

Department of Justice Criminal Division



Performance Budget
FY 2017 President's Budget

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I. Overview of the Criminal Division

Mission Statement

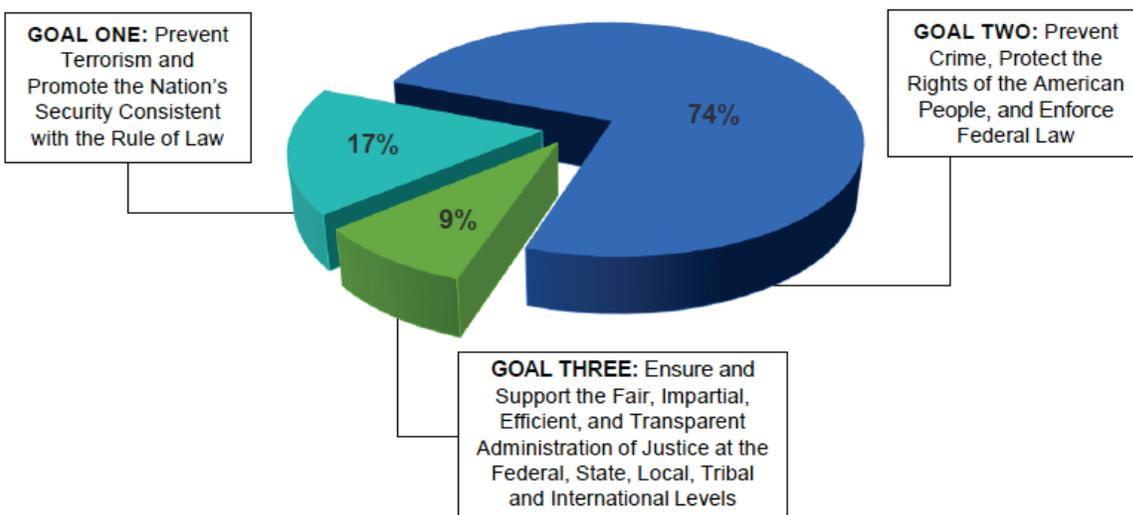
The Criminal Division’s mission is to develop, enforce, and supervise the application of federal criminal laws. The Division responds to critical and emerging national and international criminal threats and leads the enforcement, regulatory, and intelligence communities in a coordinated, nationwide response to reduce those threats.

The Division coordinates with domestic and foreign law enforcement partners on a regular basis to pursue criminal investigations and assist, as appropriate, in the investigations by our foreign partners. The Division also partners with and assists U.S. Attorneys’ Offices in investigating and prosecuting criminal matters, particularly in complex multi-jurisdictional or international cases. The Division serves as the central point of contact for foreign countries seeking law enforcement assistance, and also serves as the “central authority” for federal, state, and local law enforcement, seeking evidence or fugitives from abroad. No other organization within the Department or the U.S. Government is equipped to fulfill this role – one that is more critical than ever considering the continually increasing globalization and sophistication of crime. To sustain mission needs, the Criminal Division requests a total of 926 permanent positions, 772 direct Full-Time Equivalent work years (FTE), and \$198,712,000 in its Salaries and Expenses appropriation for Fiscal Year (FY) 2017.

Criminal Division’s Strategic Priorities

The Criminal Division leverages its substantial expertise in a broad array of federal criminal subject matters to assist the Department in achieving all three Strategic Goals, and the Division contributes to ten specific Strategic Objectives in the Department’s plan.

Criminal Division's Strategic Goals





GOAL ONE: Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law

- 1.1 - Prevent, disrupt and defeat terrorist operations before they occur by integrating intelligence and law enforcement efforts to achieve a coordinated response to terrorist threats
- 1.2 - Prosecute those involved in terrorist acts
- 1.4 - Combat cyber-based threats and attacks through the use of all available tools, strong public-private partnerships, and the investigation and prosecution of cyber threat actors

GOAL TWO: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law

- 2.1 - Combat the threat, incidence, and prevalence of violent crime, by leveraging strategic partnerships to investigate, arrest, and prosecute violent offenders and illegal firearms traffickers
- 2.2 - Prevent and intervene in crimes against vulnerable populations and uphold the rights of, and improve services to America's crime victims
- 2.3 - Disrupt and dismantle major drug trafficking organizations to combat the threat, trafficking and use of illegal drugs and the diversion of illicit drugs
- 2.4 - Investigate and prosecute corruption, economic crimes and transnational organized crime
- 2.5 - Promote and protect American civil rights by preventing and prosecuting discriminatory practices

GOAL THREE: Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal and International Levels

- 3.1 - Promote and strengthen relationships and strategies for the administration of justice with law enforcement agencies, organizations, prosecutors and defenders, through innovative leadership and programs
- 3.6 - Prevent and respond to genocide and mass atrocities and ensure that perpetrators of such crimes are held accountable in the United States, and if appropriate, their home countries

Division Priorities

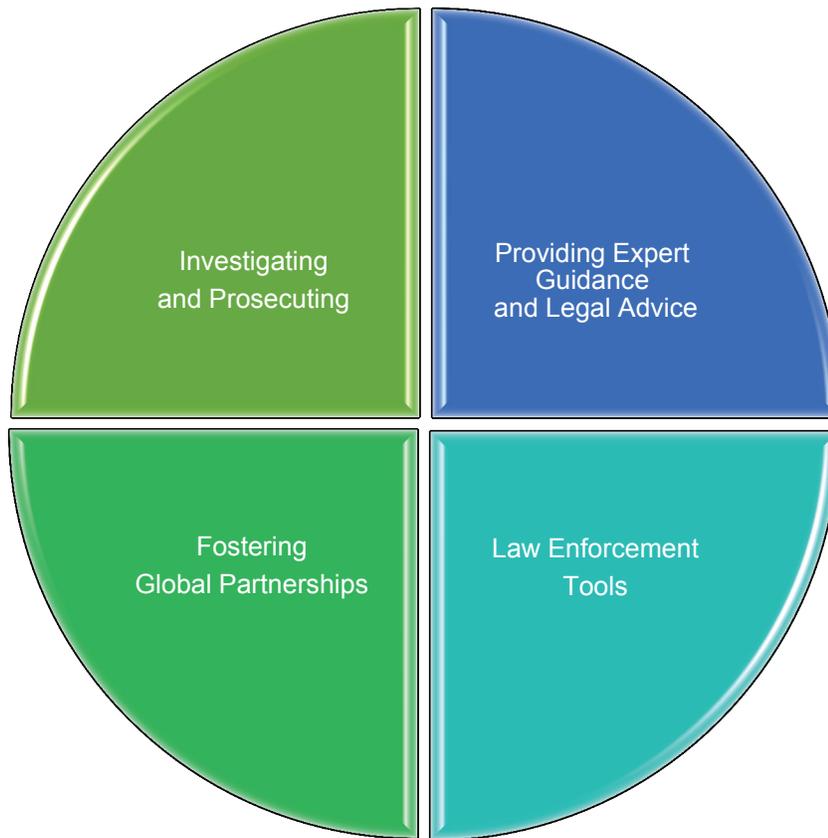
In working to achieve the Department's Strategic Plan and the Division's mission, the Division has identified the following key strategic outcomes to address the country's most critical justice priorities:

- Ensuring **trust and confidence in government institutions**, by reducing public corruption at every level of government;
- Ensuring the **stability and security of domestic and global markets**, as well as the integrity of government programs, by reducing fraud, money laundering, and other economic crimes, by both corporations and individuals;
- **Disrupting and dismantling criminal organizations and networks that act across state and national boundaries** and that threaten our country through violence, drug trafficking, and computer crime;
- Combating **cyber-based threats and attacks**;
- **Protecting our children** from exploitation and **vindicating human rights**;
- **Promoting the rule of law** around the world;
- **Assisting our foreign law enforcement partners** in obtaining evidence in the United States;
- **Strengthening justice sector institutions** in countries throughout the globe; and
- **Supporting** crime-fighting efforts across federal, state, and local governments.

The Criminal Division engages in several program activities to achieve its mission:

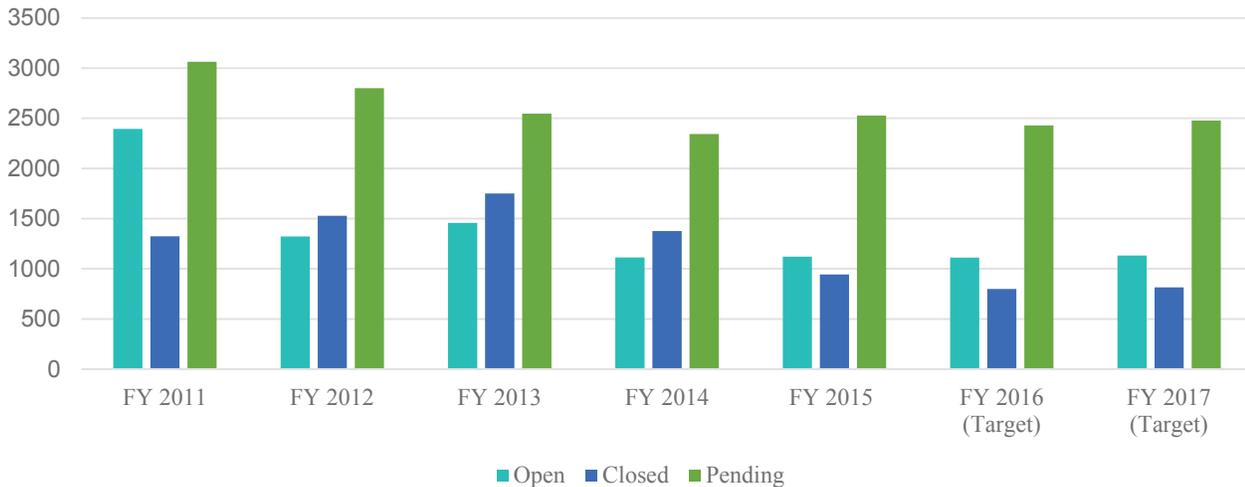
- Investigating and prosecuting cases
- Providing expert guidance and advice to our prosecutorial and law enforcement partners
- Reviewing the use of sensitive law enforcement tools, and
- Fostering global partnerships.

Every day, the Criminal Division performs these functions at the forefront of federal criminal law enforcement.



Program Activities

**Criminal Division Prosecutions and Investigations
FY 2011-FY 2017**



Investigating and Prosecuting Cases

- Investigating and prosecuting the most significant cases and matters
- Coordinating a wide range of criminal investigations and prosecutions that span multiple jurisdictions and involve multiple law enforcement partners

The Division strives to support its mission by investigating and prosecuting aggressively and responsibly. The Division undertakes complex cases, particularly cases involving multiple jurisdictions or that have an international component. In addition, for certain criminal statutes, the Division reviews all federal charging instruments filed throughout the United States to ensure a consistent and coordinated approach to the nation’s law enforcement priorities. The Division has a “birds-eye” view of white collar crime, public corruption, cyber crime, organized crime, narcotics, violent crime, and other criminal activities. Consequently, the Division is uniquely able to ensure that crimes that occur, both in the United States and across borders, do not go undetected or ignored.

