

UNITED STATES
DEPARTMENT OF JUSTICE

UNITED STATES ATTORNEYS



FY 2018
CONGRESSIONAL SUBMISSION

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I. Overview of the United States Attorneys

A. Introduction

In FY 2018, the United States Attorneys request \$2,057,252,000 and 11,031 positions, of which 5,818 are attorneys. The budget request includes the following program increases: \$7,169,000 and 70 positions (70 attorneys) for immigration enforcement; \$18,782,000 and 230 positions (230 attorneys) to combat violent crime.

Electronic copies of the Department of Justice’s Congressional Budget Justifications can be viewed or downloaded from the internet: <http://www.justice.gov/02organizations/bpp.htm>.

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

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

The United States Attorneys report to the Attorney General through the Deputy Attorney General. Each United States Attorney serves as the chief federal law enforcement officer within his or her judicial district and, as such, is responsible for the prosecution of criminal cases brought by the federal government, the litigation and defense of civil cases in which the United States is a party, and the handling of criminal and civil appellate cases before United States Courts of Appeals. The United States Attorneys and Assistant United States Attorneys (AUSAs) represent the interests of the United States in cities, towns, and communities across the country. Through their hard work and dedication, justice is served throughout the nation. The USAOs conduct most of the trial work in which the United States is a party. Although caseloads vary by district, each USAO has a diverse docket of cases. Each United States Attorney exercises broad discretion in the use of his or her resources to further local priorities and to serve his or her community’s needs.



The Attorney General's Advisory Committee of United States Attorneys

United States Attorneys provide advice and counsel to the Attorney General and senior policy leadership through the Attorney General's Advisory Committee (AGAC) and its various subcommittees and working groups. The AGAC was established in 1973, to give United States Attorneys a voice in advising the Attorney General on Department policies. The Committee is comprised of approximately 19 members, including 16 United States Attorneys, a Criminal Chief, a Civil Chief, and an Appellate Chief. The Committee members meet regularly with the Attorney General, the Deputy Attorney General, and the Associate Attorney General, and represent various federal judicial circuits and offices. The AGAC has subcommittees and working groups to address the Administration's priorities.

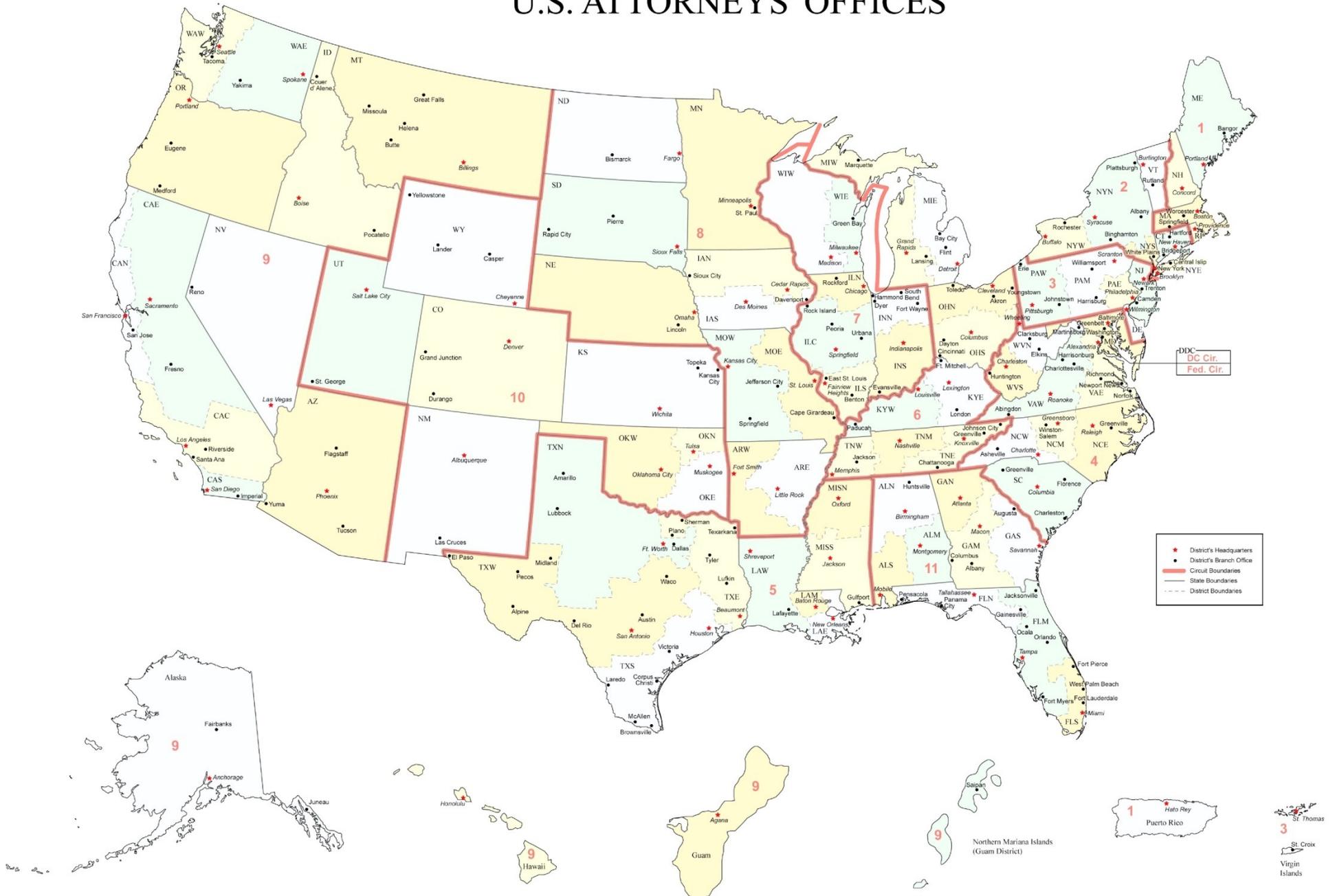
The subcommittees include:

- Border and Immigration Law Enforcement
- Civil Rights
- Criminal Practice
- Cyber/Intellectual Property
- LECC/Victim/Community Issues
- Native American Issues
- Office Management and Budget
- Terrorism/National Security
- Violent and Organized Crime
- White Collar/Fraud

The working groups include:

- Administrative Officers
- Appellate Chiefs
- Child Exploitation and Obscenity
- Civil Chiefs
- Controlled Substances and Asset Forfeiture
- Criminal Chiefs
- Domestic Terrorism
- Elder Justice
- Environmental Issues
- Forensic Science
- Health Care Fraud
- Local Government Coordination
- Medical Marijuana
- National Lab/Research University
- Racial Disparities
- Resource Allocation
- Security Issues
- Service Members and Veterans Rights

U.S. ATTORNEYS' OFFICES





Executive Office for the United States Attorneys

In 1953, Attorney General Order No. 8-53 established the Executive Office for United States Attorneys (EOUSA) to “provide general executive assistance and supervision to the offices of the United States Attorneys.” One of the original directives instructed EOUSA to “serve as liaison, coordinator, and expediter with respect to the Offices of the United States Attorneys, and between these offices and other elements of the Department [of Justice].” Under the guidance of the Director, EOUSA provides the 94 USAOs with general executive assistance and supervision; policy guidance; administrative management direction and oversight; operational support; and coordination with other components of the Department and other federal agencies. EOUSA’s responsibilities encompass legal, budgetary, administrative, and personnel services, as well as continuing legal education. EOUSA provides support and assistance to approximately 11,600 direct and reimbursable employees in 241 staffed offices throughout the country. See Exhibit A for an organizational chart of EOUSA.

The following three program/functional areas fall under the immediate direction of the Director: **Resource Management and Planning; Information Technology; and Human Resources.** The responsibilities of these program areas are outlined below:

- The **Chief Financial Officer** provides the Director with expert advice on an annual budget of approximately \$2 billion, full-time equivalent (FTE) position allocations, resource management, and reimbursable agreements with the Department and other federal agencies. The CFO has responsibility for the following staffs: the **Resource Management and Planning (RMP) Staff**; the **Facilities and Support Services (FASS) Staff**; and the **Acquisitions Staff**. The **RMP Staff** is responsible for budget formulation, budget execution, financial management, audit reviews, and the detailee program. The RMP Staff compiles resource needs and formulates an annual budget submission for presentation to the Department, the Office of Management and Budget (OMB), and Congress. It also manages day-to-day financial operations through daily contact with the USAOs and through review of regular accountability reports. An internal Audit and Review Staff evaluates the internal controls in the USAOs and prepares districts for the annual independent federal financial audit. The Detailee Program Staff initiates and coordinates all detail assignments, both internal and external to our community. The Financial Systems Support Group (FSSG) provides financial systems support and expertise to the USAOs on all Departmental and EOUSA automated financial and accounting systems. RMP also develops performance measures for the United States Attorneys in accordance with the Government Performance and Results Act (GPRA) and coordinates quarterly status reporting and program assessments. The **FASS Staff** provides direct support and oversight of all USAOs in the areas of real property management, including space acquisition, relocation, design, repair, and management of rent payments. Support services include forms management, printing, and mail metering. The **Acquisitions Staff** supports both EOUSA and the USAOs by issuing contracts for supplies/services nationwide in compliance with applicable federal, departmental, and other regulations, policies, and procedures.



