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# FY 2016 ANNUAL PERFORMANCE REPORT AND FY 2018 ANNUAL PERFORMANCE PLAN



U.S. DEPARTMENT OF JUSTICE

# DEPARTMENT OVERVIEW

[www.justice.gov](http://www.justice.gov)



## HISTORY AND ENABLING LEGISLATION

The Department of Justice, often referred to as the largest law office in the world, began in 1789 with a staff of two: the Attorney General and a clerk. The Judiciary Act of 1789 created the Office of the Attorney General, providing for the appointment of “a person, learned in the law, to act as attorney-general for the United States.” By 1870, the duties of the Office of the Attorney General had expanded so much that Congress adopted “An Act to establish the Department of Justice.” As its head, the Attorney General is the chief litigator and the chief law enforcement officer of the United States.

## MISSION

The Department of Justice serves to enforce the law and defend the interests of the United States according to the law; to ensure public safety against threats foreign and domestic; to provide federal leadership in preventing and controlling crime; to seek just punishment for those guilty of unlawful behavior; and to ensure fair and impartial administration of justice for all Americans.

## STRATEGIC GOALS

**GOAL I:** Prevent Terrorism and Promote the Nation’s Security Consistent with the Rule of Law

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

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

## LOCATION

The Department is headquartered in Washington, DC, at the Robert F. Kennedy Building, occupying a city block bounded by 9th and 10th Streets and Pennsylvania and Constitution Avenues, NW. The Department also has field offices in all states and territories and maintains offices in over 100 countries worldwide.

## COMPONENT ORGANIZATIONS

Attorney General  
Deputy Attorney General  
Associate Attorney General  
Antitrust Division (ATR)  
Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)  
Bureau of Prisons (BOP)  
Civil Division (CIV)  
Civil Rights Division (CRT)  
Community Oriented Policing Services (COPS)  
Community Relations Service (CRS)  
Criminal Division (CRM)  
Drug Enforcement Administration (DEA)  
Environment & Natural Resources Division (ENRD)

Executive Office for Immigration Review (EOIR)  
Executive Office for Organized Crime Drug Enforcement Task Forces (OCDETF)  
Executive Office for U.S. Attorneys (EOUSA)  
Executive Office for U.S. Trustees (UST)  
Federal Bureau of Investigation (FBI)  
Foreign Claims Settlement Commission (FCSC)  
INTERPOL Washington  
Justice Management Division (JMD)  
National Security Division (NSD)  
Office for Access to Justice (A2J)  
Office of Information Policy (OIP)  
Office of Legal Counsel (OLC)  
Office of Legal Policy (OLP)  
Office of Legislative Affairs (OLA)

Office of the Inspector General (OIG)  
Office of the Pardon Attorney (OPA)  
Office of Justice Programs (OJP)  
Office of Professional Responsibility (OPR)  
Office of Public Affairs  
Office of the Solicitor General (OSG)  
Office of Tribal Justice (OTJ)  
Office on Violence Against Women (OVW)  
Professional Responsibility Advisory Office (PRAO)  
Tax Division (TAX)  
U.S. Attorneys (USAO)  
U.S. Marshals Service (USMS)  
U.S. Parole Commission (USPC)

U.S. DEPARTMENT OF JUSTICE

FY 2016 ANNUAL PERFORMANCE REPORT  
AND  
FY 2018 ANNUAL PERFORMANCE PLAN



May 2017

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**U.S. Department of Justice**  
**FY 2016 Annual Performance Report & FY 2018 Annual Performance Plan**

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# APR/APP

## Introduction

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### This Report's Purpose and Reporting Process

This document combines the Department of Justice Annual Performance Report (APR) for FY 2016 and Annual Performance Plan (APP) for FY 2018. The APR reports FY 2016 accomplishment highlights while the APP discusses the direction for FY 2018 and beyond. The APR/APP represents a continuing step forward in the efforts of the Department to implement the tenets of performance-based management at the heart of the Government Performance and Results Modernization Act of 2010 (GPRAMA). Moreover, the APR/APP provides performance information, enabling the President, Congress, and the American public to assess the annual performance of the Department of Justice. The APR/APP is prepared under the direction of the Department's Chief Financial Officer (CFO) and the Performance Improvement Officer (PIO).

The Department continues to enforce vigorously the broad spectrum of laws of the United States. For the FY 2016 Performance Report section, the Department's FY 2014-2018 Strategic Plan is used and is available in the Department's website at <http://www.justice.gov/jmd/strategic2014-2018/index.html>).

In accordance with GPRAMA, an agency's Strategic Plan must be updated every four years and cover a period of not less than four years forward from the fiscal year in which it is submitted. The Department is currently developing a new Strategic Plan that will cover fiscal years 2018 through 2022, which will be available in the Spring of 2018.

### Organization of the Report

**Section I – Overview:** This section includes summary information about the mission and organization of the Department and resource information.

**Section II – FY 2016 Performance Report:** This section provides a summary of the Department's 30 key performance measures/indicators, noting whether targeted performance levels were either achieved or /not achieved in FY 2016. The FY 2016 Performance Report summarizes the performance results of the Department's three strategic goals as found in the FY 2014-2018 Strategic Plan.

**Section III – FY 2018 Performance Plan:** This section highlights the Department's plans for the upcoming year and beyond.

This report is available at <http://www.justice.gov/doj/fy-2016annual-performance-report-fy-2018-annual-performance-plan>

## Compliance with Legislated Reporting Requirements

This report meets the requirements of the **Government Performance and Results Modernization Act of 2010 (GPRAMA)**. The GPRAMA requires performance reporting against all established agency goals outlined in current strategic planning documents.





# SECTION I

## OVERVIEW

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# Section I Overview

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Established July 1, 1870 (28 U.S.C. §§ 501 and 503), the Department of Justice (DOJ or the Department) is headed by the Attorney General of the United States. The Department was created to control federal law enforcement, and all criminal prosecutions and civil suits in which the United States has an interest. The structure of the Department has changed over the years, with the addition of a Deputy Attorney General, Associate Attorney General, Assistant Attorneys General, and the formation of Divisions and components; however, unchanged is the commitment and response to securing equal justice for all, enhancing respect for the rule of law, and making America a safer and more secure Nation.

## Mission

The mission of the Department of Justice, as reflected in its Strategic Plan for fiscal years (FY) 2014-2018, is as follows:

*To enforce the law and defend the interests of the United States according to the law, to ensure public safety against threats foreign and domestic, to provide federal leadership in preventing and controlling crime, to seek just punishment for those guilty of unlawful behavior, and to ensure fair and impartial administration of justice for all Americans.*

In carrying out the Department's mission, we are guided by the following core values:

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**Equal Justice Under the Law.** Upholding the laws of the United States is the solemn responsibility entrusted to us by the American people. We enforce these laws fairly and uniformly to ensure that all Americans receive equal protection and justice under the law.

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**Honesty and Integrity.** We adhere to the highest standards of ethical behavior.

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**Commitment to Excellence.** We seek to provide the highest levels of service to the American people. We are effective and responsible stewards of the taxpayers' dollars.

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**Respect for the Worth and Dignity of Each Human Being.** We treat each other and those we serve with fairness, dignity, and compassion. We value differences in people and ideas. We are committed to the well-being of our employees and to providing opportunities for individual growth and development.

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## Strategic Goals and Objectives

From our mission and core values stem the Department's strategic and annual planning processes. The Department embraces the concepts of performance-based management. At the heart of these concepts is the understanding that improved performance is realized through greater focus on mission, agreement on goals and objectives, and timely reporting of results. In the Department, strategic planning is the first step in an iterative planning and implementation cycle. This cycle, which is the center of the Department's efforts to implement performance-based management, involves setting long-term goals and objectives, translating these goals and objectives into budgets and program plans, implementing programs, monitoring performance, and evaluating results. For the review of FY 2016 performance, the Department's FY 2014-2018 Strategic Plan serves as the overarching framework for component and function-specific performance goals and metrics. The FY 2014-2018 Strategic Plan is available electronically on the Department's website at: <http://www.justice.gov>.

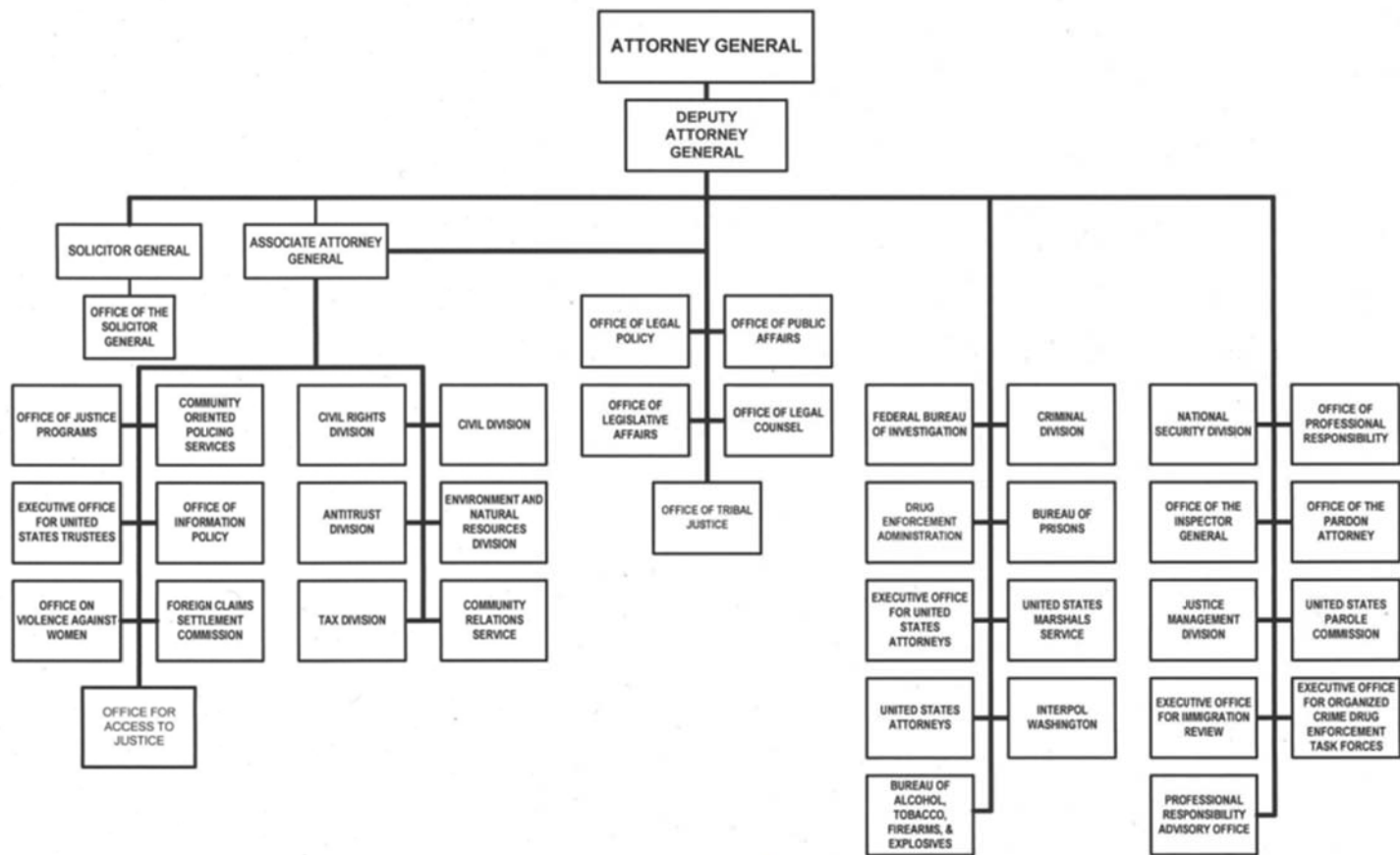
## Organizational Structure

Led by the Attorney General, the Department is comprised of 41 separate component organizations. These include the U.S. Attorneys (USAs) who prosecute offenders and represent the United States government in court; the major investigative agencies – the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA), and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), which deter and investigate crimes and arrest criminal suspects; the U.S. Marshals Service (USMS), which protects the federal judiciary, apprehends fugitives, and detains persons in federal custody; the Bureau of Prisons (BOP), which confines convicted offenders; and the National Security Division (NSD), which brings together national security, counterterrorism, counterintelligence, and foreign intelligence surveillance operations under a single authority.

The Department's litigating divisions represent the rights and interests of the American people and enforce federal criminal and civil laws. The litigating divisions are comprised of the Antitrust (ATR), Civil (CIV), Civil Rights (CRT), Criminal (CRM), Environment and Natural Resources (ENRD), and Tax (TAX) Divisions. The Office of Justice Programs (OJP), the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) provide leadership and assistance to state, local, and tribal governments. Other major Departmental components include the Executive Office for U.S. Trustees (UST), the Justice Management Division (JMD), the Executive Office for Immigration Review (EOIR), the Community Relations Service (CRS), the Office of the Inspector General (OIG), Office of Tribal Justice (OTJ) and several offices that advise the Attorney General on policy, law, legislation, tribal justice matters, external affairs, and oversight. Headquartered in Washington, D.C., the Department conducts its work in offices located throughout the country and overseas.

The Department's organizational chart appears on the following page.

# U.S. DEPARTMENT OF JUSTICE



Approved by: *Loretta E. Lynch* Date: 6/5/2015  
 LORETTA E. LYNCH  
 Attorney General

## Financial Structure

The Department's financial reporting structure is comprised of nine principal components.

