most vulnerable in our communities, prosecuting white collar crime and protecting the public fisc from fraud on government programs.

The United States Attorneys will also increase the use of technology in our practice of law. Technology provides a means to increase the productivity of existing resources. As criminal cases are increasingly electronic, providing technical training and recruiting a workforce with the skill sets needed to fully utilize the electronic tools available to the community are critical to the successful furtherance of our mission.

#### Other strategies include:

- Regular reviews and monitoring of case and workload data.
- Continuing to look at operational efficiencies in order to preserve human capital, which is our most valuable resource.
- Continuing to address emerging training needs through the Office of Legal Education.

## c. Agency Priority Goals

The Department had six new priority goals for FYs 2022 - 2023: 1) Combat Pandemic Fraud, 2) Reduce Gun-Related Violence, 3) Combat Ransomware Attacks, 4) Combat Hate Crimes and Promote Trust and Accountability in Law Enforcement, 5) Reinvigorate Antitrust Enforcement and Consumer Protection, and 6) Improve the Administration of Immigration Courts.

New agency priority goals for FYs 2024 - 2025 are being developed and will be available at a later date. While the United States Attorneys will continue to support all priority areas going forward into FY 2025, we are specifically reporting on the following priority goals for FY 2023:

- 1) Combat Pandemic Fraud: To uphold the rule of law and preserve public trust in government programs, the USAOs will enhance its efforts to protect the public fisc from fraud, waste, and abuse by (1) seeking restitution in at least 90 percent of applicable criminal cases concerning COVID-19 related fraud; and (2) increasing the percentage of COVID-19 related fraud cases favorably resolved to 90 percent. Results: In FY 2023, the United States Attorneys met / exceeded its targets.
- 2) Combat Hate Crimes and Promote Trust and Accountability in Law Enforcement: The Department will combat hate crimes by (1) ensuring that 100 percent of the USAOs meet at least annually with local law enforcement partners and community stakeholders to collaborate on efforts to prevent hate crimes and incidents. In FY 2023, the United States Attorneys met its target.



# B. Civil

Civil Litigation	Perm. Pos.	FTE	Amount
Civil Liugation	1 08.	rin	Amount
2023 Enacted	2,664	2,492	620,267,000
2024 Annualized Continuing Resolution	2,560	2,527	620,267,000
Adjustments to base and Technical Adjustments	0	57	37,484,000
2025 Current Services	2,560	2,584	657,751,000
2025 Program Increases	0	0	0
2025 Request	2,560	2,584	657,751,000
Total Change 2024-2025	0	57	37,484,000

Civil Litigation Information Technology Breakout	Perm. Pos.	FTE	Amount
Information Technology Dreakout	r us.	FIL	Amount
2023 Enacted	87	87	44,825,000
2024 Annualized Continuing Resolution	87	87	44,825,000
Adjustments to Base and Technical Adjustments	0	0	897,000
2025 Current Services	87	87	45,722,000
2025 Program Increase	0	0	0
2025 Request	87	87	45,722,000
Total Change 2024-2025	0	0	897,000



## 1. Program Description – Civil Program Activity

Civil litigation pursued by the United States Attorneys falls into two basic categories: (1) affirmative civil litigation, in which the United States is the plaintiff; and (2) defensive civil litigation, in which the United States is the defendant. Affirmative civil litigation cases are actions taken by United States Attorneys to assert and protect the government's interests. They include such issues as the enforcement of the nation's environmental, admiralty, and civil rights laws, as well as the recovery of damages sustained by the government through fraud. The United States Attorneys also use affirmative civil litigation to recoup money owed and recover damages sustained by the government. Defensive civil litigation includes actions seeking monetary damages for alleged torts, contract violations, and discrimination by the United States and its agencies and employees.

