

U.S. Department of Justice
Interagency Law Enforcement

FY 2011
Interagency Crime and Drug Enforcement
Congressional Budget Submission



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I. OVERVIEW FOR THE ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE (OCDETF) PROGRAM

A. General Overview

1. Budget Summary

The Organized Crime Drug Enforcement Task Force (OCDETF) Program directly supports Priority III (Disrupting the Market Threat of Illegal Drugs) of the *President's National Drug Control Strategy*; Strategic Goal 2.4 (Reduce the threat, trafficking, use, and related violence of illegal drugs) of the *Department of Justice's FY 2007 – FY 2012 Strategic Plan*; the Strategic Goal and Strategic Objectives of the 2009 *National Southwest Border Counternarcotics Strategy (SWB CN Strategy)*; the 2009 White House and Department of Justice's Southwest Border Strategy; the 2010 Department of Justice's Strategy for Combating the Mexican Cartels; and two of the budget priorities articulated in the Attorney General's Guidance for FY 2011 budget formulations (Dismantling drug and firearms trafficking organizations and stopping the flow of illegal drugs, weapons, and cash proceeds across the Southwest Border and elsewhere; and Reducing violent crime, especially violent crime perpetrated with guns or by gangs). In FY 2011, the OCDETF Program is requesting a total of 3,489 positions, 3,358 FTE, and \$579,319,000 for the Interagency Crime and Drug Enforcement (ICDE) Appropriation. This request represents a program increase of \$37,339,000 and 158 positions and 81 FTE, including 29 agents and 58 attorneys, over the FY 2011 Current Services Level Request to support the Administration's Southwest Border Enforcement Initiative. Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.usdoj.gov/jmd/2011justification/>.

2. Introduction

Twenty-seven years after its creation, the OCDETF Program continues to be the centerpiece of the Justice Department's intra- and inter-agency drug enforcement strategy, pursuing comprehensive, multi-agency, multi-jurisdictional investigations of major drug trafficking and money laundering organizations that are responsible for the flood of illegal drugs in the United States, and the violence generated by the drug trade. Consistent with the *President's National Drug Control Strategy*, which seeks to "break" the drug market by making the drug trade more costly and less profitable, OCDETF simultaneously attacks all elements of the most significant drug organizations affecting the United States. These include the international supply sources, their international and domestic transportation organizations, the regional and local distribution networks, and the violent enforcers the traffickers use to protect their lucrative business from their competitors and from the law. At the same time, OCDETF attacks the money flow and firearms trafficking that supports the drug trade – depriving drug traffickers of their criminal proceeds and the resources needed to finance future criminal activity.

OCDETF has long recognized that no single law enforcement entity is in a position to disrupt and dismantle sophisticated drug and money laundering organizations alone. OCDETF combines the resources and expertise of its seven federal agency members — the Drug Enforcement Administration (DEA); the Federal Bureau of Investigation (FBI); the Bureau of

Alcohol, Tobacco, Firearms and Explosives (ATF); the U.S. Marshals Service (USMS); the Internal Revenue Service (IRS); the U.S. Immigration and Customs Enforcement (ICE); and the U.S. Coast Guard (USCG) — in cooperation with the Department of Justice’s Criminal Division, the 94 U.S. Attorneys’ Offices, and state and local law enforcement, to identify, disrupt, and dismantle the drug trafficking and money laundering organizations most responsible for the Nation’s supply of illegal drugs and the violence the drug trade generates and fuels. OCDETF works because it effectively leverages the investigative and prosecutorial strengths of each participant to combat drug-related organized crime. The OCDETF Program promotes intelligence sharing and intelligence-driven enforcement and strives to achieve maximum impact through strategic planning and coordination.

Strategic Objective 2.4 of the *Department of Justice’s FY 2007 – FY 2012 Strategic Plan* for drug enforcement explicitly designates OCDETF as the centerpiece of its strategy to reduce the threat, trafficking, use, and related violence of illegal drugs. This strategy aims to focus limited federal drug enforcement resources on reducing the flow of illicit drugs, drug proceeds, and weapons by: identifying and targeting the major trafficking organizations; eliminating the financial infrastructure of drug organizations by emphasizing financial investigations and asset forfeiture; redirecting federal drug enforcement resources to align them with existing and emerging drug threats; and conducting expanded, nationwide investigations against all the related parts of the targeted organizations, including the channels through which they obtain their arsenals.

The OCDETF Program focuses participants on the mission of attacking high-level organizations through coordinated, nationwide investigations. OCDETF coordinates the annual formulation of the Consolidated Priority Organization Target (CPOT) List, a multi-agency target list of the “command and control” elements of the most prolific international drug trafficking and money laundering organizations. The Program also requires its participants to identify major Regional Priority Organization Targets (RPOTs) as part of the annual Regional Strategic Plan process. Program resources are allocated, in part, on the basis of how successfully Program participants focus their efforts on the CPOTs and RPOTs and address the most significant and emerging drug threats. The nature of the OCDETF Program, including its focus on the highest priority targets both nationally and internationally, ensures that limited drug enforcement resources are used for the greatest impact on the U.S. supply of dangerous drugs.

A key indicator of the success and effectiveness of the OCDETF Program is the increased monetary value and decreased purity of illicit drugs. According to the March 24, 2009 Drug Enforcement Agency testimony to the House Appropriations Committee, from January 2007 to December 2008, the price per gram of cocaine has increased 104.5 percent, from \$97.62 to \$199.60, while purity decreased 34.8 percent, from 67 to 44 percent purity. Similarly, according to the National Drug Intelligence Center (NDIC)’s *2009 National Drug Threat Assessment (NDTA)*, between January 2007 and June 2008, the price per gram of pure methamphetamine increased 58.9 percent, from \$149.78 per gram to \$237.99 per gram, while the overall purity of methamphetamine available in the U.S. decreased 9.2 percent, from 57 percent to 52 percent. The increase in the price of drugs in concert with decreased purity, indicates that the supply has decreased, as drug distributors are forced to stretch their increasingly scarce product by diluting it with other substances, and consumers are forced to pay higher prices for an increasingly

adulterated product. Additionally, major drug cartel leaders have been prosecuted and extradited back to their countries of origin.

FY 2011 Program Enhancement Requests:

OCDETF's request for FY 2011 seeks enhancements for a Southwest Border Enforcement Initiative that aligns directly with current Administration and Department of Justice priorities to:

- Dismantle drug trafficking organizations and stop the spread of illegal drugs, weapons, and cash drug proceeds; and
- Reduce violent crime, especially violence perpetrated with guns or by gangs.

Violent and ruthless drug cartels operating from Mexico across our Southwest Border currently threaten the national security of our Mexican neighbors, pose an organized crime threat to the United States, and are responsible for the scourge of illicit drugs and accompanying violence in both countries. The need to address this threat commands a top priority at the highest level of the U.S. Government, including the President and the Attorney General.

On March 24, 2009, President Obama announced his Administration's new Southwest Border Strategy, vowing that the United States will stand "shoulder to shoulder" with Mexican President Calderon and will invest the resources necessary to confront and dismantle the cartels and destroy their ability to disrupt the lives of innocent citizens on both sides of the border. As part of that Strategy, on April 1-2, 2009, Attorney General Holder and Department of Homeland Security (DHS) Secretary Janet Napolitano co-hosted the Arms Trafficking Prosecution and Enforcement Executive Strategy Session in Cuernavaca, Mexico. They met with their counterparts in the Mexican government and with President Calderon to discuss the inter-related law enforcement challenges our two countries face in attempting to deal with the escalating drug-related violence. Later that month, President Obama himself traveled to Mexico and met with President Calderon, where both leaders re-emphasized their firm commitment to work together to meet the challenge posed by the Mexico-based cartels. On June 5, 2009, Attorney General Holder, Secretary Napolitano, and ONDCP Director Gil Kerlikowske released President Obama's *National Southwest Border Counternarcotics Strategy*, which is designed to stem the flow of illegal drugs and their illicit proceeds across the Southwest Border and to reduce associated crime and violence in the region.

The Department of Justice has a preeminent role in the 2009 bi-lateral Southwest Border Strategy. The Department's stated goal is to systematically degrade the power of the Mexican drug cartels, while simultaneously improving the capacity of the Mexican law enforcement institutions to confront the cartels domestically. Recognizing that the best way to fight such large, transnational criminal organizations is through intelligence-based, prosecutor-led, multi-agency task forces that leverage the strengths, resources, and expertise of the complete spectrum of federal, state, local, and international investigative and prosecutorial agencies, the Department has embraced that model – the OCDETF model – to carry out the full range of activities necessary to succeed in the Strategy. Indeed, the Department of Justice's 2010 Strategy for Combating the Mexican Cartels specifically designates OCDETF as the "proven mechanism" for coordinating the Department's implementation of the Strategy.

OCDETF's FY 2011 Southwest Border Enforcement Initiative request is also aligned with the Justice Department's efforts to execute the *President's National Drug Control Strategy* and the 2009 *SWB CN Strategy*, as well as with the *Department of Justice's FY 2007 – FY 2012 Strategic Plan* – that is, to be successful in attacking the Southwest Border threat, law enforcement must concentrate its efforts in three areas – intelligence, investigations, and prosecutions.

According to the 2009 *NDTA*, Mexican drug trafficking organizations represent the greatest organized crime threat to the United States in 2009, with cocaine being the leading drug threat. The *Interagency Assessment Cocaine Movement (IACM)* indicates that 90 percent of cocaine destined for the U.S. transited the Mexico-Central America corridor (including maritime routes in the Western Caribbean and Eastern Pacific) in 2007. Moreover, the *NDTA* reports that Mexican organizations not only control cocaine distribution in most U.S. cities but are also strengthening their relationships with U.S.-based street gangs and prison gangs, gaining strength in cocaine markets they do not yet control and beginning to gain market shares in the heroin trade. Further, methamphetamine production in “super labs” operated by Mexican drug trafficking organizations on both sides of the Southwest Border continues, despite import restrictions on precursor chemicals imposed by the Mexican government beginning in 2005.

Narcotics-related firearms violence, including kidnappings and murders, have skyrocketed in Mexico and along the Southwest Border, as firearms are being smuggled by major trafficking cartels into Mexico to use in battling each other for control of lucrative drug smuggling corridors while also fighting the Mexican police and military forces. At the same time, billions of dollars in drug proceeds continue to make their way across the Southwest Border into Mexico to further fuel the drug trade. According to the 2009 *NDTA*, Mexican and Colombian drug trafficking organizations generate, remove, and launder between \$18 billion and \$39 billion in wholesale drug proceeds annually, a large portion of which is believed to be smuggled in bulk across the Southwest Border back into Mexico.

Finally, drug trafficking fugitives are continuing their illegal operations while seeking refuge outside our borders. The vast majority of OCDETF fugitives are citizens of Mexico or Colombia and are directly linked to drug trafficking organizations operating along the Southwest Border. Until President Calderon took office in late 2006 and undertook an unprecedented effort to dismantle the entrenched drug cartels operating in Mexico, extraditions from Mexico of defendants charged with drug crimes were exceedingly rare. That has changed under President Calderon's leadership. In CY 2007, there were 30 extraditions from Mexico to the U.S. related to drug offenses. In CY 2008, there were 36 such extraditions, and in CY 2009, there were 38. These developments make it a particularly opportune time for OCDETF's member agencies to step up their attacks on the major cartels through investigation, prosecution, apprehension, and extradition of the cartel leaders and their principal facilitators.

3. Issues, Outcomes and Strategies

Since FY 2002, OCDETF's budget requests have proposed a series of enhancements aimed at strategically reducing the nation's drug supply and maximizing the Program's performance. OCDETF continually seeks to balance increased investigative resources with appropriate prosecutorial resources. OCDETF's FY 2011 request is specifically crafted to enable the Program to disrupt and dismantle the most significant organizations responsible for narcotics

trafficking and money laundering activities along the Southwest Border, as well as the associated violence on both sides of the border.

Specifically, OCDETF's FY 2011 request focuses on ensuring that the OCDETF member agencies will continue to develop intelligence-driven strategies and initiatives that identify entire drug trafficking networks, including their financial infrastructure and the channels through which they obtain their weapons, and launch coordinated efforts designed to disrupt and dismantle every component of those networks worldwide.

Department of Justice Strategic Goal 2: Prevent Crime, Enforce Federal Laws, and Represent the Rights and Interests of the American People

All of OCDETF's adjustments to base and program enhancements directly support the Department of Justice's Strategic Objective 2.4: "Reduce the threat, trafficking, use, and related violence of illegal drugs." Providing drug enforcement resources to the OCDETF Program ensures that those resources will be focused on the highest priority drug trafficking and money laundering targets, while leveraging the expertise and existing resources of OCDETF's member agencies from the Departments of Justice, Homeland Security, and Treasury. The disruption and dismantlement of drug trafficking networks operating regionally, nationally, and internationally is a critical component of the supply reduction effort.

President's National Drug Control Strategy Priority III: Disrupt the Market for Illicit Drugs

In addition, OCDETF's FY 2011 request directly supports Priority III of the *President's National Drug Control Strategy*: "Disrupting the Market for Illicit Drugs," by providing additional resources to attack the CPOTs and "Gatekeeper" organizations responsible for drug smuggling, money laundering, violence, murder, and corruption across the Southwest Border. OCDETF continues to focus on intelligence-driven counter-drug operations through the OCDETF Fusion Center and the nine OCDETF Co-Located Strike Forces in Tampa (Panama Express), Puerto Rico (Caribbean Corridor Initiative), San Diego (Major Mexican Trafficking Task Force), Phoenix, El Paso, Houston, New York, Boston, and Atlanta (the David G. Wilhelm OCDETF Strike Force), and on denying drug traffickers their profits so they are unable to continue their operations.

2009 National Southwest Border Counternarcotics Strategy, Strategic Goal: Substantially Reduce the Flow of Illicit Drugs, Drug Proceeds, and Associated Instruments of Violence across the Southwest Border

OCDETF's FY 2011 request also directly supports the 2009 *SWB CN Strategy*'s Strategic Goal, which is to "Substantially reduce the flow of illicit drugs, drug proceeds, and associated instruments of violence across the Southwest Border." OCDETF's focus is designed to enable its member agencies to achieve the six Strategic Objectives of that Goal: (1) enhance intelligence capabilities associated with the Southwest Border; (2) interdict drugs, drug proceeds, and associated instruments of violence, in the air, at the ports of entry, and between the ports of entry along the Southwest Border; (3) ensure the prosecution of all significant drug trafficking, money laundering, bulk currency, and weapons trafficking/smuggling cases; (4) disrupt and

dismantle drug trafficking organizations; (5) enhance counterdrug technologies for drug detection and interdiction along the Southwest Border; and (6) enhance U.S. – Mexico cooperation regarding joint counterdrug efforts.

2009 and 2010 Southwest Border Strategy and Strategy for Combating Mexican Drug Cartels

Finally, OCDETF's FY 2011 request directly supports, and is squarely aligned with, President Obama's and Attorney General Holder's announced 2009 Southwest Border Strategy, as well as the 2010 Department of Justice Strategy for Combating the Mexican Cartels. The specific goals of the two Strategies are to systematically degrade the power of the Mexican drug cartels, while simultaneously improving the capacity of the Mexican law enforcement institutions to confront the cartels domestically. The desired outcomes of the Strategies are to (1) increase the security of U.S. citizens along the Southwest Border and throughout the country; (2) reduce the flow of contraband, primarily drugs, entering the United States; and (3) reduce the flow of weapons and illegal cash into Mexico. The specific law enforcement strategy to be pursued to achieve those desired outcomes is to continue to foster coordinated, nationwide investigations and prosecutions that inflict maximum damage on the cartels by incapacitating, through incarceration, large segments of the leadership cadres of the cartels, along with as many subordinate cartel members and facilitators as possible, while simultaneously destroying the financial infrastructure of the cartels through seizure and forfeiture of cartel assets. In recognition of the past successes of the OCDETF Program as a model of inter-agency cooperation in attacking the highest level drug trafficking organizations, both the Department's Strategies specifically embrace the OCDETF model to achieve their comprehensive, proactive goals.

4. OCDETF Program Costs

OCDETF's request only includes funding to reimburse participating OCDETF agencies from the Department of Justice. Funding for OCDETF participation by non-Justice agencies is sought in the budget requests of their respective Departments.

The Decision Units reflect the OMB-approved structure, which collapses OCDETF's activities into two Decision Units: Investigations and Prosecutions. The administrative program support provided by the OCDETF Executive Office is pro-rated between those two Decision Units, based upon the percentage of total appropriated ICDE Program funding attributable to the member agencies within each Decision Unit.

Investigations Decision Unit – This decision unit includes the resources that support investigative activities of the following participating agencies: ATF, DEA, FBI, and USMS. Also included are the resources that support the intelligence activities of OCDETF's member agencies and the OCDETF Fusion Center. Investigative activities by ICE, USCG, and IRS in support of the OCDETF Program are funded out of the direct appropriations of their respective Departments – DHS for ICE and USCG and Treasury for IRS.