### Components:

- Assets Forfeiture Fund and Seized Asset Deposit Fund (AFF/SADF)
- Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Bureau of Prisons (BOP)
- Drug Enforcement Administration (DEA)
- Federal Bureau of Investigation (FBI)
- Federal Prison Industries, Inc. (FPI)
- Office of Justice Programs (OJP)
- Offices, Boards and Divisions (OBDs)\*
- U.S. Marshals Service (USMS)

### OBDs\*

#### Offices

Office of the Attorney General  
Office of the Deputy Attorney General  
Community Relations Service  
Executive Office for Immigration Review  
Executive Office for U.S. Attorneys  
Executive Office for U.S. Trustees  
Executive Office for Organized Crime  
Drug Enforcement Task Forces  
INTERPOL Washington  
Office for Access to Justice  
Office of Community Oriented Policing Services  
Office of Information Policy  
Office of Legal Counsel  
Office of Legal Policy  
Office of Legislative Affairs  
Office of the Inspector General  
Office of the Pardon Attorney  
Office of the Solicitor General  
Office of Tribal Justice  
Office on Violence Against Women

Professional Responsibility Advisory Office

U.S. Attorneys

#### Boards

Foreign Claims Settlement Commission  
U.S. Parole Commission

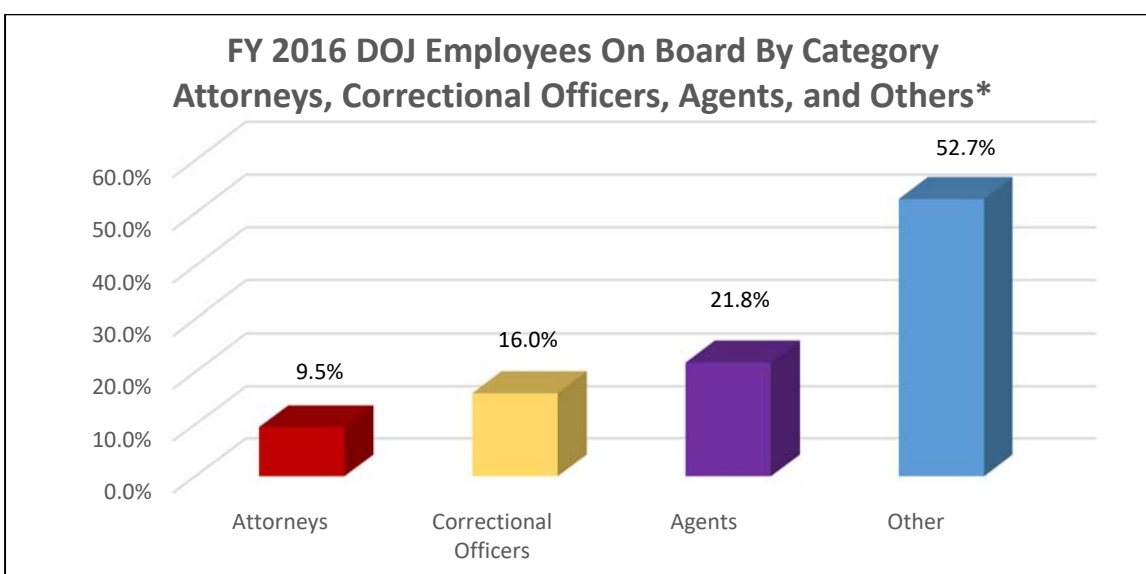
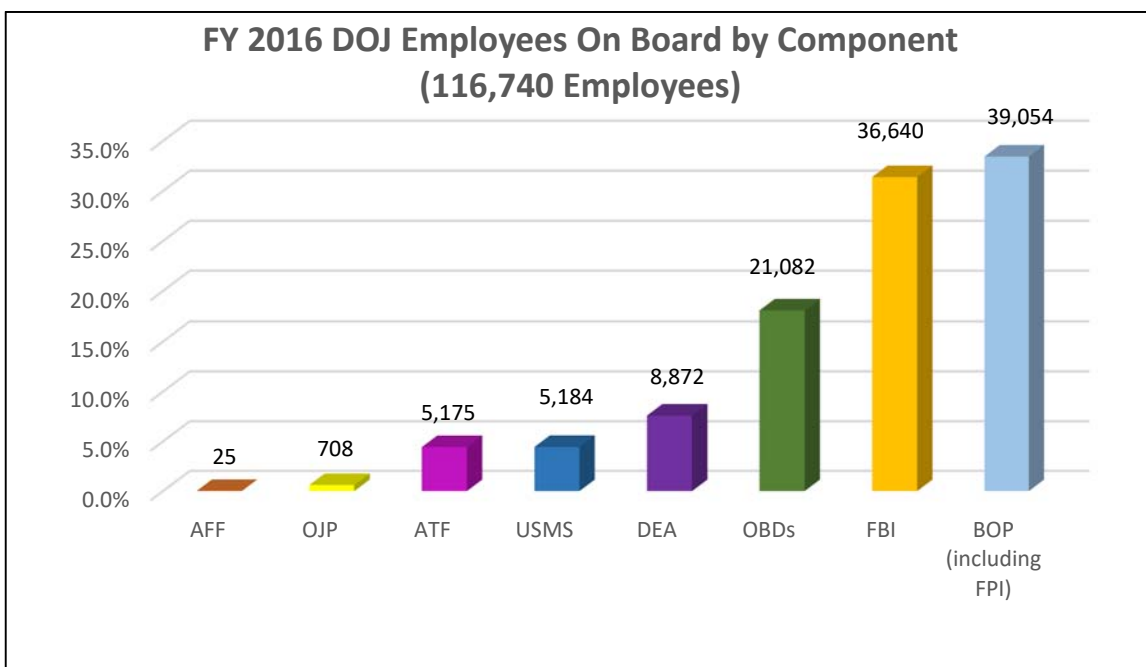
#### Divisions

Antitrust Division  
Civil Rights Division  
Criminal Division  
Environment and Natural Resources Division  
Justice Management Division  
National Security Division  
Tax Division

## Summary of Financial Information

### FY 2016 Resource Information

The following pages provide summary-level resource regarding the Department's operations for FY 2016. The charts on this page reflect employees on board as of September 17, 2016.



Source: Workyear Status Report (DOJ/JMD/Budget Office)

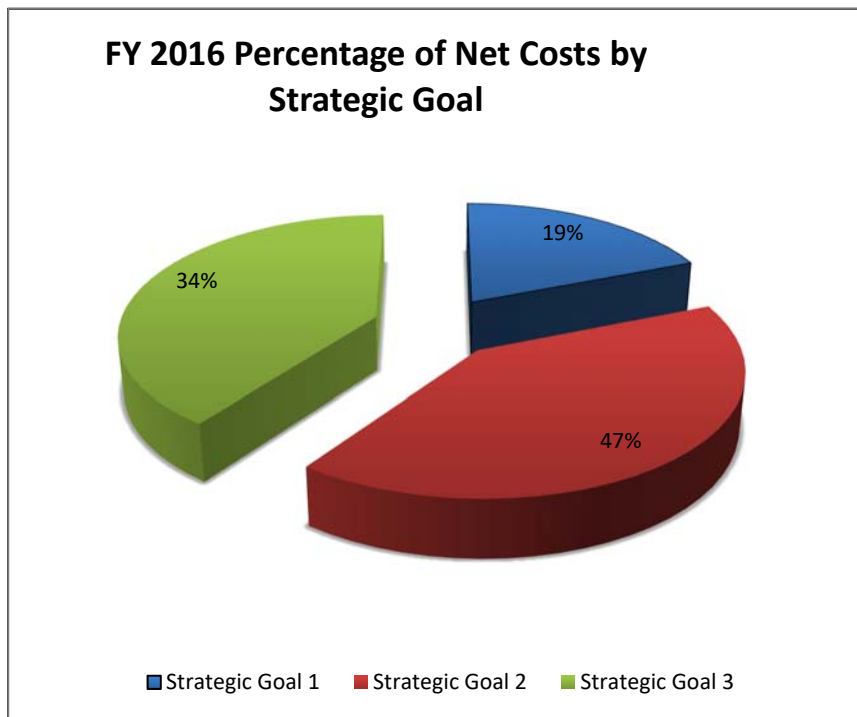
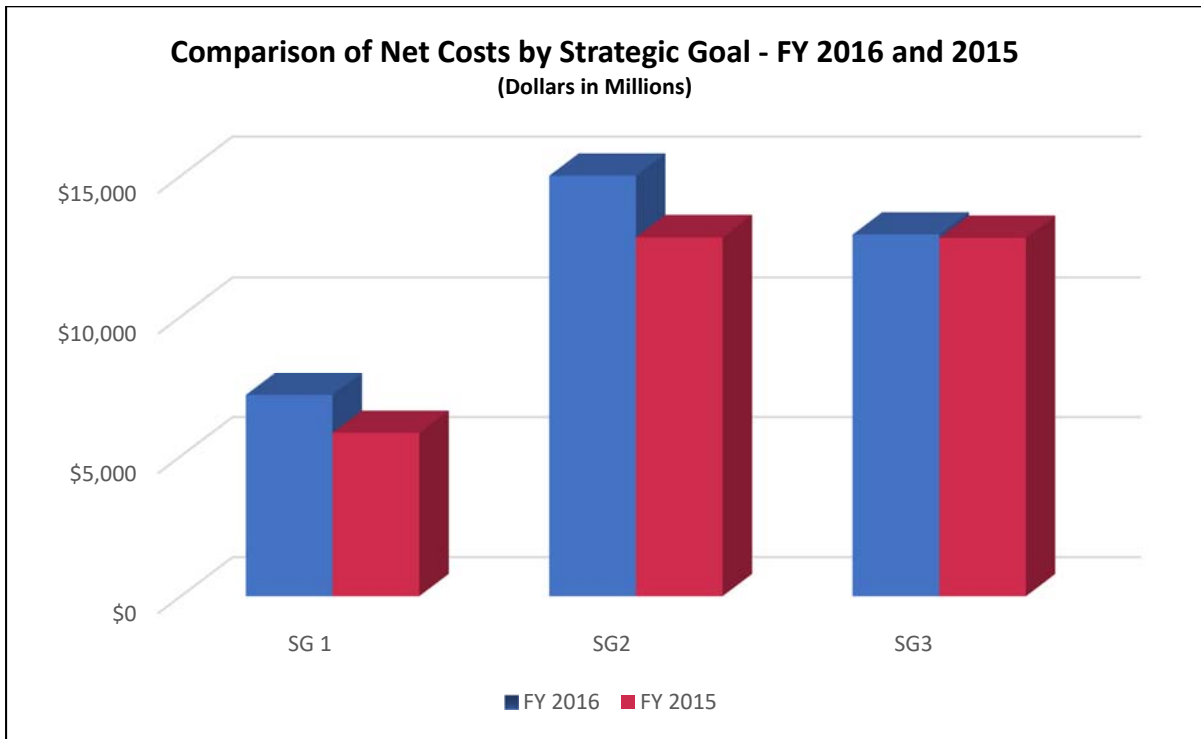
**Table 1. Sources of DOJ Resources**  
(Dollars in Thousands)

Source	FY 2016	FY 2015	% Change
<b>Earned Revenue:</b>	\$3,050,988	\$3,204,126	(4.78%)
<b>Budgetary Financing Sources:</b>			
Appropriations Received	31,668,095	27,469,971	15.28%
Appropriations Transferred-In/Out	378,414	360,483	4.97%
Nonexchange Revenues	1,521,189	2,647,335	(42.54%)
Donations and Forfeitures of Cash and Cash Equivalents	1,746,050	1,285,294	37.25%
Transfers-In/Out Without Reimbursement	(1,897,872)	1,199,292	(258.25%)
Other Budgetary Financing Sources	(80,767)	-	(100.00%)
Other Adjustments	(1,221,050)	(888,767)	37.39%
<b>Other Financing Sources:</b>			
Donations and Forfeitures of Property	200,868	337,358	(40.46%)
Transfers-In/Out Without Reimbursement	(1,619)	6,980	(123.19%)
Imputed Financing from Costs Absorbed by Others	801,660	830,074	(3.42%)
Other Financing Sources	(7,849)	(10,836)	(27.57%)
<b>Total DOJ Resources</b>	<b>\$36,176,107</b>	<b>\$36,441,310</b>	<b>(0.73%)</b>

**Table 2. How DOJ Resources Were Spent**  
(Dollars in Thousands)

Strategic Goal (SG)	FY 2016	FY 2015	% Change
<b>1</b> Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law			
Gross Cost	\$7,492,891	\$6,124,370	
Less: Earned Revenue	311,505	295,555	
<i>Net Cost</i>	7,181,386	5,828,815	23.20%
<b>2</b> Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law			
Gross Cost	19,009,890	14,299,789	
Less: Earned Revenue	1,338,387	1,481,475	
<i>Net Cost</i>	17,671,503	12,818,314	37.86%
<b>3</b> Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal, and International Levels			
Gross Cost	14,311,779	14,220,640	
Less: Earned Revenue	1,401,096	1,427,096	
<i>Net Cost</i>	12,910,683	12,793,544	0.92%
<b>Total Gross Cost</b>	<b>40,814,560</b>	<b>\$34,644,799</b>	
<b>Less: Total Earned Revenue</b>	<b>3,050,988</b>	<b>\$3,204,126</b>	
<b>Total Net Cost of Operations</b>	<b>\$37,763,572</b>	<b>\$31,440,673</b>	<b>20.11%</b>





Strategic Goal (SG) 1: Prevent Terrorism and Promote the Nation’s Security Consistent with the Rule of Law

Strategic Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law

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

## Analysis of Financial Statements

The Department's financial statements received an unmodified audit opinion for the fiscal years ended September 30, 2016 and 2015. These statements were prepared from the accounting records of the Department in accordance with the accounting principles generally accepted in the United States and Office of Management and Budget (OMB) Circular A-136, *Financial Reporting Requirements*. These principles are the standards promulgated by the Federal Accounting Standards Advisory Board (FASAB).