The United States Attorneys may also be called upon to represent the United States in cases that

## **USAO Success Story**

Yale University and Dr. John Krystal Settlement District of Connecticut - In September of 2023, Yale University and Dr. John Krystal agreed to pay \$1.5 million to resolve False Claims Act and common law allegations that they failed to disclose certain patents and share patent royalties with the Department of Veteran Affairs (VA) for inventions made by Dr. Krystal when he worked for both institutions. The VA and Yale are parties to an agreement under which both agreed to promptly and in confidence disclose to each other all "Joint Inventions," which included "any future invention or discovery, which is or may be patentable... in which at least one employee with compensation from the VA and at least one person who has an appointment with Yale is named as a co-inventor." In addition, VA regulations require all VA employees to promptly disclose their inventions to the VA so the VA can decide as to whether it is entitled to ownership. In February 2015, Yale, and Dr. Krystal began receiving royalty payments arising from three ketamine patents. The United States alleged they never shared these royalty payments, now totaling more than \$3 million, with the VA, and did not disclose the patents to the VA until 2017.

are not clearly defined as either affirmative or defensive civil litigation, but in which the government has an interest, such as bankruptcy cases in which the United States is a party. One key difference between affirmative and defensive civil litigation is that, while United States Attorneys have some discretion in deciding which affirmative civil cases they will pursue, they must defend the government in all defensive civil litigation.

The United States Attorneys are also required to defend an increasing number of civil actions brought by immigration detainees who either are in deportation proceedings or are subject to final orders of deportation. Petitions for constitutionally required bond hearings brought by criminal aliens, challenges to denial of parole by arriving aliens, and expedited removal proceedings with respect to arriving aliens, present a growing challenge in the border states and at other locations with major ports of entry. The USAOs effectively carry out the Department's mission to "ensure fair and impartial administration of

justice for all Americans," and effectively defend against the rise in the number and complexity of immigration, prisoner litigation, and Freedom of Information Act (FOIA) cases.

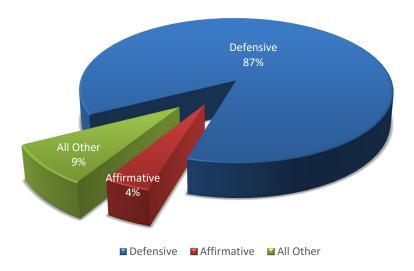


The following cases are examples of the United States Attorneys' civil casework successes:

- The USAO in the Northern District of Texas In September 2023, Oliver Street Dermatology Management LLC (Oliver Street), a Texas entity that manages and operates dermatology practices, surgical centers, and pathology laboratories across the United States, agreed to pay \$8.9 million to resolve allegations, which were self-reported, of potential violations of the Physician Self-Referral Law (Stark Law) and the Anti-Kickback Statute (AKS). The United States contends that these potential violations resulted in liability under the False Claims Act. According to the settlement agreement, Oliver Street doing business as U.S. Dermatology Partners (USDP) acquired numerous dermatology practices across the United States. In September 2021, the company voluntarily self-disclosed to the Department of Justice that it had discovered credible evidence suggesting that former senior managers had offered (or agreed) to increase the purchase price of 11 acquired dermatology practices in exchange for an agreement by the provider at the practice to refer services to USDP-affiliated entities following the acquisition. Claims for certain of those referred services were later submitted to Medicare for payment. The United States contends that this conduct violated the AKS and Stark Law and resulted in the submission of false claims for payment to Medicare. United States v. Oliver Street Dermatology Management LLC
- The USAO in the Eastern District of Louisiana In October 2023, AECOM, Inc. (AECOM), an architecture and engineering firm based in Dallas agreed to pay \$11.8 million to resolve allegations that it violated the False Claims Act by knowingly submitting false claims to FEMA for the replacement of certain educational facilities located in Louisiana that were damaged by Hurricane Katrina. AECOM served as a technical assistance contractor in support of FEMA disaster recovery efforts following Hurricane Katrina. The settlement resolves allegations that an AECOM project officer deployed to Louisiana for the Hurricane Katrina recovery effort submitted to FEMA fraudulent requests for disaster assistance funds for several educational facilities in New Orleans, which resulted in certain applicants receiving PA funds in excess of what FEMA rules permitted, including in some cases because the facility was entitled only to repair rather than replacement costs. *United States ex rel. Robert Romero v. AECOM, Inc., et al.*
- The USAO in the **Southern District of Texas** In June 2023, a settlement was reached in the environmental justice investigation into the City of Houston's response to illegal dumping in Black and Latino neighborhoods. The agreement, which is built upon the city's One Clean Houston initiative, a comprehensive plan to address pervasive illegal dumping and its negative impacts on the health, safety, and quality of life of Houston residents, memorializes the city's cooperation with the Department of Justice to combat illegal dumping and develop improved waste management services for residents across Houston. In July 2022, the Department launched its investigation after it received a civil rights complaint filed on behalf of Houston residents alleging that the city discriminated against Black and Latino residents of the Trinity/Houston Gardens neighborhood in northeast Houston in violation of Title VI of the Civil Rights Act of 1964. Title VI prohibits recipients of federal funds from discriminating on the basis of race, color, or national origin in their Federally funded programs and activities. *City of Houston Settlement*



