

The Criminal Division



FY 2012
President's Budget

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I. Overview for the Criminal Division

A. FY 2012 Budget Summary

The Criminal Division requests a total of 782 permanent positions, 785 direct Full-Time Equivalent work years (FTE), and \$200,602,000 in its Salaries and Expenses appropriation for Fiscal Year (FY) 2012.¹ The Division's request will maintain the current level of services while providing funding for necessary resources to expand combat against computing crimes and intellectual property crimes internationally. Fully funding this request is necessary for the Division to achieve the Department's Strategic Goals One and Two: Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law and Prevent Crime, Protect Rights of the American People, and Enforce Federal Law.

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.justice.gov/02organizations/bpp.htm>.”

B. Criminal Division Mission & Program Activities

The Criminal Division develops, enforces, and supervises the application of all federal criminal laws, except those specifically assigned to other divisions. Every day – whether prosecuting crimes of national and international significance, supporting the U.S. Attorney community in evidence-gathering and other enforcement operations, working around the globe to promote the Rule of Law, or driving forward key policy and legislative initiatives – the Criminal Division is at the forefront of federal criminal law enforcement.

The mission of the Criminal Division is to identify and respond to critical and emerging national and international criminal threats, and to lead the enforcement, regulatory, and intelligence communities in a coordinated nationwide response to reduce those threats. The Division engages in several functions vital to achieving its mission:

- Investigating and prosecuting the most significant cases and matters;
- Developing and supporting effective crime reduction strategies and programs;
- Driving policy, legislative, and regulatory reforms;
- Providing expert counsel in criminal enforcement matters;
- Coordinating a wide range of criminal investigations and prosecutions that span multiple jurisdictions and involve multiple law enforcement partners;
- Providing advice and assistance to the national and international law enforcement

¹ The FTE listed in this budget reflect an FTE level developed using the authorized FTE level in FY 2010 and differ from the FTE listed in the FY 2012 President's Budget Appendix, which were developed using FY 2010 on-board levels

community, including providing training to federal, state, and local prosecutors and investigative agencies and foreign criminal justice systems; and

- Approving and overseeing the use of the most sophisticated investigative tools in the federal arsenal, including all federal electronic surveillance requests in criminal cases and securing the return of fugitives and other assistance from foreign countries.

These functions can be classified into four broader program activities: (1) investigation and prosecution, (2) expert guidance and advice, (3) law enforcement tools, and (4) global partnerships. With its investigation and prosecution activities, the Division strives to support its mission by investigating and prosecuting aggressively, but responsibly. By providing both national perspective and leadership, the Division undertakes complex cases and ensures a consistent and coordinated approach to the nation's law enforcement priorities, both domestically and internationally. The Division has a "birds-eye" view of white collar crime, public corruption, organized crime, narcotics, violent crime, and other criminal activities, and consequently is uniquely able to ensure that crimes that occur across borders do not go undetected or ignored.

Fulfilling its Critical Mission: An Example of Investigating & Prosecuting Significant Cases
The Criminal Division's Fraud Section continued to lead the Department of Justice's effort to strengthen the integrity of federal health care programs. As part of the Medicare Fraud Strike Force (MFSF), which the Fraud Section created and implemented in March 2007, federal prosecutors from the Division and US Attorneys' offices have returned indictments against more than 860 defendants in cases in Miami, Los Angeles, Detroit, Houston, Brooklyn, Baton Rouge, and Tampa involving more than \$2.1 billion in false claims. A recent indictment charging two corporate entities and four executives is an example in which our Strike Force prosecutors and agents intervened in an ongoing conspiracy that operated over a period of several years and billed approximately \$200 million in false claims to Medicare for mental health services that were medically unnecessary or were not provided to beneficiaries who were recruited to participate in the scheme. The Fraud Section staff also continued to collaborate extensively with counterparts from various offices within the Department of Health and Human Services (HHS).

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

The events of September 11, 2001, highlighted the need for increased nationwide coordination and information sharing. The Division serves a critical role in coordinating among the Department's criminal law components, including the U.S. Attorneys' Offices. As a "headquarters" office, the Division also serves as the central point of contact for foreign

countries seeking law enforcement assistance. No other organization within the Department or the U.S. Government is equipped to fulfill this role – one that is more critical than ever considering the continually increasing globalization and sophistication of crime.