The following information highlights the Department's financial position and results of operations in FY 2016.

**Assets:** The Department's Consolidated Balance Sheet as of September 30, 2016, shows \$48.6 billion in total assets, a decrease of \$2.1 billion over the previous year's total assets of \$50.7 billion. Fund Balance with U.S. Treasury (FBWT) was \$30.6 billion, which represented 62.9% percent of total assets.

**Liabilities:** Total Department liabilities were \$21.2 billion as of September 30, 2016, an increase of \$2.6 billion from the previous year's total liabilities of \$18.6 billion. The increase is primarily related to additional funding to the September 11<sup>th</sup> Victim Compensation Fund and the new United States Victims of State Sponsored Terrorism Fund.

**Net Cost of Operations:** The Consolidated Statement of Net Cost presents Department's gross and net cost by strategic goal. The net cost of the Department's operations totaled \$37.8 billion for the fiscal year ended September 30, 2016, an increase of \$6.4 billion from the previous year's net cost of operations of \$31.4 billion. The increase is primarily related to additional funding to the September 11<sup>th</sup> Victim Compensation Fund and the new United States Victims of State Sponsored Terrorism Fund.

Brief descriptions of some of the major costs for each Strategic Goal are as follows:

Strategic Goal	Description of Major Costs
1	Includes resources dedicated to counterterrorism initiatives for ATF, CRM, DEA, FBI, NSD, USA, and USMS
2	Includes resources for the AFF/SADF, ATF, BOP, COPS, CRS, DEA, FBI, Foreign Claims Settlement Commission (FCSC), Organized Crime Drug Enforcement Task Forces (OCDETF), OJP, Office of Legal Counsel, Office of the Pardon Attorney (OPA), Office of the Solicitor General (OSG), OVW, USAs, USMS, INTERPOL Washington, USTP, ATR, CIV, CRT, CRM, ENRD, TAX and services to America's crime victims
3	Includes resources for BOP, EOIR, Fees and Expenses of Witnesses, FBI, FPI, OJP, USMS, and U.S. Parole Commission

Management and administrative costs, including the costs for the Department's leadership offices, JMD, and others, are allocated to each strategic goal based on full-time equivalent (FTE) employment.<sup>1</sup>


**Budgetary Resources:** The Department's FY 2016 Combined Statement of Budgetary Resources shows \$48.4 billion in total budgetary resources, an increase of \$2.0 billion from the previous year's total budgetary resources of \$46.4 billion. The increase is primarily related to an increase in budget authority for the September 11<sup>th</sup> Victim Compensation Fund and the new United States Victims of State Sponsored Terrorism Fund.

**Net Outlays:** The Department's FY 2016 Combined Statement of Budgetary Resources shows \$32.3 billion in net outlays, an increase of \$2.4 billion from the previous year's total net outlays of \$29.9 billion. The increase is due to payments for the September 11<sup>th</sup> Victim Compensation Fund.

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<sup>1</sup> FTE employment means the total number of regular straight-time hours (i.e., not including overtime or holiday hours) worked by employees, divided by the number of compensable hours applicable to each fiscal year. Annual leave, sick leave, compensatory time off, and other approved leave categories are considered "hours worked" for purposes of defining FTE employment.

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**SECTION II**  
**PERFORMANCE INFORMATION**  
**BY STRATEGIC GOAL**  
**AND OBJECTIVE**

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# Section II

## FY 2016 Annual Performance Report

### Overview

This section provides to the President, the Congress, and the public a snapshot of how the Department of Justice (DOJ or the Department) is working toward accomplishing its mission. The *FY 2016 Annual Performance Report* highlights the key goals and performance measures reflected in the FY 2014-2018 Strategic Plan with 30 key performance measures that align to the Plan's priorities and goals. The APR also highlights the Department's success in meeting some of its key performance measure targets in FY 2016. Each key performance measure also includes information related to data collection and storage, data validation and verification, and data limitations.

At the Department, performance planning and reporting is a companion to the budget process. We recognize that performance information is vital to making resource allocation decisions and should be an integral part of the budget.

In FY 2016, the Department continued to demonstrate a clear management commitment to timely and accurate financial and budget information through the use of Department-wide quarterly status reporting. Quarterly status reporting has provided the Department the ability to identify problems early, take necessary corrective actions, develop more effective strategies, and allocate necessary resources.

The *FY 2016 Annual Performance Report* presents the highest-level outcome-oriented measures available and reports on the accomplishments achieved during the reporting period. For this report, five years of data will be presented unless the performance outcome goal has been tracked or collected for less than five years, in which case all information is presented.

Additional programmatic and performance information can be found in individual components' budget submissions, specifically within the Performance and Resources Tables (<http://www.justice.gov/about/bpp.htm>).

# I

## STRATEGIC GOAL 1: Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law

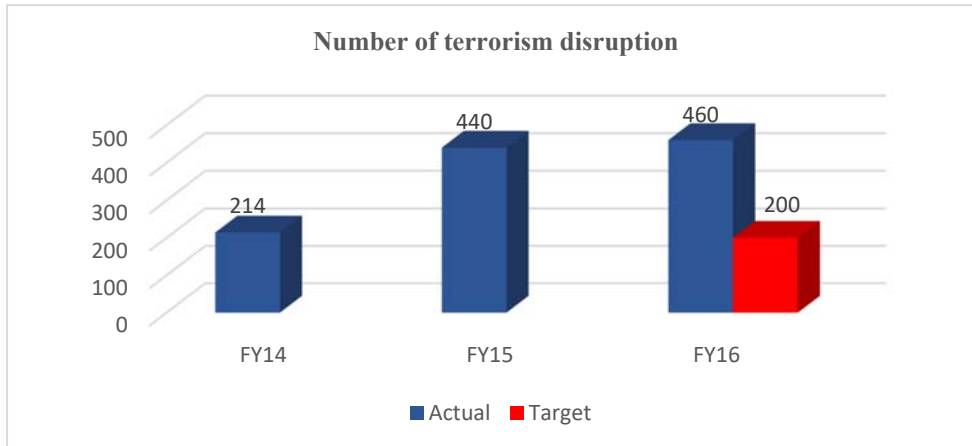
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Summary of Goal 1 Performance Results				
Strategic Objective	Performance Measure Name	FY 2016 Target	FY 2016 Actual	Met/Not Met
1.1	Number of terrorism disruptions [FBI]	200	460	Met
1.2	Percentage of counterterrorism defendants whose cases were favorably resolved [NSD]	90%	99%	Met
1.3	Percentage of counterespionage actions and disruptions against national counterintelligence priorities that result from FBI outreach [FBI]	10%	17%	Met
	Percentage of counterespionage defendants whose cases were favorably resolved [NSD]	90%	100%	Met
1.4	Number of computer intrusion program disruptions and dismantlements [FBI]	500	277	Not Met
	Percentage of cyber defendants whose cases were favorably resolved [NSD]	90%	100%	Met



## Performance Highlights from FY 2016

**Performance Measure:** *Number of terrorism disruptions [FBI]*



**Definition:** A disruption is defined as interrupting or inhibiting a threat actor from engaging in criminal or national security related activity. A disruption is the result of direct actions and may include, but is not limited to, the arrest; seizure of assets; or impairing the operational capabilities of key threat actors.

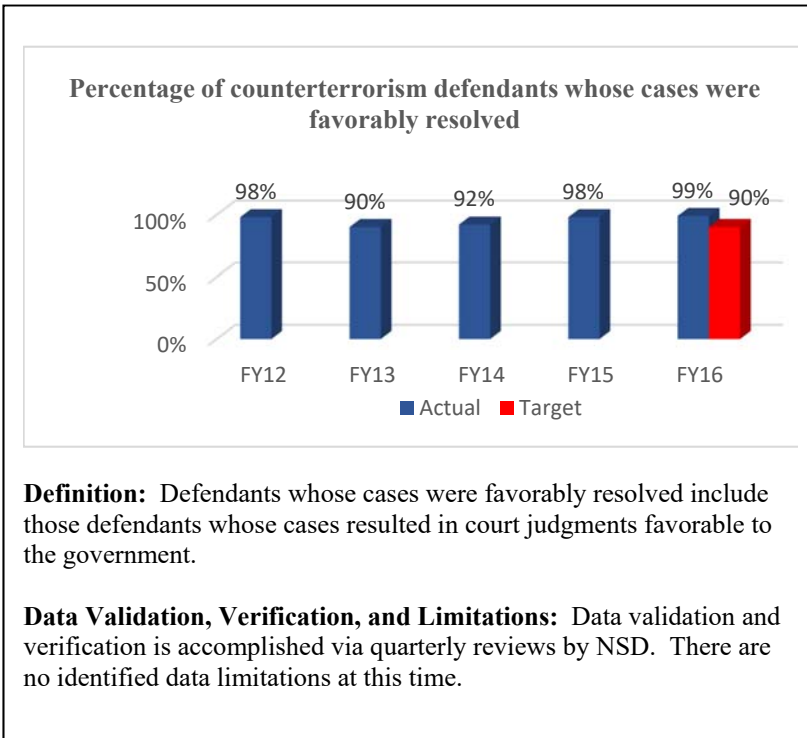
**Data Validation, Verification, and Limitations:** The FBI Counterterrorism Division's operational priorities are classified. Therefore, it is only possible to report aggregate data that lacks significant detail. Data is collected routinely and stored on a classified enterprise platform. Data will be validated and verified manually. Changes to prior year data may occur due to factors beyond the control of the FBI's data collection system.

**Discussion of FY 2016 Results:** The number of terrorism disruptions affected through counterterrorism investigations greatly surpassed the FY 2016 target. In executing the FBI's number one priority to protect the U.S. from terrorist attacks, disruptions remain a key statistic that directly speaks to the Bureau's counterterrorism responsibilities. For example, in July 2016, the Department indicted Mahin Khan on Terrorism, Conspiracy to Commit Terrorism, and Conspiracy to Commit Misconduct Involving Weapons after an investigation by the FBI's Joint Terrorism Task Force. The charges stem from an investigation into Khan's repeated communication and conspiracy with an individual whom he believed to be a fighter with the Islamic State in Iraq and Syria (ISIS). Also in FY 2016, an Uzbek national, Fazliddin Kurbanov, was sentenced to 25 years in federal prison for conspiring and attempting to provide material support to a designated foreign terrorist organization and possessing an unregistered destructive device. The case was also investigated by the FBI's Joint Terrorism Task Force.



**Performance Measure:** *Percentage of counterterrorism defendants whose cases were favorably resolved [NSD]*

**Discussion of FY 2016 Results:** The National Security Division exceeded its target for FY 2016. The following are highlights from recent counterterrorism cases.



In March 2016, Ibrahim Suleiman Adnan Adam Harun, aka “Spin Ghul,” was convicted on all counts of conspiring to: 1) murder U.S. nationals; 2) attack a government facility; 3) provide material support to a foreign terrorist organization; 4) use of firearms; 5) use of explosives; and 7) provision and attempted provision of material support to a foreign terrorist organization.

Beginning in 2001, the defendant traveled from Saudi Arabia to Afghanistan intending to fight violent jihad. He joined al-Qaeda, received military-type training at al-Qaeda training camps, and ultimately fought against United States and Coalition forces in

Afghanistan with an al-Qaeda fighting group based in Pakistan. Harun attempted to kill U.S. military personnel in Afghanistan between 2002 and 2003. Harun received further al-Qaeda training in Pakistan and traveled to Africa intending to conduct attacks on U.S. diplomatic facilities in Nigeria. While in Nigeria, Harun conspired with others to bomb such facilities. Harun then went to Libya in late 2004 with the intention of going to Europe so he could conduct an attack there. He was later arrested in Libya and, in June 2011, the Libyans deported him to Italy where he was arrested by Italian authorities. Harun was extradited to the United States in October 2012.

In September 2016, Ardit Ferizi was sentenced to 20 years’ imprisonment followed by 10 years of supervised release. Ferizi had pled guilty to one count of providing material support to the Islamic State of Iraq and al-Sham (ISIS), and one count of computer hacking. He was arraigned in February 2016 on an indictment, charging him with conspiring to provide material support to ISIS, providing material support to ISIS, computer hacking, and aggravated identity theft.