- The **Chief Information Officer** is responsible for providing advice and assistance to the Director of EOUSA and the senior staff to ensure that information technology is acquired and managed according to Department and EOUSA policies and procedures. The CIO directs and manages the following staffs. The **Case Management Staff** develops and maintains software applications and case management systems. The **Office Automation Staff** supports the purchase and installation of computer systems, equipment, and software; the maintenance of hardware and software; and end-user training. The **Telecommunications and Technology Development Staff** provides administrative and technical support to the USAOs in all telecommunications activities, including voice, data, and video. The **Information Security Staff** ensures the confidentiality, integrity, and availability of information and information systems to best support the mission of the United States Attorneys. The **Records Information Management Staff** coordinates and oversees electronic records and document management capabilities of all USAOs. The **Enterprise Voice-over Internet Protocol Staff** implements and maintains the next generation telephone service/system that integrates into the computer system, creating a more effective method of communication to maximize return on investment and contribute to the mission statement of the USAOs.
- The **Chief Human Resources Officer** is responsible for all aspects of human resource management, operations, policy, and practices in EOUSA and the USAOs. The **Human Resources Staff** assists EOUSA and the USAOs by providing employment services in such areas as position classification, staffing, compensation, employee benefits, performance management, pre-employment security, and employee assistance. Staff members provide guidance, advice, and training related to these programs and activities. The **Security and Emergency Management Staff** provides security program support for the USAOs, including policy and procedural assistance, training, education and awareness efforts, and emergency and contingency planning.

EOUSA also has two Deputy Directors who report to the Director. The **Deputy Director/Counsel to the Director** oversees the **Office of Legal and Victim Programs**; the **Strategic Communications Staff**; the **Data Integrity and Analysis Staff**; and the **Evaluation and Review Staff**. The functions of these units are outlined below:

- The **Office of Legal and Victim Programs** includes four staffs: **Asset Recovery**; **White Collar and Civil Litigation**; **Victim-Witness**; and **Indian, Violent and Cyber Crimes**. Each staff assists in the development and implementation of policies and procedures in its program areas, and serves as a liaison between the USAOs and other offices both inside and outside the Department. The **Asset Recovery Staff** supports the collection and enforcement efforts of district financial litigation programs, asset forfeiture programs, and bankruptcy. The **White Collar and Civil Litigation Staff** provides guidance and support to the USAOs in the areas of health care fraud, white collar crime, and civil defensive litigation. In addition, the staff coordinates the activities of the Affirmative Civil Enforcement Program, which uses civil statutes for federal law enforcement efforts in fighting economic fraud. The **Victim-Witness Staff** provides guidance and support for personnel in the USAOs who handle victim notification, explain to victims the criminal justice process, prepare victims



and witnesses for testimony and allocution, coordinate and accompany victims and witnesses to court proceedings, and provide victims with service referrals and emergency assistance. The staff also provides guidance and support to the USAOs on both civil and criminal Civil Rights issues. The **Indian, Violent and Cyber Crimes Staff** provides guidance and support to the USAOs in the areas of Native American issues, computer crime and intellectual property, immigration and border security, violent crime and gangs, and narcotics. The staff also provides management support for the Project Safe Neighborhoods and Project Safe Childhood programs.

- The **Strategic Communications Staff (SCS)** supports EOUSA and the USAOs with external and internal communications, digital engagement, and multimedia. Working closely with the Department's Office of Public Affairs, SCS provides support on public affairs and media issues related to the USAOs. SCS also manages digital engagement at EOUSA, providing web content and social media management, development, and support for EOUSA and the USAOs, as well as multimedia services such as photography, audio/visual productions, and graphic design.
- The **Data Integrity and Analysis Staff** is responsible for providing statistical information and analysis for EOUSA. The staff provides data and analysis to EOUSA's leadership, and helps EOUSA respond to data requests from DOJ components, the White House, Congress, and the public. The staff also provides the United States Attorneys' community comprehensive quarterly analysis of work-year, caseload, and workload information, and produces the United States Attorneys' Annual Statistical Report.
- The **Evaluation and Review Staff** carries out EOUSA's responsibility under 28 C.F.R. Part 0.22 to evaluate the performance of the USAOs, to make appropriate reports, and to take corrective actions if necessary. The evaluation program enables EOUSA to fulfill this responsibility. In meeting these regulatory and statutory requirements, the evaluation program provides on-site management assistance to United States Attorneys, as well as a forum for evaluators and the office being evaluated to share information and innovative ideas. The feedback provided to EOUSA's leadership assists in addressing management issues in the USAOs and also as a vehicle for identifying and sharing best practices.





The **Deputy Director for Legal Management** oversees the following offices and staffs:

- The **Office of Legal Education (OLE)** develops, conducts, and authorizes the training of all federal legal personnel. OLE coordinates legal education and attorney training for the Department of Justice, other federal departments and agencies, as well as state and local law enforcement. OLE is a separate decision unit of the budget, and its functions and mission, which are largely completed at the National Advocacy Center (NAC) in Columbia, South Carolina, are discussed in greater detail in Section IV.C.
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- The image shows the National Advocacy Center (NAC) building in Columbia, South Carolina. It is a large, classical-style building with a prominent portico supported by columns. The building is surrounded by a paved area and some landscaping.
- The **Freedom of Information and Privacy Act (FOIA) Staff** processes all FOIA and Privacy Act requests for records located throughout EOUSA and the USAOs, provides legal guidance to the USAOs concerning FOIA/Privacy Act issues, represents them in administrative appeals, and assists AUSAs and Department of Justice attorneys in litigation in federal courts by providing draft pleadings and preparing legal documents.
 - The **Equal Employment Opportunity and Diversity Management (EEO/DM) Staff**, which provides centralized leadership, coordination, and evaluation of all equal employment efforts within EOUSA and the USAOs, is comprised of three components – Complaint Processing, Affirmative Employment/Special Emphasis Programs, and training. The EEO mission supports the USAOs and EOUSA by providing timely and impartial customer service in the areas of conflict resolution; EEO complaint processing; civil rights policy development and training; language assistance plans; and diversity management assistance through training, outreach, and recruitment.
 - The **General Counsel’s Office (GCO)** provides advice to the USAOs and EOUSA on a broad array of legal and ethical issues, including conflicts of interest, recusals, outside activities, gifts and financial disclosures, allegations of misconduct, personnel legal issues, discovery requests, and compliance with subpoenas. The GCO is also responsible for the employee relations programs of EOUSA and the USAOs.



CRIMINAL PROSECUTIONS

The USAOs investigate and prosecute the vast majority of criminal cases brought by the federal government – representing an incredibly diverse workload. The types of cases include international and domestic terrorism; illegal immigration; southwest border enforcement; firearms and violent crime; identity theft; public corruption; procurement, securities, and mortgage fraud; gangs and organized crime; drug enforcement; human trafficking; and criminal civil rights. Many of these cases involve multiple defendants and are extremely complex. The nature of today’s crimes has required prosecutors to acquire extensive knowledge in a wide range of fields, such as banking, health care, computer technology, securities, and forensics.