## Civil Workload FY 2023 Cases Filed/Responded To – 69,588



Civil matters and cases represent a significant part of the United States Attorneys' workload. In FY 2023, the United States Attorneys received 75,902 civil matters, which represented 48 percent of all the 157,606 criminal and civil matters received during the fiscal year. Of the civil matters received, 80 percent or 61,099 were defensive matters, 9 percent or 6,845 were affirmative matters, and 10 percent or 7,958 were other civil matters.

The United States Attorneys filed or responded to 69,588 civil cases in FY 2023, which represented 59 percent of the 118,901 criminal and civil cases filed during the fiscal year. Of the civil cases filed, 87 percent or 60,669 were defensive cases; four percent or 2,863 were affirmative cases; and nine percent or 6,056 were other civil cases.

The USAOs' successes in defensive civil litigation preserves taxpayer dollars and enhances the efficient operation of the Federal Government by defending the policies and programs of Federal agencies against individual and class action lawsuits challenging agency authority or compliance with Federal laws and the constitution.

USAOs track the different types of cases where they can defend the Government and whether or not they are successfully resolved. In affirmative civil cases handled by USAOs, or jointly with the Civil Division, USAOs' successes have resulted in the collection of billions of dollars for the Government and victims of fraud.

## 2. PERFORMANCE AND RESOURCE TABLE

			RESC	OURCES	TABLE							
<b>Decision</b> U	nit: Civil											
RESOURCES (\$ in thousands)			Tar	get	Actı	ıal	T	arget	Cha	nges	Requested (Total)	
			FY 2023		FY 2023		FY 2024		Current Adjustm FY 2025 Cha	ents and Program	FY 2025 Reques	
Total Costs o	4 15/15		FTE	\$0	FTE	\$0	FTE	\$0	FTE	<b>\$0</b>	FTE	\$0
Total Costs a	na r i E		2,631	620,267	2,492	620,267	2,527	620,267	57	37,484	2,584	657,751
	TE and Costs: reimbursable			_								
reimbursable co	sts are bracketed and are not		43	[13,014]	35	[15,963]	43	[16,670]	7	0	50	[16,670]
		PEI	RFORMA	NCE ME	ASURE T	CABLE				_		
Strategic		Key Performan	ice Measii	res				FY 20		FY 202	24 FY	Y 2025
Objective			ico ivicusures			T	arget	Actual	Targe	et T	arget	
1.1	Priority Measure	Percent of COVID-19 related	fraud cases fa	worably resol	ved.			90%	99%	90%		90%
3.2	Priority Measure	Percent of United States Atto enforcement partners and con prevent hate crimes and incid	nmunity stakel	holders to col				100%	100%	100%		100%
2.6	Key Performance Indicator	Percent of USAOs conducting training on trauma-informed and culturally sensitive approaches for attorneys, victim witness specialists, and support staff. Reported annually.					100%		59%	70%		70%
3.5*	Key Performance Indicator	Percent of Environmental Jus	Percent of Environmental Justice Coordinators Designated. Reported annually.					100%		N/A		N/A
3.5	Key Performance Indicator	I Percent of Environmental Justice Coordinators Trained. Reported annually.						95%				



## 3. Performance, Resources, and Strategies

The Civil Decision Unit contributes to the following Department' Priority Areas:

Strategic Goal 1: Uphold the Rule of Law. Within this priority area, the decision unit's resources modernize the processing of USAO knowledge, documents, and data required for today's litigation work.