Select Recent Criminal Division Accomplishments in Investigating and Prosecuting Cases

- The Fraud Section continues to prosecute complex and sophisticated securities, commodities, and other financial fraud cases. The Fraud Section has tackled some of the largest fraud cases in the financial services industry and a wide mix of market manipulation and insider trading cases. On May 20, 2015, the Department announced that four banks -- Citicorp, JPMorgan Chase & Co., Barclays PLC, and The Royal Bank of Scotland plc agreed to plead guilty in connection with their participation in a conspiracy to manipulate the price of U.S. dollars and euros exchanged in the foreign currency exchange (FX) spot market. Those banks agreed to pay more than \$2.5 billion in criminal fines. A fifth bank, UBS AG, agreed that it engaged in deceptive FX trading and sales practices that violated the non-prosecution agreement it had signed with the Department in order to resolve the investigation of UBS’s manipulation of the benchmark interest rate



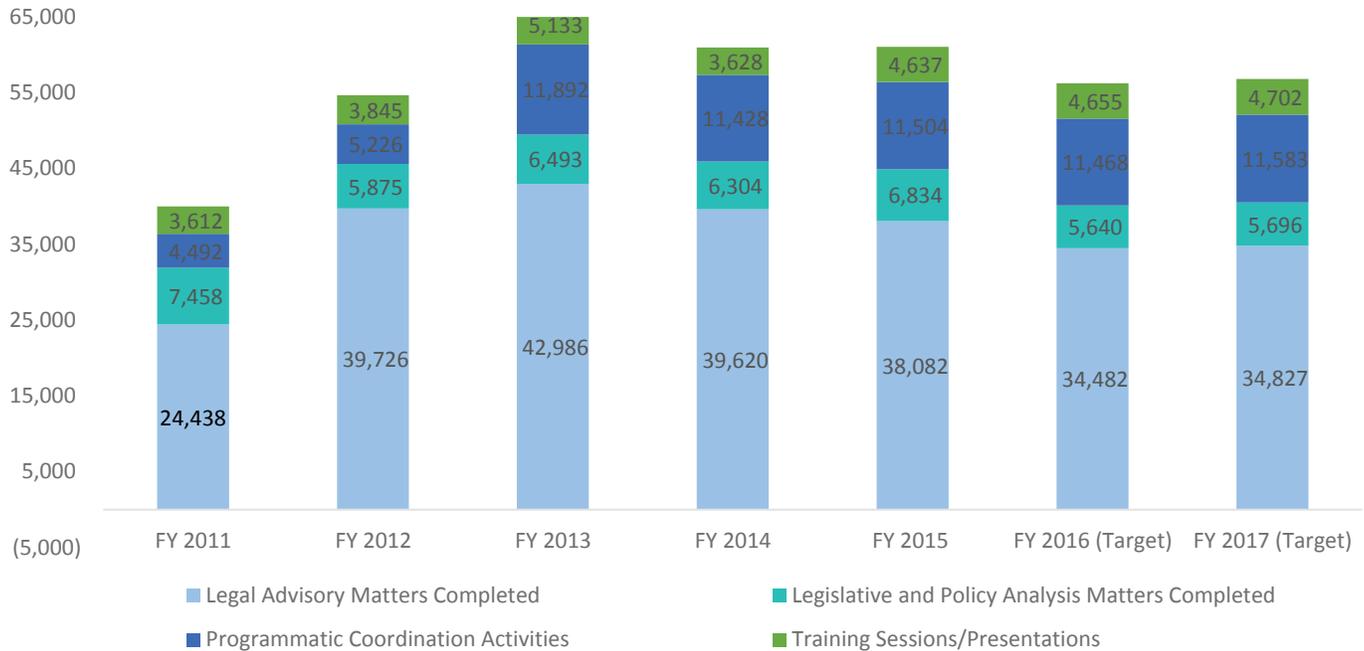
LIBOR. UBS pleaded guilty to a wire fraud charge in connection with the scheme to manipulate LIBOR, and agreed to pay a criminal penalty of \$203 million.

- In FY 2015, the Division’s Computer Crimes and Intellectual Property Section (CCIPS) successfully prosecuted several individuals who engaged in a major hacking conspiracy between January 2011 and September 2012. During that period, hacking group members located in the United States and abroad gained unauthorized access to computer networks of various companies, including Microsoft Corporation, Epic Games Inc., Valve Corporation and Zombie Studios. The conspirators accessed and stole unreleased software, software source code, trade secrets, copyrighted and pre-release works, and other confidential and proprietary information. The data theft targeted software development networks containing source code, technical specifications and related information for Microsoft’s then-unreleased Xbox One gaming console, as well as intellectual property and proprietary data related to Xbox Live and games developed for that online gaming system. The value of the intellectual property and other data stolen by the hacking ring, as well as the costs associated with the victims’ responses to the conduct, is estimated to range between \$100 million and \$200 million.
- Alstom, the French multinational power and transportation company, engaged in a world-wide scheme to pay bribes to foreign officials in Indonesia, Saudi Arabia, Egypt, and the Bahamas, among other countries. Alstom and its co-conspirators attempted to conceal the source of the bribes by funneling them through third-party consultants and by falsifying its books and records. In all, Alstom paid more than \$75 million to the consultants to secure more than \$4 billion in projects, resulting in a gain of approximately \$300 million to the company. The bribe recipients included a high-ranking member of the Indonesian Parliament (who, with the assistance of the Department, was convicted in Indonesia of the bribe scheme) and various high-ranking officers and board members of several state-owned power companies. Despite Alstom’s refusal to cooperate with the government’s investigation for the first three years of the investigation, the Department secured guilty pleas by a high-level Alstom executive, two former executives of Alstom’s U.S. subsidiary, and an Egyptian official who received bribes from Alstom. Alstom S.A., its Swiss subsidiary, and its consortium partner on several projects in Indonesia, Marubeni Corporation, all pleaded guilty to FCPA violations and paid more than \$850 million in fines. Alstom’s fine of \$772 million represents the largest fine ever imposed by the Department in an FCPA case.

Providing Expert Guidance and Advice

- Developing and supporting effective crime reduction strategies and programs
- Driving policy, legislative, and regulatory reforms
- Providing expert counsel and training in criminal enforcement matters to state, local, and federal enforcement partners

Expert Guidance and Legal Advice



The Criminal Division serves as the strategic hub of legal and enforcement experience, expertise, and strategy in the fight against national and international criminal threats. Consequently, its expert guidance and advice are crucial to the successful application of criminal law throughout the country. The Division leads the national effort to address emerging criminal trends, including the increasingly international scope of criminal activity. The guidance provided to U.S. Attorneys’ Offices and other federal law enforcement partners promotes coordination, efficiently uses resources, leverages expertise, and furthers the Department of Justice’s mission to ensure justice.

Select Recent Criminal Division Accomplishments in Providing Expert Guidance and Advice

- In Mexico, OPDAT’s relationships with the three branches of the Mexican government have resulted in transformational changes in the Mexican justice sector. The past year has been particularly groundbreaking, as OPDAT Resident Legal Advisors (RLAs) have worked closely with the Mexican legislature and Office of the Attorney General (PGR) to develop Mexico’s new Code of Criminal Procedure, which finally passed on February 5, 2014. The new code, which includes significant input from OPDAT, puts Mexico on a path towards an accusatorial system, and is the basis for a three year training program to prepare the PGR for the transition and greater coordination with the U.S. justice system.
- Through the Computer Crime and Intellectual Property Section (CCIPS), the Criminal Division has supported and expanded our U.S. Attorneys’ Offices’ expertise and capacity to tackle the most complex cybercrimes. CCIPS has worked over the last 12 years to build the Computer Hacking and Intellectual Property or “CHIP” Network with U.S. Attorneys’ Offices across the nation, which is now over 270 prosecutors strong. That network has fostered a close partnership

between CCIPS and the U.S. Attorneys’ Offices in addressing the nation’s most sophisticated computer crimes. In addition, over the last two years, the CHIP Network was used as the model for the National Security Cyber Specialists’ network, a partnership among the National Security Division, the U.S. Attorneys’ Offices, and CCIPS that focuses on cyber threats to national security.

- Supervision of civil penalty cases arising under the Controlled Substances Act falls within the assigned functions of the Assistant Attorney General, Criminal Division. Attorneys in the Policy Unit of the Narcotic and Dangerous Drug Section have consulted on many cases around the country. The Section has also assisted, as needed, in coordination of U.S. Attorney’s Offices and DEA offices involved in multi-district, multi-faceted, and national cases; this role has become more frequent as the size and complexity of case investigations in this area has grown. Finally, the Section assists the USAOs when cases require front office review and approval, including cases involving individuals and entities registered with the DEA to manufacture, distribute, or dispense controlled substances.

Reviewing the Use of Sensitive Law Enforcement Tools



- Approving and overseeing the use of the most sophisticated investigative tools in the federal arsenal

The Division serves as the Department’s “nerve center” for many critical operational matters. It is the Division’s responsibility to ensure that investigators are effectively and appropriately using available sensitive law enforcement tools. These tools include Title III wiretaps, electronic evidence-gathering authorities, correspondent banking subpoenas, and the Witness Security Program. In the international arena, the Division manages the Department’s relations with foreign counterparts and coordinates all



prisoner transfers, extraditions, and mutual legal assistance requests. Lastly, the Division handles numerous requests for approval from U.S. Attorneys' Offices to use sensitive law enforcement techniques, in conjunction with particular criminal statutes. For example, the Division reviews every racketeering indictment that is brought across the nation, supervises every Foreign Corrupt Practices Act case, and reviews all money laundering charges. In these ways, the Division serves a critical and unique role in ensuring consistency across districts and continuity over time, and the even-handed application of those statutes.

Select Recent Criminal Division Accomplishments in Reviewing the Use of Sensitive Law Enforcement Tools

During FY 2015, the attorneys in the Division's Office of Enforcement Operations' Electronic Surveillance Unit reviewed 2,345 requests to conduct electronic surveillance, covering 8,070 facilities. Those requests continue to increase in complexity, reflecting targets' (primarily narcotics traffickers) ever-increasing efforts to conceal their criminal activities from law enforcement scrutiny and interference. Several of those cases involved obtaining authorization, for the first time ever, to conduct electronic surveillance on facilities using new and emerging technologies. In addition, the Unit continued to be very active in providing electronic surveillance training and guidance to Assistant United States Attorneys, as well as to investigative agents from many law enforcement agencies.

- The Division's Office of International Affairs (OIA) serves as the "central authority" for the entire United States under our international treaties for responding to mutual legal assistance (MLA) requests and sending MLA requests overseas. Since FY 2000, the number of requests from foreign authorities handled by OIA has increased nearly 85 percent. In FY 2015, OIA opened 3,119 foreign requests for assistance, and also granted assistance, in whole or in part, for 1,373 requests.

Fostering Global Partnerships

- Helping international law enforcement partners build capacity to prosecute and investigate crime within their borders by providing training and assistance
- Negotiating Mutual Legal Assistance Treaties (MLATs) with international parties to enhance cooperative efforts with our foreign partners

The Division's lawyers and other personnel are located in countries around the world. Posts in ten countries are maintained to foster relationships and participate in operations with international law enforcement and prosecutors. The Division also has personnel who provide assistance to foreign governments in developing and maintaining viable criminal justice institutions. Two of the Division's sections, the International Criminal Investigative, Training and Assistance Program (ICITAP) and the Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) promote cooperation in transnational criminal matters and build the capacity in partner nations to provide modern professional law enforcement services based on democratic principles and respect for human rights.

Select Recent Criminal Division Accomplishments in Fostering Global Partnerships

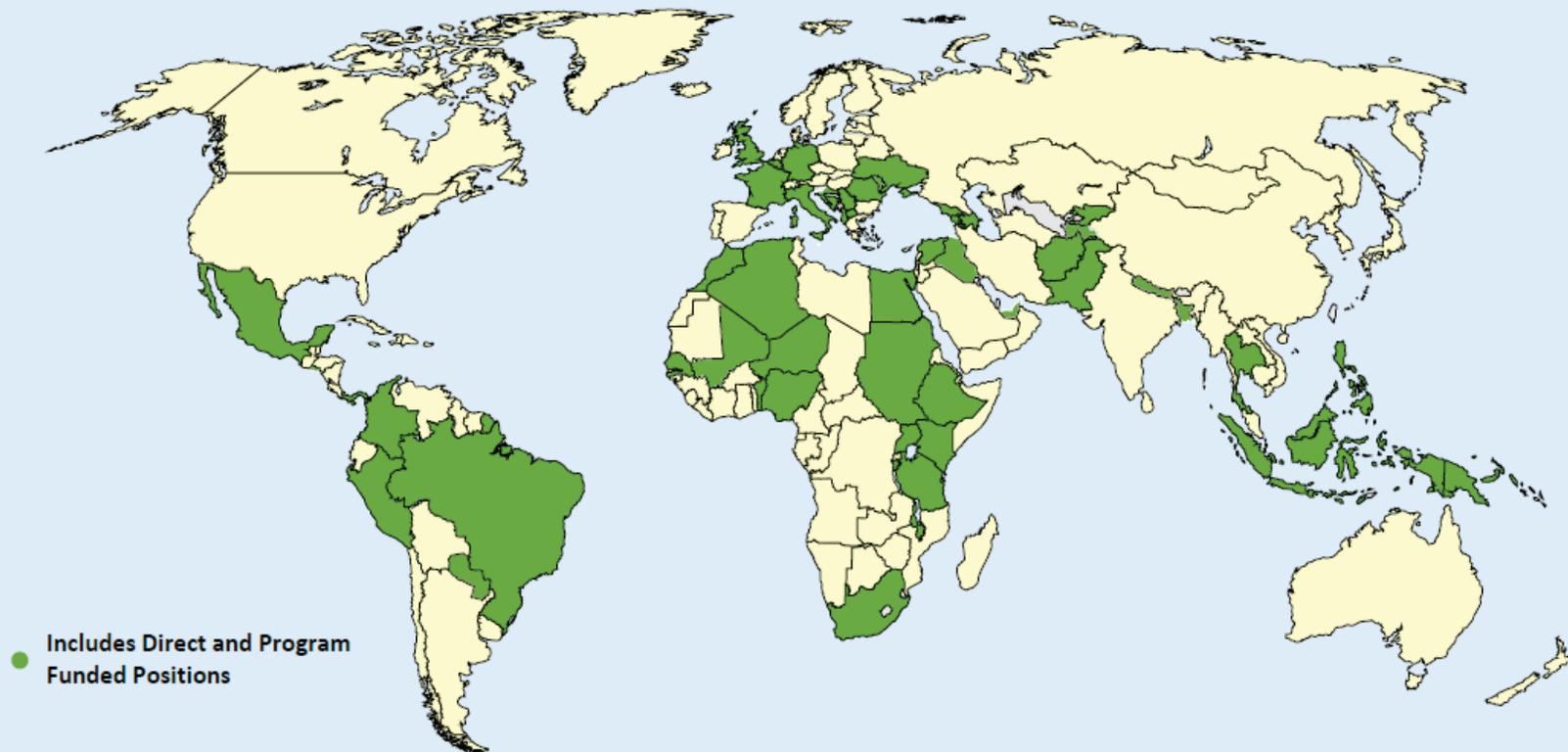
- In 2014, OIA launched its Global Central Authorities Initiative, an initiative designed to assist strategically located countries develop the institutional architecture needed to combat the



destabilizing forces of transnational crime and terrorism through effective international cooperation, mutual legal assistance, and extradition. This initiative has worked in partnership with the UN to facilitate training in Egypt, Morocco, Kenya, and elsewhere. Notably, the White House, on the heels of Indian Prime Minister Modi’s visit to the United States, announced the approval of funding to permit OIA to launch “a new initiative to enhance bilateral Mutual Legal Assistance and extradition through a program of workshops and expert exchanges.”