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

Federal Law Enforcement Partners



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



CIVIL LITIGATION

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

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

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

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

CRIMINAL AND CIVIL APPEALS

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



CRIMINAL AND CIVIL DEBT COLLECTION

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

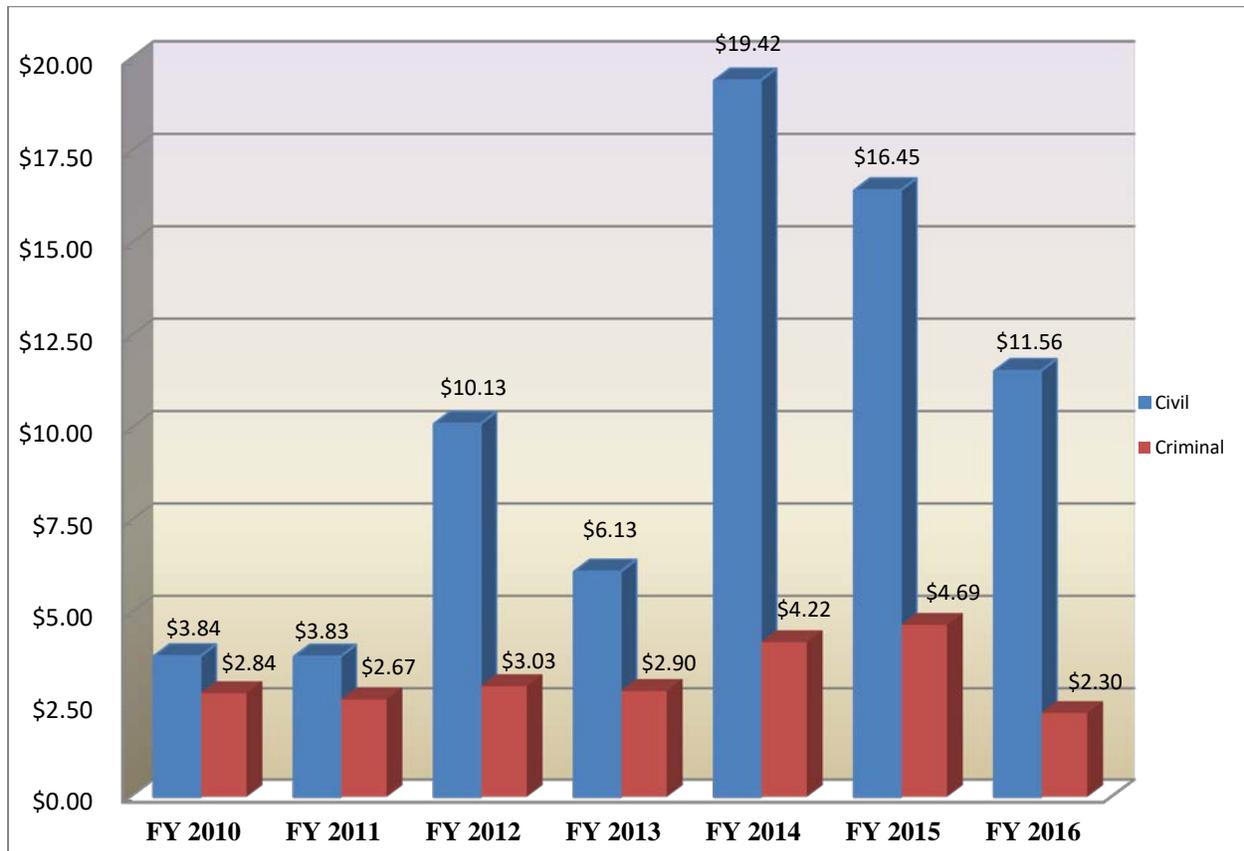
Debts are incurred by a criminal defendant when the defendant is sentenced by the court. These debts may be in the form of restitution to crime victims, fines imposed by the court, special assessments on each criminal conviction count, costs of prosecution and other costs, or forfeitures of appearance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

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



The table below illustrates the significant amount of debts collected each year from FY 2010 through the end of FY 2016.

Debt Collection Chart (in billions)



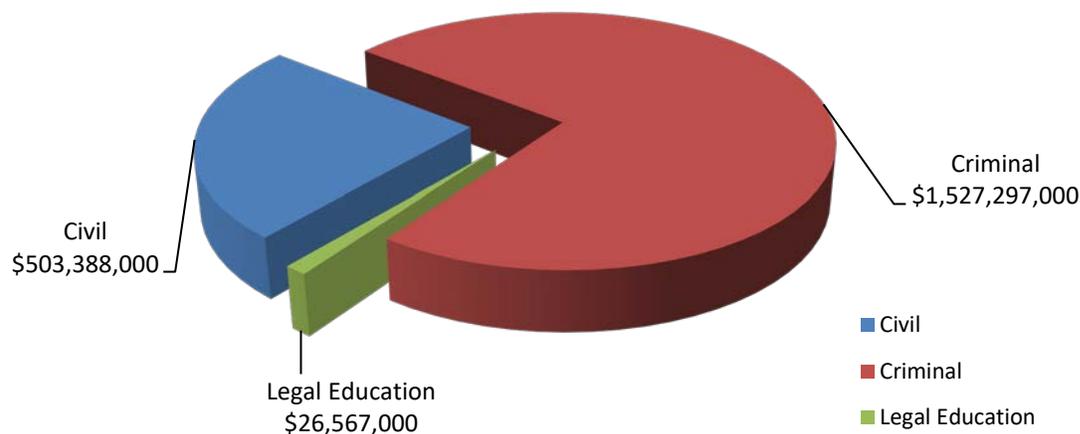
In FY 2016, the USAOs collected \$13.86 billion in criminal and civil debts. Of the total debts collected, USAOs recovered \$2.30 billion in criminal debts; and \$11.56 billion in civil debts. The United States Attorneys' FY 2016 collection efforts, handled by a very small percentage of the total workforce, returned to the Treasury nearly seven times the \$2.0 billion appropriated in the FY 2016 budget for the entire United States Attorneys' community.



B. Full Program Costs

The United States Attorneys' \$2,057,252,000 budget request for FY 2018 is divided into three decision units: criminal, civil, and legal education.

FY 2018 Budget Request by Decision Unit



Some programs, as well as management and administration costs, cross decision units. The performance and resource tables for each decision unit reflect the total costs of achieving the strategies that the United States Attorneys will employ in FY 2018. The various resource and performance charts incorporate the costs of lower level strategies which also contribute to the achievement of objectives, but which may not be highlighted in detail in order to provide a concise narrative. Also included are the indirect costs of continuing activities, which are central to the operations of each decision unit. This request will fund the United States Attorneys' role in supporting the Department's Strategic Plan. We will continue to provide federal leadership in preventing and controlling crime and seeking just punishment of those found guilty of unlawful conduct.



C. Performance Challenges

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

External Challenges

Coordinating with External Partners: Law enforcement is a central element of the United States Attorneys' mission, yet the ability and willingness of other federal, state, tribal, and local law enforcement partners to coordinate and share intelligence, resources, and personnel with one another can pose significant challenges. Failure to coordinate and collaborate can impede the prosecution of complex criminal activity and even disrupt ongoing investigations. Thus, we must continually strive to enhance coordination with our law enforcement partners.

Identifying Emerging Criminal Activities: Criminal activity, especially fraud, continues to evolve in response to new technologies and law enforcement efforts. Fraud schemes, which have become more sophisticated and complex over time, can have a significant impact on individual financial stability as well as our economy. As a result, the United States Attorneys and their investigative partners are working to identify financial frauds as they emerge so law enforcement can address these crimes in a timely and comprehensive manner.

Keeping Pace with Technology: As technology has evolved, so has the amount of electronically stored information that comprises critical evidence in our investigations and cases. To keep pace with this change and to ensure that our criminal and civil cases are adequately supported, the United States Attorneys must develop an integrated approach to electronic discovery that focuses on employee skills, training, best practices, and technological tools to help identify, collect, process, review, analyze, and present electronic evidence.

Internal Challenges

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

Keeping Pace with 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 information in real time. These technologies continue to pose many challenges, with complexity and volume being the most prevalent. The USAOs strive to keep pace with these cutting-edge methods and the exponentially increasing volume of data associated with a diverse range of cases. The United States Attorneys must



continue to develop innovative practices to ensure that each office has the capacity to process, analyze, and leverage electronic information. For example, the USAs have implemented eDiscovery processes to move from paper evidence to electronic evidence, and to manage, examine, and transfer large amounts of casework data. The USAs have used technologically advanced tools and processes in sophisticated cases, allowing for data integration from multiple source points, which is critical to organizing and prosecuting complex cases, such as healthcare fraud and securities fraud cases. The USAOs are looking to expand this support to other types of cases such as procurement fraud.



II. Summary of Program Changes

In FY 2018, the United States Attorneys' budget request is \$2,057,252,000, which includes the following program changes: 300 positions (300 attorneys); 128 FTE; and \$25,951,000 in program increases. The following program changes are outlined in the chart below:

Item Name	Description				Page
	Purpose	Pos.	FTE	Dollars (\$000)	
Immigration Enforcement Prosecutors	These resources will provide for 70 Assistant United States Attorneys to address illegal immigration and border enforcement.	70	43	7,169	36
Violent Crime Prosecutors	These resources will provide for 230 Assistant United States Attorneys to address violent crime across the country.	230	85	18,782	41
TOTAL		300	128	25,951	



III. Appropriations Language and Analysis of Appropriations Language

Appropriations Language

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, [\$2,000,000,000] \$2,057,252,000: *Provided*, That of the total amount appropriated, not to exceed \$7,200 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$25,000,000 shall remain available until expended: *Provided further*, That each United States Attorney shall establish or participate in a task force on human trafficking.