**Strategic Goal 3: Protect Civil Rights**. Within this priority area, the decision unit's resources address our civil rights work.

Strategic Goal 4: Ensure Economic Opportunity and Fairness. Within this priority area, the decision unit's resources address all forms of fraud to protect consumers.

## a. Performance Plan and Report for Outcomes

Prosecution of civil litigation is an essential and vital component of the mission of the United States Attorneys. Affirmative and defensive civil litigation seeks redress for fraud, waste, and abuse in Federal programs and ensures that the government is fully compensated for the losses and damages caused by those who have enriched themselves at the government's expense. In addition, all lawsuits filed against the Federal Government must be defended. The United States Attorneys' successes in civil litigation preserve taxpayer dollars and uphold the requirements and intent of Federal laws and programs. The performance measure for civil litigation relates to the percentage of judgments and settlements resolved in favor of the government.

#### b. Strategies to Accomplish Outcomes

As civil cases are increasingly electronic, meaning that technology plays a major role in areas such as electronic case filing and eLitigation, the technological and resource needs of our civil cases continue to grow. To ensure the USAOs can prosecute cases in an efficient, cost-effective, and comprehensive manner, the United States Attorneys will further leverage technologically advanced tools and processes. These tools and processes allow prosecutors to manage, examine, and transfer large amounts of casework data, thereby improving efficiency and enhancing information flow organization-wide and with our partners.

While technology provides a means to increase productivity, the successful implementation of advanced technological solutions necessitates hiring employees with the appropriate skill sets and providing relevant technical training. The United States Attorneys will maximize existing resources by hiring qualified individuals who have the expertise necessary to consult with attorneys on technical issues and institute and follow defensible practices with respect to electronic data. To manage electronic data efficiently and effectively in their cases, AUSAs and support staff will be trained on eLitigation issues, including but not limited to how to use existing and new technologies.



# C. Legal Education

Legal Education	Perm. Pos.	FTE	Amount
2023 Enacted	53	53	28,437,000
2024 Annualized Continuing Resolution	53	53	28,437,000
Adjustments to Base and Technical Adjustments	0	0	287,000
2025 Current Services	53	53	28,724,000
2025 Program Increase	0	0	50,000
2025 Request	53	53	28,774,000
Total Change 2024-2025	0	0	337,000

Legal Education	Perm.		
Information Technology Breakout	Pos.	FTE	Amount
2023 Enacted	4	4	1,808,000
2024 Annualized Continuing Resolution	4	4	1,808,000
Adjustments to Base and Technical Adjustments	0	0	36,000
2025 Current Services	4	4	1,844,000
2025 Program Increase	0	0	0
2025 Request	4	4	1,844,000
Total Change 2024-2025	0	0	36,000



## 1. Program Description-Legal Education

The Office of Legal Education (OLE) develops and conducts training for all Department attorney and non-attorney legal personnel [28 C.F.R. §0.22 (2019)]. OLE's classroom training is conducted at the National Advocacy Center (NAC), a premier federal training facility in Columbia, South Carolina that features an integrated instructional and residential facility with rooms for up to 264 guests. Over the past five years, OLE has developed a robust distance education program to complement its residential training and meet increased training demand.

Fiscal year 2023 marked the 25<sup>th</sup> Anniversary of the NAC's opening. It also marked the first full fiscal year of the NAC being open for residential training since the COVID-19 pandemic. OLE trained 5,331 participants onsite at the NAC during FY 2023 in 70 separate events and another 869 at eight residential courses held in remote locations. These included trainings held in the DC area, like the orientation for new Assistant United States Attorneys, which introduces new prosecutors to the Department of Justice.