Investigative expenses include: Purchase of Evidence/Payment for Information (PE/PI), mission-related travel, training, operational funding, supplies, electronic surveillance costs, and other

equipment costs. Intelligence expenses include: basic and advanced training, software, workstations, desktop and laptop computers, other equipment costs, and mission-related travel.

Prosecutions Decision Unit – This decision unit includes the reimbursable prosecution resources situated at the 94 U.S. Attorneys’ Offices around the country (executed through the Executive Office for U.S. Attorneys (EOUSA)) and at the Criminal Division of the Department of Justice (executed through attorneys in the Criminal Division and the OCDETF Executive Office).

Prosecution-related expenses include: case-related travel; training; printing and reproduction of court documents and court instruments; filing and recording fees; reporting and transcripts for deposition, grand jury, and court proceedings; litigation support; litigation graphics; fees for the reproduction of financial records; stenographic/interpreter services; translation expenses for securing foreign evidence and extradition; supplies and materials; and ADP and other equipment.

5. OCDETF Performance Challenges

The following are examples of some of the most significant performance challenges that OCDETF must confront.

External Challenges: A number of external factors could affect the OCDETF Program’s ability to achieve its strategic goals and objectives. These external factors include:

- **National Priorities:** Law enforcement is required to respond to emergency or special situations, including terrorist incidents, national disasters, and other similar events. Depending upon the nature of the event, the priorities – and perhaps even the mission – of a federal law enforcement agency may be temporarily or permanently altered. For example, many of our agents and prosecutors are serving tours of duty in Iraq, Afghanistan, and other areas of the world in support of the U.S. military. Additionally, following the September 11, 2001, terrorist attacks, most OCDETF member agency direct-funded resources were diverted, at least temporarily, and some participants permanently redirected resources to counter-terrorism.
- **Local Government:** State and local law enforcement participate in approximately 90 percent of OCDETF investigations nationwide. Changes in the fiscal posture or policies of state and local governments can have dramatic effects on the capacity of state and local governments to remain effective law enforcement partners. In addition, many state and local law enforcement officers serve as reservists and are called away for military duty.
- **Globalization:** Issues of criminal justice increasingly transcend national boundaries, requiring the cooperation of foreign governments and involving treaty obligations and other foreign policy concerns. The nature of the relationships between the U.S. and particular foreign governments can dramatically impact law enforcement’s ability to conduct operations against international sources of supply, to freeze and seize foreign assets, to apprehend fugitives in foreign countries, and to extradite defendants to stand trial in the U.S. For example, despite significant recent improvement, there

remain ongoing difficulties in securing the extradition of major drug traffickers from several important foreign countries.

- **Technology:** Advances in telecommunications and widespread use of the Internet are creating new opportunities for criminals, new classes of crimes, and new challenges for law enforcement. These technologies enable drug traffickers and money launderers to conduct their unlawful activities in ways that impede the effective use of traditional physical and electronic surveillance techniques, which otherwise are the most powerful means to infiltrate the highest levels of these organizations. Use of the Internet also makes it more difficult for law enforcement to identify the base of operations of certain criminal organizations.
- **Social-Demographic Factors:** The level of drug activity in the U.S., as in other countries, is often influenced by societal attitudes toward the use of illegal drugs. OCDETF agents and prosecutors are aware that they must exercise particular sensitivity in investigating and prosecuting marijuana trafficking organizations, particularly cases targeting domestic producers.

Internal Challenges: OCDETF currently faces a number of internal challenges. These include:

- **Resources:** The OCDETF Program continues to review its resources to determine the correct balance of personnel costs and operational costs that will maximize the performance of the Program. As a result of funding between 2008 and 2010, the Program has been reduced by 245 positions, including 129 agents and 50 attorneys.
- **Competing Agency Priorities:** OCDETF is a Program comprised of multiple federal agencies from three separate Executive Branch Departments. Each Department and member agency has mandated its own priorities for carrying out its part of the fight against illegal drugs. OCDETF member agencies may decide to fund their drug enforcement operations with monies from their direct appropriations, which they may use at their own discretion, rather than to use OCDETF-allocated funds that they are accountable to OCDETF for using in support of the consolidated, multi-agency OCDETF mission. OCDETF must unite those agencies behind one single mission and ensure accountability for Program performance in an environment of competing philosophies and funding priorities in three different departments. This task is particularly challenging with non-Justice agencies. In order to encourage these agencies to continue their participation in the Program now that they are no longer funded through the DOJ OCDETF appropriation, OCDETF relies on its proven track record of success, along with the agencies' historical commitment to the OCDETF mission and approach.
- **Performance Measurement:** Measuring Program success is complicated by the fact that drug supply reduction is a reflection of a number of factors, including drug seizures, eradication efforts, precursor chemical interdictions, cash and asset seizures, increased border/transportation security, international military operations, social and political forces, climatic changes and even natural disasters. Program results while not easily measurable, particularly over the span of a single year, are possible.

- Performance data collected by the OCDETF Executive Office evaluates outputs and outcomes at the district and regional levels. OCDETF is also developing performance metrics that capture the true impact of the National Program. Specifically, OCDETF must be able to demonstrate the effect of disrupting and dismantling international, national, and regional organizations on drug supply and drug availability of disrupting and dismantling international, national, and regional organizations. OCDETF must similarly develop measures that demonstrate the impact of financial investigations and asset seizures on unlawful financial activity.
- **Balance of Direct and OCDETF-Funded Resources:** Experienced OCDETF attorneys and agents are necessary to investigate and prosecute large-scale, sophisticated drug enterprises operating nationally and internationally. However, many OCDETF investigations against major supply organizations originate as non-OCDETF drug investigations targeting smaller drug networks and violent drug offenders. Thus, both direct-funded and OCDETF-funded resources are essential for effective drug supply reduction, and appropriate staffing levels must be maintained in each category.
- **Data Collection:** Processes for case tracking, time reporting, and overtime tracking vary from agency to agency and from region to region, resulting in inconsistencies in data and difficulties in monitoring compliance with OCDETF policies, procedures, and guidelines. The different processes can also complicate efforts to develop and monitor standard performance measures. OCDETF is resolving these inconsistencies and complications by conducting regular reviews with its member agencies in an effort to address these data issues and to implement corrective measures.

**Interagency Crime and Drug Enforcement (ICDE)
FY 2011 Summary of Resources
(Dollars in Thousands)**

Estimate by Program	FY 2010 Enacted Level				FY 2011 ATBs				FY 2011 Current Services Level				FY 2011 Enhancements				FY 2011 Request			
	Perm. Pos.	Agents/Atty	WY	Amount	Perm. Pos.	Agents/Atty	WY	Amount	Perm. Pos.	Agents/Atty	WY	Amount	Perm. Pos.	Agents/Atty	WY	Amount	Perm. Pos.	Agents/Atty	WY	Amount
Law Enforcement:																				
Drug Enforcement Administration	1,309	967	1,309	203,203	0	0	0	3,954	1,309	967	1,309	207,157	0	0	0	10,812	1,309	967	1,309	217,969
Federal Bureau of Investigation	857	540	857	140,206	0	0	0	2,843	857	540	857	143,049	22	14	11	4,658	879	554	868	147,707
United States Marshals Service	41	39	41	8,685	0	0	0	313	41	39	41	8,998	11	8	6	3,680	52	47	47	12,678
Alcohol, Tobacco, Firearms & Explosives	54	53	54	11,685	0	0	0	503	54	53	54	12,188	11	7	6	2,176	65	60	60	14,364
Immigration and Customs Enforcement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Internal Revenue Service	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
U.S. Coast Guard	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OCDETF Executive Office (OFC)	1	0	1	11,776	0	0	0	62	1	0	1	11,838	0	0	0	2,322	1	0	1	14,160
Subtotal:	2,262	1,599	2,262	375,555	0	0	0	7,675	2,262	1,599	2,262	383,230	44	29	23	23,648	2,306	1,628	2,285	406,878
Prosecution:																				
United States Attorneys	1,023	552	971	144,219	0	0	0	5,437	1,023	552	971	149,656	100	47	50	11,281	1,123	599	1,021	160,937
Criminal Division	18	13	18	2,866	0	0	0	124	18	13	18	2,990	0	0	0	0	18	13	18	2,990
OCDETF EXO Threat Response Unit	7	6	5	327	0	0	0	0	7	6	5	327	14	11	8	2,410	21	17	13	2,737
Subtotal:	1,048	571	994	147,412	0	0	0	5,561	1,048	571	994	152,973	114	58	58	13,691	1,162	629	1,062	166,664
Administrative Support:																				
Executive Office	21	6	21	5,602	0	0	0	175	21	6	21	5,777	0	0	0	0	21	6	21	5,777
Subtotal:	21	6	21	5,602	0	0	0	175	21	6	21	5,777	0	0	0	0	21	6	21	5,777
TOTAL OCDETF:	3,331	2,176	3,277	528,569	0	0	0	13,411	3,331	2,176	3,277	541,980	158	87	81	37,339	3,489	2,263	3,368	579,319

II. Summary of Program Changes

FY 2011 Summary of Program Changes Interagency Crime and Drug Enforcement (Dollars in thousands)

Item Name (Program Increases)	Description				Page
		Pos.	FTE	Dollars (\$000)	
Southwest Border Violence Initiative	This request will address enforcement activities, intelligence coordination and field operations along the Southwest Border.	158	81	\$37,339	38

III. Program Changes by Decision Unit to Strategic Goal

Item Name	Strategic Goal	Decision Unit	Dollars (\$\$\$)	Number and Type of Positions	
				Positions Series	No. of Positions in Series
Southwest Border Violence Initiative	2	Investigations	\$23,648	132	2
				300-399	9
				1801	4
				1811	29
		Prosecutions	\$13,691	300-399	26
				905	58
				900-988	29
				1000-1099	1

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III. Appropriations Language and Analysis of Appropriations Language

Appropriations Language

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations, not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, [\$528,569,000] ~~\$579,319,000~~, of which \$50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

Analysis of Appropriations Language

The FY 2011 Request to Congress uses the FY 2010 Enacted language and only changes the funding level.

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IV. Decision Unit Justification

A. Investigations

Investigations TOTAL	Perm. Pos.	FTE	Dollars \$(000)
2009 Enacted	2,342	2,342	369,347
2010 Enacted	2,280	2,278	379,542
Adjustments to Base	0	0	7,780
2011 Current Services	2,280	2,278	387,322
2011 Program Increases	44	23	23,648
2011 Request	2,324	2,301	410,970
Total Change 2010-2011	44	23	31,428

Investigations Information Technology Breakout (of Decision Unit Total)	Perm. Pos.	FTE	Dollars \$(000)
2009 Enacted	26	26	15,702
2010 Enacted	26	26	15,802
Adjustments to Base	0	0	106
2011 Current Services	26	26	15,908
2011 Program Increases	0	0	2,322
2011 Request	26	26	18,230
Total Change 2010-2011	0	0	2,428

1. Program Description

The FY 2011 request for the Investigations Activity is 2,324 reimbursable positions, 2,301 work-years, and \$410,970,000.

OCDETF investigations cannot be conducted without cooperation among OCDETF's various member agencies. OCDETF investigations require a mix of skills, experience, and enforcement jurisdiction, which no single agency possesses. The Program's strength is its ability to draw upon the combined skills, expertise, and techniques of each participating agency, both within, and outside of, the Department of Justice (the non-Justice agencies are funded by their own Departments). The OCDETF law enforcement agencies, which provide investigative and intelligence efforts on OCDETF cases are identified below:

Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) agents focus on major drug traffickers who also have violated laws related to the illegal trafficking and misuse of firearms and explosives. A significant portion of today's violent crime is directly associated with the distribution of drugs by sophisticated organizations. Firearms often serve as a form of payment for drugs and, together with explosives and arson, are used as tools by drug organizations for purposes of intimidation, enforcement and retaliation against their own members, rival organizations, law enforcement, or the community in general. Thus, ATF's jurisdiction and expertise make it a well-suited partner in the fight against illegal drugs.

Drug Enforcement Administration (DEA) is the agency most actively involved in the OCDETF Program with an average participation rate in investigations that has continually exceeded 80 percent. DEA is the only federal agency in OCDETF that has drug enforcement as its sole responsibility. The agency's vast experience in this field, its knowledge of international drug rings, its relationship with foreign law enforcement entities, and its working relationships with State and local authorities all have made DEA essential to the OCDETF Program.

Federal Bureau of Investigation (FBI) brings to OCDETF its extensive expertise in the investigation of traditional organized crime, public corruption and white collar/financial crimes. The FBI uses its skills to gather and analyze intelligence data and undertake sophisticated electronic surveillance. The FBI reorganized its direct drug resources following the events of September 11, 2001, but remains committed to the OCDETF Program and to the goal of targeting major drug trafficking organizations and their financial infrastructure.

Internal Revenue Service-Criminal Investigation (IRS) agents work to dismantle and disrupt major drug-related money laundering organizations by applying their unique financial skills to investigate all aspects of the organizations' illegal activities. The IRS uses the tax code, money laundering statutes, and asset seizure/forfeiture laws to thoroughly investigate the financial operations of targeted organizations. Given the OCDETF Program's concentration on identifying and destroying the financial systems that support the drug trade, and on seizing the assets and profits of major criminal organizations, IRS is a vital participant in the Program.

U.S. Immigration and Customs Enforcement (ICE) agents contribute valuable financial and drug investigative expertise and intelligence to the OCDETF Program as a direct result of the agency's responsibility for identifying and dismantling vulnerabilities affecting the Nation's border. The vast majority of drugs sold in this country are not produced domestically; the drugs themselves, or their essential precursor chemicals, are smuggled across one of our borders and transported for distribution throughout the country. ICE agents have a wide array of Customs and Immigration authorities at their disposal to support the Program, whether it be targeting high-risk vessels, containers, vehicles, or persons for inspection, or using their immigration expertise to ensure the arrest and prosecution of significant alien targets. In addition, ICE personnel are an invaluable asset in regional, national, and international money laundering investigations due to their financial investigative expertise.

United States Coast Guard (USCG) is primarily focused on drug interdiction and has found itself in a unique position to support the work of OCDETF. The USCG is the maritime expert for OCDETF, particularly in the coastal OCDETF Regions, and provides valuable intelligence and guidance on cases with maritime connections. USCG personnel also serve as liaisons with the military services and the National Narcotics Border Interdiction System. USCG currently has no permanently funded OCDETF positions.

United States Marshals Service (USMS) is the specialist responsible for the apprehension of OCDETF fugitives. Fugitives are typically repeat offenders who flee apprehension and continue their criminal enterprises elsewhere. Their arrest by the USMS immediately makes the community in which they were hiding and operating a safer place to live. Currently, there are over 7,300 OCDETF fugitives nationwide. The USMS also has responsibility for the pre-seizure investigation of assets in complex cases. The USMS has entered into a formal commitment with

the U.S. Attorneys' Offices to ensure that all cases involving real property, ongoing businesses, out-of-district assets, and anything that is perishable will receive a detailed and timely pre-seizure planning investigation by the USMS.

Other investigative and intelligence resources that support the OCDETF Program are identified below:

OCDETF Fusion Center (OFC), the cornerstone of OCDETF's intelligence efforts, is funded through the ICDE account and overseen by the OCDETF Director. The OFC commenced operations during FY 2006 and has significantly enhanced OCDETF's overall capacity to engage in intelligence-driven law enforcement, an essential component of the OCDETF Program. The OFC is a comprehensive data center containing all drug and related financial intelligence information from all seven OCDETF-member investigative agencies, and the Financial Crimes Enforcement Network, as well as relevant data from many other agencies. The OFC is designed to conduct cross-agency integration and analysis of the data, to create comprehensive intelligence pictures of targeted organizations, including those identified as Consolidated Priority Organization Targets (CPOTs) and Regional Priority Organization Targets (RPOTs), and to pass actionable leads through the multi-agency Special Operations Division (SOD) to OCDETF participants in the field, including the OCDETF Co-located Strike Forces. These leads ultimately result in the development of better-coordinated, more comprehensive, multi-jurisdictional OCDETF investigations of the most significant drug trafficking and money laundering networks.

OCDETF Co-located Strike Forces have been established in New York, Houston, Boston, Atlanta (David G. Wilhelm OCDETF Strike Force), Tampa (Panama Express), Puerto Rico (Caribbean Corridor Initiative), San Diego (Major Mexican Trafficking Task Force), Phoenix, and El Paso. These Co-located Strike Forces are designed to serve a dual purpose: they aggressively target the highest-level drug trafficking organizations, and they also function as a central point of contact for OCDETF agents and prosecutors nationwide, gathering intelligence and disseminating investigative leads throughout the neighboring areas. These task forces also respond to leads generated by the OFC. The OCDETF Co-located Strike Forces bring a synergy to drug trafficking investigations by literally combining, side-by-side, the resources and expertise of all of OCDETF's participating investigative agencies, including state and local law enforcement officers and prosecutors. By coordinating their efforts, the participants in these Co-located Strike Forces eliminate superfluous effort, save valuable resources, and produce some of the largest most successful cases against national and international level drug trafficking organizations.