IV. Program Activity Justification

A. Criminal

Criminal Litigation	Direct Pos.	Estimated FTE	Amount
2016 Enacted	8,176	7,623	1,485,996,000
2017 Continuing Resolution	8,176	7,623	1,478,870,000
Adjustments to Base and Technical Adjustments	0	0	24,854,000
2018 Current Services	8,176	7,623	1,503,724,000
2018 Program Increases	280	118	25,573,000
2018 Request	8,456	7,741	1,527,297,000
Total Change 2017-2018	280	118	48,427,000

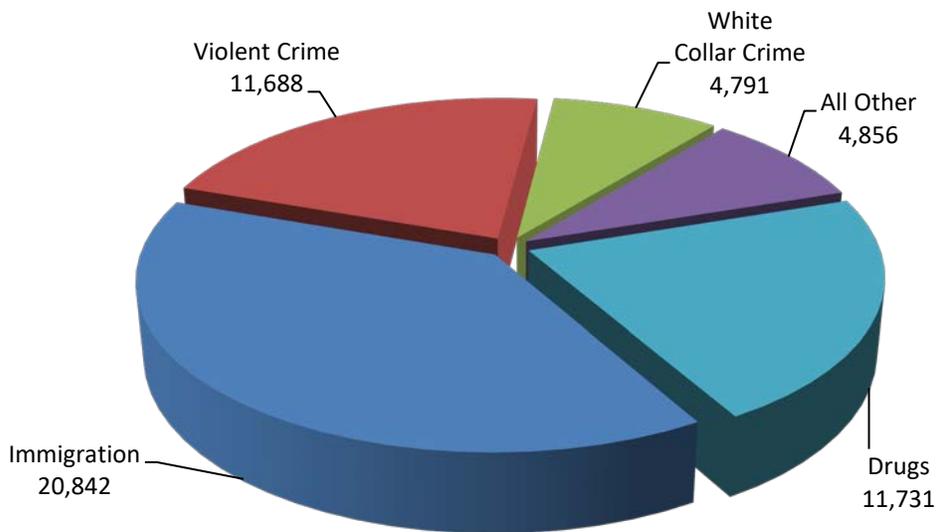
Criminal Litigation Information Technology Breakout	Perm. Pos.	FTE	Amount
2016 Enacted	344	344	128,360,000
2017 Continuing Resolution	344	344	130,285,000
Adjustments to Base and Technical Adjustments	0	0	1,955,000
2018 Current Services	344	344	132,240,000
2018 Request	344	344	132,240,000
Total Change 2017-2018	0	0	1,955,000



1. Program Description–Criminal Program Activity

As discussed earlier, the USAOs receive criminal referrals from federal investigative agencies as well as state and local investigative agencies. After careful consideration of the applicable law and evidence in each case, a USAO must decide whether to initiate a prosecution. During FY 2016, the USAOs filed 53,908 felony criminal cases against 72,006 defendants in United States District Court. The following chart shows the types of cases filed by the USAOs.

Criminal Workload
FY 2016 Felony Cases Filed – 53,908



A total of 54,270 cases against 71,838 defendants were closed during FY 2016. Of the 71,838 defendants whose cases were closed, 92.8 percent or 66,670, either pled guilty or were found guilty after a trial. Of these, 53,794 defendants received prison sentences. One hundred and twenty-seven of these defendants received sentences of life imprisonment. The rate of convicted defendants who received prison sentences has been approximately 80 percent over the last five years.

PERFORMANCE AND RESOURCES TABLE

Decision Unit: Criminal

RESOURCES		Enacted		Actual		Projected		Changes		Requested (Total)		
		FY 2016		FY 2016		FY 2017		Current Services Adjustments and FY 2018 Program Changes		FY 2018 Request		
		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		7,623	1,485,996	7,373	1,472,723	7,623	1,478,870	118	48,427	7,741	1,527,297	
		1,262	[332,294]	1,083	[243,864]	1,262	[267,569]			1,262	[267,569]	
TYPE		PERFORMANCE		FY 2016		FY 2017		Current Services Adjustments and FY 2018 Program Changes		FY 2018 Request		
Program Activity		Terrorism/Terrorist-Related	345	51,056	345	51,056	296	51,056	0	0	296	51,056
Performance Measure: Output		Number of Cases - Defendants Handled	181,606		176,451		178,216		1,782		179,998	
Performance Measure: Efficiency		Total Defendants Terminated	90,461		71,838		72,556		726		73,282	
Performance Measure: Outcome		Total Defendants Guilty	83,860		66,670		67,337		673		68,010	
Performance Measure: Outcome		Percentage of Cases Favorably Resolved	90.00%		93.00%		90.00%		0		90.00%	

Data Definition, Validation, Verification, and Limitations: Data is collected from the USA-5 monthly Resource Summary Report System, which summarizes the use of personnel resources allocated to USAOs. Data is also taken from the United States Attorneys' central Case Management System, which contains district information including criminal matters, cases, and appeals. The USAOs are required to submit bi-annual case data certifications to EOUSA. The data is reviewed by knowledgeable personnel such as supervisory attorneys and legal clerks in each district. Attorneys and support personnel are responsible for ensuring that local procedures are followed for maintaining the integrity of the data in the system. Terrorism cases include hoax and financing cases, as well as the traditional domestic and international terrorism cases. Terrorism-related cases involve national security/critical infrastructure, which are prosecuted against defendants whose criminal conduct may or may not be terrorist-related, but whose conduct affects national security or exposes critical infrastructure to potential terrorist exploitation. Note that the number of terrorist convictions does not reflect the range of prosecutorial work performed by USAOs that results in disruption of terrorist activity, and other work that does not result in criminal prosecutions because of intelligence gathering and other national security considerations.

PERFORMANCE MEASURE TABLE

Decision Unit: Criminal

Performance Report and Performance Plan Targets		FY 2012	FY 2013	FY 2014	FY 2015	FY 2016		FY 2017	FY 2018
		Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Performance Measure	Number of Cases - Defendants Handled	201,412	197,001	188,272	180,303	181,606	176,451	178,216	179,998
Performance Measure	Total Defendants Terminated	87,709	82,092	80,174	74,990	90,461	71,838	72,556	73,282
Performance Measure	Total Defendants Guilty	80,963	75,718	74,392	69,561	83,860	66,670	67,337	68,010
OUTCOME Measure	Percentage of Cases Favorably Resolved	92.0%	92.0%	92.7%	92.7%	90.0%	93.0%	90.0%	90.0%

N/A = Data unavailable



3. Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes

In the criminal area, the performance outcome measure for the United States Attorneys is the percentage of criminal cases favorably resolved during the fiscal year. The United States Attorneys has consistently met or exceeded its goal of 90 percent.

The United States Attorneys will continue to play a vital role in violent crime across the country. USAs continue to address the illegal use of firearms and other acts of violence in our communities. Drug prosecutions will continue to be a priority, with a particular emphasis on the operations of large drug organizations. USAs will leverage a multi-agency focus on reducing violent and gun-related crime in particularly hard-hit urban areas by using innovative means to locate individuals, organizations and gangs within specific high crime jurisdictions. Through partnerships of federal, state and local law enforcement, USA will utilize the tools and resources available to develop and implement strategies for eradicating violent crime wherever it may occur.

Federal prosecution of crimes committed on our nation's northern and southwestern borders is a critical part of our national security. Border-related cases span a wide range of priorities, including felony and misdemeanor immigration cases, human trafficking, alien smuggling, firearms and ammunition trafficking, document fraud, drug offenses, and significant threats from designated criminal and terrorist organizations. In combating these challenges, USAs' efforts will focus on illegal immigration and violent crime.

For many years, the USAs have made criminal immigration prosecutions the largest category of criminal cases handled in their offices, and they will continue with those efforts.

The following cases are examples of the United States Attorneys' criminal case successes in FY 2016:

- The USAO in the **Southern District of Texas**, prosecuted defendant Noe Aranda-Soto, aka "Diablo" of San Carlos, Michoacan, Mexico, for kidnapping resulting in death, use of a firearm during and in relation to a crime of violence resulting in death, and conspiracy to transport aliens for private financial gain resulting in death. He was sentenced on September 12, 2016 to three life sentences, one of the life sentences was ordered to run consecutively to the other two life terms imposed.
- The USAO in the **Southern District of New York**, sentenced Minh Quang Pham, also known as "Amin," to 40 years in prison, and a life term of supervised release, for terrorism charges in May 2016. Pham's efforts supported al Qaeda in the Arabian Peninsula (AQAP), a designated foreign terrorist organization including providing material support to AQAP, conspiring to receive military training from AQAP, and possessing and using a machine gun in furtherance of crimes of violence. Pham traveled to Yemen, where he received military-



style training from AQAP, including learning to build explosive devices, with the intent to commit harm against the United States and our allies. Pham also contributed to terrorist propaganda in order to promote acts of violence and hate across the globe – contributing to Inspire magazine, a recruitment tool and “how-to” guide for would-be terrorists around the world. Pham was arrested in the United Kingdom in 2012, and extradited to the United States in 2015.

- On May 4, 2016, the **Eastern District of Louisiana** convicted Deloyd and Byron Jones, leaders of the Ride or Die (R.O.D.) street gang in New Orleans, to life in prison for their participation in murder and racketeering activity. The gang controlled narcotics distribution in Louisiana’s St. Roch neighborhood through violence and threats of violence, to include murder, attempted murder, and assaults. A jury found Deloyd Jones guilty of four attempted murders and two murders, and found Byron Jones guilty of two attempted murders and one murder. The Joneses were 3 of 12 defendants charged with conspiring to distribute cocaine base and possess firearms in furtherance of their drug-trafficking crimes. Nine defendants pleaded guilty to various charges, and were later sentenced to terms ranging from 48-121 months in prison. The 12th defendant was sentenced after the Joneses’ sentencings.

Computer hacking, data thefts and cyberattacks can compromise national security and have the potential of crippling our nation’s infrastructure. The United States Attorneys’ will continue to prioritize cybercrime prosecutions, protecting Americans from similar threats in the future.

b. Strategies to Accomplish Outcomes

The United States Attorneys play a central role in assisting the Department in accomplishing its Strategic Goals and Objectives by contributing to ten of the Department’s eighteen strategic objectives. In FY 2018, the United States Attorneys will continue to place a high priority on prosecutions related to national security as well as address other important priorities such as illegal immigration; border enforcement; violent crime; illegal firearms; gang prosecution; transnational organized crime; Indian Country prosecution; cybercrime prosecutions; drug enforcement; human trafficking; and complex and multi-jurisdictional fraud – including health care, identity theft, public corruption, corporate and investment fraud.