OLE continued to offer extensive virtual training in FY 2023 through online courses, webinars, and courses in its unique Virtual Classroom (VC), which it launched in FY 2021. OLE sponsored 92 webinar trainings for 14,640 attendees and 35 full online courses for 6,611 attendees. Another 2,544 trained in the VC in 117 classes. One advantage of virtual training is its efficiency. For example, popular course offerings like the Criminal Jurisdiction in Indian Country Seminar and Advanced Narcotics drew over 646 and 384 attendees, respectively, far more than could be accommodated with residential training.

In addition to the live, synchronous training described above, OLE provided extensive asynchronous (on-demand) training. Use of the user-friendly video platform, USAflix, launched by OLE in FY 2022, increased. The United States Attorneys' community viewed 35,411 programs on USAflix in FY 2023, up over 50 percent from 22,887 programs in the platform's first year. Users watched thousands more programs on learnDOJ and WestLegalEd Center (WLEc) to satisfy mandatory training requirements and earn Continuing Legal Education (CLE) credit. Specifically, 64,103 videos were completed on learnDOJ, and OLE provided 15,739 users with CLE credit in FY 2022 through WLEc. This is in addition to CLE credit OLE provided for 56,530 students who attended its webinars and online courses in FY 2023.

OLE continued its prolific annual output of new Blue Books, Journals, weekly DOJBook podcasts and daily DOJBook updates. In FY 2023, it published the Federal Grand Jury Practice Blue Book (2d. ed.), OLE Style Manual (2d. ed.), the Guide to Monetary Penalties and Restitution for Prosecutors, and the Financial Litigation Unit Blue Book. OLE shipped 4,320 Blue Books and journals to the field, and all publications are available online. OLE published three issues of the DOJ Journal of Federal Law and Practice, which together were viewed 6,224 times. DOJBook podcasts drew 9,401 listeners, more than any prior year. The DOJBook, which OLE updates daily, continues to be the most accessed online resource in the Department, with 409,825 views in FY 2023.



## **Unit Work Descriptions**

OLE's Publications Unit maintains and updates DOJBook and the DOJ Journal of Federal Law and Practice. The DOJBook podcasts were added in 2018. The unit also regularly publishes and updates Blue Books, which are practice manuals for Department attorneys that cover discrete topics.

The Criminal Law and National Security training team delivers residential and distance learning training programs for federal criminal prosecutors. In FY 2023, the team offered critical skills courses like criminal trial advocacy and appellate advocacy in person and continued virtual delivery of training on topics like the federal sentencing guidelines and combatting cybercrime, drug offenses, violent offenses, human trafficking, and white-collar crime. This team also provides training on national security matters, including combatting international and domestic terrorism.

The National Indian Country Training Initiative (NICTI) team focuses on training related to law enforcement in Indian Country. It trained thousands in FY 2023 through its residential and virtual programs, including Criminal Jurisdiction in Indian Country (CJIC), successful completion of which is a requirement for law enforcement agents to investigate crime on reservations. Through this program the NICTI continues to build the ranks of law enforcement personnel qualified to combat such crime.

The Legal Programs, Civil Law and Advocacy training team trains civil attorneys to pursue and defend cases on behalf of the United States. In FY 2023, the team offered skills courses like civil trial advocacy and deposition skills in person. It also hosted residential and virtual training for DOJ personnel who bring civil enforcement actions on behalf of the United States to combat fraud and recover payments and penalties owed. The team also provided key training for civil attorneys who defend the United States against suits under the Federal Claims Act, Federal Tort Claims Act and more.

The Litigation Technology and Support training team supports the Department's eLitigation initiative by providing litigation technology training for attorneys and non-attorneys to equip them to litigate their cases more skillfully and efficiently. In FY 2023, the team hosted conferences for USAOs' eLitigation Coordinators, helped provide in-depth education and counseling for 12 USAOs seeking to implement officewide change, and provided hands-on eLitigation software training virtually to more than 2,500 attorneys and support staff in OLE's Virtual Classroom. The team also offered an eLitigation webinar series. Using a variety of methods, the team helped thousands of case teams acquire critical eLitigation skills.