- At a ceremony on September 24, 2015, Mexico’s prosecutor general’s office (PGJ) of the State of Querétaro received an official certification title for its compliance with international ISO-IEC-17020:2012 standards in the area of Crime Scene Analysis. The certification was granted and presented by the ANSI-ASQ National Accreditation Board (ANAB)—a non-governmental organization that provides accreditation services to public- and private-sector organizations. The PGJ forensic laboratory in Querétaro is the first laboratory in Mexico (and only the second in all of Latin America) to receive this prestigious recognition in the area of Crime Scene Analysis. This hallmark achievement, through ICITAP’s successful mentorship and expert-lead instruction, will both serve as a principle example for regional and international laboratories to follow, and assist the professionalization of Mexico’s new accusatory system, while advancing the goal of greater cooperation between Mexican and U.S. security apparatuses. This milestone achievement is part of a large-scale forensics development program in Mexico. During FY15, ICITAP launched an extensive crime scene training initiative and first responder training program. In total, ICITAP provided 82 forensic training sessions, graduating 1,921 participants.
- OPDAT Resident Legal Advisors (RLAs) working on trafficking in persons in the Western Hemisphere are helping DOJ respond to the unaccompanied children crisis by delivering critical technical assistance to justice sector institutions in the region, as well providing information to Department leadership and Congressional delegations as to the root causes and circumstances surrounding the crisis. Specifically, the OPDAT RLA in Honduras is traveling across the region establishing relationships and promoting collaboration among the neighboring countries, while providing technical assistance in cases not only in Honduras, but also in Guatemala and El Salvador. In Mexico, OPDAT RLAs are expanding programming about human trafficking to include other countries in the region, contributing to a much-needed regional approach and collaboration on this issue that affects U.S. national security.

Criminal Division Overseas Presence – All Sources





Challenges to Achieving Outcomes

Many factors, both external and internal, affect the Criminal Division's capacity to accomplish its goals. While some of these factors are beyond its control, the Division strives to navigate these obstacles successfully, with an effort to minimize the negative impact these factors have on the Division's critical mission.

External Challenges

1. Globalization of Crime: The increasing globalization of crime and the emergence of transnational threats will continue to bring new challenges to law enforcement, both at home and abroad. In its commitment to combat transnational threats, the Criminal Division develops criminal policies and legislation, while monitoring both national and transnational criminal trends. The Division is the central clearinghouse for all requests by foreign countries for evidence of crimes that may be in the United States and for all requests by U.S. law enforcement authorities for evidence of crimes that may reside abroad. The Division has the breadth of experience and the unique capability to build essential global partnerships to successfully combat transnational crimes, but requires critical resources to keep pace with the increasing demand for its services.
2. Advances in Technology: New technologies have generated cutting-edge methods for committing crimes, such as the use of the Internet to commit identity theft and the use of peer-to-peer software programs to share large volumes of child pornography in real time. These technologies continue to pose many challenges to law enforcement agents and prosecutors alike. The Division strives to keep pace with these cutting-edge methods of technology and provides training and assistance to other prosecutors and investigators.
3. Weak International Rule of Law: Some countries lack effective policies, laws, and judicial systems to investigate and prosecute criminals in their countries. These weaknesses create obstacles for the Division, as it tries to bring criminals to justice and seize their ill-gotten profits.
4. Increasing Statutory Responsibilities in a Challenging Fiscal Environment: New legislation that increases the Division's responsibilities has placed additional demands on the Division's resources.

Internal Challenges

The Criminal Division faces a number of internal challenges due to growing demands. These challenges include the following:

1. Automated Litigation Support: Cases and matters the Division prosecutes and investigates are complicated and complex and require a massive amount of data to be processed and stored.
2. Information and Network Security: To stay one step ahead of criminals, the Division needs to acquire the most advanced IT equipment and software available. Additionally, it must ensure that it is invulnerable to cyber-attacks or computer intrusions.

Budget & Performance Integration

This budget demonstrates how the Criminal Division's resources directly support the achievement of the Department's strategic goals and priorities – both nationally and internationally. The Division reports as



a single decision unit; therefore, its resources are presented in this budget, as a whole. Total costs represent both direct and indirect costs, including administrative functions and systems. The performance/resources table in Section IV of this budget provides further detail on the Division’s performance-based budget.

Environmental Accountability

The Criminal Division has taken significant steps to integrate environmental accountability into its daily operations:

- The Division is continuing to work with building management to install occupancy sensors in all offices in the Bond building to save energy. New light fixtures have been installed to satisfy energy saving requirements. These fixtures provide low wattage per square foot, with energy saving ballast and controls.
- The Division is continuing to work with building management to replace outdated/inefficient wall air conditioning units. The new units have state of the art electronic controls, increasing energy efficiency.
- The Division continues to take steps to improve the recycling and environmental awareness programs within the Division. The Division has a comprehensive recycling program that includes the distribution of individual recycling containers to every federal and contract employee, inclusion of recycling flyers in all new employee orientation packages, publication of energy and recycling articles in the Division’s Security and Operations Support newsletter, and creation of a recycling section on the Division’s Intranet site. The Division is in ongoing discussions with two of its leased buildings to use “Single Stream” recycling that would enhance the Division’s program overall by removing the requirement for tenants to separate recyclables.
- The Division is replacing old pantry refrigerators and microwave ovens to Energy Star rated units to decrease electricity consumption and utility costs.
- The Division is continuing to work with building management to install electronic dampeners in the building ventilation system that will allow greater control over air flow to specific areas and decrease energy usage and costs.

II. Summary of Program Changes

Item Name	Description				Page
		Pos.	FTE	Dollars (\$000)	
MLAT Reform	The requested positions and resources would allow the Division to implement the three elements—(1) Centralization, (2) Training and Outreach, and (3) Reducing the Backlog - as the Department has defined to address the MLAT issues.	97	49	\$10,036	22
International Law Enforcement and Justice Development	This request would partially fund the headquarters operating expenses of its International Criminal Investigative Training Assistance Program (ICITAP), the Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT), and the Office of Administration's International Training and Financial Management unit (ITFM), which solely supports the financial management and execution of ICITAP's and OPDAT's programs.	61	31	\$4,964	32

III. Appropriations Language and Analysis of Appropriations Language

The Criminal Division is part of the General Legal Activities (GLA) appropriation. The Division is requesting the following language be added to GLA's overall appropriation language.

...of which not to exceed \$9,000 shall be available for official reception and representation expenses for the Criminal Division...

The Criminal Division requests \$9,000 in representational fund authority for FY 2017 for the use of the three Criminal Division offices that represent the Department of Justice on international matters: the Office of International Affairs (OIA); the Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT); and the International Criminal Investigative Training Assistance Program (ICITAP). On behalf of the Department of Justice, these offices deal with foreign counterparts on a daily basis, both in Washington and in their overseas posts. Yet these offices are not funded to provide, or to reciprocate to, even the most basic hospitalities that are integral to the conduct of international relations.

The Criminal Division's inability to fund hospitality measures undermines the fundamental objective of building overseas partnerships to fight terrorism and transnational crime. Because our foreign counterparts almost universally are funded to provide such hospitality, they logically assume that the United States must likewise provide representational funds to DOJ and may conclude that the Criminal Division's inability to fund gestures of hospitality means that we do not highly value the relationship. Accordingly, in order to build the relationships key to fighting terrorism and transnational crime, the Criminal Division's offices of OIA, OPDAT, and ICITAP seek this authority to advance the building of foreign relationships that are key to U.S. security.

IV. Program Activity Justification

<i>Enforcing Federal Criminal Law</i>	<i>Direct Pos.</i>	<i>Estimate FTE</i>	<i>Amount (\$000)</i>
2015 Enacted	750	674	\$178,042,000
2016 Enacted	768	683	\$181,745,000
Adjustments to Base and Technical Adjustments	0	9	\$1,967,000
2017 Current Services	768	692	\$183,712,000
2017 Program Increases	158	80	\$15,000,000
2017 Program Offsets	0	0	\$0
2017 Request	926	772	\$198,712,000
Total Change 2016-2017	158	89	\$16,967,000

Enforcing Federal Criminal Law

Program Description

The mission of the Criminal Division is to develop, enforce, and supervise the application of all federal criminal laws, except those specifically assigned to other divisions. The Criminal Division is situated at headquarters to work in partnership with both domestic and international law enforcement. While U.S. Attorneys and state and local prosecutors serve a specific jurisdiction, the Criminal Division addresses the need for centralized coordination, prosecution, and oversight.

The Division complements the work of its foreign and domestic law enforcement partners by centrally housing subject matter experts in all areas of federal criminal law, as reflected by the 17 Sections and Offices that make up the Division’s Decision Unit “Enforcing Federal Criminal Laws:”

- Office of the Assistant Attorney General
- Office of Administration
- Asset Forfeiture and Money Laundering Section
- Appellate Section
- Computer Crime and Intellectual Property Section
- Capital Case Section
- Child Exploitation and Obscenity Section
- Fraud Section
- Human Rights and Special Prosecutions Section
- International Criminal Investigative Training Assistance Program
- Narcotic and Dangerous Drug Section
- Organized Crime and Gang Section
- Office of Enforcement Operations
- Office of International Affairs
- Office of Overseas Prosecutorial Development, Assistance, and Training
- Office of Policy and Legislation
- Public Integrity Section



The concentration of formidable expertise, in a broad range of critical subject areas, strengthens and shapes the Department’s efforts in bringing a broad perspective to areas of national and transnational criminal enforcement and prevention. To capture this range of expertise, the Division’s Performance and Resource Table is organized into three functional categories: prosecutions and investigations; expert guidance and legal advice; and the review of critical law enforcement tools. In addition, the Table shows the Division’s support of the Department’s Strategic Goals and Objectives.