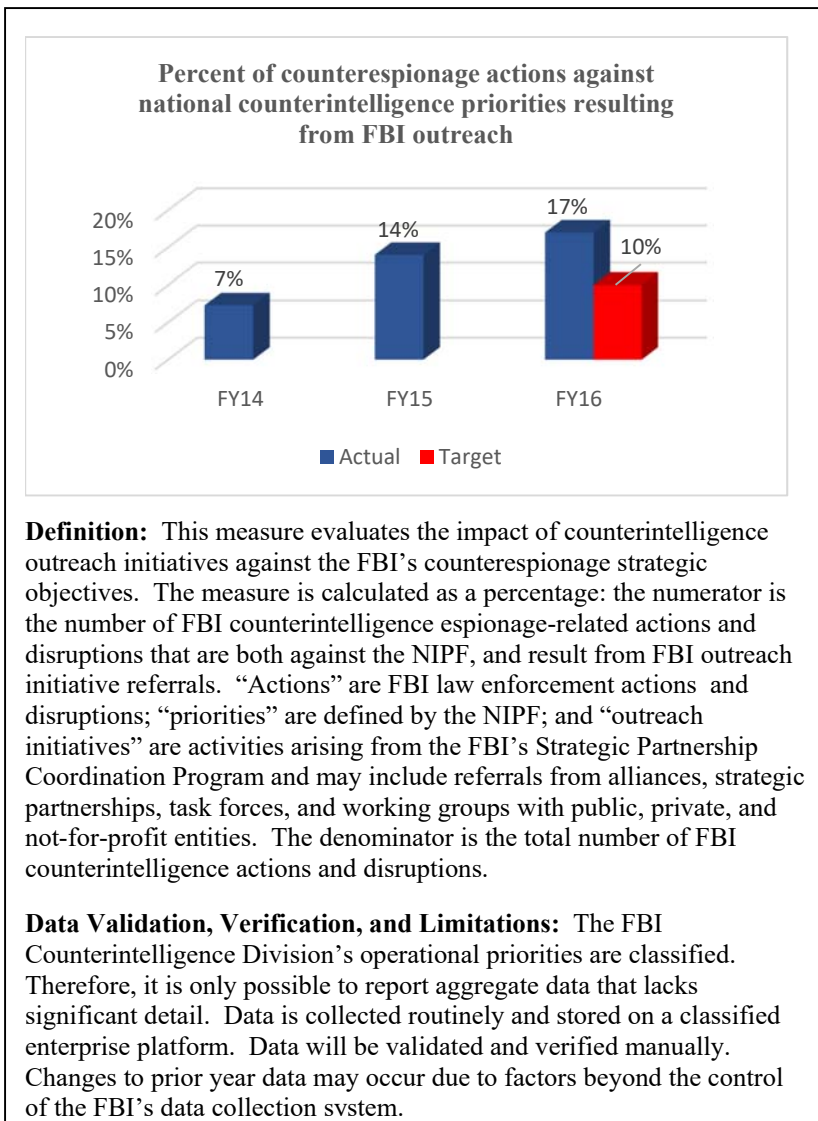
Ferizi was the leader of a Kosovo-based hacking group that gained unauthorized access to a U.S. company’s server and stole personally identifiable information (PII) belonging to more than 1,000 U.S. government employees, including military and law enforcement personnel. Ferizi provided the PII to ISIS member, Junaid Hussain, knowing the information would be used by ISIS to target the identified individuals for terrorist attacks.

In May 2016, a court in Uganda convicted eight defendants for their involvement in detonating suicide bomb devices at two locations in Kampala, Uganda, killing more than 76 people, including one American, and wounding scores of others, including four Americans. FBI personnel and DOJ prosecutors assisted Ugandan authorities in the investigation and prosecution of this attack.

**Performance Measure:** *Percent of counterespionage actions against national counterintelligence priorities resulting from FBI outreach [FBI]*

**Discussion of FY 2016 Results:** In FY 2016, espionage remained one of the FBI Counterintelligence (CI) Program’s highest priority threats. In addition to disrupting the traditional tradecraft used to penetrate secrets, national security, and economic/proprietary information, the FBI continued to disrupt and monitor new and advanced methods employed by foreign intelligence adversaries to penetrate U.S. entities. In FY 2016, 22 new espionage investigations were predicated as the result of private-sector outreach, representing 17% of the 138 new espionage investigations initiated that year.

Outreach is a long-standing FBI strategic priority, and field divisions are expected to evaluate regularly how they use partnerships to detect, report, neutralize, and disrupt foreign intelligence threats. The FBI must continue developing robust partnerships outside the intelligence and law enforcement communities, as hostile foreign intelligence services use more sophisticated techniques to penetrate key economic, national security, and technology sectors.



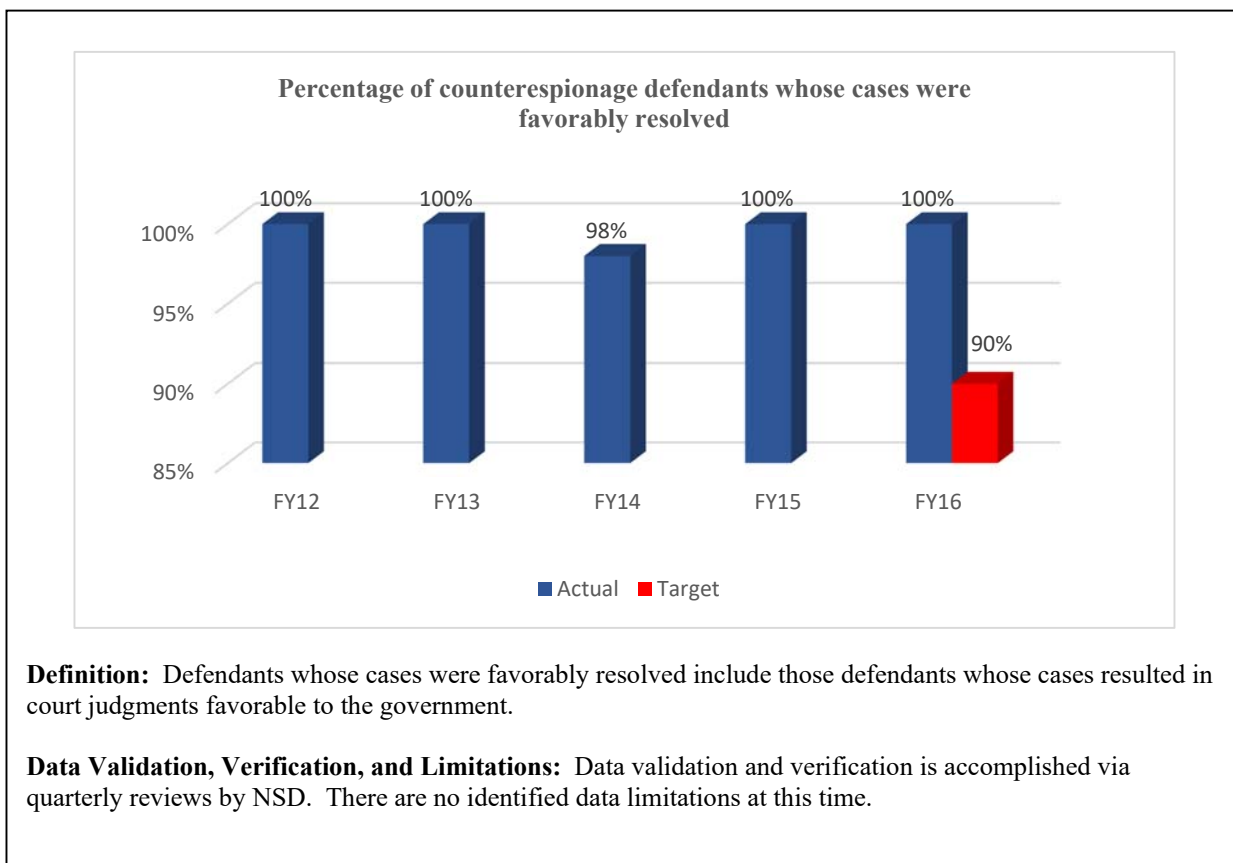
**Performance Measure:** *Percentage of counterespionage defendants whose cases were favorably resolved [NSD]*

**Discussion of FY 2016 Results:** The National Security Division exceeded its target for FY 2016. The following are highlights from recent counterespionage cases.

In January 2016, Mo Hailong a/k/a “Robert Mo” pled guilty to conspiracy to steal trade secrets. Mo was employed as director of international business of the Beijing Dabeinong Technology Group

Company. Mo admitted to participating in a long-term conspiracy to steal trade secrets from U.S. companies DuPont Pioneer and Monsanto. Mo further admitted to participating in the theft of inbred – or parent – corn seeds from fields in Iowa for transporting those seeds to China. The stolen inbred seeds constituted valuable intellectual property of DuPont Pioneer and Monsanto. Mo was sentenced to 36 months’ imprisonment.

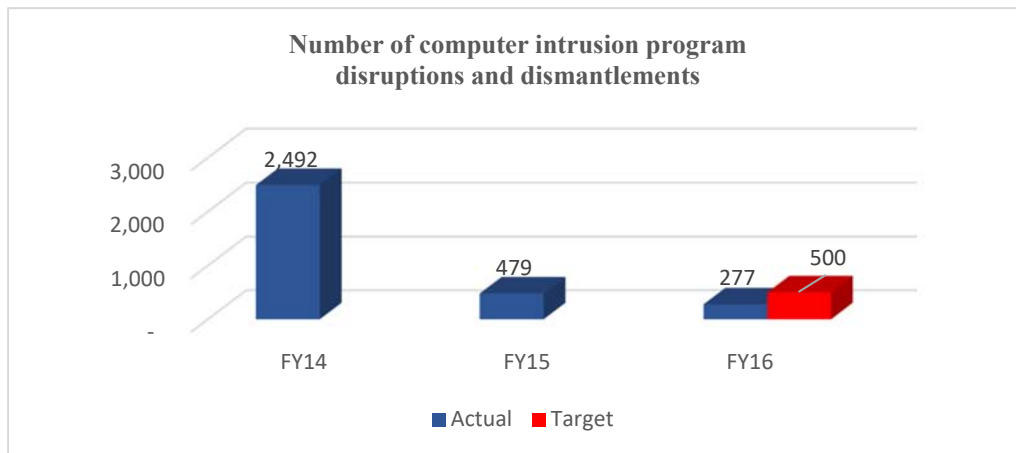
In March 2016, Evgeny Buryakov pled guilty to conspiring to act in the United States as an agent of the Russian Federation without providing prior notice to the Attorney General. Beginning in at least 2012, Buryakov worked in the United States as an agent of Russia’s foreign intelligence service, known as the SVR. Buryakov operated under non-official cover, meaning he entered and remained in the United States as a private citizen, posing as an employee in the New York office of Vnesheconombank, a Russian bank. Buryakov worked in New York with at least two other SVR officers serving under official cover, exchanging intelligence-related information while shielding their associations with one another as SVR officers. Buryakov was sentenced to 30 months’ imprisonment.



In August 2016, Kun Shan Chun a/k/a “Joey Chun,” pled guilty to acting in the United States as an agent of China without prior notification to the Attorney General. Chun worked at the FBI’s New York Field Office as an electronics technician with a Top Secret security clearance. Beginning in 2006, Chun received and responded to taskings from Chinese nationals (and at least one Chinese government official), some, if not all, of whom were aware that Chun worked at the FBI. On multiple occasions, at the direction of Chinese officials, Chun collected sensitive FBI information and caused it to be transmitted to the Chinese government official and others, while at the same time

engaging in a prolonged and concerted effort to conceal from the FBI his illicit relationships with these individuals. Chun was sentenced to 24 months' imprisonment and fined \$10,000.

**Performance Measure:** Number of computer intrusion program disruptions and dismantlements [FBI]



**Definition:** A disruption is defined as interrupting or inhibiting a threat actor from engaging in criminal or national security related activity. A disruption is the result of direct actions and may include but is not limited to the arrest; seizure of assets; or impairing the operational capabilities of key threat actors. Dismantlement means that the targeted organization's leadership, financial base and supply network has been destroyed, such that the organization is incapable of operating and/or reconstituting itself.

**Data Validation, Verification, and Limitations:** The FBI Cyber Division's operational priorities are classified. Therefore, it is only possible to report aggregate data that lacks significant detail. Data is collected routinely and stored on a classified enterprise platform. Data is validated and verified manually.

**Discussion of FY 2016 Results:** The FBI Cyber Division manages computer intrusion disruption and dismantlement operations, with the goal of eliminating the capabilities of a threat enterprise/organization engaged in criminal or national security related activities.

The Department was not able to meet the annual target for FY 2016. While the FBI had expected to reach the annual target of 500 computer intrusion program disruptions and dismantlements, the total for FY 2016 was only 277. The FBI cannot target or predict the number of computer intrusion program disruptions and dismantlements that will occur in any given year, due to the

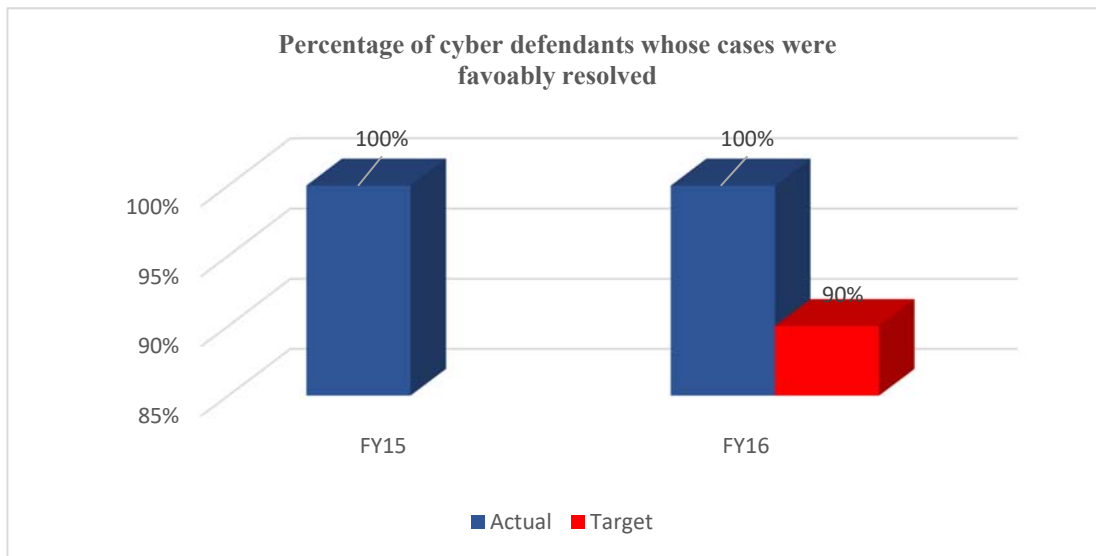


nature of operational campaigns.