Finally, OLE continues its tradition of providing training support to Department of Justice personnel by assisting the Criminal Division's Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT), which helps support judicial and prosecutorial agencies around the world. In FY 2023, OLE hosted two visiting foreign delegations, from Bosnia and Qatar. It also assisted OPDAT with work for the Kosovo Judicial Academy (KJA) by developing a trainer handbook, trainer certification program, and training needs assessment, and providing instruction in two training programs. OLE also provided training and evaluation advice and resources to a number of OPDAT's Resident Legal Advisors (RLAs), who are based in foreign countries around the globe.

## 2. PERFORMANCE AND RESOURCE TABLE

RESOURCES TABLE										
<b>Decision Unit: Legal Education</b>										
RESOURCES (\$ in thousands)	Target		Actual		Target		Changes		Requested (Total)	
	FY 2023		F	Y 2023	F	Y 2024	Current Services Adjustments and FY 2025 Program Changes		FY 2025 Request	
Total Costs and FTE	FTE	\$0	FTE	\$0	FTE	\$0	FTE	\$0	FTE	\$0
1 otal Costs and F1E	53	28,437	53	28,437	53	28,437	0	337	53	28,774
Reimbursable FTE and Costs: reimbursable FTE are included, but reimbursable										
costs are bracketed and are not included in the total.	0	[0]			0	[0]	0	[0]	0	[0]



## 3. Performance, Resources, and Strategies

The Legal Education Decision Unit contributes to all the Department's Strategic Goals.

## a. Performance Plan and Report for Outcomes

In FY 2023, OLE trained 29,968 individuals through a mix of residential and virtual events. Of this number, 6,200 were trained in person. Beyond numbers trained, OLE also measures its training's effectiveness and impact through participant feedback and instructor observation. Across all delivery methods, OLE's programs received consistently high scores for participant satisfaction. An average of 92 percent of respondents surveyed in FY 2023 said they would recommend OLE's courses to others. Similarly, 93 percent of respondents confirmed they would apply the knowledge and skills they obtained in training to improve their performance, with many citing specific examples.

## b. Strategies to Accomplish Outcomes

OLE will continue to offer high quality legal education through a combination of distance learning and classroom instruction, seeking to offer residential training when face to face interaction is optimal for achieving training objectives. It will continue to serve as a premiere and secure training venue for trial practice training and gatherings of USAO and DOJ personnel. It will continue using valid instructional design methods to increase engagement and learning retention and to tailor methods of instruction to meet identified objectives. OLE will meet ongoing demand for synchronous distance training through continued use of online courses, webinars, and its Virtual Classroom. It will meet demand for asynchronous training with written resources and videos on demand. Specifically, it will continue to leverage existing technology platforms and expand access to those platforms to cost-effectively deliver virtual training to meet as much of the training demand from Department legal personnel as possible.



## V. Program Increases by Item

**Item Name:** Violent Crime Prosecutions

Budget Decision Unit(s): Criminal Litigation

Program Increase: Positions <u>50</u> Attorneys <u>50</u> FTEs <u>25</u> Dollars <u>\$9,000,000</u>

## **Description of Item**

The United States Attorneys request \$9.0 million and 50 positions (50 Attorneys) to implement the Department's violent crime reduction strategies essential to upholding its fundamental goal of keeping the American people safe. These resources will increase the United States Attorneys' offices' (USAOs) abilities to target priority violent street gangs and drug traffickers, accept more high priority firearms cases for Federal prosecution, shut down pipelines feeding illegally trafficked firearms into regions affected by gun violence around the country, and implement holistically effective approaches that reduce violent crime and strengthen community and partner relations.