State and Local law enforcement agencies participate in approximately 90 percent of all OCDETF investigations. State and local participation significantly expands OCDETF's available resource base and broadens the choice of venue for prosecution. Annually, OCDETF receives assistance from over 700 state and local departments nationwide. Currently, OCDETF reimburses State and local agencies for their overtime, travel, and per diem expenses with funds allocated by the Department of Justice Assets Forfeiture Fund.

B. Prosecutions

Prosecutions TOTAL	Perm. Pos.	FTE	Dollars \$(000)
2009 Enacted	1,088	1,034	145,653
2010 Enacted	1,051	999	149,027
Adjustments to Base	0	0	5,631
2011 Current Services	1,051	999	154,658
2011 Program Increases	114	58	13,691
2011 Request	1,165	1,057	168,349
Total Change 2010-2011	114	58	19,322

1. Program Description

The FY 2011 request for the Prosecution Activity is 1,165 positions, 1,057 work years, and \$168,349,000. The agencies which provide investigative support and prosecutorial efforts on OCDETF cases are identified below:

The United States Attorneys' Offices are key to nearly every successful OCDETF investigation and prosecution. OCDETF prosecutors participate in the development of the investigative strategy and provide the necessary legal services and counsel that investigators require. Attorney involvement early in the investigation ensures that prosecutions are well-prepared, comprehensively charged, and expertly handled. OCDETF prosecutors are not expected to rush cases to completion, but rather to move cases deliberately toward successful and comprehensive conclusions. While OCDETF attorneys generally carry a smaller caseload than their non-OCDETF counterparts, the cases typically are more complex and longer term.

Criminal Division Programs

The Office of Enforcement Operations (OEO) offers direct operational support to U.S. Attorneys' Offices by reviewing all applications for electronic surveillance and by providing guidance to agents and prosecutors on the development of such applications. Prompt, thorough processing of time-sensitive Title III applications is crucial to the success of OCDETF's coordinated, nationwide investigations, of which approximately 44 percent use wiretaps.

Narcotic and Dangerous Drug Section (NDDS) attorneys also provide assistance to and/or participate directly in OCDETF prosecutions. In March 2007, OCDETF re-issued its Program Guidelines to allow the Criminal Division to designate cases that it is prosecuting, specifically international investigations, as OCDETF cases. Prior to this revision, an OCDETF investigation had to be initiated through a U.S. Attorneys' Office. With the increasing complexity and scope of OCDETF cases, Criminal Division attorneys are called upon with greater frequency to provide expert advice to U.S. Attorneys' Offices in OCDETF cases. In addition, NDDS attorneys play a critical role in supporting and coordinating nationwide investigations through their work with SOD.

Asset Forfeiture and Money Laundering Section (AFMLS) attorneys provide critical guidance to the field for the development of financial investigations, which are required in every

OCDETF case. AFMLS attorneys are skilled in the application of money laundering and other financial statutes to specific types of sophisticated criminal activity, and they are particularly knowledgeable about the means to identify, freeze, seize, and repatriate assets from foreign jurisdictions. In addition, AFMLS administers OCDETF's nationwide financial training program. Since FY 2004, AFMLS personnel have conducted more than 60 training conferences in cities across the country, training more than 4,600 agents, analysts, and prosecutors from 20 federal and 40 state and local participating agencies on financial investigative techniques. A modified course has been presented in Argentina and Bangkok for agents located overseas. In addition, NDDS and AFMLS are responsible for providing legal support to the OCDETF Fusion Center.

The Criminal Division's Office of International Affairs (OIA) has become increasingly involved in OCDETF investigations. With OCDETF's particular focus on targeting and dismantling international "command and control" organizations and other international sources of supply, OIA is called upon with greater frequency to handle requests under Mutual Legal Assistance Treaties, provisional arrest warrants, and extraditions arising out of OCDETF investigations.

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C. PERFORMANCE, RESOURCES, AND STRATEGIES

1. Performance Plan and Report for Outcomes

The goal of the Department of Justice's Drug Strategy is to reduce the drug supply in the U.S. by disrupting and dismantling the most significant drug trafficking organizations and their related money laundering operations. The OCDETF Program, with its multi-agency partnerships and its focus on coordinated, multi-jurisdictional investigations against entire drug networks, is the driving force behind the supply reduction strategy.

OCDETF Performance Indicators

OCDETF continues to vigorously pursue the goals laid out in the Department's Drug Strategy by targeting major drug trafficking organizations in their entirety. OCDETF also remains committed to maintaining accountability for its resources, and the results of that commitment are evident in the following key performance areas:

Significant New Investigations

The OCDETF Program Guidelines indicates that OCDETF participants are to focus Program resources on coordinated, nationwide investigations of major drug trafficking and money laundering organizations. During FY 2009, OCDETF continued its efforts to expand investigations to attack all levels of the supply chain regionally, nationally and internationally. OCDETF participants initiated 1,048 investigations in FY 2009, and currently maintain an active or judicial pending caseload of more than 4,600 cases.

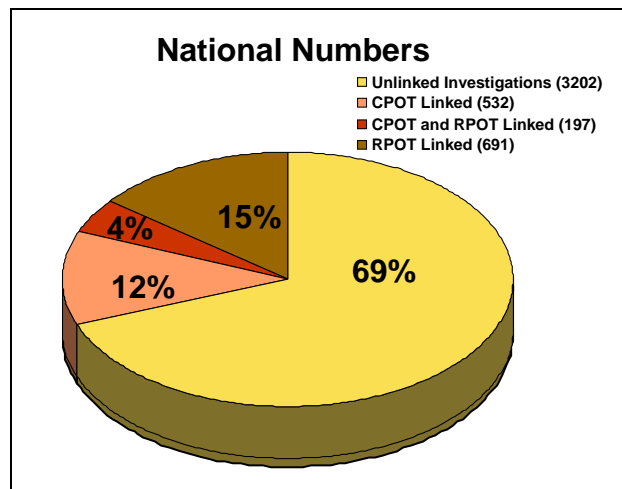
OCDETF cases are consistently performed without any sacrifice to the caliber or quality of the cases being pursued. OCDETF district and regional coordination groups work diligently to ensure that only those investigations that meet the standards established for OCDETF cases are approved and that the quality of these new investigations clearly reflect OCDETF's commitment to pursue the most significant drug trafficking and money laundering organizations. The investigations are broader in scope and employ more complex investigative techniques, including financial investigative techniques and an increasing percentage of cases target international "command and control" organizations. The percentage of investigations linked to regional priority targets, those organizations having a significant impact on the drug supply within designated OCDETF Regions, is sizeable and a large percentage of cases result in the seizure and forfeiture of assets.

Most of the organizations targeted by OCDETF investigations are poly-drug, meaning that they manufacture or distribute more than one type of illegal drug. Historically, approximately 73 percent of OCDETF investigations have targeted organizations trafficking in cocaine, 43 percent of investigations have involved marijuana, 23 percent have involved heroin, and 20 percent have involved methamphetamine.

Investigations against Consolidated Priority Organization Targets (CPOTs) and Regional Priority Organization Targets (RPOTs)

The goal of every OCDETF case is to continually work up and across the supply chain to make connections among related organizations nationwide. In particular, OCDETF participants strive to identify links to regional priority targets, whose drug trafficking activities have a significant impact on the particular drug threats facing each of the OCDETF Regions, and, ultimately, to one of the international “command and control” networks identified as a CPOT.

OCDETF’s commitment to pursuing priority targets is evident from the steady increase in the percentage of cases linked to these targets. At the end of the fourth quarter in FY 2009, 12 percent of OCDETF’s active investigations — or 532 cases — were linked to a CPOT, and 15 percent — or 691 cases — were linked to RPOTs. An additional 4 percent of active investigations — or 197 cases — were linked to both CPOTs and RPOTs. Forty-three percent of the active CPOT-linked investigations are out of the Southwest Region.



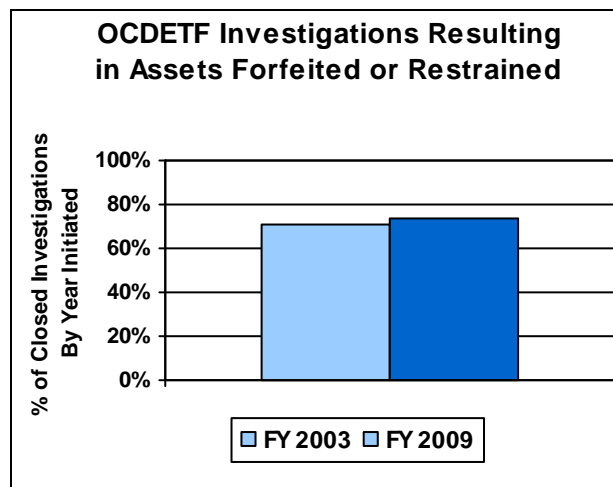
OCDETF data also demonstrates that OCDETF participants are pursuing these investigations to successful conclusions. Between 2003 and 2009, OCDETF agencies dismantled 42 CPOT organizations and severely disrupted the operations of another 19. In addition, during FY 2003 through FY 2009, OCDETF disrupted or dismantled a total of 1,421 CPOT-linked organizations -- organizations working with or otherwise associated with a CPOT. OCDETF projects that it will disrupt or dismantle 282 CPOT-linked organizations during FY 2010.

OCDETF continues to be vigilant in auditing the quality of its data collection in this important performance area. OCDETF ensures that a thorough review of all cases reported to be linked to CPOTs is conducted to determine the validity of each link, and has implemented controls to ensure that all links are properly supported.

Success in Financial Investigations

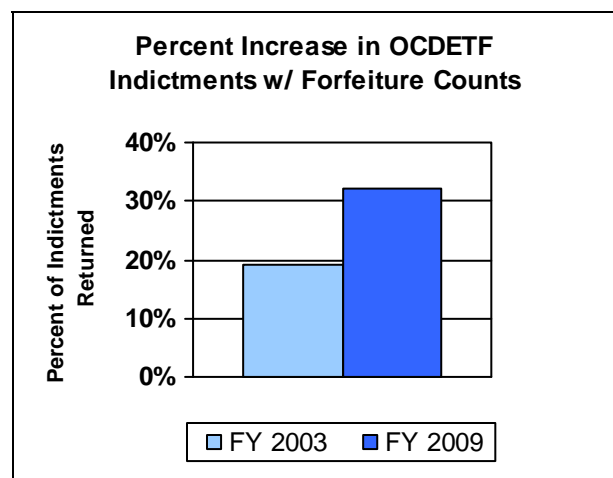
In order to have a significant impact on the financial systems that support the drug trade, OCDETF must be steadfast in charging and convicting those who conduct or facilitate illicit financial activity, and in seizing and forfeiting their assets.

Ninety-eight percent of OCDETF investigations initiated in FY 2009 have an active financial component, compared to 71 percent of investigations initiated in FY 2003. These figures represent an all-time high and demonstrate that OCDETF participants are complying with OCDETF mandates that they must pursue financial investigations as an integral part of each drug investigation.



As a result of this focus, OCDETF is increasingly successful in seizing and forfeiting drug-related assets. A growing percentage of investigations are resulting in the seizure of assets and in charges calling for the forfeiture of assets and proceeds. The percentage of OCDETF investigations resulting in assets forfeited or restrained increased from just 66 percent in FY 2003, to 74 percent in FY 2009, while 32 percent of indictments contained forfeiture counts in FY 2009, an increase from 27 percent in FY 2008 and almost double the 18 percent of indictments returned in FY 2003. In FY 2009, OCDETF seized approximately \$514 million in cash and property and forfeitures have already amounted to \$530 million. During the last three fiscal years, FY 2007 – FY 2009, the OCDETF Program has been responsible for the seizure of more than \$1 billion dollars and the forfeiture of more than \$2 billion. OCDETF's forfeitures in the Department of Justice Consolidated Asset Tracking System (CATS) now total almost \$4 billion from FY 2003 through FY 2009, or 41 percent of the total cash and property forfeitures reported in all of CATS.

In FY 2009, approximately 9 percent of all OCDETF defendants were charged with financial violations. Investigations that resulted in defendants convicted of financial violations, are up from 19 percent in FY 2003 to 23 percent in FY 2008. As the number of primary money laundering investigations grows, and as investigations continue to mature, OCDETF expects to experience even greater increases in these statistics.



Although OCDETF has had many successes in the financial arena, there is still a long way to go. Despite increasing numbers, participating agencies have only seized or forfeited a fraction of the estimated illicit narcotics proceeds that

attract traffickers to the drug trade in the first place. In FY 2007, OCDETF began addressing a lack of financial investigators by establishing the Financial Investigator Contractors (FIC) Program. The FIC Program consists of a team of three to four FICs in each of the nine OCDETF Regions (with two such squads, containing a total of eight FICs, allocated to the Southwest Region). These investigators are assigned to DEA's Financial Investigation Teams (FITs) and are available to support OCDETF investigations in need of financial expertise. This Program is being funded entirely out of the Assets Forfeiture Fund (AFF). In addition, OCDETF continues to conduct its financial training program for agents, analysts and prosecutors nationwide. To date, the OCDETF financial training has been attended by more than 4,600 agents, analysts and prosecutors. Finally, the financial section of the OFC generates leads that enable program participants to make even greater headway against the financial components of sophisticated trafficking organizations.

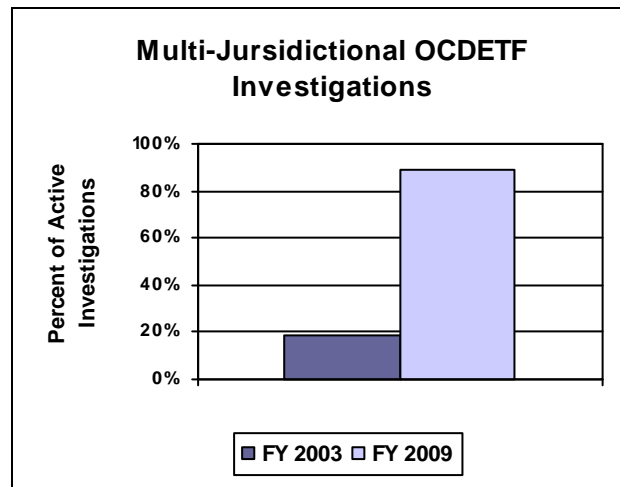
Targeting Leadership-Level Defendants

OCDETF continues to focus on the targeting of leadership-level defendants in its investigations. At the end of FY 2009, 28 percent of its new investigations target leaders of their organizations. By focusing on leadership-level targets, OCDETF is more likely to have a lasting impact against significant organizations and their operations.

Broadening the Scope of OCDETF Investigations

One of the primary goals of the OCDETF Program is the development of multi-jurisdictional investigations that simultaneously target and attack the geographically-dispersed components of major trafficking networks. It is only by attacking these networks in their entirety that OCDETF can make a lasting impact on drug trafficking activity and drug supply.

At the end of FY 2009, 89 percent of all active OCDETF investigations were multi-jurisdictional -- that is, the investigations were multi-state, multi-regional or international in scope. This represents a dramatic increase over the 19 percent of investigations in this category in March 2003. Moreover, since FY 2003, the percent of investigations that are international in scope has increased from 29 percent to 42 percent.



Emphasizing Nationwide Coordination of OCDETF Investigations

Historically, many of the nationally-coordinated investigations handled by SOD have been OCDETF investigations. SOD operations exemplify the best efforts to simultaneously attack all related components of sophisticated drug trafficking and money laundering networks, thereby more effectively disrupting their illegal activities. For this reason, OCDETF strives to increase nationwide coordination of, and SOD participation in, OCDETF cases. Currently, 37 percent of OCDETF's active investigative caseload involves SOD coordination. This percentage has

steadily increased since FY 2005, when 29 percent of OCDETF's active caseload involved SOD coordination. Moreover, the number of active FY 2009 OCDETF investigation initiations involving SOD coordination is 13 percent greater than the number at the end of FY 2008. By acting upon the leads generated by the OFC, and feeding information through SOD, OCDETF expects to steadily increase the percentage of SOD-coordinated investigations.

OCDETF Co-located Strike Forces

OCDETF believes that the greatest opportunity for success in achieving Program goals is through the OCDETF Co-located Strike Forces. For example, during FY 2007 and 2008, 23 percent and 10 percent, respectively, of OCDETF Strike Force convicted defendants were connected to a CPOT, as compared to the OCDETF national average of 5 percent in FY 2007 and 3 percent in FY 2008. In FY 2009, the OCDETF Strike Forces were involved in 33 percent of OCDETF's active/judicial pending CPOT-linked cases, which is more than double OCDETF's national average of 16 percent. Similarly, 81 percent of OCDETF Strike Force active/judicial pending cases involve complex investigative techniques, as compared to the national average of 76 percent. And 12 percent of OCDETF Strike Force active/judicial pending cases target primary money laundering organizations, which is half again higher than the national average of 8 percent.