Performance and Resource Tables (dollars in thousands)

PERFORMANCE AND RESOURCES TABLE												
Decision Unit: Enforcing Federal Criminal Law												
RESOURCES			Target		Actual		Projected		Changes		Requested (Total)	
			FY 2015		FY 2015		FY 2016		Current Services Adjustments and FY 2017 Program Changes		FY 2017 Request	
Total Costs and FTE			FTE	\$0	FTE	\$0	FTE	\$0	FTE	\$0	FTE	\$0
			971	\$178,042	904	\$177,542	1,031	\$181,745	112	\$16,967	1143	\$198,712
TYPE	STRATEGIC OBJECTIVE	PERFORMANCE	FY 2015		FY 2015		FY 2016		Current Services Adjustments and FY 2017 Program Changes		FY 2017 Request	
			FTE	\$0	FTE	\$0	FTE	\$0	FTE	\$0	FTE	\$0
Program Activity	1.2, 1.4, 2.1, 2.2, 2.3, 2.4, 2.5, 3.6	1. Prosecutions and Investigations	467	\$85,587	452	\$88,772	516	\$90,873	28	\$3,493	544	\$94,366
Workload		Cases Opened	352		344		348		7		355	
Workload		Cases Closed	278		225		166		3		169	
Workload		Cases Pending	1,041		1,225		1,407		28		1,435	
Workload		Appellate Work - Opened	2,595		2,745		840		17		857	
Workload		Appellate Work - Closed	1,995		1,634		825		17		842	
Workload		Appellate Work Pending	3,915		4,454		4,469		89		4,558	
Workload		Matters Opened	762		778		763		15		778	
Workload		Matters Closed	805		719		634		13		647	
Workload		Matters Pending	1,108		1,303		1,023		20		1,043	

PERFORMANCE AND RESOURCES TABLE

Decision Unit: Enforcing Federal Criminal Law

RESOURCES		Target		Actual		Projected		Changes		Requested (Total)	
		FY 2015		FY 2015		FY 2016		Current Services Adjustments and FY 2017 Program Changes		FY 2017 Request	
Program Activity		FTE	\$0	FTE	\$0	FTE	\$0	FTE	\$0	FTE	\$0
1.1, 1.2, 1.4, 2.1, 2.2, 2.3, 2.4, 2.5, 3.1, 3.6	2. Expert Guidance and Legal Advice	359	\$65,775	334	\$65,691	381	\$67,246	60	\$9,257	441	\$76,503
Workload	Number of Legislative and Policy Analysis matters Completed	4,668		6,834		5,640		56		5,696	
Workload	Number of Programmatic Coordination Activities	10,757		11,504		11,468		115		11,583	
Workload	Number of Legal Advisory Matters Completed	35,054		38,082		34,482		345		34,827	
Workload	Number of Training Sessions/Presentations	4,053		4,637		4,655		47		4,702	
Program Activity		FTE	\$0	FTE	\$0	FTE	\$0	FTE	\$0	FTE	\$0
1.1, 1.2, 1.4, 2.1, 2.2, 2.3, 2.4, 2.5, 3.1, 3.6	3. Law Enforcement Tools	145	\$26,680	118	\$23,079	134	\$23,626	24	\$4,217	158	\$27,843
Workload	Number of Mandatory Reviews Completed	19,218		26,713		18,467		369		18,836	
Workload	Favorably Resolved Criminal Cases	90%		99%		90%		0		90%	
Workload	Favorable Resolved Civil Cases	80%		100%		80%		0		80%	

Data Definition, Validation, Verification, and Limitations: Definitions: Prosecutions and Investigations: This program activity includes cases or investigatory matters in which the Criminal Division has sole or shared responsibility. The case breakouts include cases from the following Sections/Offices: Fraud Section, Public Integrity Section, Computer Crimes and Intellectual Property Section, Child Exploitation and Obscenity Section, Organized Crime and Gang Section, Narcotic and Dangerous Drug Section, Asset Forfeiture and Money Laundering Section, Human Rights and Special Prosecutions Section, and Capital Case Section. Appeals: Appellate Section. Expert Guidance & Legal Advice: This program activity includes oral and written advice and training to federal, state, local, and foreign law enforcement officials; coordination and support of investigations, prosecutions, and programs at the national, international and multi-district levels; and oral and written analysis of legislation and policy issues, development of legislative proposals, advice and briefing to Departmental and external policy makers, and participation in inter-agency policy coordination and discussions. Law Enforcement Tools: This program activity includes the work the Division does in specific areas of criminal law in reviewing and approving the use of law enforcement tools throughout the law enforcement community. Validation: In FY 2002, the Division initiated a multi-phased workload tracking improvement initiative. To date, improvements include definition and policy clarifications, uniform guidance and reporting, case tracking database improvements for end user benefit, and a regular data validation process to ensure system integrity.

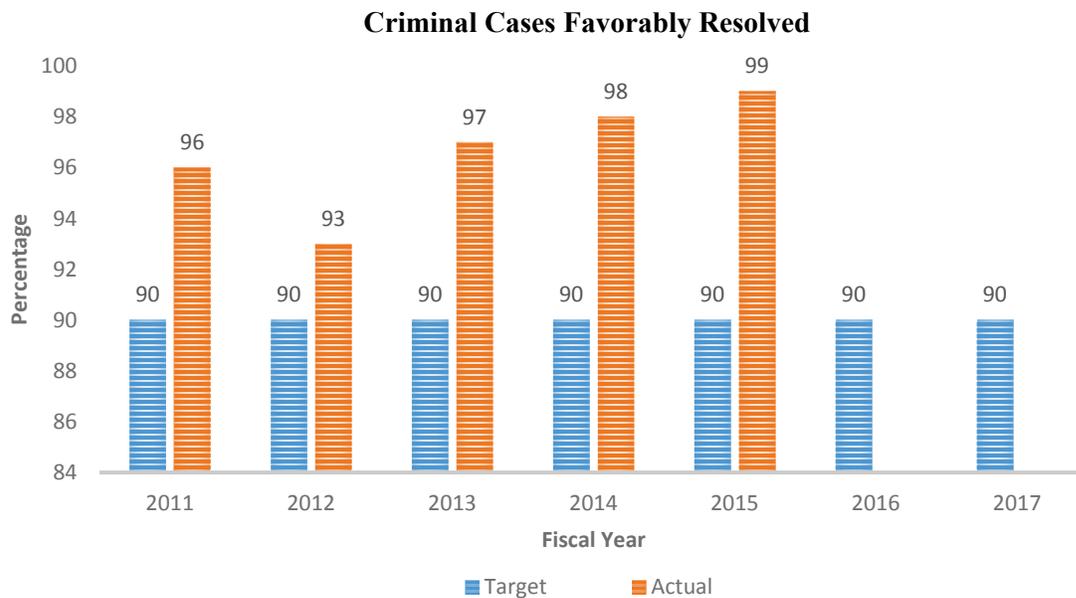
PERFORMANCE MEASURE TABLE										
Decision Unit: Enforcing Federal Criminal Laws										
Strategic Objective	Performance Report and Performance Plan Targets		FY 2011	FY 2012	FY 2013	FY 2014	FY 2015		FY 2016	FY 2017
			Actual	Actual	Actual	Actual	Target	Actual	Target	Target
1.1, 1.2, 1.4, 2.1, 2.2, 2.3, 2.4, 2.5, 3.1, 3.6	OUTPUT Measure	Number of Legislative and Policy Analysis Matters Completed	7,458	5,875	6,493	6,304	4,668	6,834	5,640	5,696
	OUTPUT Measure	Number of Programmatic Coordination Activities	4,492	5,226	11,892	11,428	10,757	11,504	11,468	11,583
	OUTPUT Measure	Number of Legal Advisory Matters	24,438	39,726	42,986	39,620	35,054	38,082	34,482	34,827
	OUTPUT Measure	Number of Training Sessions/Presentations	3,612	3,845	5,133	3,628	4,053	4,637	4,655	4,702
	OUTPUT Measure	Number of Mandatory Reviews Completed	19,237	19,090	26,977	21,477	19,218	26,713	18,467	18,836
	OUTCOME Measure	Favorably Resolved Criminal Cases	96%	93%	97%	98%	90%	99%	90%	90%
	OUTCOME Measure	Favorable Resolved Civil Cases	100%	N/A	100%	N/A	80%	100%	80%	80%

Performance, Resources, and Strategies

Performance Plan and Report for Outcomes

Outcome Measure

The Department’s long-term outcome goal for its litigating divisions, including the Criminal Division, is the percentage of criminal and civil cases favorably resolved during the Fiscal Year. The goals are 90 percent (criminal) and 80 percent (civil). The Division has consistently met or exceeded the goals. In FY 2015, the Division met both outcome goals (99% criminal, 100% civil).



Prosecutions and Investigations Workload

The Division leads complex investigations and tries significant prosecutions. Many of these cases are of national significance, require international coordination, have precedent-setting implications, and involve the coordination of cross-jurisdictional investigations.

Other Critical Division Workload

In addition to investigating and prosecuting criminal cases, the Division plays a central role in the Department’s mission by reviewing the use of critical law enforcement tools, including the approval of all requests for wiretapping under Title III. The Division also provides expert guidance and legal advice on significant legislative proposals, analyzes Department-wide and government-wide law enforcement policy, conducts training for the field, and engages in programmatic coordination.

Strategies to Accomplish Outcomes

The Criminal Division’s mission is to develop, enforce, and exercise general oversight for all federal criminal laws. In fulfilling this mission, the Division plays a central role in assisting the Department in



accomplishing its Strategic Goals and Objectives. The Division contributes to ten of the Department’s eighteen strategic objectives. The performance measures and outcome measures, reported in the budget, measure performance in a combination of strategic objectives covering the entire breadth of the Division’s work.

Priority Goals

The Criminal Division contributes to two of the Department’s FY 2016-FY 2017 Priority Goals:

Combating cyber threats: Identify and pursue cyber threat actors. By September 30, 2017, the Department of Justice will disrupt and dismantle 1,000 cyber threat actors while successfully resolving 90 percent of both national security and criminal cyber cases.

Fraud and Public Corruption: Protect the American people from fraud and public corruption. By September 30, 2017, increase the number of new investigations by 2 percent with emphasis on holding individuals accountable associated with fraud and public corruption, including white collar crime, financial fraud, and health care fraud.

The Division’s progress regarding these two goals is reported quarterly to the Department.

V. Program Increases by Item

Item Name: **Mutual Legal Assistance Treaty (MLAT) Reform**

Strategic Goal: 1, 2, and 3

Strategic Objective: 1.1, 1.2, 1.4, 2.1, 2.2, 2.3, 2.4, 2.5, 3.1, and 3.6

Budget Decision Unit(s): Enforcing Federal Criminal Law

Organizational Program: Criminal Division

Program Increase: Positions 97 Atty 54 FTE 49 Dollars \$10,036,000

Description of Item

In order to safeguard our nation and our citizens, it is essential that we transform the manner in which we conduct international mutual legal assistance in criminal and counterterrorism investigations. Without such a transformation, our international law enforcement relationships, U.S. internet and online service providers (ISPs), and the multi-stakeholder model of the internet are at risk. It is critical that the United States actively and promptly share law enforcement information with our foreign partners. International and domestic criminals and terrorists use the internet regularly to carry out their illicit activities. Law enforcement authorities around the world struggle to keep pace with criminals’ use of the internet for crime that go beyond cybercrime. The internet is used to advance physical world crimes in countries all over the globe. The dominance and reliability of the services of U.S. internet and online service providers are attractive features that criminals rely upon as they plan and carry out their crimes. As a result, foreign law enforcement partners increasingly look to the United States for assistance in gathering internet records to investigate crime.



United States and foreign law enforcement authorities make formal requests to each other for evidence in criminal cases through a process referred to as “mutual legal assistance” (MLA), made often through our Mutual Legal Assistance Treaties (MLATs). The Criminal Division’s Office of International Affairs (OIA) serves as the “central authority” for the entire United States under our international treaties for responding to MLA requests and sending MLA requests abroad. State, local, and federal prosecutors in the United States work through OIA to obtain foreign evidence in their cases, and foreign prosecutors send their requests for evidence located in the United States to OIA.

Since 2000, the number of foreign requests for assistance to OIA has increased nearly 85% and the number of requests for computer records has increased over 1000%. Staffing and resources at OIA have not kept pace with the growth in its work. Until very recently, OIA’s staffing levels, due to sequestration and to the Department’s hiring freeze, had been very low. The low staffing levels and dramatic growth of mutual legal assistance requests created a significant backlog and delays in response time for foreign partners. The stringent requirements of the U.S. legal regime for obtaining evidence of electronic communications contribute to the delays and difficulties in providing prompt responses to foreign requests. These delays jeopardize the effectiveness of U.S. law enforcement relationships abroad and undermine our diplomatic efforts. Delays in providing foreign authorities the evidence to prosecute crime and terrorism in their countries damage our interests in effective law enforcement worldwide and threatens reciprocal cooperation when we seek evidence from other countries for our own cases.

To reverse the dynamic and address these challenges, OIA developed a new framework to effect a paradigm shift in how the United States provides mutual legal assistance to its foreign partners. The new framework is anchored by a three component Solutions and Resourcing Strategy: Centralization; Training and Outreach; and Reducing the Backlog. During fiscal year 2015, and with the help of an intra-department transfer of funds in May 2015, OIA has shown in just a few months that it can make tremendous strides and progress toward faster and more efficient international evidence sharing. If OIA is provided with the resources it needs to complete the paradigm shift, we can make our nation safer, by ensuring that foreign authorities have the evidence to prosecute crime and terrorism before it reaches our shores, and by leading to greater reciprocal cooperation in our own cases.