FY 2016 was marked by significant collaboration with field offices and foreign partners. Due to this work, the FBI took down the Bayrob botnet alongside the Romanian National Police. This botnet was used for credit card and access credential theft, malware distribution, crypto mining of infected systems, and proxy services in support of additional fraud.

In addition, the FBI coordinated the actions of five field offices and headquarters to arrest three members of the hacktivist collective Lizard Squad for their roles in Distributed Denial of Service (DDoS) attacks against large gaming companies, “swatting” attacks against various individuals, and computer intrusions against other large organizations including IC3, AT&T, Incapsula, and the President of Sony. These key arrests significantly disrupted Lizard Squad’s operations.

**Performance Measure:** Percentage of cyber defendants whose cases were favorably resolved [NSD]



**Definition:** Defendants whose cases were favorably resolved include those defendants whose cases resulted in court judgments favorable to the government.

**Data Validation, Verification, and Limitations:** Data validation and verification is accomplished via quarterly reviews done by the Counterterrorism Section and the Counterespionage Section. There are no identified data limitations at this time.

**Discussion of FY 2016 Results:** The National Security Division exceeded its target for FY 2016. The following are highlights from recent cyber cases.

In July 2016, Chinese national, Su Bin, was sentenced to 46 months in prison. In March 2016, Su pled guilty to one count of conspiring to gain unauthorized access to a protected computer and to violate the Arms Export Control Act by exporting defense articles on the U.S. Munitions List contained in the International Traffic in Arms Regulations. Su admitted that he conspired with two persons in China from October 2008 to March 2014 to gain unauthorized access to protected computer networks in the United States – including computers belonging to the Boeing Company in

Orange County, California – to obtain sensitive military information and to export that information illegally from the United States to China.

In September 2016, Peter Romar, a Syrian national affiliated with the Syrian Electronic Army (SEA), pled guilty to felony charges of conspiring to receive extortion proceeds and conspiring to unlawfully access computers. According to the plea, beginning in approximately 2013, Romar and a co-conspirator engaged in an extortion scheme that involved hacking online businesses in the United States and elsewhere for personal profit. Court documents further alleged that the conspiracy gained unauthorized access to the victims' computers and then threatened to damage computers, delete data, or sell stolen data unless the victims provided extortion payments to the co-conspirator or Romar. If a victim could not make extortion payments to the conspiracy's Syrian bank accounts due to sanctions targeting Syria, Romar acted as an intermediary in Germany to evade those sanctions.

Also in September 2016, Ardit Ferizi, a citizen of Kosovo, was sentenced to 20 years in prison for providing material support to the Islamic State of Iraq and the Levant (ISIL), a designated foreign terrorist organization, and accessing a protected computer without authorization and obtaining information in order to provide material support to ISIL. In June 2016, Ferizi pleaded guilty to gaining system administrator-level access to a server that hosted the website of a U.S. victim company. The website contained databases with personally identifiable information (PII) belonging



to tens of thousands of the victim company's customers, including members of the military and other government personnel. Ferizi subsequently culled the PII belonging to U.S. military members and other government personnel, which totaled approximately 1,300 individuals. Ferizi then provided the PII belonging to the 1,300 U.S. military members and government personnel to Junaid Hussain, a now-deceased ISIL recruiter and attack facilitator. Ferizi and Hussain discussed publishing the PII of those 1,300 victims in a hit list.



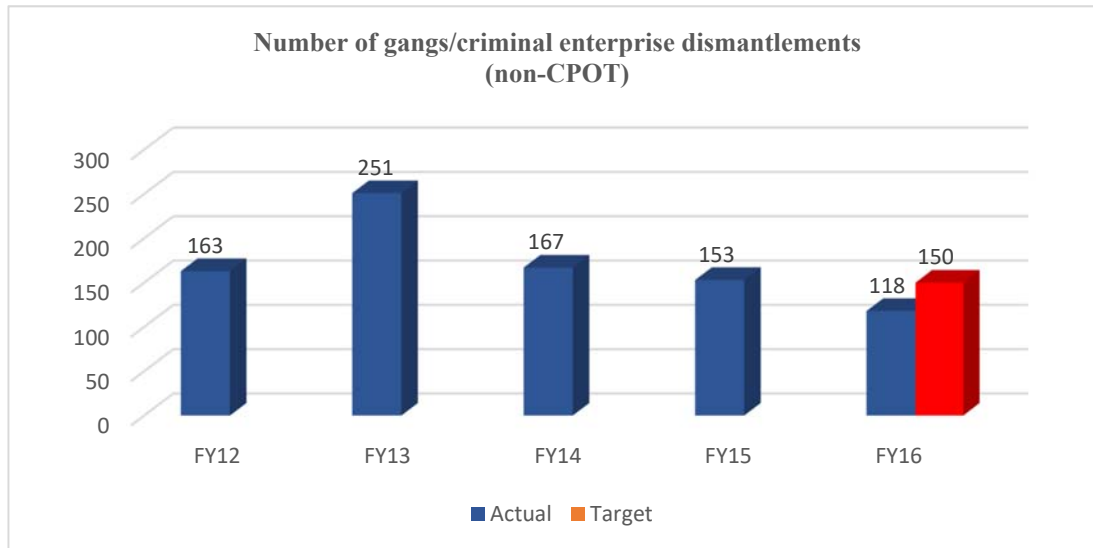
# II

## STRATEGIC GOAL 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law

Summary of Goal 2 Performance Results				
Strategic Objective	Measure Name	FY 2016 Target	FY 2016 Actual	Met/Not Met
2.1	Number of gangs/criminal enterprise dismantlements (non-CPOT) [FBI]	150	118	Not Met
	Percent of criminal cases favorably resolved [USA, CRM]	90%	93%	Met
2.2	Number of communities with improved capacity for a coordinated response to domestic violence, dating violence, sexual assault, and stalking [OVW]	4,050	5,486	Met
	Percent of children recovered within 72 hours of an issuance of an AMBER alert [OJP]	90%	96%	Met
2.3	Consolidated Priority Organization Target-linked drug trafficking organizations [DEA, FBI, OCDETF] -dismantled	188	185	Met
	-disrupted	233	268	Met
2.4	Number of criminal enterprises engaging in white-collar crimes dismantled [FBI]	385	342	Not Met
	Percentage of dollar amounts sought by the government recovered [CIV]	85%	88%	Met
2.5	Percent of civil rights cases favorably resolved: criminal cases [CRT]	85%	85%	Met
	Percent of civil rights cases favorably resolved: civil cases [CRT]	85%	100%	Met%
2.6	Case resolution for DOJ litigating divisions – percent of criminal cases favorably resolved [ATR, CIV, ENRD, TAX]	90%	93%	Met
	Case resolution for DOJ litigating divisions – percent of civil cases favorably resolved [ATR, CIV, ENRD, TAX]	80%	81%	Met

## Performance Highlights from FY 2016

**Performance Measure Name:** Number of gangs/criminal enterprise dismantlements (non-CPOT) [FBI]

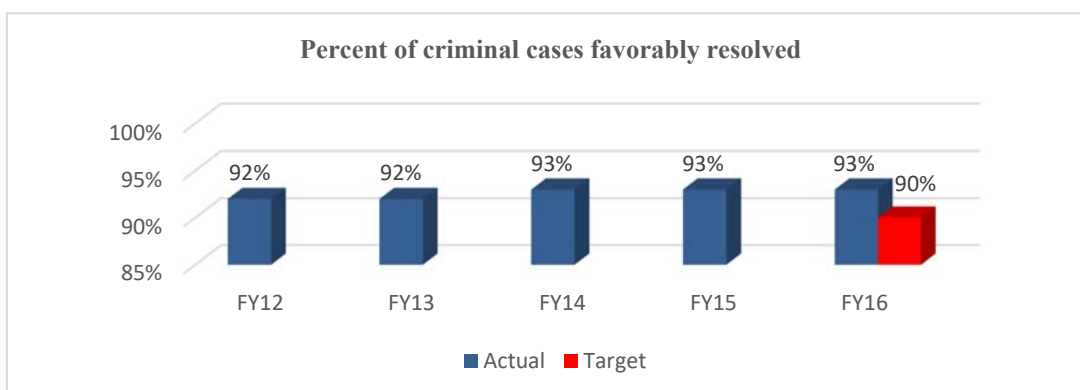


**Definition:** A dismantlement means that the targeted organization's leadership, financial base and supply network have been destroyed, such that the organization is incapable of operating and/or reconstituting itself.

**Data Validation, Verification, and Limitations:** Accomplishment and caseload data are obtained from the FBI's Resource Management Information System, which houses the Integrated Statistical Reporting and Analysis Application and Monthly Administrative Report applications that report these data. Data are verified by an FBI field manager before being entered into that system and are subsequently verified through the FBI's Inspection process. Other non-standardized data are maintained in files by their respective FBI Headquarters programs. FBI field personnel are required to enter accomplishment data within 30 days of the accomplishment or a change in the status of an accomplishment, such as those resulting from appeals.

**Discussion of FY 2016 Results:** The FBI did not meet its FY16 goal of 150 gangs/criminal enterprise dismantlements. However, the accomplishments exceed the target average for the previous four years. Instrumental to the FBI's continued success in combating gangs/criminal enterprises has been its working partnerships with federal, state, and local law enforcement counterparts. Currently, the FBI manages and oversees 169 Violent Gang Safe Streets Task Forces. Since 1992, the FBI's Safe Streets Task Forces have been and continue to be at the forefront of the federal government's campaign against violent gangs and violent crimes throughout the nation.

**Performance Measure Name:** Percent of criminal cases favorably resolved [USAO, CRM]



**Definition:** Cases favorably resolved for USAO include those cases that resulted in court judgments favorable to the government, as well as settlements. Favorable resolution for CRM is measured at the defendant level and reported at the conviction stage of the case. Only defendants in violent crime cases in CRM are included. For the purpose of measuring these cases, CRM uses a set of program categories to identify violent crime cases.

**Data Validation, Verification, and Limitations:** USAOs routinely examines current and historical data sets, as well as looks toward the future for trends to ensure the data are as accurate and reliable as possible and targets are ambitious enough given the resources provided. USAOs also maintain the accuracy and integrity of the statistical data maintained in the Legal Information Online Network System, which contains information on matters, cases, and appeals handled by the USAOs, and the companion USA-5 reporting system, which tracks how USAO personnel spend their time. The data is reviewed by knowledgeable personnel; attorneys and support personnel are responsible for ensuring the local procedures are followed for maintaining the integrity of the data in the system. CRM captures all litigation data in its Automated Case Tracking System (ACTS). The Section Chief in each of the litigating sections validates data in ACTS quarterly.

**Discussion of FY 2016 Results:** This performance measure is a combined effort between CRM and USAOs.

In FY 2016, CRM, along with USAOs from around the country, continued to prosecute violent offenders in complex violent crime cases. One example of this effort is CRM's Organized Crime and Gang Section (OCGS), which worked intensively with USAOs on a sprawling investigation into the Gangster Disciples, a Chicago-based gang with a presence throughout the United States. OCGS aggressively investigated this case involving extortion, insurance fraud, weapons trafficking, murder, and other crimes of violence, and, in April 2016, obtained a 36-defendant indictment in Atlanta. Simultaneously, OCGS helped develop a 16-defendant companion case in Memphis, Tennessee, and has helped coordinate additional investigations in Nashville, Tennessee; Birmingham, Alabama; and Hattiesburg, Mississippi. Through a thorough and aggressive use of Title III interceptions, cooperating witnesses, and other evidence, OCGS is developing a global prosecution strategy that could well result in practically dismantling this gang's highest nationwide leadership, thus achieving a core purpose of OCGS and the Criminal Division, while greatly reducing gang violence throughout the United States.

Another example is CRM's Capital Case Section (CCS), handling the re-trial of a case which arose in 2000 when Donald Fell (and his accomplice) kidnapped and carjacked 56-year old Teresca King, a stranger to Fell, in Rutland, Vermont. In an effort to distance themselves from a heinous double murder (of Fell's mother and her friend), they had committed approximately an hour earlier, Fell and his accomplice drove Mrs. King to a secluded and wooded location in Dover, NY, where they beat and stomped her, fractured her skull with large rocks, and Fell crushed her throat with his boot. They were arrested several days later in Arkansas, still driving the victim's vehicle. In 2005, Fell was convicted and sentenced to death. Fell's conviction and sentence were affirmed on direct and collateral appeals by the Second Circuit, and the Supreme Court twice denied certiorari. However, in 2014, the District Court granted Fell a new trial based on the alleged misconduct of one of the jurors in the 2005 trial. In the interim, while on death row, Fell attempted to murder a fellow inmate by stabbing him through the neck with a 10-inch homemade shank.

As part of the pre-trial litigation in this case, the court granted the defense request to hold an unprecedented hearing on the constitutionality of the Federal Death Penalty Act. CCS attorneys spent many months preparing for this hearing, which was held in July 2016. This case, U.S. v. Fell, is the first case in which a court required parties to present expert witnesses to testify regarding various studies relating to policy considerations affecting the death penalty, including racial and geographical disparities in the application of the death penalty; national trends in popular and legislative support for the death penalty; and the deterrent impact of the existence and application of death penalty statutes.