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

Other strategies include:

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



B. Civil

Civil Litigation	Perm. Pos.	FTE	Amount
2016 Enacted	2,502	2,340	489,477,000
2017 Continuing Resolution	2,502	2,340	492,956,000
Adjustments to Base and Technical Adjustments	0	0	8,054,000
2018 Current Services	2,502	2,340	501,010,000
2018 Program Increases	20	10	2,378,000
2018 Request	2,522	2,350	503,388,000
Total Change 2017-2018	20	10	10,432,000

Civil Litigation Information Technology Breakout	Perm. Pos.	FTE	Amount
2016 Enacted	95	95	34,558,000
2017 President's Budget	95	95	35,077,000
Adjustments to Base	0	0	526,000
2018 Current Services	95	95	35,603,000
2018 Request	95	95	35,603,000
Total Change 2017-2018	0	0	526,000



1. Program Description–Civil Program Activity

Civil litigation pursued by the United States Attorneys falls into two basic categories:

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

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

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

Affirmative civil cases can return substantial monies to the federal Treasury. In FY 2016, the USAOs collected \$11.56 billion in civil debts, which is several times more than the entire United States Attorneys’ budget. The following cases are examples of the United States Attorneys’ civil successes in FY 2016:

- In February 2016, the Department reached a settlement with Morgan Stanley for \$2.6 billion to resolve claims related to the marketing, sale, and issuance of residential mortgage-backed securities (RMBS). An RMBS is a type of security comprised of a pool of mortgage loans created by banks and other financial institutions. The expected performance and price of an RMBS is determined by a number of factors, including the characteristics of the borrowers and the value of the properties underlying the RMBS. As part of the agreement, Morgan Stanley acknowledged in writing that it failed to disclose critical information to prospective investors about the quality of the mortgage loans underlying its RMBS and about its due diligence practices. Investors, including federally insured financial institutions, suffered billions of dollars in losses from investing in RMBS issued by Morgan Stanley in 2006 and 2007. Morgan Stanley was one of the institutions that issued RMBS during the period leading up to the economic crisis in 2007 and 2008.



- In April 2016, the Department, along with federal and state partners, reached a settlement for \$5.06 billion with Goldman Sachs related to its conduct in the packaging, securitization, marketing, sale, and issuance of residential mortgage backed securities (RMBS) between 2005 and 2007. Investors, including federally insured financial institutions, suffered billions of dollars in losses from investing in RMBS issued and underwritten by Goldman during those years. The resolution required Goldman to pay \$2.385 billion in a civil penalty under the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA) and required the bank to provide \$1.8 billion in other relief, including relief to underwater homeowners, distressed borrowers and affected communities, in the form of loan forgiveness and financing for affordable housing. Goldman will also pay \$875 million to resolve claims by other federal entities and state claims.
- In April 2016, the Department announced a settlement of civil mortgage fraud claims against Wells Fargo and Wells Fargo executive Kurt Lofrano, stemming from Wells Fargo's participation in the Federal Housing Administration (FHA) Direct Endorsement Lender Program. In the settlement, Wells Fargo agreed to pay \$1.2 billion and acknowledged and accepted responsibility for, among other things, certifying to the Department of Housing and Urban Development (HUD, during the period from May 2001 through December 2008, that certain residential home mortgage loans were eligible for FHA insurance when in fact they were not, resulting in the government having to pay FHA insurance claims when some of those loans defaulted. The agreement resolved the United States' civil claims in its lawsuit in the Southern District of New York, as well as an investigation conducted by the U.S. Attorney's Office for the Southern District of New York regarding Wells Fargo's FHA origination and underwriting practices subsequent to the claims in its lawsuit and an investigation conducted by the U.S. Attorney's Office for the Northern District of California into whether American Mortgage Network, LLC (AMNET), a mortgage lender acquired by Wells Fargo in 2009, falsely certified and submitted ineligible residential mortgage loans for FHA insurance.

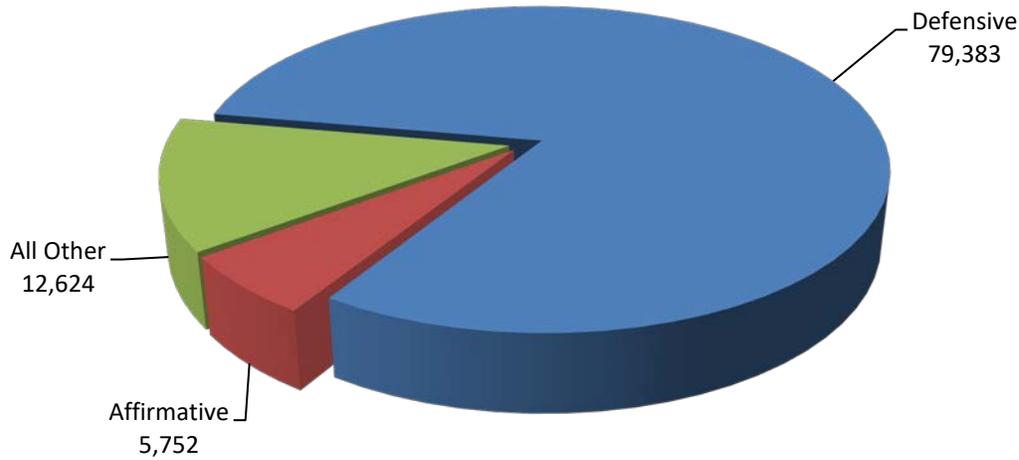
Civil matters and cases represent a significant part of the United States Attorneys' workload. In FY 2016, the United States Attorneys received 105,685 civil matters, which represented 45 percent of all of the 235,555 criminal and civil matters received during the fiscal year. Of the civil matters received, 79 percent or 80,150 were defensive matters, nine percent or 9,320 were affirmative matters, and 12 percent or 11,658 were other civil matters. The United States Attorneys filed or responded to 97,759 civil cases in FY 2016, which represented 64 percent of the 151,667 criminal and civil cases filed during the fiscal year. Of the civil cases filed, 81 percent or 79,383 were defensive cases; eight percent or 5,752 were affirmative cases; and 13 percent or 12,624 were other civil cases.

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



USAOs track the different types of cases where they are able to defend the government and whether or not they are successfully resolved. In affirmative civil cases handled by USAOs, or jointly with the Civil Division, USAOs' successes have resulted in the collection of billions of dollars for the Government and victims of fraud. Between FY 2010 and FY 2016, the number of civil cases filed or responded to increased by approximately 17 percent or 14,160 - from 83,599 cases to 97,759, and the number of civil cases referred to the United States Attorneys increased by approximately 15 percent or 13,487 - from 92,198 to 105,685 cases. The number of defensive civil cases filed increased by 21 percent or 13,705 - from 65,678 cases in FY 2010 to 79,383 in FY 2016.

Civil Workload
FY 2016 Cases Filed/Responded To – 97,759



2. Performance and Resource Tables

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Civil											
RESOURCES		Enacted		Actual		Projected		Changes		Requested (Total)	
		FY 2016		FY 2016		FY 2017		Current Services Adjustments and FY 2018 Program Changes		FY 2018 Request	
		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
CIVIL LITIGATION		2,340	489,477	2,263	490,908	2,340	492,956	10	10,432	2,350	503,388
Reimbursable FTE and Costs (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		430	[133,445]	369	[95,541]	430	[104,827]	0	0	430	[104,827]
TYPE	PERFORMANCE	FY 2016		FY 2016		FY 2017		Current Services Adjustments and FY 2018 Program Changes		FY 2018 Request	
Workload Measure: Output	Number of Matters Handled	107,155		119,699		120,896		1,209		122,105	
Performance Measure: Output	Total Judgements and Settlements	40,241		48,113		48,594		486		49,080	
Performance Measure: Output	Number of Judgements in favor of the U.S. and Settlements	32,976		34,988		35,338		353		35,691	
Performance Measure: Outcome	Percentage of Cases Favorably Resolved	80.00%		80.00%		80.00%		0		80.00%	

PERFORMANCE MEASURE TABLE

Decision Unit: Civil

Performance Report and Performance Plan Targets		FY 2012	FY 2013	FY 2014	FY 2015	FY 2016		FY 2017	FY 2018
		Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Performance Measure	Number of Matters Handled	116,662	116,346	106,879	124,172	107,155	119,699	120,896	122,105
Performance Measure	Number of Total Judgements and Settlements	42,618	40,667	39,283	45,501	40,241	48,113	48,594	49,080
Performance Measure	Number of Judgements in favor of the U.S. and Settlements	32,619	32,606	31,167	31,995	32,976	34,988	35,338	35,691
OUTCOME Measure	Percentage of Cases Favorably Resolved	82.0%	82.0%	82.3%	81.6%	80.0%	80.0%	80.0%	80.0%

N/A = Data unavailable



3. Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes

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

b. Strategies to Accomplish Outcomes

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

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

Other strategies include:

- Regular reviews and monitoring of case and workload data.
- Continue to look at operational efficiencies in order to preserve human capital.
- Continue to address emerging training needs through the Office of Legal Education.