The Criminal Division requests an increase of **97 positions (54 attorneys), 49 FTE, and \$10,036,000** to modernize the MLA process.

Justification

The President, through his National Security Strategy, recognized the centrality of international mutual cooperation in criminal justice and counterterrorism matters. The Strategy calls for our law enforcement agencies to “cooperate effectively with foreign governments” in order to “provide safety and security,” and, in particular, states that the U.S. will “strengthen our international partnerships” to counter cybersecurity threats. To this end, President Obama has called upon our allies and partners to “join in building a new framework for international cooperation to protect all our citizens from the violence, harm, and exploitation wrought by transnational organized crime.”

We can build the “new framework for international cooperation” envisaged by the President’s National Security Strategy. To do so, the Criminal Division’s OIA must be provided with the resources necessary to modernize the process by which MLA requests are handled and receive resources so that those requests can be handled in a timely manner. MLA requests generally are made in the following situations: (1) if a court order is needed to obtain the evidence; (2) to meet formalities to assure the evidence is admissible; and/or (3) where use of the MLAT process is dictated by the domestic law of one of the two countries. OIA is well on its way to modernizing and streamlining the MLA process and improving response times

for our foreign partners. The Department’s investment of \$13 million in OIA and supporting offices in the Criminal Division has begun to pay dividends in productivity and efficiencies for OIA. Resources for OIA secured by an appropriation would ensure the elimination of the backlog of cases and enhance OIA’s ability to respond to requests for evidence and assistance in a timely manner.

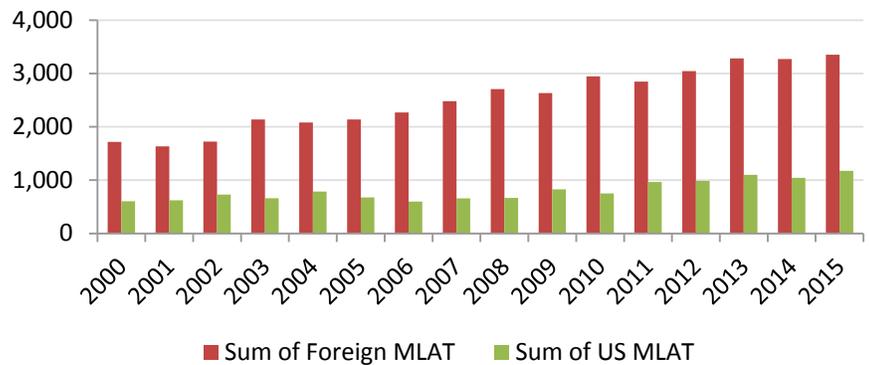
Importantly, not all OIA resources can be devoted to MLA requests. OIA’s work with foreign MLATs is only one of several of its unique, and largely non-discretionary functions, including preparing U.S. requests for extradition of foreign fugitives and working with foreign authorities to secure the surrender of fugitives; preparing all U.S. requests for foreign evidence and witnesses; negotiating all extradition and mutual legal assistance treaties, related international agreements; and formulating international criminal justice policy. OIA opens approximately 1,000 fugitive requests alone every year and has a total of over 12,000 pending extradition and MLA cases.

Keeping Pace with the Global Demand for OIA’s Work

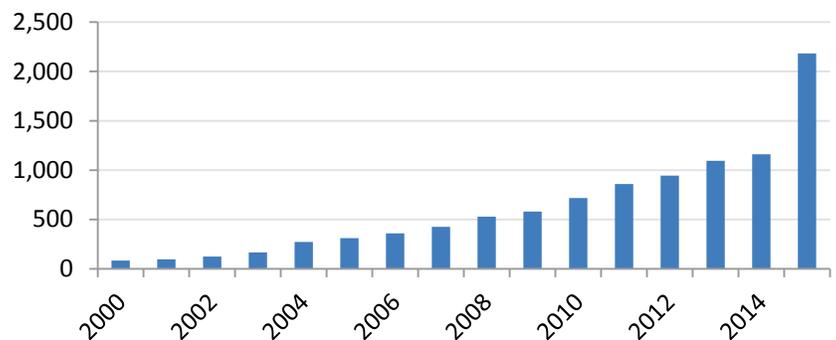
Since FY 2000, the number of requests for assistance from foreign authorities handled by OIA has increased nearly 85%, and the number of requests for computer records has increased over 1,000%. In FY 2015, OIA opened 3,119 foreign requests for assistance. That same year, OIA granted assistance in whole or in part, in 1,373 cases, or 44% of the requests.

The growth of foreign requests for computer or Internet or Online Service Provider (ISP) records far outpaces that for MLA requests generally. The increased number of cases is not the only challenge, however. OIA has seen a dramatic growth in mutual legal assistance requests for ISP records. The high legal standards for obtaining ISP records, particularly for the content of communications, makes the process of evaluating foreign requests difficult and time consuming. The legal standard required when content of communications is sought is probable cause – typically requiring a search warrant – and OIA usually must work closely with our foreign partners and U.S. law enforcement agents stationed abroad to compile the evidence and prepare the required documents to secure court approval.

New MLAT Requests by Fiscal Year



Foreign MLAT Requests for Computer Records by Fiscal Year



The delays in responding to requests for ISP records in particular threaten the competitiveness of ISPs and our model of Internet governance. Because of the difficulties in timely responses to foreign requests for ISP records, we have seen increased foreign calls for moving or mirroring U.S. ISP data storage overseas;

foreign demands that U.S. ISPs produce information directly in response to foreign orders; and foreign proposals that U.S. ISPs be subjected to national or multilateral data protection regimes. These proposals place U.S. companies in difficult positions and threaten our own cybersecurity.

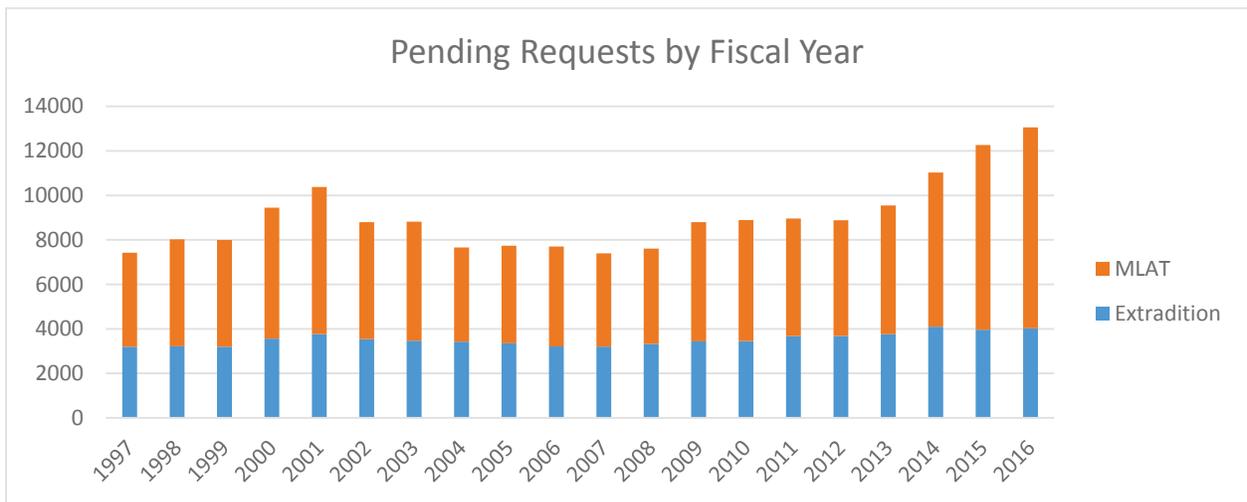
While its workload has dramatically increased, until very recently OIA has seen minimal changes in its staffing, and in fact suffered significant attrition during the Department-wide hiring freeze. The significant period of short staffing has increased OIA’s case backlog.

Eliminating Duplicative Work

President Obama signed into law the *Foreign Evidence Request Efficiency Act of 2009*, codified at Title 18, United States Code Section 3512, which, among other things, was intended to implement efficiencies and create flexibility in the execution of foreign assistance requests. It creates venue in the District of Columbia for court orders to compel the production of evidence sought by foreign authorities. This significant structural change allows OIA to respond directly to requests for evidence that require court orders, rather than working through U.S. Attorneys’ Offices (USAOs) in the district in which the evidence is located. Through this legislation, the Obama Administration has made possible a paradigm shift in how mutual legal assistance requests are handled; but to actualize this shift, OIA requires additional legal and professional personnel to undertake work currently performed by USAOs.

Because of the lack of OIA resources, OIA relies on USAOs to handle many requests for evidence. This process results in many inefficiencies. Assistant U.S. Attorneys (AUSAs) often defer execution of foreign MLA requests while they address more pressing cases in their districts. Moreover, duplication of efforts occurs because all matters must be reviewed by OIA for legal sufficiency and consistency with DOJ and federal policy, but all matters that are referred to the USAOs for execution are likewise reviewed for legal sufficiency by the AUSAs responsible for securing the necessary court orders.

Between FYs 2002 and 2008, OIA managed its steadily increasing volume of work without additional resources, through the efficient use of paralegals and improved case management practices. In FY 2009, however, OIA reached its saturation point and its backlog began to increase steadily as a result. In FY 2015, as illustrated in the chart below, OIA’s backlog reached more than 12,000 cases.



Currently, OIA is handling approximately 6,000 requests from U.S. prosecutors directed to foreign countries for the return of fugitives and production of evidence, and approximately 7,200 requests for

fugitives and evidence received from foreign counterparts. Approximately 6,400 of those foreign requests are for evidence, and of that 6,400, approximately 2,100 of the requests are for computer records.

Based on historical experience and a qualitative review of OIA’s existing process, it has been determined that between 120 and 150 cases would be a manageable caseload per OIA attorney under the current model, where AUSAs are still responsible for court filings and appearances. Yet, OIA case attorneys currently carry nearly three times the manageable caseload -- an average caseload of 362 cases each -- a caseload that has increased 81 percent in the last six years, from an estimated caseload of 200 cases per attorney in FY 2008.

**Projected OIA Backlog Increases FY 2016-2021
(No Additional Resources)¹**

FY	Projected Backlog	Projected Caseload Backlog per Attorney
2016	13,443	269
2017	14,173	283
2018	15,152	303
2019	16,392	328
2020	17,901	358
2021	19,512	390

OIA has been rendered unable to meet all incoming foreign requests, even after refusing cases on “*de minimis*” grounds, over the objections of the Department’s foreign counterparts that there is no treaty exception for such cases. As a result, we are facing criticisms and increasing frustration from our foreign counterparts, such as:

- In October 2015, during a meeting on mutual legal assistance issues between OIA representatives and foreign counterparts at EUROJUST, in The Hague, representatives from several European countries expressed displeasure and frustration with OIA’s *de minimis* policy.
- In December 2015 the Colombian Fiscalía expressed their displeasure with our *de minimis* determination in a case we characterized as “less serious.”

Solutions and Resourcing Strategy

Several concurrent approaches are required to address this multi-faceted problem, namely: (1) centralization; (2) training and outreach; and (3) reducing the backlog.

Centralizing the handling of requests within OIA as envisioned by the *Foreign Evidence Request Efficiency Act of 2009* will yield the most efficient and effective MLAT process. In addition, coordinated training and outreach to foreign partners is critical to ensure MLAT requests meet U.S. legal standards. There is an urgent need for increased resources to reduce the backlog and keep pace with incoming requests. During this past fiscal year, with the Department’s \$13 million transfer, OIA created two new dedicated units to review, analyze and execute foreign requests for assistance. These two units, staffed by

¹ These projections are based on FY 2014 pending cases and attorney resources as well as anticipated increases in caseload. Actual case execution and changes to pending cases can vary depending on the types of requests OIA receives and the personnel resources available to execute them.



OIA attorneys who file matters in the U.S. District Court for the District of Columbia, are dedicated to processing foreign requests for evidence of electronic communications and to processing foreign requests for bank and third party records. OIA revitalized its litigation and legal policy unit to provide guidance, advice, and expertise to U.S. and foreign prosecutors.

Since fiscal year 2015, OIA has been steadily hiring new personnel to fill vacancies that resulted from sequestration and the hiring freeze and with the Department’s assistance of a \$13 million transfer of funds. Since the receipt of funds, OIA has hired 34 new employees: 31 in 2015, and 3 in 2016. As of January 2016, OIA has selected 31 candidates who are pending at various stages of the hiring pipeline. Of the 31 candidates, 20 are attorneys and 11 are International Affairs Specialists (IAS).