For USAOs, prosecution of violent gangs and offenders continue to be a priority. In addition to cases prosecuted along with OCGS, here are a small selection of cases and events from FY 2016 that illustrate the efforts of USAOs in prosecuting and addressing large-scale violent crime:

- In February 2016, the Executive Office for U.S. Attorneys (EOUSA) facilitated and organized the Deputy Attorney General (DAG)-initiated Violent Crime Summit: Concrete Problems and Concrete Solutions, held at the National Advocacy Center. The Summit focused on promising strategies and interdiction methods to address spikes in violent crime. The Summit provided a forum for discussing recent violent-crime challenges, and served as a vehicle for sharing effective antiviolence strategies from across the country. Representatives from almost every USAO attended. Several representatives from ATF, DEA, FBI, Homeland Security

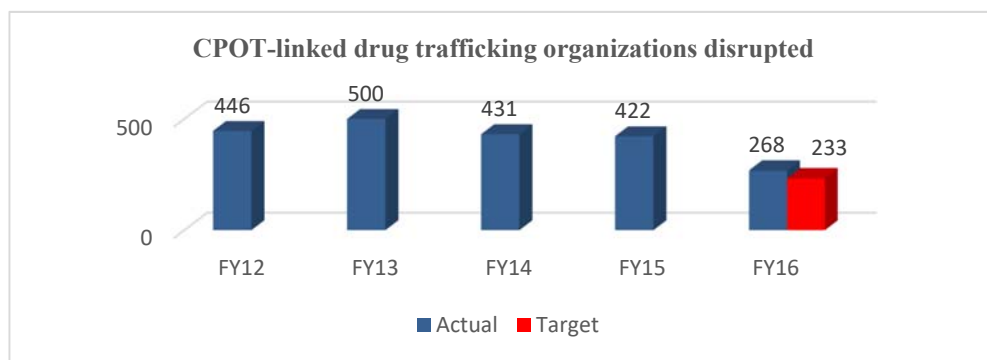
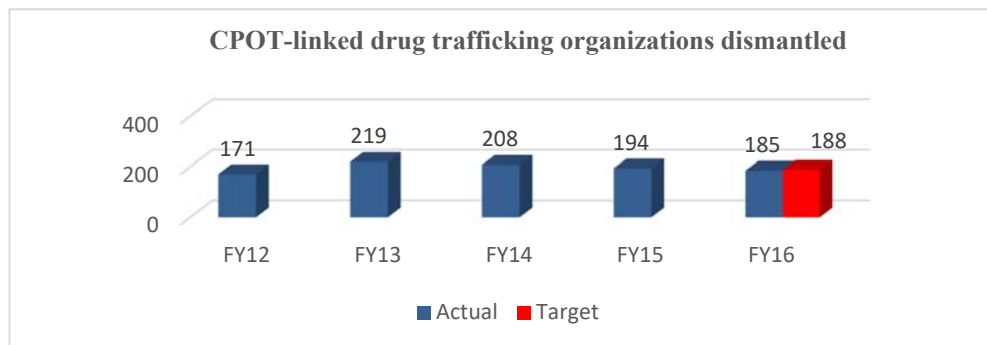
Investigations (HSI), and USMS participated as presenters or students. Criminal-justice academics from Michigan State University, John Jay College of Criminal Justice, and Yale University, as well as representatives from DOJ Office of Justice Programs also presented. Altogether, the Summit hosted approximately 175 participants. EOUSA prepared a summary of the Summit's sessions for the entire USAO antiviolence community.

- EOUSA assisted the Solicitor General's office with the appellate litigation surrounding *Voisine v. U.S.* This resulted in a victory on June 27, 2016 when the Supreme Court decided *Voisine v. U.S.*, 136 S. Ct. 2272 (2016), holding that a state domestic-assault conviction with a *mens rea* of recklessness qualifies as a predicate "misdemeanor crime of domestic violence" under 18 U.S.C. § 922(g)(9). The case emanated from Maine, where two convicts alleged their convictions, under state law for simple assault and misdemeanor domestic-violence assault, do not automatically qualify as misdemeanor crimes of domestic violence because both provisions of the Maine law can be violated by conduct that is merely reckless, rather than intentional.

The First Circuit rejected their argument and upheld the convictions, but the Supreme Court granted *certiorari*. More than 30 states have state assault statutes that include a recklessness *mens rea*, so the holding that 922(g)(9) encompasses recklessness is a welcome bolstering of the USAOs' ability to bring 922(g)(9) cases and to try and keep firearms out of the hands of dangerous domestic violence offenders.

- EOUSA prepared and distributed issues of the Violent-Crime Gazette, a newsletter dedicated to the violent-crime issues faced by the USAO community. The September 2016 issue discussed the Supreme Court decision in June 2016 in *Mathis v. U.S.*, 136 S. Ct. 2243 (2016). The decision holds that because the elements of Iowa's burglary law (applying to "any building, structure, [or] land, water, or air vehicle") are broader than those of generic "burglary" (requiring unlawful entry into a "building or other structure"), prior convictions under the Iowa burglary law do not provide a predicate to a sentence enhancement under the Armed Career Criminal Act (ACCA). The decision expanded the Court's jurisprudence on the modified-categorical approach, which is sometimes used to determine whether a predicate conviction qualifies under ACCA. The Court held this approach is available only if the statute of conviction is divisible by "elements" rather than "means." Because of *Mathis*, the Criminal Division's Appellate Section, issued guidance in 2016 addressing the application of *Mathis* to particular offenses and in different procedural contexts. The guidance also clarifies a few lingering residual-clause issues, including the application of *Johnson* (a Supreme Court case) to guidelines claims raised on collateral review, and updates the defense of the residual clause under 18 U.S.C. §§ 16 and 924(c).

**Performance Measure Name:** Consolidated Priority Organization Target (CPOT)-linked drug trafficking organizations dismantled and disrupted [DEA, FBI, OCDETF]



**Definition:** An organization is considered linked to a CPOT if credible evidence exists of a nexus between the primary investigative target and a CPOT target, verified associate, or component of the CPOT organization. A credible link to a CPOT indicates the primary investigative target, if not a CPOT, is six degrees away from the CPOT. This ensures investigations are focusing on the highest levels of TCO leadership with the ability to impact and investigate the CPOTs themselves. Disrupted means impeding the normal and effective operation of the targeted organization, as indicated by changes in the organizational leadership and/or changes in methods of operation. Dismantled means destroying the organization's leadership, financial base, and supply network such that the organization is incapable of reconstituting itself.

**Data Validation, Verification, and Limitations:** The CPOT List is updated semi-annually. Each OCDETF agency has an opportunity to nominate targets for addition to or deletion from the List. Nominations are considered by the CPOT Working Group. Based upon the Working Group's recommendations, the OCDETF Operations Chiefs decide which targets will be added to or deleted from the CPOT List. Once a CPOT is added to the List, OCDETF investigations can be linked to that CPOT. The OCDETF links are reviewed and confirmed by OCDETF field managers using the OCDETF Fusion Center, agency databases, and intelligence information. Field recommendations are reviewed by the OCDETF Executive Office. In instances where a link is not fully substantiated, the sponsoring agency is given the opportunity to follow-up. Ultimately, the OCDETF Executive Office "un-links" any investigation for which sufficient justification has not been provided. When evaluating disruptions/dismantlements of CPOT-linked organizations, OCDETF verifies reported information with the investigating agency's headquarters.

Investigations of CPOT-level targets and the TCOs they lead are complex and time-consuming, and the impact of disrupting/dismantling such a network may not be immediately apparent. Data may lag behind enforcement activity.

**Discussion of FY 2016 Results:** The Department met its FY 2016 target and achieved noteworthy results in dismantling and disrupting CPOT-linked drug trafficking organizations. The Department successfully dismantled 185 CPOT-linked organizations, only falling short of the FY 2016 target (188) by 3 or 1.6%. The Department disrupted 268 CPOT-linked organizations in FY 2016, exceeding the target for disruptions by 15%.

A total of 453 CPOT-linked organizations were either dismantled or disrupted during FY 2016. This achievement exceeded the Department's goals for disruptions and dismantlements by 8%. The totals reported in FY 2016 reflect DEA's amended reporting protocols, which do not include Category D PTOs (disrupted pending dismantlements) in the total number of Disruptions.

In addition to making important gains against CPOT-linked organizations in FY 2016, OCDETF agencies continued to achieve significant successes against the CPOTs themselves. Over the course of the last year, three CPOT targets were dismantled and three CPOT targets were disrupted. Furthermore, six CPOTs were arrested; and five CPOTs were extradited to the United States.

Drug trafficking organizations linked to the six CPOT targets disrupted and dismantled in FY 2016 have generated 69 OCDETF investigations and 226 indictments, which have resulted in more than 800 defendants charged and nearly 600 convictions, combined over the course of these investigations.



Law enforcement activity targeting these CPOTs involved complex and coordinated intelligence driven investigations, with cooperation between U.S. law enforcement agencies and international partners due to the global nature of these transnational drug trafficking organizations.

The Department's FY 2016 successes against dismantling CPOT-linked drug trafficking organizations, as well as the significant enforcement actions against CPOTs themselves, have resulted in keeping multi-ton quantities of illegal drugs from ever entering the United States.

The Department has also made a significant impact on the financial systems that support the drug trade by charging and convicting high-level targets that conduct or facilitate illicit financial activity, and by seizing and forfeiting their assets.

Drug trafficking organizations linked to the FY 2016 disrupted and dismantled CPOT targets have led to more than \$141 million in seizures, \$126 million in forfeitures, and \$66 million in money judgments.

# III

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

Summary of Goal 3 Performance Results				
Strategic Objective	Measure Name	FY 2016 Target	FY 2016 Actual	Met/Not Met
3.1	Percent of grantees implementing one or more evidence-based programs [OJP/OJJDP]	53%	71%	Met
3.2	Assaults against protected court members [USMS]	0	0	Met
3.3	Percent of system-wide crowding in federal prisons [BOP]	14%	16%	Met
3.4	Number of inmate participants in the Residential Drug Abuse Treatment Program [BOP]	18,511	17,	Not Met
	Percent of youths who exhibit a desired change in the targeted behavior [OJP]	72%	68%	Not Met
3.5	Percent and number of USMS federal fugitives apprehended or cleared [USMS]	60% / 29,124	67% / 32,831	Met / Met
	Number of red and green notices published on U.S. fugitives and sex offenders [INTERPOL Washington]	Red-501 Green-816	Red-384 Green-566	Not Met Not Met
3.6	Number of training sessions or presentations given with the goal of building the capacity of foreign law enforcement, prosecutors, and judicial systems regarding the investigation and prosecution of serious criminal offenses, including genocide and mass atrocities [CRM]	4,038	5,695	Met



Strategic Objective	Measure Name	FY 2016 Target	FY 2016 Actual	Met/Not Met
3.7	Percent of Institutional Hearing Program cases completed before release [EOIR]	85%	72%	Not Met
	Percent of detained cases completed within 60 days [EOIR]	80%	67%	Not Met
	Percent of detained appeals completed within 150 days [EOIR]	90%	98%	Met
3.8	Number of meetings conducted with the Tribal Nations Leadership Council and the OTJ to further the government-to-government relationship between tribes and the Department, obtain perspective on the Department's activities in Indian Country, and raise issues that have tribal implications [OTJ]	10	12	Met
	Number of individuals in Indian Country that are receiving substance abuse treatment services (in-patient or out-patient), including Healing-to-Wellness Court [OJP]	12,000	1,100	Not Met

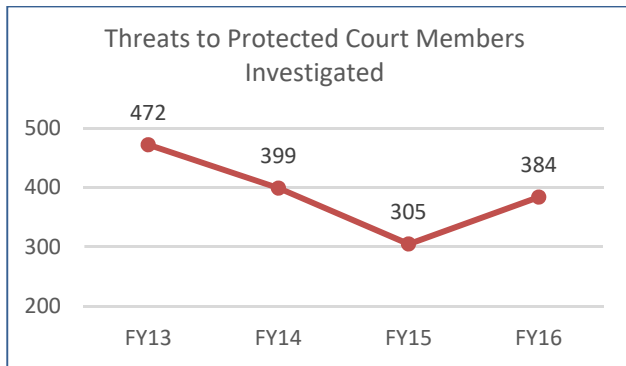
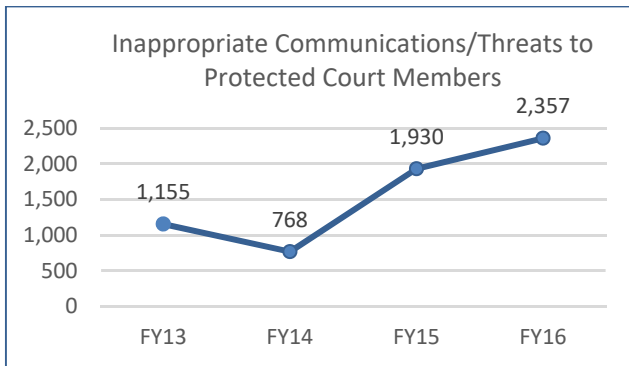
## Performance Highlights from FY 2016

**Performance Measure Name:** Assaults against protected court members [USMS]

	FY 2013	FY 2014	FY 2015	FY 2016
Target	0	0	0	0
Actual	0	0	0	0

**Definition:** Assaults against protected court members are any criminal assaults motivated by the protectee’s status within the court.

**Data Validation, Verification, and Limitations:** Numbers are calculated based on case reporting from Justice Detainee Information System and are validated against Judicial Security Division/Office of Protective Intelligence case tracking records. This data is accessible to all districts and updated as new information is collected. There may be a lag in the reporting of data.