Some of U.S. law enforcement's hardest blows against the major Mexican drug cartels have been struck by agents and prosecutors in OCDETF Strike Forces. For example, the San Diego, Houston, Atlanta, and New York Strike Forces were integral participants in two recent successful operations, "Operation Xcellerator" and "Project Reckoning." Operation Xcellerator was a multi-agency, multi-national effort that began in May 2007 and targeted the Sinaloa Cartel. Through Operation Xcellerator, federal law enforcement agencies – along with law enforcement officials from the governments of Mexico and Canada and state and local authorities in the United States – arrested more than 750 persons and seized over \$61 million in U.S. Currency, more than 12,000 kilograms of cocaine, more than 1,200 pounds of methamphetamine, approximately 1.3 million Ecstasy pills, 191 weapons, 3 aircraft, and 3 maritime vessels. Similarly, Project Reckoning, announced in September 2008, was a 15-month operation that severely damaged the Gulf Cartel. It was one of the largest and most successful joint law enforcement efforts ever between the United States and Mexico. Project Reckoning resulted in over 600 arrests in the U.S. and Mexico, plus the seizure of nearly 20,000 kilos of cocaine, tens of thousands of pounds of marijuana, thousands of pounds of methamphetamine, hundreds of weapons and \$76 million in currency. Perhaps most importantly, Project Reckoning led to the indictment against the three top leaders of the Gulf Cartel.

Panama Express (PANEX) in Tampa, designated as an OCDETF Co-located Strike Force in early FY 2007, is the premier multi-agency interdiction operation implementing the Florida Caribbean Region's strategic initiative for targeting maritime narcotics transportation. Through PANEX, OCDETF is working to disrupt and dismantle the entire drug supply chain of CPOT-level organizations by attacking the importation of cocaine and heroin into the U.S. from Colombia via maritime vessels. The key to its success has been prompt analysis of intelligence, allowing law enforcement to proactively pursue priority targets and work towards identifying those responsible for the importation of the drugs and those individuals who are the distributors

within the U.S. Since the inception of its efforts, PANEX has made more than 50 seizures, seized or destroyed at sea more than 850 tons of cocaine, and charged more than 1,750 defendants. It is estimated that this has denied the drug trafficking organizations more than \$12 billion in profits. Equally important, the Strike Force is working in close partnership with its international counterparts and has begun to succeed in its endeavors to penetrate up the hierarchy of the CPOT organizations that are responsible for such significant volumes of drugs intended for U.S. consumption.

The San Diego Strike Force (Major Mexican Traffickers Task Force) has also met with great success in fulfilling its primary mission of prosecuting major Mexican drug traffickers, such as the Arellano-Felix organization. Capitalizing on unprecedented cooperation with the Government of Mexico, Strike Force agents and prosecutors have extradited and vigorously prosecuted cartel leaders with more success than ever before, to the point that the infamous Tijuana Cartel is in complete disarray.

2. Strategies to Accomplish Outcomes/FY 2011 Budget Request Relationship to Strategies

Enhancing OCDETF's Coordinated Pursuit of Entire Organizations

In order to enhance the OCDETF Program's ability to reduce the drug supply and thereby reduce the availability of drugs to our citizens, OCDETF has focused its resources on coordinated, nationwide investigations targeting the entire infrastructure of major drug trafficking organizations. These organizations are extremely complex. Their members traffic in narcotics, launder illicit proceeds, arm themselves with and traffic in firearms, continue their criminal activities as fugitives, and participate in terrorist activities. The FY 2011 request provides resources to enhance OCDETF's impact against these significant organizations. In order to truly disrupt and dismantle these criminal enterprises in their entirety, it is critical that OCDETF pursue these organizations at each and every level. This is precisely why the OCDETF Program was established – to combine the resources and expertise of its member agencies, and to exploit their unique investigative capabilities and authorities to achieve the greatest impact from drug law enforcement efforts. Attacking these high-level organizations in their entirety requires the active and coordinated participation of all the OCDETF member agencies, with sufficient resources to support all phases of OCDETF investigations. It also requires that OCDETF member agencies think strategically about ways in which law enforcement may effectively exploit the vulnerabilities of these organizations.

Focusing on Intelligence-driven, Strategic Enforcement

OCDETF is determined to attack the infrastructure of major drug trafficking organizations at their most vulnerable points. The most effective method for accomplishing this is through carefully planned and comprehensive strategic initiatives pursued by the OCDETF Regions and the Co-located Strike Forces.

OCDETF focuses on enhancing the capacity of its participants to undertake intelligence-driven, strategic enforcement initiatives. The OFC was established to integrate and analyze drug investigative data and related financial data with the goal of providing law enforcement with the

complete intelligence picture of the major international and domestic trafficking organizations. Leads generated from the OFC direct law enforcement efforts, especially those resources located at the OCDETF Co-located Strike Forces, against those organizations and their related components nationwide. Such activities are conducted in a manner that will most effectively disrupt the operations of the major trafficking organizations and will result in their ultimate destruction. The nine Co-located Strike Forces are in unique positions to take advantage of OFC leads.

The Program's FY 2011 enhancement request supports OCDETF's intelligence-driven and strategic enforcement efforts by providing resources for intelligence sharing, investigative activities, fugitive apprehension, and prosecutorial activities.

Using the CPOT and RPOT Lists

The CPOT List identifies international "command and control" drug traffickers and money launderers. The FY 2010 CPOT list contains 59 targets, who are the leaders of the most significant drug trafficking organizations around the world. The RPOT Lists identify those organizations whose drug trafficking and money laundering activities have a significant impact in a particular OCDETF Region. The CPOT and RPOT Lists are important management tools for the OCDETF Program. These lists enable the OCDETF Regions and districts to focus enforcement efforts on specific targets that are believed to be primarily responsible for the national and regional drug supply, and to coordinate related nationwide investigations against the CPOT and RPOT organizations. It is through the disruption and dismantlement of these major drug trafficking and money laundering organizations that OCDETF will have its greatest impact on the overall drug supply.

The FY 2011 request will enhance OCDETF's ability to disrupt and dismantle these significant drug and money laundering organizations. The Southwest Border Initiative will boost OCDETF's ability to attack both the CPOTS and the Gatekeepers. OCDETF will be in a better position to identify smuggling routes and patterns, indict and prosecute the highest-level traffickers, and coordinate fugitive apprehension efforts to ensure organization members are brought to justice.

Permanently Disabling Drug Organizations through Fugitive Apprehension

Simply indicting high-level drug traffickers and money launderers is not enough to ensure the success of the OCDETF Program. In order to permanently disable drug trafficking enterprises, organization members must be brought to justice, and their illegally-obtained assets must be seized and forfeited; otherwise, these traffickers continue to operate their illegal enterprises indefinitely.

OCDETF defendants and fugitives are highly mobile, and they typically have extensive resources and an extended network of associates to assist them in avoiding arrest. Consequently, the longer they remain at large, the more difficult they become to apprehend and prosecute.

Reducing Southwest Border Violence by Targeting Drug Trafficking Organizations that Engage in Illegal Firearms Trafficking and Their Suppliers

Recent arrests of high-level Mexican drug traffickers have resulted in a significant increase in violence along the Southwest Border, as rival drug trafficking organizations engage in turf wars with each other while simultaneously challenging the Mexican police and military for control of their territory. These battles are fueled by firearms smuggled across the border from the U.S. Through the OCDETF Southwest Region's Gatekeeper Initiative, the OCDETF Program is identifying and attacking the organizations that purchase and supply illegal firearms to these drug traffickers. Targeting the Gatekeepers is critical, because in addition to controlling the flow of drugs and illicit proceeds across the Southwest Border, Gatekeepers often control the purchase, shipment, and distribution of firearms to drug trafficking organizations. Incorporating ATF's authority and expertise improves the ability of OCDETF member agencies, working together at the Houston, El Paso, Phoenix, and San Diego Strike Forces, to identify those responsible for supplying firearms to Mexican drug traffickers.

Increasing OCDETF Performance and Accountability

OCDETF is committed to holding its participants accountable for achieving the overall mission and goals of the Program — that is, reducing the Nation's drug supply through the disruption and dismantlement of significant drug and money laundering organizations. Since May 2003, the OCDETF Executive Office has distributed comprehensive quarterly and monthly performance indicator reports to all U.S. Attorneys, OCDETF Lead Task Force Attorneys, and agency managers. These reports have become an essential management tool for field Program managers. The reports track key OCDETF performance indicator data and reporting compliance rates for each judicial district. The OCDETF Director uses this information to conduct annual district and agency performance reviews, to identify staffing deficits and allocate new resources, and to identify areas for program improvement.

These performance indicator reports also drive OCDETF's budget requests and enable OCDETF to tie resource requests to Program accomplishments more effectively.

PERFORMANCE AND RESOURCES TABLE													
Decision Unit: Organized Crime Drug Enforcement Task Force - Investigations													
DOJ Strategic Goal/Objective: Goal 2: Prevent Crime, Enforce Federal Laws Objective 2.3: Reduce the threat, trafficking, use, and related violence of illegal drugs													
WORKLOAD/ RESOURCES		Final Target		Actual		Projected		Changes		Requested (Total)			
		FY 2009		FY 2009		FY 2010 President's Budget		Current Services Adjustments and FY 2011 Program Change		FY 2011 Request			
Workload				1,392		1,578		101		1,679			
Number of new OCDEF investigations initiated		877		877		877		37		914			
Number of active OCDEF investigations 1/		1,930		1,930		N/A		N/A		N/A			
Number of active/judicial pending OCDEF investigations 1/		N/A		4,622		4,485		110		4,595			
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		FTE		\$000		FTE		\$000		FTE		\$000	
		3,376		515,000		3,376		515,000		3,277		528,569	
TYPE/ STRATEGIC OBJECTIVE		PERFORMANCE		FY 2009		FY 2009 Actual		FY 2010 Enacted		Current Services Adjustments and FY 2011 Program Change		FY 2011 Request	
		FTE		\$000		FTE		\$000		FTE		\$000	
Program Activity													
1. Investigations		2,342		369,347		2,342		369,347		2,278		379,542	
Performance Measure													
A. Percent of active OCDEF investigations linked to CPOT 2/		15%		16%		15%		1%		16%			
B. Percent of active OCDEF investigations linked to RPOT 3/		20%		19%		20%		0%		20%			
C. Percent of active investigations involving SOD/Fusion Center coordination		33%		37%		33%		0%		33%			
D. Percent of active investigations targeting primary drug money laundering organizations 4/		10%		8%		N/A		N/A		N/A			
E. Percent of active investigations utilizing complex investigative techniques 5/		71%		76%		71%		0%		71%			

Note: While participation by non-justice components is no longer funded through the Justice Appropriation, performance targets are calculated taking into account expected resources dedicated to OCDEF by the non-Justice components. Targets have been adjusted downward where appropriate to reflect greater complexity of cases and reduced resources.

1/ Number of Active OCDEF Investigations: Beginning in FY 2010, OCDEF is expanding this indicator to include judicial pending investigations. Judicial pending investigations are those OCDEF investigations where no future indictments are expected, but prosecution of indicted defendants is ongoing. By adding judicial pending cases to this number, OCDEF is providing a more accurate picture of the number of investigations that are currently active and being worked on by the organization. Additionally, judicial pending investigations are factored into the percentage of active cases for other performance measures included in this document, so any confusion with the terminology will be eliminated by modifying this workload measure.

2/ The Department's Drug Enforcement Task Force strategy called on federal law enforcement agencies to collaboratively develop a unified national list of drug organization targets. This list has become known as the Consolidated Priority Organization Targets (CPOT) List. There are 59 CPOT targets in FY 2010. Targets on this list include heads of narcotic and/or money laundering organizations, poly-drug traffickers, clandestine manufacturers and producers and major drug transporters, all of whom are believed to be primarily responsible for the domestic drug supply.

3/ OCDEF regions are required to develop and maintain a list of Regional Priority Organization Targets (RPOT)- that is, those individuals and organizations whose drug trafficking and/or money laundering activities have a significant impact in the region. The RPOT Lists, similar to the CPOT List enable the OCDEF regions and districts to focus enforcement efforts on specific targets believed to be primarily responsible for the regional drug threat. Although, the FY 2009 actual percentage achieved is slightly lower than estimated due to limits imposed on the number of RPOTs, significant progress was made in accomplishing the goals of this measure.

4/ The performance measure for the percent of active investigations targeting primary money laundering organizations is being eliminated in FY 2010. OCDEF investigations target the most significant drug trafficking and money laundering organizations and their related enterprises. Although money laundering is a significant activity in many drug trafficking organizations, it may not be the primary activity. For example, a drug trafficking organization that is reported to be primarily a distribution organization may be comparable in laundered assets and expense to that of a drug trafficking organization that is reported primarily as a money laundering organization. Therefore, this item is no longer being used as a measure of performance. Although the actual is slightly lower than estimated, significant progress was made in accomplishing this goal in FY 2009.

5/ Complex investigative techniques include the use of investigative grand jury, wiretaps, and/or requests through Mutual Legal Assistance Treaties.

PERFORMANCE AND RESOURCES TABLE

Decision Unit: Organized Crime Drug Enforcement Task Force

DOJ Strategic Goal/Objective: **Goal 2:** Prevent Crime, Enforce Federal Laws **Objective 2.3:** Reduce the threat, traffickin, use, and related violence of illegal drugs

WORKLOAD/RESOURCES		Final Target		Actual				Changes		Requested (Total)	
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2009		FY 2009		FY 2010 Enacted		Current Services Adjustments and FY 2011 Program Change		FY 2011 Request	
Program Activity		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
	Prosecutions	1,034	145,653	1,034	145,653	999	149,027	58	13,691	1,057	168,349
Performance Measure	A. Number of OCDETF Defendants Indicted/Convicted	9,080/7,330		10,501/8,880		9,080/7,330		216/175		9,296/7,505	
	1. Number and percent of convicted defendants linked to CPOT	315/4%		335/4%		284/4%		19/0%		303/4%	
	2. Number and percent of convicted defendants linked to RPOT 6/	1,010/14%		693/8%		909/12%		12/0%		921/12%	
	B. Percent of OCDETF investigations resulting in the conviction of a leader*	75%		77%		75%		0%		75%	
	C. Percent of OCDETF investigations resulting in financial convictions 7/*	27%		23%		27%		0%		27%	
	D. Percent of OCDETF investigations resulting in assets forfeited or restrained 8/*	80%		74%		80%		0%		80%	

6/ Although the actual is slightly lower than estimated, significant progress was made in accomplishing the goal of this measure.

7/ Although the actual is slightly lower than the estimated target, significant progress was made in accomplishing the goal of this measure. Additionally, two Supreme Court decisions, Santos and Cuellar, impacted OCDETF's ability to file money laundering charges and caused dismissals of charges in some cases.

8/ Although the actual is slightly lower than the estimated target, significant progress was made in accomplishing the goal of this measure. Also, The target applies to the performance of all OCDETF agencies, including non-DOJ federal/state/local law enforcement. However, forfeiture proceedings take a long time, often creating a lag in reporting for this measure. OCDETF's reporting may be closed before forfeiture data can be reported. Additionally, two Supreme Court decisions, Santos and Cuellar, impacted OCDETF's ability to file money laundering charges and caused dismissals that may have impacted forfeitures in some investigations.

PERFORMANCE AND RESOURCES TABLE						
Decision Unit: Organized Crime Drug Enforcement Task Force						
DOJ Strategic Goal/Objective: Goal 2: Prevent Crime, Enforce Federal Laws Objective 2.4: Reduce the threat, traffickin, use, and related violence						
WORKLOAD/ RESOURCES		Final Target	(Projected) Actual	Projected	Changes	Requested (Total)
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2009	FY 2009	FY 2010 President's Budget	Current Services Adjustments and FY 2011 Program	FY 2011 Request
Outcome	A. Percent of investigations resulting in disruption/dismantlement of targeted organization*	78%	83%	78%	0%	78%
	B. Number of CPOT-Linked Organizations disrupted/dismantled in OCDETF Investigations 9/	189/90	162/99	194/88	5/2	199/90
	C. Amount of Seized Assets from CPOT-Linked Organizations per year	115M	166M	115M	7M	122M
	D. Percent of Aggregate Domestic Drug Supply related to Disrupted/Dismantlement CPOT-Linked 10/	TBD	TBD	TBD	TBD	TBD

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

10/ This measure is to be determined. The establishment of meaningful baselines for the supply of drugs available for consumption in the United States must first be established.

Data Valuation and Verification Issues

Data Collection:

The OCDETF Program currently collects/collates data from OCDETF agents and attorneys working on investigations within each district through the use of five OCDETF forms: (1) the Investigation Initiation Form, which is used to provide information as a basis to obtain approval for each investigation; (2) the Indictment/Information Form, which is used to record each indictment returned in OCDETF cases; (3) the Disposition and Sentencing Report, which is used to record all charges in OCDETF cases and to record final resolution of those charges; (4) the OCDETF Interim Report, which is to be filed every six months while an OCDETF case is open and active, and which is used to update the status of the investigation and all case information; (5) and the OCDETF Final Report, which provides information at the end of a case and is used to measure both the extent to which a targeted organization was disrupted or dismantled and the overall impact of the investigation. All report information is input into the OCDETF Management Information System (MIS)

Data Validation:

Data submitted on OCDETF forms and reports is verified by the OCDETF District Coordination Group, the OCDETF Regional Coordination Group, and the OCDETF Executive Office.