In addition, OIA made significant improvements to its infrastructure by implementing recommendations from a business process analysis review by hiring management professionals to help OIA manage its growth, analyze caseloads, and improve performance measures and metrics. Separate from the workload-oriented strategy, OIA established a Management & Administration (M&A) Team, which includes three newly assigned positions: Assistant Director, Docketing Supervisor, and Administrative Officer. The M&A Team handles all administrative tasks, serves as the direct liaison to the Criminal Division Administrative Offices, and executes specific tasks involving: project management, process improvement, and records management within OIA. The Team is also responsible for the oversight and implementation of the Atlas Program. Atlas is an online case management tool that will provide automated support for reports and all five of the request types that OIA receives: incoming MLAT, outgoing MLAT, incoming extradition, outgoing extradition, and mandatory review. Atlas will improve processing efficiency and reduce the amount of duplicative work. At a higher level, Atlas will provide process transparency and generate robust reporting metrics.

1. Centralization:

The Department requires additional permanent resources to make full use of the authorities provided by the 2009 legislation and to centralize the execution of foreign MLA requests. OIA will build upon the strong foundation established by the intra-department transfer. During this past fiscal year OIA has worked with the USAO in the District of Columbia, rather than distributing the requests to USAOs in the districts in which the evidence is located. During the past year, OIA built on a pilot project that began in May 2013, with the support and expertise of the Criminal Division’s Computer Crime and Intellectual Property Section (CCIPS) and the USAO in the District of Columbia to refine and centralize the process.

OIA has also established a “Cyber Unit” dedicated to reviewing, analyzing, and filing foreign requests for electronic evidence in the District of Columbia. That unit, working in conjunction with the U.S. Attorneys’ Offices in the District of Columbia and the Northern District of California, has expedited the review and processing of legally sufficient requests for electronic communications. Initially the unit focused on processing requests for subscriber and transactional information to assist many of our foreign partners in getting started with their investigations and in helping gather evidence to eventually meet the probable cause standard required for searches for the content of communications. To date, the unit has successfully processed requests for evidence for over 700 online accounts.

The Cyber Unit, working with a newly-established dedicated MLAT unit at FBI Headquarters’ International Operations Division, has also begun to process requests for search warrants for the content of online communications. To date, approximately 20 search warrants for content have been processed with the new unit and plans continue to expand in this area.



Through these efforts, OIA has been steadily working to reduce the backlog of cases and cut response times to our foreign partners. Much of OIA’s time has been focused on hiring, onboarding, and training new employees to perform OIA’s specialized work. A few matters involving physical searches, witness interviews, or related case investigations will continue to be referred to USAOs where the evidence is located, and the USAO in the Northern District of California will need to deal directly with ISPs on novel or particularly complex issues. Further efforts toward centralization, enabled by additional permanent resources, will significantly reduce the delays and redundancy in the handling the vast majority of MLA requests.

2. Training and Outreach:

Training our foreign counterparts, particularly from different legal systems, continues to be critical to improving the MLAT process. Many foreign partners require assistance in showing that the probable cause standard required to receive the content of communications is met. The Department of Justice – OIA, CCIPS and the FBI – will develop a comprehensive program to train foreign authorities in U.S. legal standards for obtaining evidence and in cyber investigations as each office is adequately resourced to take on this additional function.

During the past fiscal year, by making use of rehired annuitants, OIA developed a comprehensive in-house training program for its new and existing attorneys that has been extremely well-received. Specialized training has also been developed and conducted for attorneys hired specifically to work on MLAT modernization, and work with the AUSAs in the USAOs in the District of Columbia and the Northern District of California to secure uniformity and guidelines for review and tracking.

Additionally, as OIA is permanently resourced, DOJ, with the Department of State, would engage in outreach with foreign governments and encourage them to empower their MLAT “Central Authorities” (or equivalents) so that they can screen their own requests for evidence located in the United States and help their prosecutors and law enforcement agencies in making MLA requests that meet U.S. legal standards. Throughout the past year OIA has conducted training for foreign counterparts during regularly scheduled consultations and participated in workshops to develop central authorities in certain regions of the world, including North Africa.

By focusing training on high-volume MLAT partners who have particular difficulty in meeting U.S. legal standards and working with sophisticated partners who are already eager to engage in improving MLAT success, the quality of the requests received should improve and result in faster processing times. If funding is received, OIA would assign DOJ Attachés to work directly with foreign counterparts in countries such as Brazil and Turkey, as well as other important partners such as Germany, the Dominican Republic, Australia and Eastern Europe. These in-country attachés would be able to work directly with foreign counterparts, as well as U.S. Embassy law enforcement agency attachés, to resolve problems and address legal and treaty issues in complex and urgent cases before requests are sent to OIA, and to provide consistent, hands-on advice to cure systemic problems.

3. Reducing the Backlog:

Additional resources are needed to address the current backlog of pending MLA requests. During this past year, OIA created and began to staff an “intake unit” known as the Incoming MLAT unit to handle foreign MLA requests for bank and third party records. A review of OIA’s workload shows that the highest volume of foreign requests received by OIA is for bank and business records. Additional permanent personnel resources would directly reduce response time.



Once adequately staffed, OIA would strive first to reduce its pending case levels to its 2008 low of approximately 7,500. This would include reducing backlogs of cases at OIA and among cases already awaiting action at USAOs. It is expected that the additional resources would, over time, allow OIA to eliminate the backlog, so that the number of cases closed in a given year will match (if not exceed) the number of new cases opened. These additional attorneys will not only handle any existing backlog, but will also take on new MLAT and extradition requests, and some will be dedicated to supporting the necessary operation of the office, including legislative and policy development, litigation, and management.

Impact on Performance

The requested positions will allow the Division to implement the three elements — (1) centralization, (2) training and outreach, and (3) reducing the backlog—that the Department has identified as required to modernize the handling of MLA requests. Because MLA requests involve numerous types of crime, including terrorism and threats to our national security, child exploitation, financial fraud, transnational organized crime, and cybercrime, fulfilling this request will contribute to accomplishing many of the Department’s Strategic Objectives found in the Department’s 2014-2018 Strategic Plan.

- *Goal One: Prevent Terrorism and Promote the Nation’s Security Consistent with the Rule of Law*
 - 1.1 Prevent, disrupt, and defeat terrorist operations before they occur by integrating intelligence and law enforcement efforts to achieve a coordinated response to terrorist threats
 - 1.2 Prosecute those involved in terrorist acts
 - 1.4 Combat cyber-based threats and attacks through the use of all available tools, strong public-private partnerships, and the investigation and prosecution of cyber threat actors
- *Goal Two: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law*
 - 2.1 Combat the threat, incidence, and prevalence of violent crime by leveraging strategic partnerships to investigate, arrest, and prosecute violent offenders and illegal firearms traffickers
 - 2.2 Prevent and intervene in crimes against vulnerable populations and uphold the rights of, and improve services to, America’s crime victims
 - 2.3 Disrupt and dismantle major drug trafficking organizations to combat the threat, trafficking, and use of illegal drugs and the diversion of illicit drugs
 - 2.4 Investigate and prosecute corruption, economic crimes, and transnational organized crime
 - 2.5 Promote and protect American civil rights by preventing and prosecuting discriminatory practices
- *Goal Three: Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal, and International Levels*
 - 3.1 Promote and strengthen relationships and strategies for the administration of justice with law enforcement agencies, organizations, prosecutors, and defenders through innovative leadership and programs
 - 3.6 Prevent and respond to genocide and mass atrocities and ensure that perpetrators of such crimes are held accountable in the United States, and if appropriate, their home countries



Conclusion

The MLAT handling process must be overhauled in a comprehensive and responsible manner to address the globalization of crime and growth of electronic communications, and to ensure U.S. law enforcement retains the ability to seek reciprocal assistance from foreign partners. Just as critical is our need to safeguard U.S. security and economic interests that have become threatened by foreign frustration with a U.S. predominance of the Internet that is coupled with a perceived U.S. unresponsiveness to foreign authorities' need for U.S.-based evidence. These actions would undercut key arguments for “decentralizing” the Internet or negotiating a new U.N. Cybercrime Convention; demonstrate that effective cooperation is possible under the Budapest Cybercrime Convention; and demonstrate that the United States is leading the transformation of the way that MLA requests are handled worldwide.

Funding
Dollars in thousands

Base Funding

FY 2015 Enacted				FY 2016 Enacted				FY 2017 Current Services				FY 2017 Request			
Pos	Atty	FTE	(\$000)	Pos	Atty	FTE	(\$000)	Pos	Atty	FTE	(\$000)	Pos	Atty	FTE	(\$000)
90	61	82	\$19,982	90	61	82	\$19,982	90	61	82	\$20,198	187	115	131	\$30,234

Personnel Increase Cost Summary

Type of Position/Series	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2017 Request	FY 2018 Net Annualization (change from 2017)	FY 2019 Net Annualization (change from 2018)
Attorneys (0905) (Domestic)	\$122	50	\$6,100	\$5,350	\$0
Attorneys (0905) (Foreign)	\$248	4	\$992	\$580	\$0
Paralegals / Other Law (0900-0999)	\$68	41	\$2,788	\$1,763	\$2,173
Clerical and Office Services (0300-0399)	\$59	2	\$118	\$74	\$0
Total Personnel	N/A	97	\$9,998	\$7,767	\$2,173

Non-Personnel Increase/Reduction Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2017 Request	FY 2018 Net Annualization (change from 2017)	FY 2019 Net Annualization (change from 2018)
Foreign Service National	60	4	\$38	\$202	\$0
Total Non-Personnel	N/A	N/A	\$38	\$202	\$0



Total Request for this Item

	Pos	Atty	FTE	Personnel	Non-Personnel	Total	FY 2018 Net Annualization (change from 2017)	FY 2019 Net Annualization (change from 2018)
Current Services	90	61	82	\$20,198	0	\$20,198	\$0	\$0
Increases	97	54	4	\$9,998	\$38	\$10,036	\$7,969	\$2,173
Grand Total	187	115	86	\$30,196	\$38	\$30,234	\$7,969	\$2,173

Affected Crosscuts

1. Afghanistan
2. Cyber Crime
3. International Activities
4. National Security



Item Name: International Law Enforcement and Justice Development

Strategic Goal: 1, 2, and 3
Strategic Objective: 1.1, 1.2, 1.4, 2.1, 2.2, 2.3, 2.4, 2.5, 3.1, and 3.6
Budget Decision Unit: Enforcing Federal Criminal Laws
Organizational Program: Criminal Division

Program Increase: Positions 61 Atty 8 FTE 31 Dollars \$4,964,000

Description of Item

The Criminal Division is requesting **61 positions (8 attorneys), 31 FTE, and \$4,964,000** to partially fund the headquarters operating expenses of its International Criminal Investigative Training Assistance Program (ICITAP), the Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT), and the Office of Administration’s International Training Financial Management unit (ITFM), which solely supports the financial management and execution of ICITAP’s and OPDAT’s programs.

Justification

ICITAP’s and OPDAT’s headquarters operations are vital to the funding, origination, development, oversight, management, and implementation of DOJ’s foreign assistance programs. Headquarters personnel participate in numerous interagency initiatives, develop program plans and proposals, ensure funding for and oversight of program implementation, liaise with international partners, apply extensive institutional knowledge of justice sector standards and development assistance best practices, and advocate on behalf of the Attorney General. They also have a unique role in coordinating the Department’s Security Sector Assistance programs with the rest of the U.S. interagency, primarily the Department of State. Without their efforts, the Department would have no cohesive and holistic voice in the interagency Security Sector Assistance (SSA) process, or in related rule of law and governance assistance discussions and decision-making. Indeed, there would be no DOJ agency dedicated solely to overseas SSA programs, which could significantly undermine our national security.

As presently structured, the vast majority of funding for the headquarters and field operations of both sections comes from Interagency Agreements (IAAs) and the overhead provided for in these agreements. Currently, only a portion of the management for ICITAP and OPDAT are funded out of departmental resources. Indicative of the importance of ICITAP and OPDAT to the mission of the Department, the Division allocated \$1.5 million of its FY 2016 appropriation to ICITAP and OPDAT. Although it is a small portion of the full funding necessary for ICITAP and OPDAT headquarters operations, it reflects both the Division’s commitment to these two offices and support for their critical contributions to the Division and the Department. The budget items requested are solely for the support of the base operations of ICITAP, OPDAT, and ITFM, to include headquarters salaries, office space, and related headquarters business needs. The budget items requested are not for assistance programs, which would continue to be funded through IAAs.