C. Legal Education

Legal Education	Perm. Pos.	FTE	Amount
2016 Enacted	53	53	24,527,000
2017 Continuing Resolution	53	53	24,372,000
Adjustments to Base and Technical Adjustments	0	0	2,195,000
2018 Current Services	53	53	26,567,000
2018 Program Increase	0	0	0
2018 Request	53	53	26,567,000
Total Change 2017-2018	0	0	2,195,000

Legal Education Information Technology Breakout	Perm. Pos.	FTE	Amount
2016 Enacted	4	4	1,646,000
2017 President's Budget	4	4	1,670,000
Adjustments to Base and Technical Adjustments	0	0	25,000
2018 Current Services	4	4	1,695,000
2018 Request	4	4	1,695,000
Total Change 2017-2018	0	0	25,000



1. Program Description–Legal Education

The Office of Legal Education (OLE) develops, conducts, and authorizes the training of all federal legal personnel [28 C.F.R. §0.22 (1990)]. OLE coordinates legal education and attorney training for the Department of Justice and other departments and agencies of the Executive Branch. Virtually all of OLE’s classroom training is conducted at the National Advocacy Center (NAC), a premier federal training facility in Columbia, South Carolina. The NAC features an integrated instructional and residential facility.

In FY 2016, OLE managed 194 courses and events at the NAC, as well as offsite locations, including traditional advocacy skills training, seminars on substantive areas of the law, leadership training, and automated litigation support training. In FY 2016, 25,326 individuals participated in training hosted by OLE, (12,764 attended live training through courses or other events and 12,562 individuals received training through one of OLE’s distance education offerings).

For all of its programs, OLE uses experienced federal trial and appellate attorneys as instructors to present lectures, lead discussion groups, direct evidentiary exercises, and offer personalized critiques. Federal judges also participate in OLE’s advocacy courses, presiding over mock trials and mock appellate arguments. The caliber of the OLE faculty and the use of sophisticated videotaping facilities provide students with unique training experiences in trial and appellate advocacy. A significant feature of the advocacy training is the use of “learn-by-doing” exercises which concentrate on courtroom skills. These exercises simulate courtroom activities and provide students with classroom critiques and individual video replay analysis.

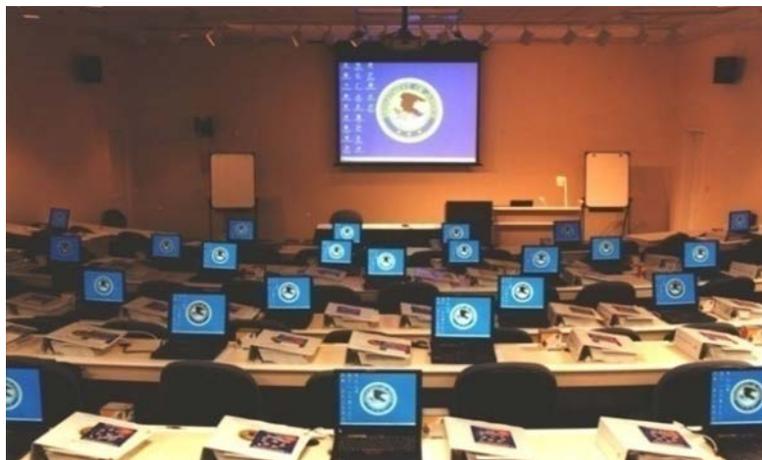
In addition to its advocacy skills training, OLE provided training in areas covered in the Department’s Strategic Plan, including Financial Fraud and Cybercrime, Crimes Against Children, Anti-Terrorism, Violent Crime/Gun Violence Reduction, Crimes in Indian Country, Drug Enforcement, Official Corruption, Bankruptcy and Sound Management. OLE also offered two Regional Domestic Terrorism Courses, and an Advanced Narcotics course focused on the Heroin and Opioid Crisis across the country

In response to significant hiring of criminal AUSAs in the U.S. Attorneys’ offices, OLE sponsored core curriculum residential training on the West Coast, including Basic Criminal Trial Advocacy, a combined Criminal Federal Practice and Discovery Boot Camp course, and a combined Introduction to Evidence and Grand Jury course. Additionally, OLE sponsored a Discovery Boot Camp and a Grand Jury course for DOJ attorneys in Washington, DC. The Criminal Training Team developed distance education content covering the core curriculum topics listed above, as well as specialty criminal practice topics such as Obtaining Electronic Evidence, Investigating and Prosecuting Overdose Cases, Corporate Prosecutions, and Securities Fraud. The Criminal Team collaborated with the Distance Education Team to live stream presentations from the Human Trafficking Seminar, and the Voter Protection and Election Crime Seminar. The team received positive feedback from the field following each event.



OLE develops and administers paralegal courses covering basic and advanced skills in civil, criminal, and appellate practice. Training for other support staff personnel (e.g., systems managers, Administrative Officers and Budget Officers) in USAOs is provided through OLE, which develops the curriculum and recruits instructors.

OLE provided training in areas covered in the Department's Strategic Plan, including Financial and Mortgage Fraud and Cybercrime, Crimes Against Children, Anti-Terrorism, Violent Crime/Gun Violence Reduction, Crimes in Indian Country, Drug Enforcement, Official Corruption, Bankruptcy and Sound Management. Of significance for FY 2016 was the Individual Accountability in Corporate Prosecutions Training and the National Reentry Training in support of the Attorney General's Smart on Crime initiative.



Recognizing the need to provide more distance learning opportunities, the Distance Education Team began live streaming presentations from classroom training at the NAC. Fifty-five presentations were live streamed in FY16, including a Legal Overview during the Human Trafficking Seminar and a Hatch Act presentation during the Voter Protection and Election Crimes Seminar. Live-streamed presentations from the Electronic Evidence course in May, the Economic Crime Training in June, and the eDiscovery training in August were accessed by a total of 711 viewers.

OLE continued to update and expand its Video on Demand (VOD) library, permitting USAO and DOJ litigating division employees to view OLE programming "on demand" at their desktop through OLE's Learning Management System, LearnDOJ. The Distance Education Team developed 135 new videos for uploading to LearnDOJ. There are currently more than 732 programs available, including programs on *Brady/Giglio*, eDiscovery, and a New Employee Orientation. In FY 2016, DOJ employees completed/viewed 105,513 videos in the VOD library, up from 74,245 videos completed in FY15.

OLE's Justice Television Network (JTN) is a satellite-based IP video network with over 260 locations, including 92 USAOs (Guam/Northern Marianas excluded). This delivery method via the desktop currently reaches all USAOs, all FBI Field and international offices, and most DOJ components, including major bureau headquarters in the DC metro area (approximately



60,000 DOJ employees). During its 25 hours of weekly broadcasts, JTN broadcasted 665 programs, including 28 programs eligible for Continuing Legal Education (CLE).

In FY 2016, OLE continued to provide additional web-based CLE through its contract with West Legal Ed Center, offering 24-hours a day access to more than 7,000 CLE programs from more than 50 leading CLE providers. During FY 2016, Department attorneys viewed 6,850 West Legal Ed programs, earning over 8,359 CLE credits, further expanding OLE's ability to provide needed training.

In an effort to improve accessibility to OLE's media content, the Distance Education Team presented a proposal to the Investment Review Board and succeeded in securing funding for a Video Hosting Platform solution. The team conducted market research and, working with the OCIO, drafted a Statement of Work to solicit proposals.

OLE's Publications Unit edited and published six editions of the United States Attorneys' Bulletin on a variety of topics, including firearms offenses, intellectual property crimes, cultural property law, cyber misbehavior, financial fraud, and the heroin epidemic, all of which are accessible on the DOJ Internet website. The Publications Unit continued to maintain and update USABook, an online legal resource available on the Department intranet that includes electronic versions of all OLE publications, forms including indictment and jury instructions for all circuits and many significant monographs and litigation manuals. In FY 2016, the USABook site received more than 730,000 page views, up from 650,000 page views in FY 2015.

OLE continued its tradition of providing training support to Department of Justice personnel assisting foreign prosecutors through the Criminal Division's Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT). In FY 2016, OLE staff supported or participated in international programs for Kenya, the Philippines, and Chile. OLE staff also worked with OPDAT to provide advice and assistance to the judicial and prosecutorial training centers in Bosnia and Herzegovina.