**Fulfilling its Critical Mission:
An Example of Expert Guidance & Legal Advice**

The Criminal Division’s Organized Crime and Racketeering Section (OCRS) has played a leading role in the multi-agency effort to implement *The Law Enforcement Strategy to Combat International Organized Crime* (IOC Strategy) (DOJ, April 2008). OCRS chairs the IOC Targeting Committee, and was instrumental in developing and publishing the first list of Top International Criminal Organization Targets (TICOT List) for concerted, high-impact law enforcement action. In FY 2010 the International Organized Crime Intelligence and Operations Center, or IOC-2, created in early 2009, became fully operational. IOC-2 began to analyze telephone and other information generated by ongoing investigations into the TICOT list and bringing the capabilities of the Special Operations Division and the Compass database to bear on the problem of expanding and enhancing those cases. These efforts were marked by a series of case coordination conferences that brought together prosecutors and agents from around the country along with foreign and industry partners to share information on pending cases and targets and devise strategies to effectively penetrate and dismantle several of the TICOT list targets. These conferences succeeded in making contacts, enhancing current cases, generating new cases, and greatly increasing our level of knowledge on some of the worst organized crime groups threatening the nation.

The Division serves as the Department’s “nerve center” for many critical operational matters, which entails reviewing and approving the use of many sensitive law enforcement tools available to investigators to ensure that they are used effectively and appropriately. These tools include Title III wiretaps, electronic evidence-gathering authorities, correspondent banking subpoenas, and the Witness Security Program, to name a few. In the international arena, the Division manages the Department’s relations with foreign counterparts and coordinates all prisoner transfers, extraditions, and mutual legal assistance requests. Lastly, the Division handles numerous requests for approval from the field to use sensitive law enforcement techniques in conjunction with particular criminal statutes – for example, reviewing every racketeering indictment that is brought across the nation. In this way, the Division serves a critical role in the nation’s law enforcement community.

Fulfilling its Critical Mission: An Example of Law Enforcement Tool Review
<p>During FY 2010, the Office of International Affairs began the implementation of the U.S./European Union Extradition and Mutual Legal Assistance Agreements and the 54 implementing instruments with the 27 Member States of the European Union (EU). These agreements – the result of an eight-year effort – entered into force in February 2010 and provide a state-of-the-art treaty network for the U.S.’s relationship with each EU Member State. In addition, OIA played a key role in the successful conclusion of an agreement that permitted the Treasury Department to restore access to key financial data from the SWIFT system for its Terrorist Financing Tracking Program as well as in the negotiation of agreements with Finland, Denmark, the Netherlands, and Austria governing the sharing of biometric data and information about known and suspected terrorists. This brings the total number of such agreements with European countries to sixteen.</p>

Finally, the Division reaches out to its international partners to ensure the safety of Americans at home and abroad. Posts in ten countries are maintained to foster relationships and participate in operations with international law enforcement and prosecutors. The Division also has personnel in developing democracies across the globe, providing assistance to foreign governments in developing and maintaining viable criminal justice institutions for the purpose of sustaining democracy and promoting greater cooperation in transnational criminal matters and the capacity to provide modern professional law enforcement services based on democratic principles and respect for human rights.

Fulfilling its Critical Mission: Global Partnerships		
<p>The Criminal Division has 10 foreign DOJ Attaché offices located in the following countries:</p>		
<table border="0"> <tr> <td style="width: 50%;"></td> <td> <ul style="list-style-type: none"> • Rome, Italy • Mexico City, Mexico • Manila, Philippines • Bangkok, Thailand • London, United Kingdom </td> </tr> </table>		<ul style="list-style-type: none"> • Rome, Italy • Mexico City, Mexico • Manila, Philippines • Bangkok, Thailand • London, United Kingdom
	<ul style="list-style-type: none"> • Rome, Italy • Mexico City, Mexico • Manila, Philippines • Bangkok, Thailand • London, United Kingdom 	
<p>This listing is not inclusive of the developing democracies that the Division is also working in.</p>		

C. The Criminal Division’s Role in Achieving Outcomes

The Criminal Division leverages its substantial expertise in a broad array of federal criminal subject matters through its program activities to play a substantial role in helping the Department meet the targets for two of its three Strategic Goals: (1) Prevent Terrorism and Promote the Nation’s Security Consistent with the Rule of Law and (2) Prevent Crime, Protect Rights of the American People, and Enforce Federal Law. Additionally, as previously discussed, the Division plays the central role in the Department for maintaining global partnerships to further support these strategic goals.