**Discussion of FY 2016 Results:** In FY 2016, USMS met its target of zero assaults against protected court members by focusing resources on the following objectives:

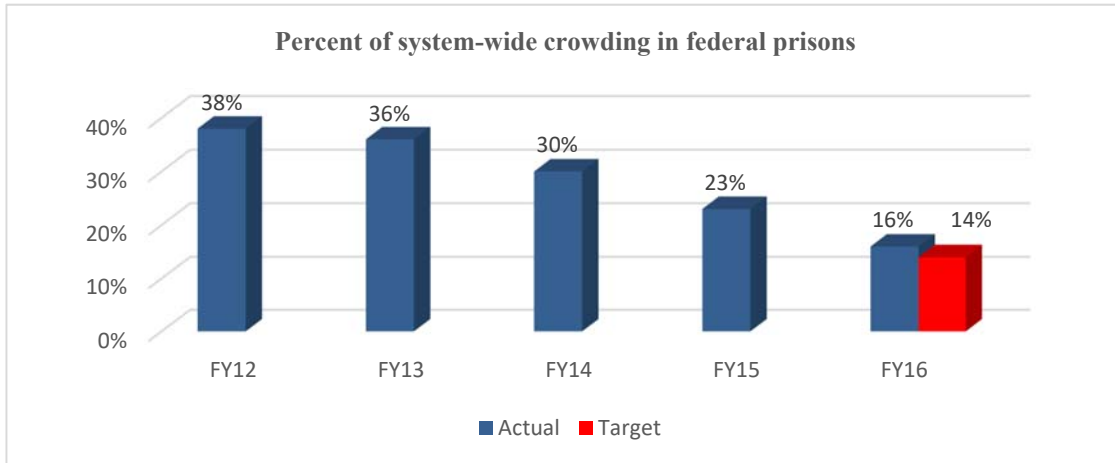
1. reducing the potential for harm to protected persons through preventive security measures and implementation of threat-based protective methodology protocols;
2. increasing the effectiveness of USMS intelligence capabilities;
3. strengthening the Judicial Facility Security Program to ensure efficient and effective court security;
4. improving the management and structure of the judicial security mission set; and
5. managing the complexities of long-term protection.

The USMS maintains the integrity of the federal judicial system by ensuring that U.S. Courthouses, federal buildings, and leased facilities occupied by the federal judiciary and the USMS are secure and safe from intrusion by individuals and technological devices that can disrupt the judicial process.

This guarantees that federal judges, attorneys, defendants, witnesses, jurors, and others can participate in uninterrupted court proceedings. USMS also assesses threatening communications and provides protective details to federal judges or other members of the judicial system; and maintains the custody, protection, and security of prisoners and the safety of material witnesses for appearance in court proceedings. USMS limits the opportunities for criminals to tamper with evidence or use intimidation, extortion, or bribery to corrupt judicial proceedings. USMS also supports the safe overseas travel of U.S. judicial personnel by remaining abreast of changes to the threat environment.



**Performance Measure:** Percent of system-wide crowding in federal prisons [BOP]



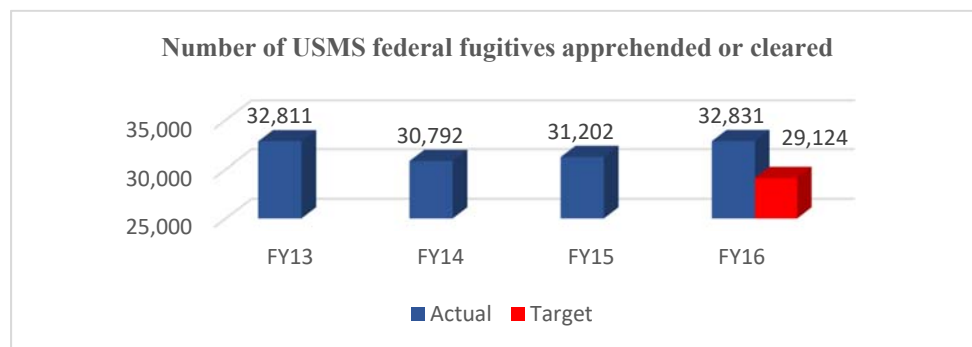
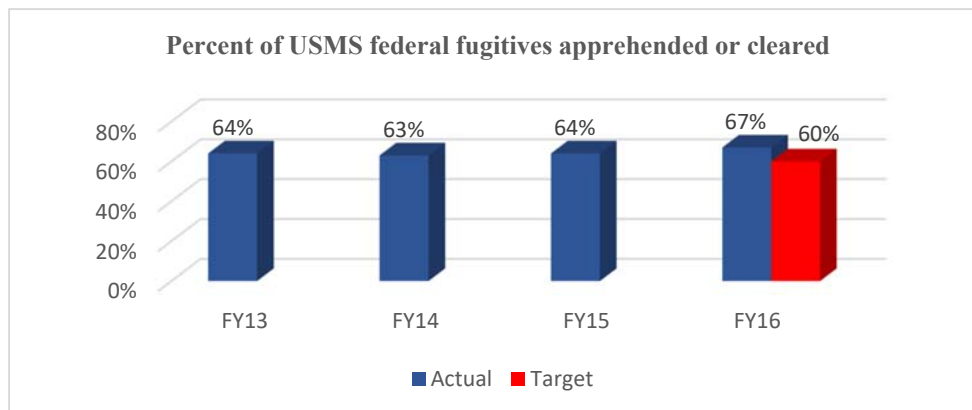
**Definition:** The crowding levels are based on a mathematical ratio of the number of inmates divided by the rated capacity of the institutions at each of the specific security levels. The percent of crowding represents the rate of crowding that is over rated capacity. For example, if an institution had a number of inmates that equaled the rated capacity, this would represent 100 percent occupancy, which equals zero percent crowding. Any occupancy above 100 percent represents a percentage of crowding. System-wide: represents all inmates in BOP facilities and all rated capacity, including secure and non-secure facilities, low, medium, and high security levels, as well as administrative maximum, detention, medical, holdover, and other special housing unit categories. Minimum security facilities: non-secure facilities that generally house non-violent, low risk offenders with shorter sentences. These facilities have limited or no perimeter security fences or armed posts. Low security facilities: double-fenced perimeters, mostly dormitory housing, and strong work/program components. Medium security facilities: strengthened perimeters, mostly cell-type housing, work and treatment programs and a lower inmate-to-staff ratio than low security facilities. High security facilities: also known as U.S. Penitentiaries, highly secure perimeters, multiple and single cell housing, lowest inmate-to-staff ratio, close control of inmate movement.

**Data Validation, Verification, and Limitations:** Subject matter experts review and analyze population and capacity levels daily, both overall and by security level. BOP institutions print a SENTRY report, which provides the count of inmates within every institution cell house. The report further subdivides the cell houses into counting groups, based on the layout of the institution. Using this report, institution staff conducts an official inmate count five times per day to confirm the inmate count within SENTRY. The BOP Capacity Planning Committee (CPC) comprised of top BOP officials, meets quarterly to review, verify, and update population projections and capacity needs for the BOP. The BOP Office of Research and Evaluation collect offender data regularly from the Administrative Office of the U.S.Courts in order to project population trends. The CPC reconciles bed space needs and crowding trends to ensure that all available prison space is fully utilized, both in federal prisons and in contract care.

**Discussion of FY 2016 Results:** The BOP population decreased by 13,553 in FY 2016. This decrease was less than the initially projected decrease of 15,651. This resulted in a crowding rate that was greater than expected.

Population projections are based on data and information from a variety of sources including the Administrative Office of the U.S. Courts, the U.S. Sentencing Commission, other DOJ components, and BOP's own information system (SENTRY).

**Performance Measure:** Percent and number of USMS federal fugitives apprehended or cleared [USMS]



**Definition:** The percent cleared is calculated by taking the number of fugitives who were arrested, had a detainer issued, or had a warrant dismissed divided by the sum of received fugitives (fugitives that had a warrant issued during the fiscal year) and on-hand fugitives (fugitives that had an active warrant at the beginning of the fiscal year).  
 Note: this measure was first reported using this data and definition in FY 2013.

**Data Validation, Verification, and Limitations:** Warrant and fugitive data is verified by a random sampling of National Crime Information Center (NCIC) records generated by the FBI. The USMS coordinates with district offices to verify that warrants are validated against the signed paper records. The USMS then forwards the validated records back to the NCIC. This data is accessible to all districts and updated as new information is collected. Closing a subject/warrant in the Justice Detainee Information System can be a lengthy process as reports have to be written and certain checks (NCIC, detainers, etc.) must be completed prior to the subject/warrant being closed, which can lead to a data lag for this measure.

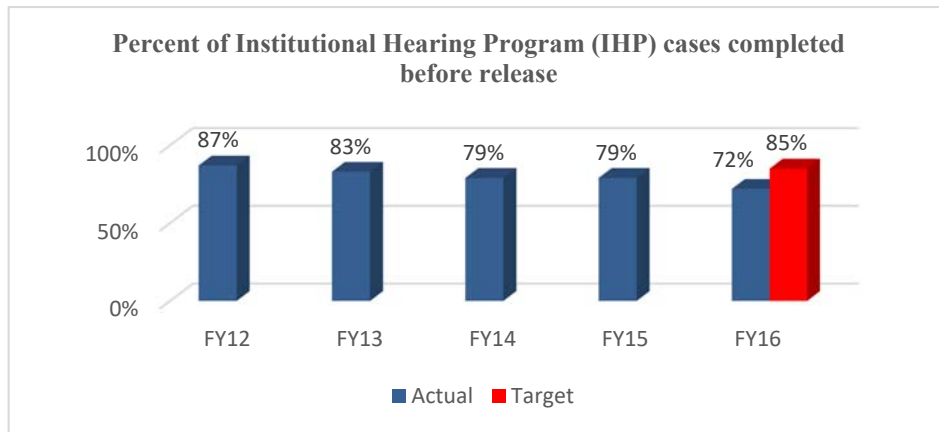
**Discussion of FY 2016 Results:** One of the challenges facing the fugitive apprehension program is the volume of program responsibility. To affect the greatest public protection, the fugitive program focuses on the most egregious federal, state and local offenders. Historically, local, state, and federal agencies have worked closely together to find and apprehend dangerous fugitives. The six-week operation targeted 12 cities identified as experiencing a significant increase in violent crime and resulted in the arrest of 8,075 violent fugitives, gang members, and sex offenders.



In FY 2016, the fugitive apprehension program focused on maximizing the efficiency of fugitive apprehensions and ensuring the stability and safety of USMS international investigative missions while strategically expanding the USMS footprint and capabilities around the globe. With the globalization of crime and the mobility of fugitives,

an intensive effort is required to address the increasing number of fugitives wanted by the United States who have fled to a foreign country to avoid prosecution or incarceration and those wanted by a foreign nation and believed to be in the United States. The USMS responded by increasing its INTERPOL participation and establishing the INTERPOL Liaison program to enhance capabilities to identify, locate, and apprehend foreign fugitives.

**Performance Measure:** Percent of Institutional Hearing Program (IHP) cases completed before release [EOIR]

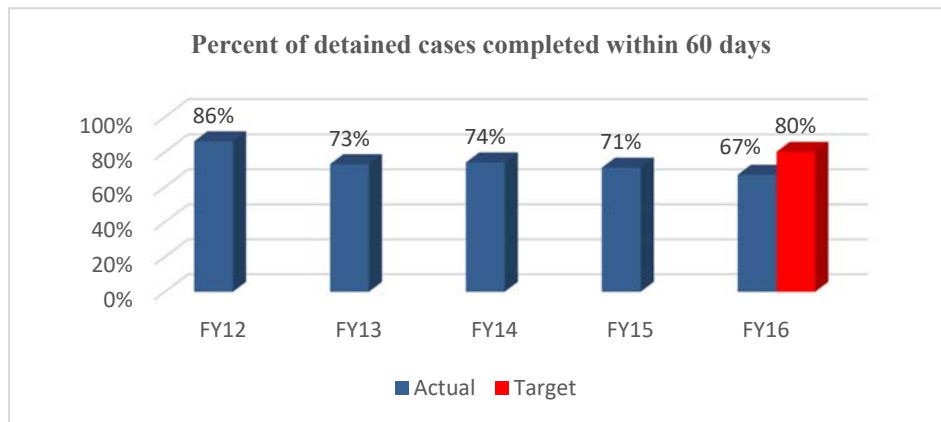


**Definition:** EOIR has identified two types of immigration court cases (IHP and detained cases) and one type of Board of Immigration Appeals (BIA) case (detained appeals) as part of its priority caseload. The IHP is a collaborative effort between EOIR, DHS and various federal, state, and local corrections agencies. The IHP permits immigration judges to hold removal hearings for aliens inside correctional institutions prior to those aliens completing a criminal sentence.

**Data Validation, Verification, and Limitations:** Data are collected from the Case Access System for EOIR (CASE), a nationwide case-tracking system at the trial and appellate levels. Court staff nationwide enters data, which are electronically transmitted and stored at EOIR headquarters, allowing for timely and complete data collection. Data are verified by online edits of data fields. Headquarters and field office staff use routine daily, weekly, and monthly reports that verify data. Data validation is also performed on a routine basis through data comparisons between EOIR and DHS databases.

**Discussion of FY 2016 Results:** At the start of FY 2014, EOIR changed its statistical methodology to enhance transparency in its reporting. To that end, cases that had previously been exempt from the priority caseload goal of completing 85 percent of IHP cases prior to the alien’s release because of circumstances beyond the control of the immigration judge (such as a Notice to Appear being filed by DHS less than four months from an alien’s earliest possible release date from an IHP facility) are now included in EOIR’s statistics. EOIR’s ability to meet this goal depends largely upon DHS filing the Notice to Appear (initiating removal proceedings) with sufficient time before release to complete a case.