The impacts of violent crime are devastating to communities across the country. Through a unified and cohesive effort of Federal, state, and local law enforcement backed by additional prosecution resources, individuals who inflict the greatest harm on our population can be taken off the streets, recent surges in violent crime can be mitigated, and neighborhoods can become safer places.

#### **Justification**

According to the FBI's Uniform Crime Reporting (UCR) crime statistics, violent crime generally declined between 2021 and 2022, and property crimes increased during the same time period. While the aggregate estimated violent crime volume for the nation decreased 1.7 percent, robberies increased 1.3 percent. An estimated 1,232,428 violent crime offenses were committed in 2022, indicating an offense rate of 369.8 violent crimes per 100,000 inhabitants, down from the 2021 offense rate of 377.6 violent crimes per 100,000 inhabitants.

Gun violence is a major driver of violent crime. The FBI's annual crime report underscores how pervasive gun violence has become and how it impacts children. In 2020, gun violence became the leading cause of death for American children. In 2022, it remained a leading cause of death for children, and the number of children killed in shootings increased by nearly 12 percent. The rate of gun deaths among children and teens climbed 87 percent in the last decade (2013-2022).

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<sup>&</sup>lt;sup>1</sup> https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/home. See https://www.fbi.gov/news/press-releases/fbi-releases-2022-crime-in-the-nation-statistics.



In 2023, the Centers for Disease Control and Prevention (CDC) issued a report on firearms homicide trends that included provisional data for 2022.<sup>2</sup> Researchers at the Johns Hopkins Center for Gun Violence Solutions analyzed the CDC's data and found that gun death rates in 2022 remained near highs not seen since the mid-1990s.<sup>3</sup> Notably, rates have not returned to pre-pandemic levels.

In response to the rising violent crime levels, the Department launched a comprehensive violent crime reduction strategy to protect American communities in May 2021, focusing especially on the gun violence that is often at its core. Working with law enforcement and community partners, the USAOs have worked to strengthen their crime reduction strategies by focusing on the most significant drivers of violent crime in their jurisdictions. In particular, the USAOs have aligned their efforts with nationwide initiatives such as Project Safe Neighborhoods (PSN) to comprehensively address violent crime by fostering trust and legitimacy in our communities, supporting community-based organizations that help prevent violence from occurring in the first place, setting focused and strategic enforcement priorities, and measuring the results of our efforts. These strategies recognize that we are most successful when we work closely with state, local, Tribal, and territorial counterparts—and when we support and amplify their frontline efforts.

In addition, in July 2021, the Department established Firearms Trafficking Strike Forces (FTSFs) to help reduce gun violence by disrupting illegal firearms trafficking in key trafficking corridors across the country.<sup>5</sup> The FTSFs have focused on shutting down illegal gun trafficking that travels from source cities, through other communities, and into five key market regions: New York, Chicago, Los Angeles, the San Francisco Bay Area and Sacramento region, and Washington, D.C. The USAOs continue to work with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) on prosecutions emanating from the FTSFs' investigations.

In December 2023, Attorney General Merrick B. Garland reiterated his support for the Department-wide Violent Crime Reduction Strategy, to include selection of five additional cities to participate in the National Public Safety Partnership (PSP) focused on strengthening partnerships across communities to tackle violent crime; emphasizing the increased effectiveness of ATF's Crime Gun Intelligence Centers which coordinate comprehensive firearms tracing and ballistics analysis; and underscoring the continuing impact of U.S. Attorney-led PSN violent crime reduction strategies.<sup>6</sup> The Attorney General also announced the release of the

<sup>&</sup>lt;sup>2</sup> The CDC makes provisional data available each year ahead of final numbers. Historically, the changes between provisional numbers, which are released in the summer, and final numbers, which are released in the winter, are minor. https://www.cdc.gov/violenceprevention/firearms/firearm-homicide-trends.html

<sup>&</sup>lt;sup>3</sup> https://publichealth.jhu.edu/2023/cdc-provisional-data-gun-suicides-reach-all-time-high-in-2022-gun-homicidesdown-slightly-from-