2. Performance and Resource Table

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Legal Education											
RESOURCES		Enacted		Actual		Projected		Changes		Requested (Total)	
		FY 2016		FY 2016		FY 2017		Current Services Adjustments and FY 2018 Program Changes		FY 2018 Request	
		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
LEGAL EDUCATION		53	24,527	53	24,371	53	24,372	0	2,195	53	26,567
Reimbursable FTE and Costs (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		3	[5,133]	3	[5,133]	3	[5,633]	0	\$0	3	[5,633]
TYPE	PERFORMANCE	FY 2016		FY 2016		FY 2017		Current Services Adjustments and FY 2018 Program Changes		FY 2018 Request	
Performance Measure: Outcome	Number of Students Trained	24,000		25,326		24,000				24,000	

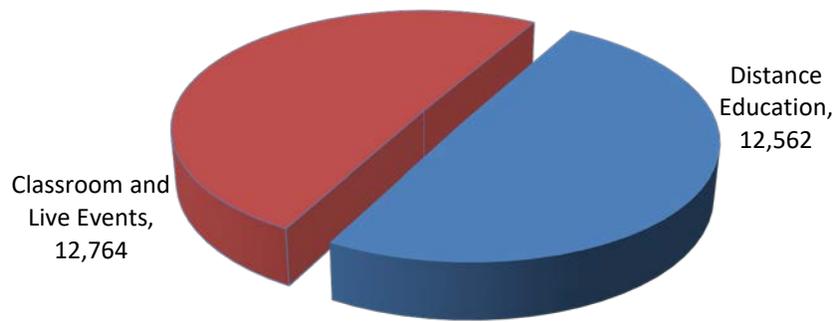


3. Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes

The performance measure for this decision unit is the number of students trained. In FY 2016, OLE sponsored classroom training and other live events for 12,764 individuals. In addition, approximately 12,562 individuals were trained through one of OLE's distance education offerings, including continuing legal education programs broadcast via satellite, and other means, for a total of 25,326 students trained in FY 2016.

FY 2016 Individuals Trained



This compares with a total of 25,989 in FY 2015 –13,444 individuals trained in-person and 12,545 individuals trained by satellite, videotape and other training.

b. Strategies to Accomplish Outcomes

The United States Attorneys will continue to ensure that high quality legal education is available for basic and advanced legal training through traditional classroom instruction and expanded use of JTN and distance learning.



V. Program Increases by Item

Item Name: Immigration Enforcement Prosecutors

Budget Decision Unit(s): Criminal and Civil Litigation

Program Increase: Positions **70** Attorney **70** FTE **43** Dollars **\$7,169,000**

Description of Item

The United States Attorneys' offices (USAOs) request **70 positions (70 attorneys) and \$7,169,000** to help secure the United States border, provide adequate personnel to support an increase in border law enforcement, and to enforce the current administration's policies and programs with a focus on immigration enforcement and border security. The resources requested will help ensure an adequate USAO presence to meet increased criminal and civil caseloads generated by additional law enforcement and investigative resources that focus on border security and immigration and assure aggressive enforcement of all immigration statutes, particularly those targeting:

- Transnational alien smuggling organizations;
- Individuals who after deportation attempt to re-enter or are located in the United States illegally;
- Document fraud related offenses, including visa fraud and immigration benefits fraud;
- Immigration fraud perpetuated by businesses, non-profits and individuals; and
- Assistance with interdiction of national security targets, counterterrorism initiatives, narcotics trafficking, human trafficking, and violent crime efforts impacting border security.

Civil resources are required to defend against:

- Challenges to enforcement of the Administration's immigration policies;
- Habeas petitions seeking release of criminal aliens;
- Mandamus actions that seek to accelerate the grant of immigration benefits to aliens who present a threat to national security;
- Bivens, Federal Tort Claims Act (FTCA) and employment actions arising from increased border security measures and personnel.

In addition, southwest border districts will require resources to address a significant increase in civil eminent domain litigation, and title and appraisal work arising from proposed border security improvements.



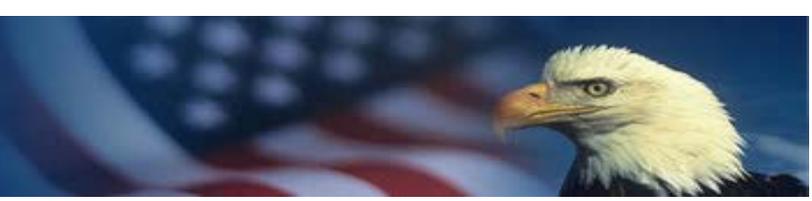
Maintaining secure borders is a core responsibility of the nation and necessary to protect citizens and those lawfully present within the United States. Additional resources will allow USAOs to keep pace with law enforcement efforts, prosecute those who exploit our nation's laws, and defend the United States immigration and border policies.

Criminal Attorneys:

Federal prosecution of border crime is an essential part of our nation's defense, and gaining operational control of our borders is essential to public safety and national security. The USAOs in border districts support federal law enforcement agencies that patrol 1,933 miles of our border with Mexico and 5,525 miles of our border with Canada. Immigration cases prosecuted on the Southwest Border encompassed 43.7 percent of the nation's total felony prosecutions in Fiscal Year (FY) 2016. Of these, 64,293 cases involved individuals charged with illegal entry and reentry into the United States. These prosecutions represented 93.5 percent of all illegal entry and reentry cases nationwide. In FY 2016, the Southwest Border districts prosecuted 80.2 percent of all immigration, 43.7 percent of non-OCEDTF narcotics, and 10.1 percent of all firearms cases. In addition, the Northern Border USAOs prosecuted 21,447 immigration cases, 2,269 of which were alien smuggling cases, and 149 terrorism cases. These statistics do not include the large ports of entry and cities in the interior that have a significant number of immigration prosecutions each year.

There is a direct link between immigration crimes and other types of crime within the United States, because individuals who seek to enter or remain in this country illegally engage in other crimes to disguise their immigration status. For example, a wide variety of frauds are committed to create or perpetuate false immigration documentation and facilitate marriage fraud. In addition, individuals who enter or remain in the United States illegally facilitate or support their illegal entry by the illegal transport of drugs, contraband, or human smuggling. Finally, illegal aliens are involved in other types of crimes, because they lack the skills and legal documentation to obtain well-paying jobs and education opportunities. As the President stated in his January 25, 2017 Executive Order *Border Security and Immigration Enforcement Improvements*:

Transnational criminal organizations operate sophisticated drug- and human-trafficking networks and smuggling operations on both sides of the southern border, contributing to a significant increase in violent crime and American deaths from dangerous drugs. Among those who illegally enter are those who seek to harm Americans through acts of terror or criminal conduct. Continued illegal immigration presents a clear and present danger to the interests of the United States. Federal immigration law both imposes the responsibility and provides the means for the Federal Government, in cooperation with border states, to secure the Nation's southern border. Although Federal immigration law provides a robust framework for Federal-State partnership in enforcing our immigration laws - and the Congress has authorized and provided appropriations to secure our borders - the Federal Government has failed to discharge this basic sovereign responsibility. The purpose of this order is to direct executive departments and agencies (agencies) to deploy all lawful means to secure the Nation's southern border, to prevent further illegal immigration into the United States, and to repatriate illegal aliens swiftly, consistently, and humanely.



The President's recent Executive Orders also mandate that the Department of Homeland Security hire more agents to investigate immigration-related offenses, thereby increasing the number of matters which will be presented to USAOs for prosecution. The large number of cases in USAOs along the Southwest border have already stressed the resources available to those offices. The requested positions will provide attorneys to absorb these additional matters and build quality cases for successful prosecutions.

The requested positions will be dedicated to the prosecution of immigration cases, thereby expanding the ability of the USAOs to devote resources to investigations of larger transnational criminal networks and enhance strategic partnerships to investigate, arrest, and prosecute both transnational and United States based criminals along the Southwest Border. The additional prosecutorial positions are required to ensure coordination between the Department of Justice, the Department of Homeland Security, and intelligence agencies. Effective coordination improves the transfer of intelligence, the development of criminal investigations, and the quality of prosecutions, thereby adding security to the Southern boundary of the United States and ensuring the safety of our communities.

Civil Attorneys:

USAO Civil Divisions also play a critical role by defending civil legal actions challenging the Administration's immigration enforcement policies vital to our national security. In addition, USAOs defend civil immigration cases challenging detention, removal, and other immigration benefits, such as denial of naturalization, visas, passports, citizenship and other status adjustments commenced by criminal and other aliens who pose a threat to public safety and our national security.

Between FY 2015 -2016, the number of defensive immigration cases grew by over 33 percent. In 2017, the projected caseload will increase by an additional 17 percent. In the last five years, USAOs have experienced over a 66 percent increase in the civil immigration caseload. With an increase in the number of agents and the number of detention facilities, as well as aliens subject to expedited removal, the number of non-discretionary civil immigration and other related cases that USAOs are required to defend will continue to grow.

Civil AUSAs have the primary and non-discretionary duty to defend habeas petitions brought by immigration detainees who are in removal proceedings or subject to a final order of removal. Many of these aliens are subject to mandatory detention because they have committed aggravated felonies.

Because of the backlog of immigration cases, some districts have seen an increase in the number of mandamus actions seeking to accelerate the grant of immigration benefits. Some of these cases involve aliens who pose a threat to national security such that defending against their receipt of immigration benefits directly promotes the President's national security objectives. In addition, AUSAs defend cases brought by arriving aliens challenging denial of parole and challenges to denial of passport and visa applications.