Base operating budgets for ICITAP and OPDAT headquarters are essential to the Department’s ability to fulfill its critical role and increased responsibilities under Presidential Policy Directive 23 on Security Sector Assistance (PPD-23), which significantly advances the Department’s own priorities and builds upon OPDAT and ICITAP’s solid track record. According to the National Security Council, there will be a surge of SSA activity in the coming year, which will require even more attention and engagement by ICITAP and OPDAT.



Base budgets will enable the Department to maintain a core group of experienced justice sector assistance experts at ICITAP and OPDAT to:

- sustain a consistent presence in ongoing interagency SSA policy, strategic planning, and program development activities;
- participate in interagency assessments and deftly manage implementation of SSA in priority countries; and
- be ready to swiftly and effectively respond in times of crisis or emergency.

Current Funding Source Is Unpredictable and Undermines Mission Objectives

Currently, the headquarters operations of ICITAP and OPDAT are funded through a negotiated percentage of each IAA with their funders, primarily the Department of State (State). This funding model has proven to be very unpredictable and, therefore, inefficient.

In any given year, these two offices—and accordingly the Division and the Department—are unsure how much funding they will have to operate. Furthermore, the timing, planning, and focus of the offices’ assistance programs are almost totally dependent on the priorities of the funding agencies, which prevents the Division from fully leveraging its expertise in a timely manner as it relates to the justice sector and rule of law priorities of the Department.

In underwriting the annual headquarters operating expenses of ICITAP and OPDAT, the Department of Justice will establish a stable funding source for its overseas SSA and related rule of law and good governance initiatives, in support of the U.S. government’s national security missions and foreign policy priorities.

Security Sector Assistance is the Responsibility of ICITAP and OPDAT

Through ICITAP and OPDAT, the Department of Justice plays a central role in the policy formulation, strategic development, and implementation of global assistance programs that further U.S. national security interests. As described below, PPD-23 calls for an integrated interagency approach to international Security Sector Assistance. For this reason, one of the Department’s three strategies to achieve Objective 1.1 of the Department of Justice Strategic Plan for 2014-2018 (DOJ Strategic Plan) is to, “Build and maintain a Security Sector Assistance workforce aimed at strengthening the ability of the United States to promote national security by assisting allies and partner nations to build their own security capacity.” The two components most responsible for Department of Justice SSA to partner nations are ICITAP and OPDAT. It is therefore incumbent on the Department to maintain and secure the base operations of ICITAP and OPDAT in order to achieve Objective 1.1 and to meet its SSA commitments.

PPD-23, which was signed by President Obama on April 5, 2013, mandates a whole-of-government approach to the government’s policy development, strategic planning, engagement, and implementation of international SSA. The Directive is, “aimed at strengthening the ability of the United States to help allies and partner nations build their own security capacity, consistent with the principles of good governance and the rule of law.” SSA, as defined in PPD-23, includes assistance to international partners who are “state security and law enforcement providers, government security and justice management and oversight bodies, civil society, institutions responsible for border management, customs and civil emergencies, and non-state justice and security providers.”



The Department of Justice, along with the Departments of Homeland Security and Treasury, is a presumptive implementer of SSA in areas “involving [those agencies’] expertise, experience, or counterpart ministries, agencies, or equivalents,” including counterterrorism and justice sector matters. In addition to implementation responsibilities, the Department of Justice is expected to be a full participant in policy formulation, as well as assistance program planning and development. This is consistent with the whole-of-government approach articulated in the National Security Strategy, the State Department’s 2015 Quadrennial Diplomacy and Development Review (QDDR), and the Presidential Policy Directive 6 on Global Development.

The Department currently participates in a broad array of interagency initiatives that address security sector interests, as well as complementary rule of law and good governance issues. As the U.S. government focuses its attention on PPD-23 in the coming year, there will be increased demands on the Department to actively participate in ongoing interagency policy formulation, strategic planning, assessment, program design, and SSA delivery. While the Department of State will lead the implementation of PPD-23, the Department of Justice plays a critical role in the development and implementation of SSA policy, planning, and programming.

In order to meet its responsibilities and duties under the DOJ Strategic Plan and PPD-23, the Department must seek critical funding for the primary components responsible for leading its SSA efforts: ICITAP and OPDAT. A base budget for these two offices will enable the Department of Justice to continue to be a full participant in the interagency SSA process and thereby meet the Attorney General’s goals as well as fulfill the President’s mandate for SSA.

ICITAP and OPDAT are recognized within the interagency and by foreign counterparts as having a longstanding record of excellence in the area of SSA, and they thus provide an existing, credible platform upon which the Department can build its capacity to deliver SSA. Both organizations possess highly qualified and experienced headquarters personnel with significant expertise in developing and implementing effective and sustainable overseas SSA and related assistance in the rule of law and governance areas. No other components within the Department of Justice currently provide this expertise and function for the Department.

Specifically, ICITAP furnishes development assistance and training to foreign police, criminal and anticorruption investigative entities, forensic laboratories, and correctional systems. OPDAT helps to develop sustainable foreign justice sector institutions, including prosecutors and courts, and legislation consistent with international standards. Jointly, ICITAP and OPDAT strengthen the capacities of foreign criminal justice institutions to work together to both prevent and reduce transnational crime and terrorism and to ensure the fair, effective, and secure administration of justice. They promote evidence-based investigations and prosecutions, the safeguarding of human rights, and adherence to international norms and best practices. Further, ICITAP and OPDAT work together to harness the expertise of other Department components and offices to provide cohesive policy and program development and implementation. ICITAP and OPDAT ultimately help to establish interoperability and cooperation between the U.S. and foreign criminal justice systems.

Currently, the combined global reach of ICITAP and OPDAT spans more than 150 countries worldwide. In nearly 50 of these countries, ICITAP and OPDAT have established field offices and deployed federal staffs who serve as members of the U.S. embassy team. These individuals are subject matter experts who reside in the host country on a long-term basis to help foreign counterparts achieve complex objectives, such as the creation and passage of new legislation and the development of new law enforcement policies and procedures based on new or existing laws and international standards. These subject matter experts develop country-specific knowledge of law enforcement capabilities and culture and establish enduring



relationships with local law enforcement and government officials. Additionally, headquarters personnel oversee the implementation of regional and bilateral programs involving countries where there is no ICITAP or OPDAT field office.

Such relationships are critical to developing strong international partners for the Department of Justice. Crimes committed in the United States often have ties to networks or operations in other countries. To address these threats, the relationships developed by ICITAP and OPDAT with our foreign counterparts enable DOJ to combat transnational crime, including terrorism, at its source—in line with Goal 3 of the Department’s FY 2014-18 Strategic Plan, and, in particular, Objective 3.1.

ICITAP and OPDAT Protect and Promote National Security

The development of the capacity of foreign justice components—including police, prosecutorial, forensics, and corrections services—is not simply a matter of foreign assistance, it is also a matter of our national security. Properly conducted, such development helps protect the United States in two ways:

- It provides the foreign country with the means to investigate and prosecute terrorism and transnational crime, before it reaches the borders of the United States; and
- It provides the United States with effective foreign law enforcement partners on whom we can draw to address terrorism and transnational criminal issues that do reach the United States.

The national security interests of the United States in this regard are particularly vital when the foreign countries in question are ones that require significant reconstruction and stabilization, for it is precisely these countries that can become havens for transnational crime and terrorism.

Consistent with the DOJ Strategic Plan and PPD-23, the Department, through the Criminal Division, and specifically through ICITAP and OPDAT, is playing an ever-increasing and central role in U.S. government-funded international SSA programs and associated rule of law development initiatives. This central role strengthens the Department’s ability to achieve the top priority goal of its FY 2014-18 Strategic Plan: “Protect Americans from terrorism and other threats to National Security.” To perform this role effectively at home and abroad, the Division must maintain a permanent capacity to manage these complex global programs. The Division’s knowledge and expertise—not only in the development of international best practices, but also in the establishment of critical relationships with foreign law enforcement and criminal justice sector counterparts through ICITAP and OPDAT—are inextricably linked to and underpin the Department’s efforts to investigate and prosecute terrorists and international criminal groups.

Permanent Funding Source Will Enable the Division to Fulfill Priority Objectives

Given their longstanding, unique expertise and experience in international justice sector development assistance, ICITAP and OPDAT are best suited to lead in SSA and related international rule of law and good governance efforts. With permanent funding, ICITAP and OPDAT will, for the first time, establish a stable platform for planning and implementing criminal justice reform and capacity building programs abroad, ensuring the consistent use of best practices and also maximizing the influence of the Department’s resident knowledge and expertise in key policy and strategic decision-making regarding SSA and related rule of law matters. Most importantly, this would demonstrate the Department of Justice’s commitment to lead and coordinate overseas justice sector and rule of law activities as a full partner of the Department of State and other agencies engaged in this whole-of-government endeavor.



The requested funds would also permit both sections to maintain the appropriate level of staffing to enable the Criminal Division to carry out critical coordinating functions and other responsibilities in support of national security and other high priority international law enforcement goals such as:

- **Fighting Terrorism to Protect the U.S. and Its Allies.** ICITAP and OPDAT work with partner nations to fight terrorism, counter violent extremism, and sustain moderate, secular institutions. For example,
 - As a result of OPDAT assistance, **Indonesia** achieved a milestone by being removed from the Financial Action Task Force’s (FATF’s) International Co-operation Review Group’s “black list” after passing legislation criminalizing money laundering and the financing of terrorism; and ICITAP facilitated the certification of investigators at the Financial Transaction Reports Analysis Center (PPATK) as Certified Fraud Examiners (CFE)—more than tripling the number of CFEs and increasing their capacity to conduct financial investigations in compliance with international standards and practices.
 - OPDAT RLAs in the **Balkans** helped to draft Foreign Terrorist Fighter laws and provided case-based mentoring to investigators and prosecutors in Albania, Bosnia, Macedonia, and Kosovo leading to significant arrests, prosecutions, and convictions of Foreign Terrorist Fighters in the region. During FY15, with the proliferation of foreign fighters a looming regional threat, ICITAP placed increased focus on regional CT efforts in the Balkans—through targeted training initiatives and an emphasis on facilitating regional cooperation and network building through high-level regional security meetings. These efforts lay the groundwork for significant operational outcomes on the part of our host country partners.
 - The International Institute for Justice and the Rule of Law (IJ) in **Malta** celebrated its first anniversary. Led by the OPDAT RLA to Malta as the IJ’s interim Executive Secretary and supported by an international team, the IJ hosted approximately 550 judges, prosecutors, investigators, parliamentarians, and other criminal justice professionals from more than 30 countries.
 - With OPDAT assistance, **Algeria** passed laws criminalizing terrorist financing and issued more stringent banking regulations. As a result of these developments, FATF removed Algeria from the “black list.” Also in Algeria, ICITAP partnered with the FBI, DEA, and AFRICOM to provide important training and equipment to the Algerian Gendarmerie and Algerian National Forensics Laboratory. These efforts support DOJ’s efforts to bolster Algerian law enforcement capacity to investigate terrorist and transnational crime activities in Algeria and the region.
 - In **Panama**, the OPDAT RLA helped authorities draft a new comprehensive anti-money laundering / combating the financing of terrorism law, create a new regulatory body, and improve money laundering investigations and prosecutions.
 - **Malaysia** marked the first terrorism convictions and sentences under Malaysia’s counterterrorism law that the OPDAT RLA assisted in drafting in 2012. Aside from OPDAT involvement in legislative drafting, the judge and the prosecutor on the case were both recipients of OPDAT counterterrorism training.
 - In the Lake Chad Basin, ICITAP launched a community-oriented and information-led policing program in support of the Global Security Contingency Fund Counter Boko Haram initiative. This interagency program is designed to rapidly increase security forces’ capacity in **Nigeria, Niger, Chad, and Cameroon** to effectively secure their borders and defeat Boko Haram.
 - ICITAP is supporting the **Philippines** National Police (PNP) in the conflict-affected areas in the southern Philippines by increasing the investigative and information-gathering capacities