<sup>2021#:~:</sup>text=This%20provisional%20data%20illustrates%20that,fewer%20gun%20homicides%20in%202021 https://www.justice.gov/d9/pages/attachments/2021/05/26/comprehensive strategy for reducing violent crime m emo.pdf

https://www.justice.gov/opa/pr/justice-department-launches-firearms-trafficking-strike-forces-address-violent-

<sup>&</sup>lt;sup>6</sup> https://www.justice.gov/opa/speech/attorney-general-merrick-b-garland-delivers-remarks-justice-departmentsviolent-crime



Department's Violent Crime Reduction Roadmap, a one-stop shop to assist in the implementation of strategies to prevent, interrupt, and respond to violent crime.<sup>7</sup>

To further the Department's efforts to reduce violent crime, the USAOs need the requested resources to target the sources of the crime and increase and build upon cooperative efforts with law enforcement agencies and regional partners to combat violent crime. In addition, AUSAs are needed to address other critical areas of the PSN strategy, such as building partnerships, instituting evidence-based crime prevention and intervention programs, and pursuing all mechanisms and research that provide insight into the most effective methods to reduce violent crime.

With the resources requested, the USAOs will be better equipped to fully use all the Federal statutory tools to combat violent drug traffickers and gangs as well as increase their violent-crime prosecutions. Moreover, these resources will strengthen the USAOs' ability to fully implement the Department's strategy of thoroughly collaborating with our law enforcement and community partners to further reduce violent crime in the places we call home.

## **Impact on Performance**

Additional resources will better position the United States Attorneys with the necessary staff and tools to assist the Department's goals in responding directly to increases in violent crime. The additional positions requested will be used to enhance the collective effort of Federal, state, and local law enforcement in combatting the recent surges in violent crime and making neighborhoods safer places.

The requested resources will address the following Strategic Goals and Objectives: Goal II: Keep Our Country Safe; Objective: 2.3: Combat Violent Crime and Gun Violence.

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<sup>&</sup>lt;sup>7</sup> https://www.ojp.gov/violent-crime-reduction-roadmap/introduction



## Violent Crime Funding

## 1. Base Funding

	FY 202	3 Enac	ted	FY 20	Continuing 1	FY 2025 Current Services					
Pos	Agt/ Atty	FTE	Amount (\$000)	Pos	Agt/ Atty	FTE	Amount (\$000)	Pos	Agt/ Atty	FTE	Amount (\$000)
1,062	681	912	183,131	1,062	681	912	183,131	1,062	681	1,062	209,361

## 2. Personnel Increase Cost Summary

	FY 2025 Request	Positions Requested	Full Year Modular Cost	Annualizations (\$000)					
Type of Position/Series	(\$000)		per Position (\$000)	1st Year	2nd Year	FY 2026 (net change from 2025)	FY 2027 (net change from 2026)		
Attorneys (0905)	8,842	50	327.3	176.8	158.2	7,911	0		
<b>Total Personnel</b>	8,842	50		·		7,911	0		

## 3. Non-Personnel Increase/Reduction Cost Summary

	FY 2025	Unit Cost	Quantity	Annualizations (\$000)		
Non-Personnel Item	Request (\$000)	(\$000)	·	FY 2026 (net change from 2025)	FY 2027 (net change from 2026)	
Training	50	n/a	n/a	0	0	
Other	108			0	0	
Total Non-Personnel	158	0	0	0	0	

## 4. Total Request for this Item

		Positions	S	Amo	ount Reques (\$000)	ted	Annualizations (\$000)	
Category	Count	Agt/ Atty	FTE	Personnel	Non- Personnel	Total	FY 2026 (net change from 2025)	FY 2027 (net change from 2026)
Current Services	1,062	681	1,062	209,361	0	209,361	0	0
Increases	50	50	25	8,842	158	9,000	7,911	0
Grand Total	1,112	731	1,087	218,203	158	218,361	7,911	0

## 5. Affected Crosscuts

This program change will be reported in the Violent Crime crosscut.



# VII. EXHIBITS