Data is reviewed periodically, monthly and annually to ensure that data is accurate and reliable. Additional data reviews are conducted as necessary on an ongoing basis. Examples include the CPOT validation project, which confirmed all justifications for claiming a CPOT-link, and the review of primary money laundering organization data to ensure that proper criteria was being followed when identifying primary money laundering organizations.

OCDETF cross-checks its data with data collected by other entities, including: the Executive Office for United States Attorneys which collects data on indictments, convictions and sentences; the Consolidated Asset Tracking System (CATS), which captures data on seized and forfeited assets, and DEA's PTARRS database, which contains information regarding DEA's CPOT-linked and RPOT-linked organizations and investigations.

MEASURE TABLE

Appropriation: Interagency Crime and Drug Enforcement

Decision Unit Program: Organized Crime and Drug Enforcement Task Forces (OCDEF)

Decision PERFORMANCE Unit: Investigations

Performance Report and Performance Plan Targets		FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009		FY 2010	FY 2011
		Actual	Actual	Actual	Actual	Actual	Actual	Actual Target	Actual	Target	Target
Performance Measure	Percent of active OCDEF investigations linked to CPOT	N/A	N/A	N/A	18%	14%	14%	15%	16%	15%	16%
Performance Measure	Percent of active OCDEF investigations linked to RPOT	N/A	N/A	N/A	19%	19%	21%	20%	19%	20%	20%
Performance Measure	Percent of active investigations involving SOD/Fusion Center Coordination	N/A	N/A	N/A	29%	32%	35%	33%	37%	33%	33%
Performance Measure	Percent of active investigations targeting primary drug money laundering organizations	N/A	N/A	N/A	13%	10%	9%	10%	8%	N/A	N/A
Performance Measure	Percent of active investigations utilizing complex investigative techniques	N/A	N/A	N/A	70%	71%	76%	71%	76%	71%	71%

Decision Unit: Prosecutions

Performance Report and Performance Plan Targets		FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009		FY 2010	FY 2011
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Performance Measure	Number of OCDEF Defendants Indicted/Convicted	9,235/9,315	8,162/6,440	8,160/5,539	8,623/6,566	9,130/7,424	9,556/7,716	9,080/7,330	10,501/8,880	9,080/7,330	9,296/7,505
	1. Number and percent of convicted defendants linked to CPOT	N/A	N/A	345/6%	351/5%	388/5%	332/4%	315/4%	335/4%	284/4%	303/4%
	2. Number and percent of convicted defendants linked to RPOT	N/A	N/A	758/14%	1,009/15%	953/13%	1,065/14%	1010/14%	693/8%	909/12%	921/12%
Performance Measure	Percent of OCDEF investigations resulting in the conviction of a leader	N/A	N/A	N/A	73%	75%	79%	75%	77%	75%	75%
Performance Measure	Percent of OCDEF investigations resulting in financial convictions	N/A	N/A	N/A	20%	25%	27%	27%	23%	27%	27%
Performance Measure	Percent of OCDEF investigations resulting in assets forfeited or restrained	N/A	N/A	N/A	85%	83%	74%	80%	74%	80%	80%

Performance Report and Performance Plan Targets		FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009		FY 2010	FY 2011
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Outcome Measure	Percent investigations resulting in disruption/dismantlement of targeted organization	N/A	N/A	N/A	76%	76%	79%	78%	83%	78%	78%
Outcome Measure	Number of CPOT-Linked Organizations disrupted/dismantled in OCDEF investigations	N/A	N/A	127/29	156/93	135/64	214/69	189/90	162/99	194/88	199/90
Outcome Measure	Amount of Seized Assets from CPOT-Linked Organizations	N/A	N/A	53M	80M	109M	124M	115M	166M	115M	122M
Outcome Measure	Percentage of Aggregate Domestic Drug Supply related to Dismantled/Disrupted CPOT-Linked organizations	N/A	N/A	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD

N/A – data unavailable

N/A – data unavailable

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V. Program Increases by Item

Item Name: Southwest Border Enforcement Initiative

Budget Decision Unit(s): Investigations and Prosecutions

Strategic Goal(s) & Objective(s): Goal 2: Objective 2.4

Organizational Program: OCDETF Program

Component Ranking of Item: 1

Program Increase: Positions 158- Agt/Atty 87- Other 71- FTE 81 -Dollars \$37,339,000.

Description of Item

OCDETF is seeking \$37,339,000 to support OCDETF's efforts to dismantle organizations moving drugs, guns, and illicit drug proceeds across the Southwest Border of the U.S. This enhancement will allow OCDETF to more effectively target those organizations having a significant impact on the U.S. drug supply and those contributing to the escalating violence along the Southwest Border by enhancing OCDETF's resources for exploiting available intelligence, maximizing the effectiveness of investigations and apprehension and extradition efforts, and providing sufficient attorney resources to ensure that these investigations have adequate legal oversight and that identified organizations are fully prosecuted. OCDETF formulated this request in coordination with its Justice partners, which include DEA, FBI, USMS, ATF, the Criminal Division, and the United States Attorney's Offices, to ensure OCDETF resources sought herein align and do not duplicate our partner's FY 2010 and FY 2011 requests to support Southwest Border investigative and prosecution resource requirements. Specifically, and in order of priority, this request seeks:

Mexican and Colombian Fugitive Apprehension and Southwest Border Extradition and Foreign Evidence Initiative

- 6 Positions – Agt/Atty 4 – Other 2 – FTE 4 - \$2,979,000, for USMS to enhance its ability to target, locate, and apprehend OCDETF fugitives, including expanding the USMS presence in Mexico and Colombia, and to staff the new OCDETF Unit in the Criminal Division's Office of International Affairs (OIA) that will include USMS positions and OIA attorneys.

Targeted Southwest Border Investigations and Prosecutions by Co-located Strike Forces:

- 49 Positions – Agt/Atty 30 – Other 19 – FTE 25 - \$19,880,000, for ATF, FBI, USMS, and the U.S. Attorney's Offices to add new positions to join or fully support their participation in the OCDETF Co-located Strike Forces that are targeting the highest level Mexican drug cartels and their Colombian cocaine suppliers, including maritime Strike Forces in Tampa/Sarasota (Panama Express) and San Juan, as well as land-based Strike Forces in San Diego, Phoenix/Tucson,

El Paso, Houston/Laredo/McAllen, and Atlanta, and to provide DEA and the other participating agencies a stable source of operational funding for those Strike Forces.

Intelligence Exploitation and Coordination for Southwest Border Investigations and Prosecutions:

- 4 Positions – Agt/Atty 2 – Other 2 – FTE 2 – \$2,984,000, for ATF to add new positions at the OCDETF Fusion Center (OFC) and the Special Operations Division (SOD) to coordinate intelligence efforts supporting investigations of trafficking of drugs, weapons, and currency across the Southwest Border, and to expand the physical capabilities of the OFC to provide for the establishment of the International Organized Crime Intelligence and Operations Center (IOC-2) at the OFC. The \$2,322,000 requested enhancement will enable the OFC to obtain additional space to support new investigations and prosecutions of gangs and other criminal organizations involved in violent crime and other illegal activity along the Southwest Border.

Southwest Border Threat Response Unit

- 11 Positions – Agt/Atty 10 – Other 1 – FTE 6 - \$1,447,000, for the OCDETF Executive Office to hire new personnel to be detailed to the Criminal Division's Office of Enforcement Operations (OEO) to enhance its support of OCDETF Southwest Border-related wiretap applications and requests for approval to employ sensitive investigative techniques.

Southwest Border Prosecutorial Activities

- 88 Positions – Agt/Atty 41 – Other 47– FTE 44 - \$10,049,000, for the U.S. Attorney's Offices to pursue their Southwest Border Drug Prosecutions Initiative.

Background:

Overview of the Southwest Border Threat

The Southwest Border, which not only includes the land border with Mexico, but also the maritime transit zone along the Eastern Pacific Ocean, the Gulf of Mexico, and the Caribbean Sea, serves as the principal arrival zone for most of the illegal drugs smuggled into the United States. Mexican drug cartels operating along both sides of the border have become the world's preeminent drug traffickers. Organizationally complex, and with a high propensity for violence, these groups transport multi-ton shipments of heroin, methamphetamine, and marijuana produced in Mexico. They are also hired by Central and South American trafficking organizations to transport equally large amounts of cocaine into the United States. These powerful Mexican drug cartels currently threaten the national security of our Mexican neighbors, pose an organized crime threat to the

United States, and are responsible for the scourge of illicit drugs and accompanying violence in both countries.

The cartels' reach extends far beyond the U.S. land border with Mexico and across the entire United States. According to the *NDTA*, Mexican drug trafficking organizations maintain drug distribution networks or supply drugs to distributors in at least 230 U.S. cities in 45 of the 50 states. Atlanta is a particular hub for both drug distribution and collection of cash drug proceeds for smuggling back to Mexico. For example, on May 13, 2009, DEA agents made the largest seizure of methamphetamine ever recorded east of the Mississippi River, seizing more than 350 pounds of methamphetamine, with a street value of more than \$8,000,000, from four members of a Mexican organization. In a separate investigation involving a current Mexican CPOT, Atlanta agents seized more than \$23,000,000 in cash in a ten-month period. The pattern of initiation of OCDETF cases reflects the reality that the Southwest Border threat extends far beyond the land border. Consistently over the last decade, approximately twenty percent of all active OCDETF investigations and cases have been in OCDETF's Southwest Region, while another twenty-two percent involve linked investigations or prosecutions in both the Southwest Region and one or more other OCDETF regions.

According to NDIC's 2009 *NDTA*, Mexican drug trafficking organizations represent the greatest organized crime threat to the United States in 2009, with cocaine being the leading drug threat. The Interagency Cocaine Movement Assessment indicates that in 2007, 90 percent of cocaine destined for the U.S. transited the Mexico-Central America corridor, including the maritime routes. Moreover, the *NDTA* reports that Mexican organizations not only control cocaine distribution in most U.S. cities but are also strengthening their relationships with U.S.-based street and prison gangs to gain strength in cocaine markets they do not yet control and to gain market shares in the heroin trade.

Further, methamphetamine production in "super labs" operated by Mexican drug trafficking organizations on both sides of the Southwest border continues, despite import restrictions on precursor chemicals imposed by the Mexican government in 2005. The *NDTA* reports that through October 2008, more than 2,000 kilograms of methamphetamine were seized along the Southwest border, surpassing the 2007 total of 1,745 kilograms.

At the same time, billions of dollars in drug proceeds continue to make their way across the border into Mexico to further fuel the drug trade and its attendant violence. According to the *NDTA*, Mexican and Colombian drug trafficking organizations generate, remove, and launder between \$18 billion and \$39 billion in wholesale drug proceeds annually, a large portion of which is believed to be smuggled in bulk across the border back into Mexico. With access to billions of dollars, the powerful cartels have almost limitless resources that enable them to bribe, extort, threaten, intimidate, and terrorize.

Firearms trafficking from the United States to Mexico contributes to violence on both sides of the border, as paramilitary groups and U.S.-based prison and street gangs serve as enforcement arms of the Mexican drug cartels. Mexican drug trafficking organizations

obtain firearms, including handguns, rifles, assault rifles, and explosive devices, from locations throughout the U.S., but most are acquired in Southwest Border states. NDIC notes that the Mexican cartels typically smuggle the firearms in small shipments, usually only a few weapons at a time but often multiple times in one day, in order to minimize the likelihood of successful interdiction by U.S. law enforcement. Thus, it is rare that U.S. law enforcement even has an opportunity to interdict large weapons shipments into Mexico.

OCDETF's member agencies have been fighting the powerful South American and Mexican drug cartels for decades. Ironically, our success in these efforts is a contributing factor in a recent escalation in the cartels' violent behavior. As we have disrupted and dismantled the most powerful cartels, their successors are fighting amongst themselves for control of the lucrative smuggling corridors along the Southwest Border and in the maritime transit zones.

Moreover, since the inauguration of President Felipe Calderon in 2006, and with support and encouragement from the United States such as the ongoing Merida Initiative, the Government of Mexico has undertaken a comprehensive program to break the power of the narco-traffickers in that country. Since 2006, the Government of Mexico has made record seizures of drugs, clandestine laboratories, and cash. Mexican law enforcement has arrested many high-level members of all the major Mexican drug cartels, extraditing them in record numbers to face prosecution in the United States. The drug traffickers are not only waging war against each other, but also against determined Mexican police and military forces.

As a result of this dual pressure from U.S. and Mexican law enforcement, drug-related violence, including kidnappings, home invasion robberies, and increasingly gruesome murders, has skyrocketed in Mexico and along our Southwest border. Drug-related murders in Mexico more than doubled from 2006 to 2007 and more than doubled again in 2008, to approximately 6,500 victims. Mexico again ended 2009 with a record number of drug-related deaths, estimated at more than 7,600 persons. This surge of drug-related violence throughout northern Mexico since 2007 has caused some of the cartel members and their families to relocate to U.S. communities. In addition, many members of Mexican law enforcement agencies have also sought refuge for themselves and their families in the U.S. This trend has caused the cartels to export their ruthless tactics into U.S. cities such as San Diego, Phoenix, Laredo, and El Paso. For example, there were more than 350 kidnappings for ransom in Phoenix in 2007 and again in 2008, most of them believed to be cartel-related.

Magnifying the problem is the documented presence of corrupt border officials who facilitate a wide range of illegal activities along the Southwest Border. Resource-rich cartels employ a variety of methods in order to target and recruit U.S. Border Patrol agents, Customs and Border Protection officers, and local police officers who can facilitate organized crime. The corrupt officials assist the cartels by providing intelligence and participating in moving weapons, drugs, aliens, and other contraband across the U.S.-Mexican border. Corruption within U.S. law enforcement, coupled with

extensive corruption among Mexican government, military, and law enforcement officials, facilitates the operations of the cartels.

Overview of the Department of Justice's Southwest Border Strategy

The Department of Justice recognizes that the escalating drug-related violence in Mexico and along our Southwest Border is being caused by a limited number of large, sophisticated and vicious criminal organizations, not by individual drug traffickers acting in isolation. That insight drives the Department's overall Southwest Border Strategy, as well as one of the overall Strategy's principal components, the 2010 Strategy for Combating the Mexican Cartels. These Strategies are built on the Department's proven track record in dismantling transnational organized criminal groups, such as the Mafia in the 1980s and 1990s. The Southwest Border Strategy confronts the Mexican cartels as criminal organizations, rather than simply responding to individual acts of criminal violence. Pursued vigorously, and in coordination with the efforts of other U.S. government agencies and with the full cooperation of the Government of Mexico, this Strategy can and will neutralize the organizations causing the violence.

The goal of the Department's Southwest Border Strategy is to systematically degrade the power of the Mexican drug cartels, while simultaneously improving the capacity of the Mexican law enforcement institutions to confront the cartels domestically. To achieve this goal, the Strategy first employs extensive and coordinated intelligence capabilities. Pooling information generated by Department law enforcement agencies and their federal, state and local government partners, it uses the resulting intelligence to direct operations in the United States and assists the efforts of the Mexican authorities to attack the cartels and the corruption that facilitates their operations.

Second, through intelligence-based, prosecutor-led, multi-agency task forces that leverage the strengths, resources, and expertise of the complete spectrum of federal, state, local, and international investigative and prosecutorial agencies – in fact, the OCDETF model – the Department focuses its efforts on investigation, extradition, prosecution, and punishment of key cartel leaders. As has been demonstrated over time in attacking other major criminal enterprises, destroying the leadership and seizing the financial infrastructure of the cartels undermines their very existence.

Third, the Department's Strategy pursues investigations and prosecutions related to the trafficking of guns and the smuggling of cash and contraband for drug-making facilities from the United States into Mexico. It also uses traditional law enforcement approaches to address the threats in the United States of cartel activity. These threats include the widespread distribution of drugs on our streets and in our neighborhoods, battles between members of rival cartels on American soil, and violence directed against U.S. citizens and government interests.

OCDETF as the Centerpiece of the Department's Southwest Border Strategy

For the last several years, the OCDETF Program has been recognized as the centerpiece of the Department's long-term drug enforcement strategy. It is the Program that coordinates and channels all elements of the federal government – including DHS and the Department of the Treasury – in its efforts against the largest national and international drug-trafficking organizations. It provides consistent national policy direction and oversight, with accountability and proven performance measures. After more than a quarter century of operations, OCDETF continues to be the vehicle that is best situated to continue the fight against today's violent Mexican drug cartels.