**Performance Measure Name:** Percent of detained cases completed within 60 days [EOIR]

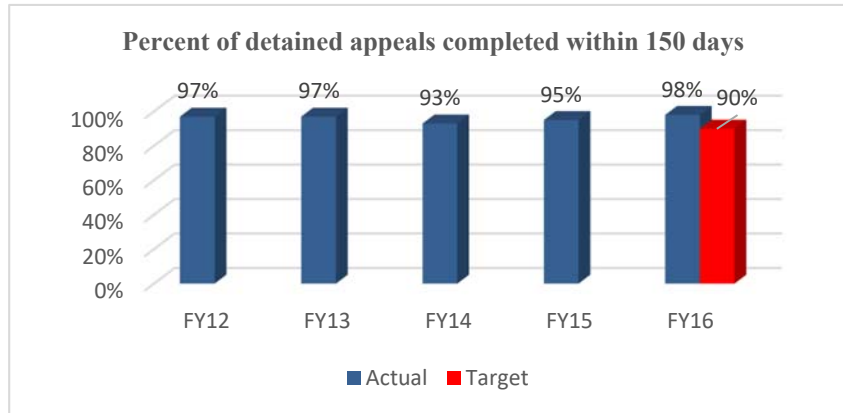


**Definition:** EOIR has identified two types of immigration court cases (IHP and detained cases) and one type of BIA case (detained appeals) as part of its priority caseload. Detained aliens are those in the custody of DHS or other entities.

**Data Validation, Verification, and Limitations:** Data are collected from CASE, a nationwide case-tracking system at the trial and appellate levels. Court staff nationwide enters data, which are electronically transmitted and stored at EOIR headquarters, allowing for timely and complete data collection. Data are verified by on-line edits of data fields. Headquarters and field office staff use routine daily, weekly, and monthly reports that verify data. Data validation is also performed on a routine basis through data comparisons between EOIR and DHS databases.

**Discussion of FY 2016 Results:** EOIR changed its statistical methodology at the start of FY 2014 to provide clearer data for parties external to EOIR. To that end, cases that had previously been exempt from the priority caseload goal of completing 85 percent of detained immigration court cases within 60 days because of circumstances beyond the control of the immigration judge (such as a pending background check or application adjudication at DHS) are now included in EOIR statistics. In addition, the revised methodology counts not only the days a case was pending at a given court location, but all the days to complete a proceeding from the date the charging document was filed with EOIR to the date of the initial case completion, excluding changes of venue and transfers.

**Performance Measure Name:** Percent of detained appeals completed within 150 days [EOIR]



**Definition:** EOIR has identified two types of immigration court cases (IHP and detained cases) and one type of BIA case (detained appeals) as part of its priority caseload. Detained aliens are those in the custody of DHS or other entities.

**Data Validation, Verification, and Limitations:** Data are collected from CASE, a nationwide case-tracking system at the trial and appellate levels. All data entered by BIA staff are stored at EOIR headquarters, which allows for timely and complete data. Data are verified by on-line edits of data fields. Headquarters staffs use routine daily, weekly, and monthly reports that verify data. Data validation is also performed on a routine basis through data comparisons between EOIR and DHS databases.

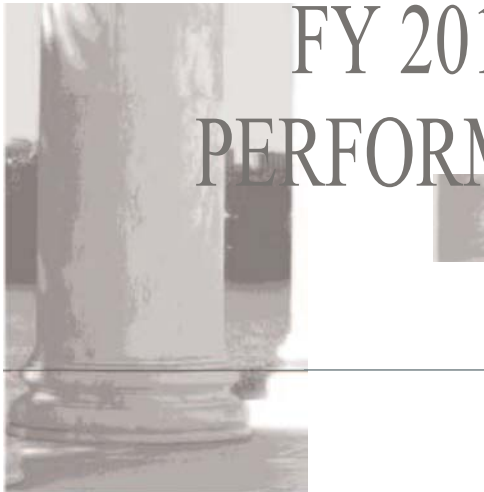
**Discussion of FY 2016 Results:** The Board of Immigration Appeals (BIA) continued to manage its resources carefully to ensure that it exceeded its goal of completing 90 percent of detained appeals within 150 days.





# SECTION III

FY 2018 ANNUAL  
PERFORMANCE PLAN



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# Section III

Annual  
Performance Plan  
for Fiscal Year  
2018

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## Overview

Currently, consistent with the Government Performance and Results Modernization Act of 2010 (GPRAMA), the Department is in the process of developing a new Strategic Plan that will guide it during FYs 2018 through 2022. This performance plan describes the broad policy direction and key priorities for FY 2018. Key areas of focus will be National Security, Violent Crime, and Immigration. Our fuller plan is under development. This plan will include goals, strategies, and performance measures.

Additionally, the Department's congressional budget submissions provide component specific performance measures. The Department recognizes that performance information is a vital and integral part of the budget process, and is committed to using performance information to improve outcomes.

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# STRATEGIC AREAS

## National Security

The Department of Justice is committed to combatting threats to our National Security. The Department, primarily through the activities of the Federal Bureau of Investigations (FBI) and the National Security Division (NSD), work to protect the American people from national security threats and, ultimately keep communities safe.

The FBI draws on both intelligence and law enforcement tools to determine strategically where and when to disrupt threats, and the FBI's five national security components work together to accomplish the overarching national security mission. These five components are:

1) Counterintelligence Division, 2) Counterterrorism Division, 3) High-Value Detainee Interrogation Group, 4) Terrorist Screening Center, and 5) Weapons of Mass Destruction Directorate.

National security poses the most complex threat of any, for which the FBI has responsibility. Both international and domestic terrorists threaten Americans at home and abroad. Foreign governments and state-sponsored actors threaten U.S. national security through foreign intelligence operations and espionage. Proliferation of weapons of mass destruction devices pose a continuous and growing threat to U.S. interests around the world. In addition, the technological advancements of the information age have rendered crime-fighting efforts increasingly complex and have opened new avenues for global criminal and threat activities. At the same time, the increasing interconnectedness of critical infrastructures has created new vulnerabilities as criminals, terrorists, and hostile foreign intelligence services exploit the power of cyber tools and weapons.

To effectively address national security, the FBI will continue to concentrate on both prevention and response. The FBI utilizes a multifaceted approach to detect, assess, deter, prevent, investigate, and respond to national security threats. The FBI will devote all resources necessary to disrupt, weaken, and eliminate adversaries and their networks and to require not only the coordinated efforts of all Department components, but also productive and cooperative efforts with other critical state, local, and federal partners.

NSD promotes and oversees a coordinated national counterterrorism enforcement program, through close collaboration with Department leadership, the FBI, the Intelligence Community, and the 94 U.S. Attorneys' Offices (USAOs). NSD will continue to develop national strategies for combating emerging and evolving terrorism threats, including the threats of homegrown violent extremists and cyber-based terrorism. NSD will consult, advise, and collaborate with prosecutors nationwide on international and domestic terrorism investigations, prosecutions, and appeals, including the use of classified evidence through the application of the Classified Information Procedures Act (CIPA). In addition, the Division will share information with and provide advice to international prosecutors, agents, and investigating magistrates to assist in addressing international threat information and litigation initiatives.

The NSD will also implement national strategies for combating the evolving threat of cyber-based espionage and state-sponsored cyber intrusions. NSD will coordinate and provide advice in connection with cases involving the unauthorized disclosure of classified information, and in connection with national security-related cyber intrusion cases involving the application of CIPA.

## **Violent Crime**

It is the policy of the Department of Justice to reduce crime in America, and addressing violent crime must be a special priority. There is strong evidence that aggressive prosecutions of federal laws can be effective in combatting crime and saving lives.

The 94 USAOs, as directed by the Attorney General, will partner with federal, state, local, and tribal law enforcement to specifically identify the criminals responsible for significant violent crime in their districts. Once identified, USAOs will ensure that these drivers of violent crime are prosecuted, using the many tools at a prosecutor's disposal. To accomplish this goal, in all cases, federal prosecutors will coordinate with state and local counterparts to identify the venue (federal or state) that best ensures an immediate and appropriate penalty for these violent offenders. Many of the USAOs are already employing these strategies and will continue this effort to ensure that the process is achieving the results prosecutors seek.

Additionally, USAOs and Criminal Division (CRM) will continue to place a high priority on the vigorous prosecution of violent gangs and criminal enterprises, focusing on violent offenders and firearms traffickers as targets for federal prosecution. Each case will be evaluated on its individual merits consistent with the Department's prosecution guidelines. Cases accepted for federal prosecution will be thoroughly reviewed prior to indictment to ensure that there is sufficient evidence to support a criminal conviction. All relevant evidence will be carefully assessed by federal prosecutors. Any potential evidentiary issues will be analyzed to ensure that each criminal prosecution supports the Department's efforts to apprehend violent offenders and improve public safety.

Other Department components will also be brought to bear on the fight against violent crime. The Bureau of Alcohol, Tobacco, Firearms and Explosives will work to reduce the scourge of violent gun crime, and the U.S. Marshals Service will swiftly remove violent fugitives from our communities. Moreover, the Department will work to combat the spread of highly addictive opioids that destroy lives and blight neighborhoods. The Drug Enforcement Administration will deploy heroin enforcement teams to interdict opioid smuggling and manufacturing, and the Office of Justice Programs (OJP) supports communities seeking to thwart the opioid epidemic.

### Transnational Criminal Organizations

The FBI will continue to eliminate transnational organized crime groups that pose the greatest threat to the national and economic security of the United States. The FBI expects to continue its coordinated operational activities targeting the dismantlement of gang/criminal enterprises.

The Department, through the Organized Crime Drug Enforcement Task Forces, will also continue to prioritize efforts to disrupt and dismantle the Consolidated Priority Organization Target (CPOT)-linked transnational criminal organizations (TCOs) and address the illicit drug

activity and associated violence of these organizations. The CPOT List is an important management tool for the Department that enables agencies to focus enforcement efforts on specific targets believed to be primarily responsible for the nation's illegal drug supply. It is through the disruption and dismantlement of these major drug trafficking and money laundering organizations that the Department will have its greatest impact on the overall drug supply. The Department plans to continue multi-jurisdictional investigations and conduct intelligence efforts that include cross-agency integration and analysis of data to create detailed intelligence profiles of targeted organizations.

### Task Force on Crime Reduction and Public Safety

In March 2017, the Attorney General established a Task Force on Crime Reduction and Public Safety consisting of law enforcement agencies and Department representatives. The Task Force will make specific recommendations to the Attorney General on ways in which the federal government can most effectively combat violent crime in partnership with local, state, and tribal law enforcement.

### Prevent Violence Against Law Enforcement Officials

The Department of Justice will take the lead on Federal actions to support law enforcement efforts nationwide and to collaborate with State, Tribal, and local jurisdictions to restore public safety to all of our communities. The Department will continue to enforce federal laws in order to enhance the protection and safety of Federal, State, Tribal, and local law enforcement officers. The Department will use existing federal laws to prosecute individuals who commit or attempt to commit crimes of violence against these law enforcement officers. The Department will work and coordinate with State, Tribal, and local law enforcement agencies at all levels, including other federal agencies, in prosecuting crimes of violence against law enforcement officers in order to advance adequate multi-jurisdiction prosecution efforts.

## **Immigration**

The Department of Justice, working with our colleagues at the Department of Homeland Security, will secure our borders and bring the full weight of both the immigration courts and federal criminal enforcement to combat any attack on our national security and sovereignty through violations of our immigration laws.

The Department, through the Executive Office for Immigration Review (EOIR), interprets and administers federal immigration laws by conducting immigration court proceedings, appellate reviews, and administrative hearings. The Department's ability to process cases in a timely fashion directly affects DHS' ability to remove criminal or other removable aliens expeditiously. EOIR receives cases directly from the Department of Homeland Security (DHS) enforcement personnel. EOIR's immigration court caseload has been increasing over the years. Between FY 2009 and FY 2016, the caseload pending adjudication grew by 125 percent, from 229,000 to 519,000.

EOIR is currently engaged in an aggressive hiring effort and expects to increase the number of immigration judges and court staff significantly during FY 2017, which will assist the agency in hearing Institutional Hearing Program (IHP) cases in a timely manner. In addition, EOIR is

working with DHS to renew coordination among the agencies in identifying IHP cases in a timely manner and collaborating to ensure their fair and timely disposition.

EOIR has also established case completion goals for the various types of cases that the Board of Immigration Appeals (BIA) adjudicates and will continue to allocate existing resources to the adjudication of priority cases. In anticipation of expanded immigration judge hiring, the BIA in FY 2017 will increase its supporting legal staff accordingly. Expansion of the BIA's staff to correspond with increased Immigration Judge hiring will enable the BIA to continue to reach its goal of completing 90 percent of detained appeals within 150 days and further improve appellate adjudication processing overall.

Through the USAOs, our federal prosecutors will prioritize the enforcement of our immigration laws, including:

- The transportation or harboring of aliens.
- Charging those aliens that have unlawfully entered the country with a felony if they unlawfully enter or attempt to enter a second time and certain aggravating circumstances are present.
- Aliens that illegally re-enter the country after prior removal will be referred for felony prosecution — and a priority will be given to such offenses, especially where indicators of gang affiliation, a risk to public safety or criminal history are present.
- Where possible, prosecutors are directed to charge criminal aliens with document fraud and aggravated identity theft — the latter carrying a two-year mandatory minimum sentence.



**We Welcome Your Comments and Suggestions!**

Thank you for your interest in the *Department of Justice FY 2016 Annual Performance Report and FY 2018 Annual Performance Plan*. We welcome your comments and suggestions on how we can improve this report for next year. Please email any comments to: [performance@usdoj.gov](mailto:performance@usdoj.gov)

**This document is available on the Internet at:**

<http://www.justice.gov/doj/fy-2016-annual-performance-report-fy-2018-annual-performance-plan>



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