An increase in the number of law enforcement officers and the expansion of detention facilities, particularly along the southwest border, will result in a corresponding rise in the number of *Bivens* claims. Federal law enforcement officers, including Customs and Border Protection agents, are frequently sued in their individual (personal) capacities for alleged constitutional violations (*Bivens* cases) as a result of actions taken during the course of their employment. In many instances, DOJ authorizes representation for these individual federal officers. Providing representation, however, does not guarantee indemnification of federal employees in the event they are found liable for a constitutional violation. Additional civil resources are required to defend federal law enforcement officers so that they can perform their duties to protect the public and advance national security without unnecessary fear of facing personal liability.

In addition, increased border security measures, including the addition of new immigration officers, border and customs agents, and construction associated with building a wall, fence, or implementing other security measures, will result in a corresponding rise in FTCA and employment discrimination litigation that Civil AUSAs will be required to defend. Examples of FTCA litigation include claims for personal injuries for the allegedly tortious acts of agents in apprehending, questioning, or detaining individuals in detention centers or other federal facilities. Likewise, construction activities give rise to actions by contractors, their employees and other members of the public for injuries sustained on federal property. It should be noted that a surge in both *Bivens* claims against individual officers and FTCA claims against the United States are more likely to arise when there are new and inexperienced employees who may lack the skills, expertise and level of training possessed by experienced employees. Finally, an increase in the number of federal agents can, and in the past has, resulted in employment discrimination litigation that AUSAs are required to defend.

USAOs in the Southwest border districts have taken and will continue to take the lead, with assistance from Environment and Natural Resources Division's (ENRD) Land Acquisition Section, in litigating eminent domain cases that result from border security improvements. This work, undertaken with Congressional authority, involves the acquisition of land needed by the federal government for military readiness, border security, national parks, flood protection and the construction of federal buildings and infrastructure. Current staffing levels in the Southwest border districts are inadequate to meet the litigation challenges presented by a surge in border security measures.

Additional resources will better position the United States Attorneys with the necessary tools to assist in the achievement of the Administration's goals. The additional FTE requested for immigration enforcement and border security will be used to support multiple efforts to secure the nation's borders and aggressively enforce immigration laws across the United States.



Immigration Enforcement Prosecutors Funding

Base Funding

FY 2016 Enacted				FY 2017 Continuing Resolution				FY 2018 Current Services			
Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)
1,348	738	1,348	170,986	1,348	738	1,348	170,986	1,342	731	1,342	178,659

Personnel Increase Cost Summary

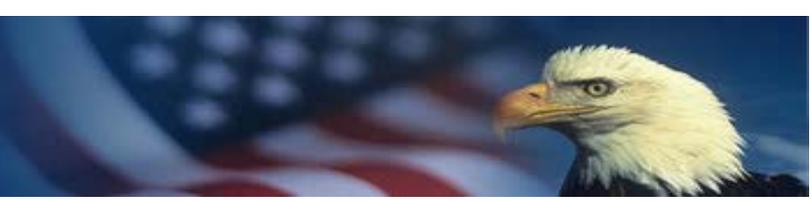
Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2018 Request (\$000)	FY 2019 Net Annualization (change from 2018) (\$000)	FY 2020 Net Annualization (change from 2019) (\$000)
Attorney	118.9	40	4,756	3,437	0
Attorney	85.9	20	1,718	2,378	0
Attorney	69.5	10	695	1,353	0
Total Personnel		70	7,169	7,168	0

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2018 Request (\$000)	FY 2019 Net Annualization (Change from 2018) (\$000)	FY 2020 Net Annualization (Change from 2019) (\$000)
N/A	N/A	N/A	N/A	0	0
Total Non-Personnel	N/A	N/A	N/A	0	0

Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2019 Net Annualization (Change from 2018) (\$000)	FY 2020 Net Annualization (Change from 2019) (\$000)
Current Services	1,342	731	1,342	178,659	0	178,659	0	0
Increases	70	70	43	7,169	0	7,169	7,168	0
Grand Total	1,412	801	1,385	185,828	0	185,828	7,168	0



Item Name: **Violent Crime Prosecutors**

Budget Decision Unit(s): Criminal Litigation

Program Increase: Positions **230** Attorney **230** FTE **85** Dollars **\$18,782,000**

Description of Item

The United States Attorneys request **230 positions (230 attorneys) and \$18,782,000** to enhance violent-crime and firearms prosecutions in high-crime districts and districts that have seen a recent precipitous increase in violent crime, and to target the worst criminal organizations and drug traffickers in order to address violent crime, gun-related deaths, and the opioid epidemic. This request will support the efforts to reduce violent crime and the opioid epidemic by providing additional prosecutorial resources to address these problems throughout our country.

These Assistant United States Attorney (AUSA) positions would increase the USAOs' capability to target priority trigger-pullers, street gangs, and violent drug traffickers; accept more high priority firearms cases for federal prosecution, which will ease prosecution burdens for local prosecutors; remove more quickly violent offenders from the streets and assure their appropriate punishment; and disrupt and dismantle violent street gangs and crews in jurisdictions that are suffering from elevated levels of violence.

Violent crime inflicts misery on its victims and in communities across the country. Through a unified and cohesive effort of federal, state and local law enforcement – backed by additional prosecution resources – individuals who inflict the greatest harm on our population can be taken off the streets, recent surges in violent crime can be reversed, and neighborhoods can become safer places.

Justification

Despite long-term trends showing violent crime at historically low levels, the last two years have seen alarming increases in violent crime in jurisdictions nationwide.

According to the FBI's latest Uniform Crime Reporting data, from 2014-15, the nation's violent-crime increased over 3 percent – the largest one-year national percentage increase since 1991. The murder rate increased by 10 percent – the largest one-year percentage increase since 1968. The FBI's preliminary semi-annual data for January – June 2016 show a 5.3 percent increase nationally for all violent crimes and a 5.2 percent increase nationally for homicides compared with the midyear level for 2015. The semi-annual data from 2015-16 also indicate significant increases for localities like Chicago, IL (23.9 percent increase for all violent crime; 48.8 percent increase for murders), Memphis, TN (72.5 percent increase for murders), and Louisville, KY (39.5 percent increase for murders).



Mindful of the recent spikes, the Attorney General (AG) has made combating violent crime an early priority of the new administration. In a memorandum to all federal prosecutors dated March 8, 2017, AG Sessions directed all USAOs to “partner with federal, state, local, and tribal law enforcement to identify the criminals responsible for significant violent crime in their districts. . . . [USAOs] must ensure that these drivers of violent crime are prosecuted, using the many tools at a prosecutor’s disposal.” AG Sessions asked all USAOs to coordinate with state and local prosecutors to determine the best venue for ensuring “an immediate and appropriate penalty for these violent offenders,” and called for USAOs to increase their coordination and prosecution efforts to ensure successful results. AG Sessions directed USAOs to consider all the statutory tools targeting violent criminals under federal law, including firearms statutes (18 U.S.C. §§ 922 and 924(c)), the Hobbs Act (18 U.S.C. § 1951), carjacking (18 U.S.C. § 2119), violent crime in aid of racketeering (18 U.S.C. § 1959), RICO (18 U.S.C. §§ 1961-68), and offenses under the Controlled Substances Act.

The AG has also recognized that in many cases, there is a strong connection between drug trafficking and violent crime. In recent remarks, the AG noted that we are “in the throes of a heroin and opioid epidemic” in which overdose deaths tripled between 2010-14, and that the Department has seen “an increase in the trafficking of new, low-cost heroin by Mexican drug cartels working with local street gangs.” “As the market for this heroin expands,” the AG added, “gangs fight for territory and new customers and neighborhoods are caught in the crossfire.”

To heed the AG’s call to better coordinate with local law enforcement, fully use all the federal statutory tools to combat violent drug traffickers and gangs, and increase their violent-crime prosecutions, USAOs in districts with jurisdictions facing the most serious recent spikes and those with sustained high levels of violence will need additional AUSAs to prosecute violent-crime cases.

Impact on Performance

Additional resources will better position the United States Attorneys with the necessary tools to assist in the achievement of the Department’s goals in responding directly to unacceptable increases in violent crime. The additional positions requested will be used to support increased violent-crime prosecution efforts.



Violent Crime Prosecutors Funding

Base Funding

FY 2016 Enacted				FY 2017 Continuing Resolution				FY 2018 Current Services			
Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)
974	637	974	161,935	974	637	974	161,935	1,008	670	1,008	168,261

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2018 Request (\$000)	FY 2019 Net Annualization (change from 2018) (\$000)	FY 2020 Net Annualization (change from 2019) (\$000)
Attorney	118.9	50	5,944	4,296	0
Attorney	85.9	20	1,718	2,378	0
Attorney	69.5	160	11,120	21,653	0
Total Personnel		230	18,782	28,327	0

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2018 Request (\$000)	FY 2019 Net Annualization (Change from 2018) (\$000)	FY 2020 Net Annualization (Change from 2019) (\$000)
N/A	N/A	N/A	N/A	0	0
Total Non-Personnel	N/A	N/A	N/A	0	0

Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2019 Net Annualization (Change from 2018) (\$000)	FY 2020 Net Annualization (Change from 2019) (\$000)
Current Services	1,008	670	1,008	168,261	0	168,261	0	0
Increases	230	230	85	18,782	0	18,782	28,327	0
Grand Total	1,238	900	1,093	187,043	0	187,043	28,327	0



VII. EXHIBITS