The OCDETF Program is managed out of the Office of the Deputy Attorney General to ensure it receives maximum exposure and access to senior Department leadership, the interagency community, and the 94 United States Attorneys' Offices. Its explicit mission is to reduce the supply of illegal drugs in the United States, and diminish the violence associated with the drug trade. This is accomplished through intelligence-driven investigations and prosecutions that capitalize on the combined resources and expertise of its seven member federal investigative agencies – ATF, DEA, FBI, USMS, IRS-CID, ICE, and USCG. These investigative agencies work in cooperation with each other and with OCDETF's cadre of experienced federal prosecutors in the United States Attorneys' Offices and the Department's Criminal Division, and also with hundreds of state and local law enforcement agencies across the United States and in foreign countries.

The founding principle of OCDETF is the notion that no one law enforcement entity is in a position to effectively disrupt and dismantle sophisticated drug and money laundering organizations. OCDETF works because it effectively leverages the investigative and prosecutorial strengths of each participant. OCDETF's synchronization of multiple investigations against common target organizations, its effective use of attorneys at the early stages of investigations, and its success in fostering efficient collaboration of law enforcement agencies from all jurisdictions, have demonstrated the efficacy of OCDETF's operational model.

The types of investigations that are needed to attack the powerful criminal organizations operating along and across the Southwest Border today are typically so complex and labor intensive that they could not be effectively conducted without cooperation among the OCDETF agencies. Most, if not all, of these investigations require a mix of skills, experience, and jurisdiction that no single agency has: DEA's unique knowledge of international drug trafficking organizations, and its working relationships with foreign, state, and local law enforcement authorities; FBI's experience in gathering and analyzing intelligence data and investigating gangs and other complex criminal organizations, as well as its expertise in handling sensitive public corruption matters; ICE's ability to interdict the goods, weapons, and currency involved in international drug trafficking and currency and firearms smuggling and to deal with non-U.S. citizen drug traffickers; IRS's expertise in using the tax code, money laundering statutes, and asset forfeiture laws to thoroughly investigate the financial operations of targeted organizations and dismantle the infrastructure that fuels their operations; the USMS's skills in fugitive investigations

and apprehension of criminals who have the resources to hide anywhere in the world; the USCG's maritime reach and expertise; and ATF's expertise in the investigation of illegal use of firearms and explosives, which have long been the drug traffickers' tools of the trade. In addition, state and local law enforcement agencies, who participate in approximately 90 percent of all OCDETF investigations, significantly expand the Program's available resources and bring invaluable access to intelligence sources.

Specific OCDETF Initiatives Targeting Mexican Drug Cartels

CPOT List. Since its inception in 1982, OCDETF investigations have always targeted the most significant drug trafficking organizations operating in the affected jurisdictions, focusing on those that are multi-district, multi-regional, or international in scope. Since 2003, the OCDETF Program has also been responsible for overseeing the Attorney General's Consolidated Priority Organization Target (CPOT) list. The CPOT list, which is updated semiannually, comprises the "Most Wanted" leaders of the drug trafficking and money laundering organizations believed to be primarily responsible for the nation's supply of illegal drugs. These targets are not single-agency priorities, but rather are proposed and considered as a group by all the OCDETF participating agencies, using their combined available intelligence and input from the intelligence community.

The FY 2010 CPOT list identifies 59 active CPOT targets, 24 of which are based in Mexico. These Mexican CPOTs comprise the leadership of the cartels that are responsible for smuggling most of our nation's illegal drug supply across the maritime transit zones and the Southwest land border, and are also responsible for the escalating violence on both sides of the border. There are currently approximately 687 active OCDETF investigations targeting organizations that are linked to one of the 24 Mexican CPOTs. It is illustrative of the scope of these CPOTs' operations that slightly fewer than half of these investigations were initiated in OCDETF's Southwest Region. Every one of the other nine OCDETF regions has active investigations linked to a Mexican CPOT.

Since the inception of the CPOT list at the beginning of FY 2003, a total of 129 targets have been designated as CPOTs. From FY 2003 through FY 2009, OCDETF participants dismantled 42 CPOT organizations and severely disrupted another 19. In addition, during that same time period OCDETF disrupted or dismantled a total of 1,421 CPOT-linked drug trafficking organizations – organizations working with or otherwise associated with a CPOT. This budget request seeks to expand OCDETF's ability to focus on those CPOTs and CPOT-linked organizations that are impacting the Southwest Border by addressing the intelligence, enforcement, and prosecution requirements needed to reduce the volume of drugs, weapons, and money crossing the border and curtail the panoply of criminal activities perpetrated by these Mexican drug trafficking organizations.

Financial Investigations. The OCDETF Program has also historically placed a high priority on attacking and dismantling the financial infrastructure of drug trafficking organizations. Since 2002, OCDETF's Program Guidelines have explicitly mandated that all OCDETF investigations include a financial component and make full use of

financial investigative techniques, including enforcement of Title 18 and Title 31 money laundering and currency statutes, the tax laws, and applicable asset forfeiture provisions. This mandate facilitates our participants' ability to identify and convict high-level traffickers and dismantle money laundering operations, and to enable the government to seize and forfeit the assets and profits derived from high-level drug trafficking and related crimes.

This is, however, much easier said than done. These financial cases are among the most complex and time-consuming that federal prosecutors handle, and often take years to develop. Unraveling multiple layers of false identities, straw men, sham transactions, and complicated structured financial activity involving multiple financial institutions and assets in multiple jurisdictions and overseas is a daunting and resource-intensive task for even the most skilled financial investigators. The increasing use by the traffickers of "smurfed" wire transfers – involving multiple parties making multiple wire transfers in a single day, each under the limit that triggers scrutiny but in the aggregate substantially more than would be allowed – and stored value cards -- are further examples of the difficulty law enforcement has in "following the money." The OCDETF Program, with participation by federal investigative agencies with a long track record of successful financial investigations, such as FBI, ICE, and IRS, is ideally placed to continue the investigation of the more sophisticated aspects of the financial operations of the Mexican cartels.

Gatekeeper Initiative. OCDETF is also devoting resources to attacking the Mexican cartels through the OCDETF Southwest Region Gatekeeper Initiative. As discussed in the *President's National Drug Control Strategy*, intelligence has confirmed that drug trafficking organizations collect fees to facilitate the movement of all types of contraband from Mexico into the U.S. A "Gatekeeper" is a person or group whose role is to facilitate the taxation and protection of contraband loads and to enforce the will of the cartel through bribery, intimidation, extortion, beatings, and murder. Gatekeepers have cultivated and maintained political, social, family and law enforcement connections in their area of control. Entry points into the United States controlled by Gatekeepers support large drug movements within Mexico because of their direct connections to road, air, and rail networks. The more established Gatekeepers have been co-opted by the Mexican cartels.

OCDETF's Gatekeeper Initiative combines the statutory expertise and authorities of its multi-agency members – DEA, FBI, ATF, USMS, IRS, and ICE – and the U.S. Border Patrol to accomplish the following objectives: (1) establish multi-district OCDETF investigations of the Gatekeepers and their organizations operating along the Southwest Border, including the identification and investigation of corrupt law enforcement officials on both sides of the border; (2) identify additional activities of the Gatekeepers in other OCDETF regions and pass investigative leads to those jurisdictions, thus broadening the scope of Gatekeeper investigations; (3) disrupt drug trafficking patterns along the Southwest Border by attacking the smuggling of major cartels, including CPOTs; and (4) target the illegal purchase and distribution of firearms by the subjects of Gatekeeper and CPOT investigations, including analyzing intelligence information to identify facilitators

for the CPOTS and Gatekeepers, such as Federal Firearms Licensees (FFL) and straw purchasers. Since its inception in 2007, the OCDETF Southwest Region Gatekeeper Initiative has resulted in the opening of 25 OCDETF investigations, yielding 32 indictments of 142 defendants, with 98 defendants convicted so far.

Bulk Currency Initiative. OCDETF's Southwest Region Bulk Currency Money Laundering Initiative also targets CPOTs and other drug trafficking organizations through the investigation of bulk currency movement along transportation routes in the Southwest Region. Federal agencies currently participating in this initiative include ATF, DEA, FBI, ICE, IRS, USMS, and the U.S. Attorney's Offices. State and local agencies, which encounter the vast majority of currency seizures on the highways, lack the resources necessary to conduct follow-up investigations that will lead to the identification and prosecution of the major drug organizations that own the smuggled cash. Currently more than 80 percent of active OCDETF investigations initiated in the Southwest Region target organizations employing bulk cash smuggling, and Southwest Region investigations account for 23 percent of the nationwide total of OCDETF investigations targeting bulk cash smuggling. Since FY 2006, 51 OCDETF investigations have been initiated from this initiative, and these ongoing investigations have resulted in the seizure of more than \$60 million in cash and the conviction of 203 defendants.

Co-located Strike Forces. OCDETF's member agencies have also been able to achieve significant progress in attacking the major Mexican drug cartels through the creation of OCDETF Co-located Strike Forces. The original OCDETF concept of prosecutors and agents from different agencies working together to achieve the common goal was actually realized as a coalition of "virtual task forces." Those task force members reported to work each day to their own agency's offices and came together as needed to work on particular investigations and prosecutions. Several years ago, in order to foster the enhanced intelligence sharing and coordination necessary to achieve the optimum intelligence-driven, strategic enforcement approach against the most enduring and elusive targets, OCDETF established Co-located Strike Forces in key cities across the country, including San Diego, Houston, Atlanta, New York, Tampa/Sarasota (Panama Express), and San Juan.

The OCDETF Co-located Strike Forces operate as true task forces, whose multi-agency members are housed in a common office separate and distinct from any of their parent agencies. Through constant, daily interaction with each other, while still enjoying the resources and support of their parent agencies, the members of the OCDETF Co-located Strike Forces have been able to take investigation and prosecution of the most notorious drug cartels in the world to new levels.

The OCDETF Strike Forces are designed to serve a dual purpose. They aggressively target the highest-level trafficking organizations, including CPOTs and CPOT-linked organizations. They also function as a central point of contact for OCDETF agents and prosecutors nationwide, gathering intelligence and disseminating investigative leads throughout the neighboring jurisdictions. The OCDETF Co-located Strike Forces bring a synergy to drug trafficking investigations by combining, side-by-side, the resources and

expertise of all of OCDETF's participating investigative agents and prosecutors. By coordinating their efforts in that way, the OCDETF Strike Forces have achieved great successes against the major Colombian and Mexican cartels.

In FY 2009, OCDETF also established new Co-located Strike Forces in Phoenix and El Paso. Both Strike Forces are dedicated to the disruption and dismantlement of the major Mexican cartels and other CPOs operating across the Southwest Border, notably the Juarez Cartel in northern central Mexico and the Sinaloa Cartel along the Pacific coast. In its first few months of operation, the Phoenix Strike Force affected 35 arrests and seized 145 pounds of methamphetamine, 2,000 pounds of marijuana, 50 kilograms of cocaine, and \$43 million in real and personal property.

Also in FY 2009, OCDETF's Southwest Region launched a Maritime Initiative, based in San Diego and Houston, to employ the Co-located Strike Force platform to support comprehensive investigations and prosecutions of Mexican and Central and South American cartels who transport multi-ton loads of cocaine through the maritime transit zones en route to the U.S. or to Mexico for further distribution in the U.S.

The OCDETF Program has been taking steps to buttress the staffing of all the Strike Forces along the Southwest Border. In addition, in FY 2009, OCDETF was able to enhance the capabilities and effectiveness of its Co-Located Strike Forces by securing funding to hire a full-time financial analyst contractor for each of the Strike Forces. OCDETF is also in the process of placing an NDIC Document and Media Exploitation (DOMEX) Team at each of the Strike Forces. These DOMEX Teams will assist in developing information provided by informants, document seizures, search warrants, grand jury subpoenas, and other sources in order to pinpoint illicit drug shipments and to identify assets derived from illicit drug proceeds. They will allow the Strike Forces to expand their ability to identify and dismantle the financial infrastructure of the targeted drug trafficking organizations. Both of these initiatives are funded through the Assets Forfeiture Fund.

Fugitive Apprehension and Extradition Initiative. Finally, to truly be successful in dismantling those organizations responsible for moving drugs, guns, and money across the Southwest Border, it is not enough to investigate these organizations and make arrests — the members of these organizations must face indictment and prosecution. Even when charged in U.S. courts, drug trafficking fugitives continue their illegal operations while taking refuge outside our borders, primarily in Mexico or Colombia. Thus, an important component of the overall Department Strategy as well as the OCDETF Program, is the location, apprehension, and extradition of fugitives.

The USMS leads the Mexico Investigative Liaison (MIL) Program, which focuses a coordinated effort on international fugitive matters along the Southwest Border. The purpose of this district-based violent crime initiative is to enhance the effectiveness of the USMS' apprehension of violent cross-border fugitives wanted in Mexico or the United States. The 42 Deputy U.S. Marshals currently assigned to the MIL program work under the auspices of the USMS Foreign Field Office in Mexico City. This program enhances

international fugitive efforts by establishing and maintaining contact with USMS's Mexican counterparts, and by sharing real-time law enforcement intelligence information.

During the past three years, U.S. prosecutors have seen a significant increase in the number of international fugitives returned to face justice in the United States through international extradition. Colombia and Mexico have extradited fugitives to the United States during this time in unprecedented numbers. The overwhelming majority was charged in OCDETF cases, and many were CPOTs and/or significant leaders of Mexican drug cartels, including the leaders of the notorious Tijuana and Gulf Cartels. These are particularly noteworthy, because extraditions from Mexico are especially burdensome in terms of the level of detail involved in the written submission and are subject to multiple layers of review and appeal in the Mexican courts.

To build on these successes, and to handle more effectively the growing number of OCDETF cases involving international extraditions and obtaining foreign evidence, OCDETF is establishing an OCDETF International Unit within OIA. An OCDETF-dedicated international extradition and mutual legal assistance unit will enable U.S. prosecutors to expand the current level of cooperation from our foreign counterparts in the arrest, extradition, and successful prosecution of CPOTs and their subordinates. In addition, OCDETF seeks to increase the USMS capabilities in Mexico and Colombia so as to increase the number of OCDETF fugitives apprehended and returned to the U.S. to face justice.

Justification

OCDETF's FY 2011 budget request is squarely focused on the complexities of attacking the most significant drug threat facing the U.S. — the movement of drugs, guns, and money across the Southwest Border, which now also constitutes an organized crime threat to the U.S. and a national security threat to our Mexican neighbors. Although no single agency can address all aspects of this threat on its own, the OCDETF Program, with its multi-agency, strategic approach to attacking drug-related organized crime, is in the best position to direct a broad range of resources across the board to accomplish the goal. As such, OCDETF has sought this enhancement to comprehensively attack the highest-level Mexican drug trafficking organizations operating along and across the Southwest Border and the maritime transit zones, including organizations on the Attorney General's CPOT List and the Gatekeepers who facilitate their activities. OCDETF is requesting a total of \$37,339,000 allocating \$23,648,000 to the Investigations Decision Unit and \$13,691,000 to the Prosecutions Unit.

Through this request, the OCDETF Program intends to address the following priorities in attacking the Southwest Border threat: (1) identifying, investigating, prosecuting, and dismantling the CPOT and CPOT-linked organizations that are responsible for the manufacture or distribution of drugs and precursor chemicals to Mexico for subsequent distribution to the U.S., the manufacture or distribution of drugs within Mexico for subsequent distribution to the U.S., the transportation of drugs through the maritime

transit zones to the U.S. or to Mexico for subsequent distribution to the U.S., the transportation to or distribution within the U.S. of drugs crossing the Southwest Border, the laundering of illicit drug proceeds and the smuggling of bulk cash proceeds back across the U.S./Mexico border, and the purchase or other acquisition of firearms in the U.S. with drug proceeds and subsequent smuggling of the firearms across the border into Mexico to further illegal activity; and (2) identifying, investigating, and prosecuting the Gatekeepers along the Southwest Border that are responsible for providing logistical support to the major Mexico-based drug trafficking organizations.

1. Mexican and Colombian Fugitive Apprehension and Extradition: Ensuring that the Highest Value Defendants Are Brought to Justice (6 positions (3 agents and 1 attorney) 4 FTE and \$2,979,000)

This OCDETF budget seeks funding for the new OCDETF Mexico Unit in the Criminal Division's OIA and to increase the USMS staffing level for Mexican and Colombian fugitive apprehension. The funds sought will support 1 attorney position and two support positions to be detailed from the OCDETF Executive Office to staff the new OIA Unit, as well as 1 new TDY investigator position in Colombia and 2 new TDY investigator positions in Mexico, one of which will be for the USMS Technical Operations Group (TOG).

While investigating and indicting drug traffickers is an important component of the Department's and OCDETF's Southwest Border Strategy, it is only part of the process of dismantling the major cartels that are responsible for so much of the illegal drug trade and its attendant violence. Only when the members of an organization are arrested and convicted and their illicit proceeds identified, seized, and forfeited, is the organization actually dismantled. So, even successful investigations that lead to well-supported indictments have little utility if the organization continues to function because its members are allowed to remain at large.