- of operational elements within the PNP to complement agency counter-terrorism tactical units. ICITAP is also training PNP Maritime Group and Philippine Coast Guard personnel in specialized technical maritime policing skills.
- In **Bangladesh**, ICITAP’s CVE program supports the development of positive police/community relationships and partnerships through community engagement principles. The program also develops police capacity to counter growing extremist messages, in particular to the country’s youth on college campuses, a cross section of the Bangladesh population that is susceptible to extremist recruiting.
 - **Building Institutions to Fight Crime and Corruption.** ICITAP and OPDAT help foreign counterparts develop functioning institutions to improve international cooperation and to promote the integrity and accountability of the criminal justice system. For example,
 - OPDAT helped **Ukraine** draft a package of anti-corruption laws that not only created new corruption prevention and investigative agencies, but also introduced a strong financial disclosure and ethics regime for government officials. OPDAT has since assisted the Government of Ukraine in standing up these new institutions, particularly the new corruption investigative body and its prosecutorial counterpart. Also in Ukraine, in an effort described by DOS Assistant Secretary Brownfield as “the single best example I have seen in 4+ years of DOJ-INL cooperation,” ICITAP has supported the Ministry of Interior in recruiting, selecting, and training new nation’s first Patrol Police Service. In 2015, ICITAP graduated 3,000+ patrol police officers in the cities of Kyiv, Lviv, and Odessa.
 - In **Albania**, OPDAT RLAs mentored the Albanian Anti-Corruption Unit which arrested two prosecutors and one police officer in cases involving narcotics trafficking and manslaughter. Anti-corruption is critical to Albania’s candidacy to the European Union, a major priority of U.S. policy.
 - Since its establishment nearly a decade ago, the ICITAP-developed Police Inspectorate of **Kosovo** (PIK) has built a reputation throughout the region for combatting police corruption. ICITAP continues to assist the PIK in building their management capabilities, and improving their capacity to investigate crime and corruption and to conduct performance or compliance inspections within the Kosovo Police.
 - Prosecutors in **Honduras**, advised and mentored by OPDAT, obtained the conviction of a judge for bribery in a case involving a suspected gang leader whom the police had arrested for illegal weapons possession.
 - Globally, OPDAT delivered a number of complex programs during 2015 on **cybercrime, cyber-security, and intellectual property rights enforcement**. In total, OPDAT organized 17 multinational programs for judges, prosecutors, investigators, legislators, and civil society members from more than 80 countries. These programs have enabled the Department of Justice to improve international cooperation, develop host country institutions and frameworks, and establish a global network to combat the growing threat from cybercrime and intellectual property violations. ICITAP also has a number of cybercrime programs which have seen operational results. In one example, ICITAP-trained and mentored authorities in Macedonia participated in a 20-country FBI-led operation to dismantle the computer hacking forum known as *Darkode*. “This is a milestone in our efforts to shut down criminals’ ability to buy, sell, and trade malware, botnets and personally identifiable information used to steal from U.S. citizens and individuals around the world,” said the FBI’s Deputy Director.



- **Addressing Causes of Crime and Ensuring the Rights of Vulnerable Populations.** ICITAP and OPDAT assist partner nations with combatting transnational crime, upholding the rule of law, and protecting human rights. For example,
 - In **Nepal**, a 7.8 magnitude earthquake in April 2015 killed almost 10,000 people and destroyed 500,000 homes. Two weeks later, a 7.3 aftershock killed hundreds more. Coordinating with the U.S. Embassy, USAID, OPDAT, and ICITAP helped to purchase shelter systems for police, prosecutors, and judges in affected areas so that the Nepalese criminal justice system could continue to function. OPDAT and ICITAP also engaged with Nepali and international entities to address the trafficking in persons (TIP) risks that grew immensely as large numbers of vulnerable, internally displaced persons sheltered in camps, and traditional economic livelihoods such as tourism were disrupted.
 - OPDAT RLAs in **El Salvador** helped police and prosecutors disrupt the illicit activities of transnational criminal organizations and charge leadership elements of the 18th Street and MS-13 gangs for multiple offenses, including extortion, murder, and weapons trafficking. In **Honduras**, OPDAT's RLA identified impediments to the investigation of organized crime cases involving trafficking in persons (TIP) and unaccompanied children, and helped create a Task Force to rescue children who had been victims of trafficking. In **Mexico**, OPDAT initiated an Anti-Kidnapping Program and continued to build on its TIP program from 2014 resulting in an increased focus by Mexican authorities on victims' assistance.
 - Using tools and skills learned through ICITAP-facilitated i2 Analysis Notebook training, the **El Salvador** National Police successfully arrested six MS-13 members/collaborators in a transnational extortion scheme. The scheme, which originated in El Salvador, had ties to Houston, TX, where victims and their families were threatened with physical harm and/or death if they didn't pay U.S. currency to the subjects. The officer at the heart of this investigation was an ICITAP-trained officer and a member of the FBI's Transnational Anti-Gang (TAG) initiative.
 - In Bogotá, **Colombia**, ICITAP helped establish, train, and equip the Sexual Assault Unit (GEDES) to bring together prosecutors, investigators, and forensic experts to deal with the high rate of unsolved rape and sexual abuse cases in Bogota. Building on the success of the GEDES model, ICITAP and OPDAT are working with the District Attorney's Office in Bogotá to implement a new homicide response model which will facilitate immediate response to the crime scene and timely evidence collection.
 - In **Bosnia**, ICITAP and OPDAT have partnered to provide joint police-prosecutor Trafficking in Persons training, and OPDAT has continued its gender violence program addressing much of the carryover from the war in the 1990s.
 - In **Kosovo**, OPDAT enhanced its capacity building assistance for more effective prosecutions of complex and serious crimes, including sexual violence and homicides. ICITAP collaborated with the Kosovo Police (KP) to launch the Neighborhood Watch Program for at-risk minority communities in the Municipality of Klina. The ICITAP-designed Neighborhood Watch Program has been provided in three languages (Albanian, English, and Serbian) to the KP and the ICITAP-established Community Safety Coordination Office at the Kosovo Academy for Public Safety (KAPS), ensuring that the program is accessible to all interested communities in Kosovo.
- **Strategy to Combat Transnational Organized Crime.** On July 25, 2011, the White House released the *Strategy to Combat Transnational Organized Crime: Addressing Converging Threats to National Security*. Priority 6 of the Strategy is to promote the development of criminal justice capacities on a worldwide basis, to the point where international law enforcement



capabilities and cooperation among states are self-sustaining. Pursuant to DOJ Strategic Plan Objective 1.1, ICITAP and OPDAT have a central role in the Department’s efforts to execute this strategy. As reflected in the examples above, ICITAP and OPDAT assistance to foreign jurisdictions throughout the world helps combat transnational organized crime in furtherance of national security.

Without permanent base funding for ICITAP and OPDAT, the Division will not be able to support ongoing projects if funding streams decline or if the timing of the receipt of new agreements lags. Additionally, the ebb and flow created by the current uneven funding process will continue to create undue inefficiencies and loss of institutional capabilities. Worse, the Department and the Division will play a less active role in international rule of law development and justice sector capacity building programs, which will negatively impact our law enforcement personnel and prosecutors as they pursue criminals in foreign countries and attempt to bring them to justice—whether in the United States or abroad.

Further, because ICITAP and OPDAT must rely on IAAs to fund a majority of their headquarters’ expenses, the lack of a predictable funding source for ICITAP and OPDAT compromises the Division’s ability to build and maintain the organizational capacity to support future initiatives, implement law enforcement strategies, and perform essential headquarters functions. Additionally, if this continues, it will leave the State Department with only one option: turn to private contractors who, in many cases, are inexperienced and unfamiliar with U.S. government policy positions and legislative drafting standards, and who are often mistakenly perceived as representing or speaking on behalf of U.S. law enforcement. Among the many serious consequences of this practice is the loss to the Division and the Department of critical opportunities to build the very strategic partnerships between the U.S. and foreign law enforcement that the Department’s own current strategic plan highlights as essential to prosecuting transnational crime and terrorism.

Impact on Performance

The Division’s international training and development programs, ICITAP and OPDAT, together provide unique and significant roles and functions that support and advance the Department’s 2014-2018 Strategic Plan, specifically:

- *Goal One: Prevent Terrorism and Promote the Nation’s Security Consistent with the Rule of Law*
 - 1.1 Prevent, disrupt, and defeat terrorist operations before they occur by integrating intelligence and law enforcement efforts to achieve a coordinated response to terrorist threats
 - 1.2 Prosecute those involved in terrorist acts
 - 1.4 Combat cyber-based threats and attacks through the use of all available tools, strong public-private partnerships, and the investigation and prosecution of cyber threat actors
- *Goal Two: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law*
 - 2.1 Combat the threat, incidence, and prevalence of violent crime by leveraging strategic partnerships to investigate, arrest, and prosecute violent offenders and illegal firearms traffickers
 - 2.2 Prevent and intervene in crimes against vulnerable populations and uphold the rights of, and improve services to, America’s crime victims
 - 2.3 Disrupt and dismantle major drug trafficking organizations to combat the threat, trafficking, and use of illegal drugs and the diversion of illicit drugs



- 2.4 Investigate and prosecute corruption, economic crimes, and transnational organized crime
- 2.5 Promote and protect American civil rights by preventing and prosecuting discriminatory practices
- *Goal Three: Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal, and International Levels*
 - 3.1 Promote and strengthen relationships and strategies for the administration of justice with law enforcement agencies, organizations, prosecutors, and defenders through innovative leadership and programs
 - 3.6 Prevent and respond to genocide and mass atrocities and ensure that perpetrators of such crimes are held accountable in the United States, and if appropriate, their home countries

The Division’s international training and development programs also support the AG Priority Goals: protecting Americans from national security threats, protecting Americans from violent crime, protecting Americans from healthcare and financial fraud, and protecting the most vulnerable members of society.

The Department of Justice will continue to play an increasing leadership role in the U.S. government’s foreign assistance process at all stages. This is consistent with the Attorney General’s role and responsibility as the chief law enforcement officer of the federal government and with his responsibilities on national security issues. As highlighted in the DOJ Strategic Plan, the Department is “committed to expanding the scope and depth of international partnerships by enhancing collaboration; helping to establish rule of law through international treaties and training and assistance; and using international working groups to foster communication to enhance investigations, intelligence sharing, and threat awareness.” Moreover, as directed by the President in PPD-23, the Department is now a full participant in the planning, assessment, program design, and implementation of interagency security sector assistance. The Criminal Division needs to be ready when called upon to act.

The work of the Criminal Division unquestionably furthers and strengthens the strategic goals of both the Department of Justice and the U.S. government in preventing and combating transnational crime, building strong international partners, and institutionalizing criminal justice sector best practices and rule of law on a global scale. The Department will significantly strengthen its position in USG planning, development, and implementation of international justice sector development if it is able to fully fund its existing institutional capacity for overseas rule of law development: namely, ICITAP’s and OPDAT’s base budgets. If ICITAP’s and OPDAT’s headquarters’ operations are not funded, the Department will neither be able to enlarge its role nor ensure its current level of involvement in rule of law development missions in the future.



Funding
Dollars in thousands

Base Funding

FY 2015 Enacted				FY 2016 Enacted				FY 2017 Current Services				FY 2017 Request			
Pos	Atty	FTE	(\$000)	Pos	Atty	FTE	(\$000)	Pos	Atty	FTE	(\$000)	Pos	Atty	FTE	(\$000)
12	6	10	\$2,586	20	9	14	\$4,086	20	9	18	\$4,131	81	17	49	\$9,095

Personnel Increase Cost Summary

Type of Position/Series	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2017 Request	FY 2018 Net Annualization (change from 2017)	FY 2019 Net Annualization (change from 2018)
Attorneys (0905)	\$122	8	\$976	\$856	\$0
Management and Program Analysis (0343)	\$101	13	\$1,313	\$1,131	\$0
Legal and Kindred (0900-0999)	\$68	35	\$2,380	\$1,505	\$1,855
Clerical and Office Services (0300-0399)	\$59	5	\$295	\$185	\$0
Total Personnel	N/A	61	\$4,964	\$3,677	\$1,855

Non-Personnel Increase/Reduction Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2017 Request	FY 2018 Net Annualization (change from 2017)	FY 2019 Net Annualization (change from 2018)
N/A	0	0	\$0	\$0	\$0
Total Non-Personnel	N/A	N/A	\$0	\$0	\$0

Total Request for this Item

	Pos	Atty	FTE	Personnel	Non-Personnel	Total	FY 2018 Net Annualization (change from 2017)	FY 2019 Net Annualization (change from 2018)
Current Services	20	9	18	\$4,131	\$0	\$4,131	\$0	\$0
Increases	61	8	31	\$4,964	\$0	\$4,964	\$3,677	\$1,855
Grand Total	81	17	49	\$9,095	\$0	\$9,095	\$3,677	\$1,855



Affected Crosscuts

1. Crimes Against Children
2. Civil Rights
3. Cyber Crime
4. Drugs
5. Economic Fraud
6. Gangs
7. Intellectual Property
8. International Activities
9. National Security
10. Public Corruption
11. Sex Tourism
12. Southwest Border Enforcement
13. Transnational Crime