By its nature, most, if not all, OCDETF investigations are foreign-based. Because major drug trafficking organizations bring drugs into the United States through other countries, traffickers must be extradited to the U.S. in order to stand trial and evidence must be obtained from foreign countries to support these investigations and prosecutions. OIA serves as the central coordinating mechanism for all extraditions and legal assistance requests (including requests originating from federal, state and local authorities) between the United States and its international partners, many of whom, such as Colombia, Mexico, and the Dominican Republic, are significantly involved in OCDETF cases. In FY 2008, OIA broke all records in extraditions from Colombia (more than 200) and Mexico (nearly 100). In FY 2009, Mexico deported or extradited 231 defendants to the U.S., and Colombia deported or extradited 197. Almost all the fugitives extradited from Colombia are charged with drug trafficking offenses, or offenses related to drug trafficking, and 40-50 percent of those extradited from Mexico are charged with drug crimes, including, in the last three years, significant figures in drug trafficking organizations. Furthermore, OCDETF cases are often extremely complex, and require enormous amounts of time and resources. OIA attorneys and paralegals are directly

involved in each step of the extradition process, working closely with U.S. and foreign prosecutors, law enforcement officials, judicial authorities, the State Department, and others.

Additional demands have also been placed on OIA's resources because of the growth in OCDETF-specific activities involving the most significant of the international drug traffickers – the CPOTs. Investigations of CPOT targets lie at the very heart of the OCDETF Program, as these individuals and organizations are primarily responsible for the drug supply into the United States. In order to successfully prosecute CPOTs in the U.S., OIA, in coordination with, and on behalf of the investigating agencies and the prosecuting offices, must seek the arrest and extradition of the individual traffickers from the foreign countries in which they are located. A recent statistical review of CPOTs revealed that OIA had opened extradition cases and was working on 72 percent of them. In addition, OIA is working on mutual legal assistance in a number of cases related to CPOT targets, seeking to obtain crucial evidence to support indictments and prosecutions of major drug traffickers.

All OCDETF's priority areas have significant international aspects that must be adequately addressed if these initiatives are to be successful. OCDETF investigations and prosecutions require OIA attorneys to prepare the following: (1) requests to foreign governments for necessary evidence; (2) requests to foreign governments for provisional arrest warrants for defendants indicted within the U.S. but located in a foreign nation; and (3) formal extradition packages. These requested resources will allow OIA to increase resources to its Mexico section through a new OCDETF Unit within the existing Mexico section, thus supporting both the OCDETF Program and the Department's Southwest Border Strategy, and increasing extraditions and foreign evidence requests from Mexico, Colombia, the Dominican Republic, and other Latin American OCDETF investigations and prosecutions.

In addition, the new resources will allow the OIA attorneys to be more proactive in their approach. Rather than responding under tight deadlines when a fugitive is arrested, they will be able to identify the highest priority targets in advance of arrests – and in some cases even in advance of indictments – and begin preparation of comprehensive extradition packages that can be completed quickly when defendants are located and arrested.

Once again, though, having well-supported U.S. indictments and even completed extradition packages is not enough to dismantle the foreign drug cartels that are wreaking such havoc in Mexico and along our Southwest Border. Although U.S. law enforcement agencies have spent vast resources investigating and bringing criminal charges against the leaders and members of the major Mexican and Colombian drug cartels responsible for the U.S. illicit drug supply, only a small fraction of funds (approximately \$8.6 million annually, or 1.6 percent of the total OCDETF budget) has been dedicated to ensuring the indicted targets are physically captured and brought to justice in the United States.

The USMS is the federal government's primary agency for locating and apprehending fugitives. Through its regional fugitive task forces and district-based violent offender task forces, the USMS works with state and local police agencies on both sides of the border to locate and arrest offenders who have committed drug crimes or drug-related crimes of violence in the United States and subsequently fled abroad, as well as those who have been charged in the United States but remain resident in other countries. These USMS-led task forces place a high priority on apprehending cartel-related fugitives both domestically and internationally.

The USMS has apprehension responsibility for approximately 90 percent of all OCDETF fugitives, including 48 percent of all indicted CPOTs. Of DEA's eleven "most Wanted Mexican Fugitives," the USMS has responsibility for apprehending ten, with seven of the ten being OCDETF CPOTs. The vast majority of OCDETF fugitives are citizens of Mexico or Colombia and are directly linked to drug trafficking and money laundering organizations and criminal gangs operating along the Southwest Border. These organizations are highly sophisticated and are able to deploy the most technically advanced electronic equipment to avoid detection and further their criminal enterprises because of their almost limitless financial resources. To successfully locate and apprehend the highest level OCDETF fugitives, those at the CPOT and RPOT levels, the USMS uses its Technical Operations Group (TOG). Their technical expertise is critical to the OCDETF Program's continued success.

For example, in October 2008, USMS TOG assistance led to the arrest of OCDETF CPOT Eduardo Arellano-Felix. The apprehension was a culmination of inter-agency cooperation between USMS, DEA, and Mexican federal authorities. Arellano-Felix was considered one of the leaders of the Tijuana Cartel, and only through the technical expertise of USMS TOG personnel was his location identified and his capture made possible. Similarly, in August 2008, USMS OCDETF personnel initiated a long-term temporary assignment in Bogotá, Colombia, to locate and apprehend OCDETF fugitives and facilitate extraditions. In December 2008, after just four months of being temporarily detailed to Bogotá, USMS TOG personnel were able to locate Daniel "Don Mario" Rendon-Herrera an OCDETF CPOT and Colombia's most wanted fugitive. According to Colombian authorities, Rendon-Herrera, was the leading figure in Colombia's drug-trafficking right-wing paramilitary groups and offered a bounty of \$1,000 for each police officer his assassins killed. USMS TOG personnel were able to identify a ranch in the northern Colombian province of Antioquia where Colombian authorities eventually arrested him.

Because both the majority of the 7,200 OCDETF fugitives are foreign nationals born in Mexico or Colombia, the USMS OCDETF Program must be expanded into these countries. To date, there are approximately 1,200 provisional warrant requests from OIA for Mexico and Colombia. This does not include the hundreds of additional fugitives that have been located in those countries where the extradition was declined but the case remains open. To meet OCDETF goals, the targeted sources of supply and facilitators from Mexico and Colombia must be located, arrested, and returned to the U.S. for prosecution. By enabling the USMS to place investigators, including TOG investigators,

in Mexico and Colombia, OCDETF will be able to increase the number of high-level OCDETF targets arrested and extradited to the U.S.

2. Co-located Strike Forces: Permanently Dismantling Mexican and Colombian CPOTs through Aggressive Targeting, Comprehensive Investigations and Prosecutions (49 positions (24 agents and 6 attorneys) 25 FTE and \$19,880,000)

The OCDETF Co-located Strike Forces epitomize the considerable success the OCDETF Program has had in disrupting and dismantling Colombian and Mexican CPOTs, reducing the availability of cocaine in the U.S., and incapacitating thousands of cartel leaders and facilitators through prosecution and incarceration. In particular, the maritime Strike Forces have had tremendous success in interdicting literally tons of cocaine in transit from the Colombian cartels that produce it to the Mexican cartels that transport it to the United States for distribution. OCDETF's Panama Express Strike Force in Tampa/Sarasota targets maritime transportation organizations shipping primarily cocaine and heroin from the north coast of South America via the Eastern Pacific Ocean to the west coast of the United States and through the Western Caribbean to Florida. This Strike Force has achieved significant results since its inception, with more than 850 tons of cocaine seized or destroyed at sea and more than 1,750 defendants charged. It is estimated that this has denied the drug trafficking organizations more than \$12 billion in profits, assuming a standard wholesale price in the U.S. of \$15,000 per kilogram. Equally important, the Panama Express Strike Force is working in close partnership with its international counterparts and has begun to succeed in its endeavors to penetrate up the hierarchy of the CPOT organizations that are responsible for such significant volumes of drugs intended for U.S. consumption.

Similarly, the OCDETF Caribbean Corridor Strike Force, based in San Juan, focuses on identifying and dismantling South American drug trafficking organizations and money launderers operating in the Eastern Caribbean. In FY 2009, the Caribbean Corridor Strike Force reported 9 indictments or informations returned against 123 defendants, and 24 defendants convicted. Moreover, in FY 2009 alone, the Strike Force seized approximately 22,200 kilograms of cocaine, 25 kilograms of heroin, \$3.75 million in currency, and \$3.5 million in real and personal property.

Other OCDETF Strike Forces have also been responsible for striking some of the hardest blows against the major Mexican CPOTs. For example, OCDETF Strike Forces were leading participants in Operation Xcellerator, a multi-agency, multi-national effort beginning in May 2007 that targeted the Mexican drug trafficking organization known as the Sinaloa Cartel. This Cartel is responsible for bringing tons of cocaine into the United States through an extensive network of distribution cells in the United States and Canada. Through Operation Xcellerator, federal law enforcement – along with law enforcement officials from the governments of Mexico and Canada and state and local authorities in the United States – delivered a significant blow to the Sinaloa Cartel. In addition to the arrests of more than 750 persons, authorities seized over \$61 million in U.S. currency, more than 12,000 kilograms of cocaine, more than 1,200 pounds of methamphetamine,

approximately 1.3 million Ecstasy pills, and other illegal drugs. Also significant was the seizure of 191 firearms, four aircraft, and three maritime vessels.

Similarly, Project Reckoning, announced in September 2008, was a 15-month OCDETF Strike Force operation that severely damaged the Gulf Cartel. It was one of the largest and most successful joint law enforcement efforts ever between the United States and Mexico. Project Reckoning resulted in over 600 arrests in the U.S. and Mexico, plus the seizure of nearly 20,000 kilos of cocaine, tens of thousands of pounds of marijuana, thousands of pounds of methamphetamine, hundreds of firearms and \$76 million in currency. Perhaps most importantly, Project Reckoning led to the indictment against the three top leaders of the Gulf Cartel.

This budget request seeks funding for DEA, ATF, FBI, USMS, and the U.S. Attorneys' Offices to join or fully support their participation in the OCDETF Co-located Strike Forces that are already targeting the highest level Mexican and Colombian drug cartels that operate along and across the Southwest Border and in the maritime transit zones.

DEA already participates in all the OCDETF Co-located Strike Forces, providing multiple enforcement groups (typically one group supervisor, eight to twelve special agents, and various analysts per enforcement group) to all the Strike Forces except the recently established Strike Force in El Paso, where it has been able to provide only one smaller enforcement group so far. However, OCDETF has been unable to provide DEA with sufficient dedicated resources to fund either the personnel or operational expenses of the Strike Forces. As a result, the personnel are funded out of DEA's direct appropriations, which forces DEA to divert its resources from other agency priority programs. Further, even though they have been operating for years and achieving remarkable success, there has not been a predictable, steady source of funding for the Strike Force operational costs. To date, the operational expenses of the Strike Forces compete with all the agencies' other priorities and have typically been covered through last-minute re-allocation of leftover funds.

This is an inefficient method for supporting these vitally important Strike Forces, and, moreover, one that leaves the Strike Force members in constant turmoil as they worry when and whether there will be funds to operate and to support some of the biggest and best investigations in U.S. drug enforcement. This budget request, therefore, seeks \$10,812,000 to fund the Strike Forces' operational needs through DEA.

In addition, the requested resources will allow ATF to place investigators, and investigative analysts in the Strike Forces in San Diego, El Paso, and Phoenix, where it currently has insufficient resources. These investigators and analysts will be specifically dedicated to investigating firearms being trafficked from the United States to Mexico in support of ATF's Gunrunner Initiative. They will focus their efforts on the illegal trafficking of firearms to the violent drug trafficking organizations operating along the Southwest Border as well as the Gatekeepers who facilitate these drug trafficking organizations. ATF's research indicates that these Mexican cartels are relying on

firearms suppliers in the U.S., primarily in the four states adjacent to the land border but also many in Georgia, in order to enforce and maintain their illicit narcotics operations.

FBI currently participates with at least one enforcement group in the Strike Forces in San Diego, El Paso, Houston, Atlanta, and Tampa/Sarasota, but it has insufficient drug enforcement resources to provide more than a few special agents to the Strike Forces in El Paso and San Juan. This budget request will allow FBI to place agents at the Phoenix Strike Force and create a new maritime enforcement group in the Houston Strike Force. This increased FBI participation in the Strike Forces will greatly add to OCDETF's ability to disrupt and dismantle the major drug cartels through comprehensive investigations that specifically target the violence and public corruption that enables them to operate.

The OCDETF Co-located Strike Forces target primarily the highest level Mexican and Colombian cartels. They therefore generate prosecutions of high level defendants who reside in Mexico and other Central or South American countries and must be located and apprehended by the USMS. The USMS has supported the Strike Forces since FY 2006 and currently participates in seven OCDETF Strike Forces. From FY 2005 to the present, the USMS OCDETF Strike Forces' warrant closures have continued to increase steadily. Every participating agency benefits from placing additional USMS personnel within the OCDETF Strike Forces. USMS assists Strike Force members with analytical support, target acquisition, asset identification, and fugitive apprehension. This budget request will allow the USMS to provide dedicated support to each of the Southwest Border Strike Forces as part of its overall Mexican and Colombian Fugitive Apprehension initiative. In addition, Strike Force cases often include as defendants many of the U.S.-based members and facilitators, who need to be located in advance of coordinated takedowns to ensure that they do not flee before they can be arrested and brought into court. This type of pre-arrest planning and execution is the hallmark of USMS participation in major OCDETF operations. This budget request seeks funding to place investigator positions in various Strike Forces, as well as support positions to coordinate overall USMS activities.

Finally, AUSAs play the critical role of prosecuting the cases the Strike Forces have built. This often involves locating and extraditing fugitives, with the expert assistance of OIA and USMS. It always involves marshalling massive amounts of evidence, with an eye to legal admissibility and sufficiency, into a coherent picture that is painted through one witness at a time. The attorneys who handle these complex investigations and prosecutions are among the most experienced and hard-working in the Department. They prosecute the small cases that lead to bigger cases, and they lead teams that present complex cases lasting months in trial and years in appellate litigation. These attorneys develop expertise in the sophisticated legal investigative techniques, as well as the substantive areas of law, that are needed to attack the full range of criminal activity in which the large drug cartels engage.

The OCDETF Strike Forces have proven successful. To keep pace with the caseload that will develop as a result of complex and time-intensive investigations, OCDETF must ensure that adequate prosecutorial resources are available. Without prosecutors to handle

the cases, the investigative efforts would be in vain, and dangerous drug trafficking organizations would continue to operate unhindered. Specifically, OCDETF seeks in this budget request funding for six additional attorneys and six support positions to be assigned to Co-located Strike Forces to handle prosecutions of major Southwest Border drug trafficking organizations.

3. Intelligence: Tactical and Operational Support, Intelligence-Based Targeting, and Coordination of Multi-Jurisdictional Investigations involving Southwest Border CPOTs and Gatekeepers (4 positions (2 agents), 2 FTE and \$2,984,000)

The DEA-led Special Operations Division (SOD) is best described as an operations center, rather than an intelligence center, because its functions go beyond the gathering and processing of intelligence. It provides operational targeting, support, and coordination for long-term, multi-agency investigations. It passes leads that have been developed from intelligence sources to field investigators and coordinates the resulting investigations. SOD targets the command and control communications of major drug trafficking and narco-terrorism organizations. Special emphasis is placed on those major drug trafficking and narco-terrorism organizations that operate across jurisdictional boundaries on a regional, national, and international level. Operation Xcellerator and Project Reckoning were OCDETF investigations that were both initiated and coordinated through SOD.

The OCDETF Fusion Center (OFC) is a comprehensive data center containing drug and related financial data from DEA, ATF, FBI, IRS, the USMS, the U.S. Coast Guard, CBP, NDIC, EPIC, the Financial Crimes Enforcement Network (FinCEN), the Department of State's Bureau of Consular Affairs, and other key players in the international drug enforcement world. The OFC provides critical law enforcement intelligence support for long-term and large-scale investigations, complementing the mission of SOD by providing non-communications intelligence at an operations level. The OFC conducts cross-agency and cross-jurisdictional integration and analysis of drug related data to create comprehensive pictures of targeted organizations through its fused database, Compass. Using the protocols established by SOD, the OFC passes actionable leads to field investigative units.

The OFC stands as a flagship of the Department's information sharing efforts, both within the Justice Law enforcement agencies and with the wider law enforcement community. It has created a powerful information and analytical capability that was not previously available, integrating and performing analysis of law enforcement and intelligence data that historically has been segregated by organizational and technical boundaries. OCDETF will continue to work with all federal agencies to identify intelligence information that should be included in the OFC and to negotiate agreements necessary to add this information to the OFC's database. In FY 2010, negotiations are ongoing for increased federal law enforcement participation at the OFC beyond pure drug enforcement. In recognition of the complexity and scope of operations of the Mexican drug cartels, their links to top international organized crime networks, and their relationships with transnational and U.S.-based criminal gangs, the Department's

leadership is in the process of establishing the International Organized Crime Intelligence and Operations Center (IOC-2) at the OFC.

The participation of the IOC at the OFC and inclusion of its data and personnel is an acknowledgement of the effectiveness of the OFC and will increase the value and reach of its fused-intelligence products. However, the additional personnel and data sets require expansion of the OFC's physical capabilities. This budget request therefore seeks \$2,322,000 to expand the capabilities of the OFC to support new investigations and prosecutions of gangs and other criminal organizations involved in violent crime and other illegal activity along the Southwest Border. This expansion will increase the size of OFC by providing additional space, security, computer capacity and operational expenses.

In addition, OCDETF seeks to provide funding to ATF that will allow ATF to continue to maintain one special agent and two investigative research specialist positions at the OFC and one special agent position at SOD. The OFC and SOD positions are currently funded out of ATF's direct appropriation with resources that are being diverted from other ATF mission priorities. As one of OCDETF's charter members, ATF brings a particularly valuable expertise to the task of stopping the flow of weapons southbound to the cartels. Merely seizing firearms through interdiction will not, by itself, stop firearms trafficking to Mexico. ATF works to identify, investigate, and eliminate the sources of illegally trafficked firearms and the networks for transporting them. Since FY 2006, Project Gunrunner has been ATF's comprehensive strategy to combat firearms-related violence perpetrated by warring drug traffickers along the Southwest Border, facilitated by Gatekeepers who help arrange the purchase and safe transport of firearms for cartel members. Ensuring a stable source of funding for its personnel at the OFC and SOD is vital to allowing ATF to continue its efforts to deprive the Mexican cartels of their deadly arsenals and to bring to justice all those involved in the illegal firearms trafficking that fuels Southwest Border violence.

4. Southwest Border Threat Response Unit: Deploying Scarce Resources to Specialized Units as Threats Emerge (11 positions (10 attorneys), 6 FTE and \$1,447,000)

Since the inception of the OCDETF Program, OCDETF has funded a variety of positions in the Department's Tax and Criminal Divisions, through which OCDETF works to ensure the success of its components' complex investigations and prosecutions by overseeing critical coordination among districts and countries and by ensuring that OCDETF investigators and prosecutors in the field have ready access to the specialized or sensitive investigative and legal tools they need. OCDETF has historically funded several attorney positions in the Tax Division to help drug agents and prosecutors inflict financial damage on major drug traffickers through focused use of tax-related charges. OCDETF has also funded numerous positions in various units of the Criminal Division – at OEO's Electronic Surveillance Unit (ESU), which performs the statutorily required function of headquarters review of all Title III wiretap applications; at AFMLS to assist with complex money laundering and asset forfeiture investigations; at SOD to coordinate multi-jurisdictional wiretap investigations; and at NDDS to assist overburdened U.S.

Attorney's Offices with handling wiretap applications and investigations in major multi-jurisdictional wiretap-based investigations.

The need for the assistance provided to the field by the OCDETF-funded headquarters positions has evolved over the decades in response to changes in the law, changes in investigative and legal practices, and changes in the nature of the threat presented. For example, increasing use of new and revised money laundering and asset forfeiture statutes to dismantle the financial infrastructure of OCDETF targets, coupled with increasing participation by expert attorney advisors at AFMLS, led to a substantial decrease in field requests for assistance from the Tax Division by 2009. Meanwhile, with substantially improved cooperation from the Governments of Colombia and Mexico, OCDETF's prosecutors handling the highest level Southwest Border cases came to need considerably more assistance from the Criminal Division's OIA attorneys to secure critical foreign evidence and to extradite defendants for trial in the United States. However, OCDETF had not funded positions at OIA before, and the Criminal Division was unable to provide more resources from its direct appropriation.

Similarly, a large and steady increase in the number of wiretap applications submitted to OEO's ESU over the last decade, coupled with changes in technology that have also increased the complexity of electronic surveillance, led to a significant deterioration in the ESU's ability to provide timely review of wiretap applications submitted by OCDETF prosecutors and agents in the field. By the summer of 2008, the backlog of applications had reached a critical point, but the Criminal Division was unable to supplement the ESU's resources. Since OCDETF cases comprised more than half of the ESU's total workload, in consultation with Criminal Division leadership, OCDETF temporarily detailed the attorneys in the OCDETF-funded NDDS Wiretap Jump-Out Squad to the ESU to help review OCDETF wiretap applications and reduce the backlog. As a result, and with the assistance of other temporary detailees and contract attorneys, the backlog of applications was reduced to a manageable level by the spring of 2009. At that point, OCDETF and NDDS terminated the detail of the NDDS Jump-Out Squad.

These fluctuations in the need for OCDETF-funded assistance for its headquarters components have emphasized the necessity for the OCDETF Executive Office to maintain the flexibility to deploy its scarce headquarters resources to meet the evolving needs of its field components. As new threats emerge, and new potential choke points develop, OCDETF must be able to provide, in timely fashion, the critical assistance its components require to successfully conduct their investigations and prosecutions. With this budget request, OCDETF seeks funding for the new OCDETF Executive Office Threat Response Unit, which will enable OCDETF to increase its headquarters resources and to maintain the flexibility to deploy them when and where they are needed. The positions requested for detailing to OIA for the new OCDETF Mexico Unit, as described above, are part of the Threat Response Unit. In addition, OCDETF is seeking funding for new positions to detail to other specialized units within the Criminal Division that are currently not able to keep up with the demand from the field. The Threat Response Unit will fund ten new attorneys and one support position for detailing to OEO.

Nine of the ten new attorney positions and the support position sought for the Threat Response Unit to detail to OEO are intended to support OEO's ESU. Since the creation of OCDETF, investigations designated as OCDETF have demanded a large and ever-growing percentage of the ESU's resources. Funding for the number of attorneys assigned to the ESU has remained static for more than a decade. Meanwhile, appropriations to the investigative agencies and U.S. Attorneys' Offices by Congress continue to increase, with law enforcement agencies increasingly focused on major investigations requiring electronic surveillance. Over the last five years, the number of wiretap applications submitted to the ESU has grown from approximately 2,490 to more than 3,200 per year, with OCDETF cases comprising an average of 55 percent of the total. Currently, the ESU is made up of 20 attorneys, including ten newly-hired contractors. OCDETF only funds four of these attorneys, even though the OCDETF workload represents more than half of the total Title III requests reviewed by OEO.

In addition, the ever-increasing complexity of communications technology has resulted in more complicated and time-consuming requests to the ESU. For example, very few applications for wiretaps in OCDETF cases now target only one communication facility; instead, most applications target multiple facilities and often seek to intercept multiple types of communications over each one. Moreover, the advent of the text-capable phone or Voice Over the Internet Protocols (VOIP) has changed the way the world communicates. Because of the complexity of the questions relating to the law's application to modern communications, the legal analysis that must be done by OEO attorneys is far more time-consuming than it used to be.

Electronic surveillance requests are almost always urgent and therefore require immediate attention once they are forwarded to OEO. The ESU must have sufficient resources if it is to continue to provide meaningful review so as to ensure that the surveillance is properly authorized and conducted and that critical evidence obtained through the electronic surveillance is not later suppressed by a judge. Without the additional resources requested for the ESU through OCDETF's Threat Response Unit, each individual ESU attorney's caseload will increase, lengthening the review process, and greatly hampering the ESU's ability to continue to provide the high quality of work, with tight deadlines, that is expected and required by the U.S. Attorneys' Offices.

OCDETF is also requesting one attorney position for detailing to OEO's Policy and Statutory Enforcement Unit (PSEU). Federal prosecutors and law enforcement agencies alike rely on PSEU to gain the approval of designated Department officials to use certain tools during the investigation and prosecution of major criminal offenses. These matters include requests to apply for subpoenas and search warrants directed to attorneys or to members of the media, to compel the testimony of witnesses, to close courtrooms to members of the public and the press, to waive the Department's policy against initiating federal prosecution of individuals who have been prosecuted for the same conduct in other jurisdictions, to offer global plea agreements, to approve S-Visas for foreign witnesses, and to seek the disclosure of tax information. Seeking approval in these matters is not discretionary, but rather is mandated by statute, regulation, or Department

policy. These tools are frequently needed in OCDETF cases, which are among the more complex and sensitive cases handled by federal prosecutors.

As is the case with wiretap applications submitted to the ESU, the nature of the investigative activity that is subject to PSEU review means that requests are often submitted under urgent circumstances in which an investigation or prosecution will be hindered without an immediate decision. The PSEU staffing has remained static, while the number of OCDETF related requests have grown. Without additional staff, the PSEU's ability to perform its work in a timely and efficient fashion and to provide service and guidance to the U.S. Attorneys and other Department officials likely will be impaired.

5. Southwest Border Prosecutorial Activities: Increasing the Capacity of the United States Attorneys' Offices to Handle OCDETF Prosecutions along the Southwest Border (88 positions (41 attorneys), 44 FTE and \$10,049,000)

Finally, this budget request seeks \$10,049,000 for the U.S. Attorneys' Offices' Southwest Border Drug Prosecutions Initiative. This initiative seeks to increase attorney and support staff resources to address the growing volume and complexity of Southwest Border OCDETF drug cases, including the growing scope of firearms trafficking investigations. It will also bring attorney-to-agent ratios closer to what is needed and continue the successful implementation of the Department's Southwest Border Drug Strategy. Without additional resources, the U.S. Attorneys' Offices will not be able to keep pace with the law enforcement efforts of additional federal investigators hired in recent years. The U.S. Attorneys need more prosecutors, staff, and office infrastructure to appropriately support the OCDETF cases developed by partner agencies.

The U.S. Attorneys' Offices have more than 540 prosecutors in the five Southwest Border districts, handling national and district-level priorities including narcotics trafficking, firearms trafficking, violent crimes, and immigration offenses. Although the Assistant U.S. Attorneys (AUSAs) in these five districts directly adjacent to the Mexico border comprise only 11 percent of the nation's AUSAs, over the last few years they have been responsible for approximately one-third of all felony cases, two-thirds of all felony immigration cases, and one-third of all non-OCDETF narcotics cases filed in U.S. District Courts nationwide. Since FY 2002, at least 30 percent of all national OCDETF cases have been filed by the five Southwest Border districts – Arizona, Southern District of California, New Mexico, Western District of Texas, and the Southern District of Texas. In addition, the Southwest Border districts have filed approximately 40 percent of all national non-OCDETF drug cases since FY 2000.

Each of the Southwest Border U.S. Attorneys' offices works closely with federal, state, and local investigative agencies on the Southwest Border initiatives described above. They are on the front lines of the national effort to prosecute both large-scale criminal enterprise cases involving significant trafficking organizations as well as other criminal offenses arising at the border with Mexico. The U.S. Attorneys also coordinate with

Mexican prosecutors to share evidence in appropriate cases to ensure that justice is achieved either in U.S. or Mexican courts.

Prosecutorial efforts in the U.S. Attorneys' Southwest Border Drug Prosecutions Initiative will focus on the recent surge in violent crime along the Southwest Border related to illicit gun and drug trafficking. To combat the increased violence in the region, additional agents from the Customs and Border Patrol (CBP), ICE, DEA, ATF, FBI, and USMS are being deployed to the Southwest Border. As new investigative resources are executed, the number of OCDETF investigations and prosecutions will increase by a proportionate amount. To address the resulting increase in OCDETF cases, 88 positions (41 attorneys) are requested for the Southwest Border and other areas of the country most severely impacted by the Mexican Cartels.

In terms of space and infrastructure, the U.S. Attorney's Offices in the five districts along the border are at capacity. Between FY 2008 and FY 2010, more than 100 new U.S. Attorney personnel are anticipated to be allocated and deployed to the Southwest Border. To ensure adequate space and infrastructure for prosecutors and staff, this budget request includes \$1.2 million in non-personnel costs.

Impact on Performance

This request supports Priority III of the *Southwest Border Counter Narcotics Strategy*, particularly its emphasis on enforcement in the Southwest Border Region, and Department of Justice's Strategic Goal 2, Objective 2.4. This request also directly supports the following Attorney General FY 2009 budget priority: "dismantle drug trafficking organizations and stop the spread of illegal drugs." OCDETF funding in this request further addresses the Attorney General's FY 2009 budget priority to "reduce violent crime, especially violence perpetrated with guns or by gangs." This request is also aligned with ONDCP's April 20, 2007 guidance to the Department that addressing Southwest Border enforcement activities and supporting intelligence operations and field operations are drug control priorities for the FY 2009 budget. Specifically, ONDCP stated that "...DOJ must ensure that enhancements include resources necessary to capitalize on the intelligence generated by important programs such as Operation Gatekeeper." Finally, the funding requested for the Fusion Center activities supports both the dismantlement of drug trafficking organizations and support for intelligence and field operations.

The enhancement of \$37,339,000 in FY 2011 provides for 158 positions (29 agents and 58 attorneys)

The significant progress and performance accomplishments the OCDETF Program has achieved since it was refocused and designated as the cornerstone of the Department's illegal drug enforcement program in FY 2003 will be put at risk, if this initiative requested is not provided. Since 2003, OCDETF has dismantled 42 Consolidated Priority Organization Target (CPOT) organizations, which are the most significant drug trafficking and money laundering organizations operating in the United States, and

severely disrupted the operations of another 19. During this period, the OCDETF Program disrupted or dismantled a total of 1,421 CPOT-linked organizations -- organizations working with or otherwise associated with a CPOT. Finally, since 2003, the OCDETF Program was responsible for the forfeiture of almost \$4.0 billion, or 41 percent of the entire receipts into the Department of Justice Assets Forfeiture Fund.

Given OCDETF's strong program performance, and the significant negative impact past reductions have already had on the Program and our partners, approval of the request would allow the OCDETF Program to build toward a more realistic and manageable Program Level for this critical Program in FY 2011 and avoid additional across-the-board cuts.

Based upon past performance, OCDETF anticipates that the requested enhancements will have the following impacts on the Program:

- This enhancement will support the initiation of 120 additional OCDETF investigations targeting organizations moving drugs across the Southwest Border. It will provide sufficient AUSA resources to support the prosecution activities associated with these additional initiations, thereby, making the OCDETF Program significantly more effective in identifying and fully dismantling the targeted organizations.
- An additional 47 AUSAs would result in an additional 305 indictments, 884 defendants charged, 752 defendants convicted and the disruption or dismantlement of an additional 10 CPOT-linked organizations.
- On average from FY 2005 to FY 2007, ATF, utilizing existing OCDETF resources in the Southwest Region, annually seized more than 1,165 weapons used by the drug trafficking organizations — roughly 47 weapons per OCDETF ATF agent FTE. With the 65 additional agent positions requested, OCDETF estimates that the Program could deprive these organizations of another 3,055 weapons in FY 2011. This would have a tremendous impact on the availability of weapons to these organizations, thereby reducing the violence and murders occurring along the Southwest Border.
- In FY 2009, USMS arrested 1,742 OCDETF fugitives — an average of almost 51 arrests per OCDETF U.S. Marshal FTE, clearing 1,784 warrants by arrest. With the additional OCDETF funds, OCDETF estimates that USMS could locate and arrest another 1,132 of these violent OCDETF fugitives to assist in addressing the backlog of 7,200 outstanding OCDETF fugitive warrants. In addition, these resources will allow USMS to participate in OCDETF's CPOT and Gatekeeper investigations in advance of takedown to limit the future number of fugitives.

RESOURCE REQUEST BY AGENCY:

OCDETF seeks \$37,339,000 to support OCDETF's efforts to attack organizations moving drugs and illicit proceeds across the Southwest Border of the U.S.

Base Funding

(1) FY 2009 Enacted				(2) FY 2010 Enacted				(3) FY 2011 Current Services			
Pos	Agt/Atty	FTE	\$(000)	Pos	Agt/Atty	FTE	\$(000)	Pos	Agt/Atty	FTE	\$(000)
921	609	921	\$140,142	921	609	921	\$135,380	921	609	921	\$138,815

Personnel Increase Cost Summary

Type of Position	Average Modular Cost per Position (\$000)	Number of Positions Requested	FY 2011 Request (\$000)	FY 2012 Net Annualization (change from 2011) (\$000)
Base Restoration				
Agent	\$244	29	\$8,580	\$633
Attorneys	133	58	7,752	5,125
Support	89	71	5,696	4,521
TOTAL PERSONNEL		158	22,028	10,279

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2011 Request (\$000)	FY 2012 Net Annualization (Change from 2011) (\$000)
OCDETF Fusion Center				
DEA Operation Support			\$10,812	0
USMS TOG Requirements			377	0
EOUSA Infrastructure			1,200	0
CRM Extradition and Litigation			600	0
OCDETF Fusion Center			2,322	0
Total Non-Personnel			15,311	0

Total Request for this Item

	Pos	Agt/Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)
Current Services	921	609	921	\$127,265	\$11,550	\$138,815
Increases	158	87	71	22,028	15,311	37,339
Grand Total	1,436	879	1,179	149,293	26,861	176,154

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BUDGET EXHIBITS

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