In working to achieve these goals, the Division has identified several key strategic priorities to ensure that the country's most critical justice needs, on both the national and transnational fronts, are effectively addressed:

- Ensuring **trust and confidence in government institutions** by reducing public corruption at every level of government;
- Ensuring the **stability and security of domestic and global markets**, as well as the integrity of government programs, by reducing fraud, money laundering, and other economic crimes;
- **Disrupting and dismantling criminal organizations and networks that act across state and national boundaries** and that threaten our country through violence, drug trafficking, and computer crime;
- **Protecting our children** from exploitation and **vindicating human rights** wherever possible;
- Promoting the **Rule of Law** around the world; and
- **Supporting national security** and crime-fighting efforts across federal, state, and local governments.

Examples of how the Division fulfills its roles to achieve outcomes in each strategic priority area are provided in the following table:

Key Strategic Priority	Prosecuting & Investigating Activities	Expert Guidance & Advice Activities	Law Enforcement Tool Review Activities	Global Partnership Activities
<p>Ensuring Trust & Confidence in Government Institutions</p>	<ul style="list-style-type: none"> ▪ Prosecuting cases aimed at deterring corruption among elected and other government officials ▪ Supporting United States Attorneys' Offices (USAOs) by prosecuting cases from which USAOs are recused 	<ul style="list-style-type: none"> ▪ Providing assistance and guidance to USAOs in sensitive cases ▪ Ensuring election crime matters are handled uniformly and fairly 	<ul style="list-style-type: none"> ▪ Using asset forfeiture tools to seize ill-gotten proceeds of crime ▪ Providing oversight to sensitive operations ▪ Utilizing electronic surveillance in sensitive investigations of government officials 	<ul style="list-style-type: none"> ▪ Training foreign countries in anti-corruption strategies ▪ Supporting investigations focused on deterring the corruption of foreign officials
<p>Ensuring the Stability & Security of Domestic & Global Markets</p>	<ul style="list-style-type: none"> ▪ Vigorously prosecuting those who attempt to defraud tax-payers ▪ Conducting sensitive and complex investigations of corrupt corporations operating inside and outside the United States 	<ul style="list-style-type: none"> ▪ Training thousands of foreign officials on intellectual property crimes ▪ Developing national strategies to combat procurement and Medicare fraud 	<ul style="list-style-type: none"> ▪ Developing regulations to address ways to better detect procurement fraud ▪ Providing oversight to ensure fair application of powerful law enforcement tools 	<ul style="list-style-type: none"> ▪ Establishing international working groups to combat money laundering ▪ Creating working relationships with traditionally closed countries

Key Strategic Priority	Prosecuting & Investigating Activities	Expert Guidance & Advice Activities	Law Enforcement Tool Review Activities	Global Partnership Activities
<p>Disrupting & Dismantling Criminal Organizations</p>	<ul style="list-style-type: none"> ▪ Prosecuting wide-ranging criminal organizations using racketeering and other powerful criminal statutes ▪ Coordinating transnational operations relating to violent gangs 	<ul style="list-style-type: none"> ▪ Training USAOs on effectively using the law to prosecute gangs ▪ Creating a coordinated global approach to dismantle drug trafficking organizations 	<ul style="list-style-type: none"> ▪ Providing oversight for the use of electronic surveillance in violent crime and organized crime cases ▪ Assisting in the protection of witnesses 	<ul style="list-style-type: none"> ▪ Improving relations with law enforcement in various countries where gang leaders reside ▪ Implementing the International Organized Crime Strategy
<p>Protecting Children & Vindicating Human Rights</p>	<ul style="list-style-type: none"> ▪ Prosecuting high-profile and dangerous child predators ▪ Investigating potential war criminal harboring illegally in the U.S. 	<ul style="list-style-type: none"> ▪ Training Project Safe Childhood (PSC) field units in prosecution techniques ▪ Advising foreign counterparts on conducting complex investigations 	<ul style="list-style-type: none"> ▪ Overseeing a high-tech lab to assist law enforcement in gathering critical evidence in child exploitation cases ▪ Developing strategies to effectively capture digital evidence 	<ul style="list-style-type: none"> ▪ Working to form international strategies to combat child sexual exploitation ▪ Prosecuting U.S. government agents who have violated human rights while in other countries

Key Strategic Priority	Prosecuting & Investigating Activities	Expert Guidance & Advice Activities	Law Enforcement Tool Review Activities	Global Partnership Activities
<p>Promoting the Rule of Law Internationally</p>	<ul style="list-style-type: none"> ▪ Coordination of bi-lateral investigations ▪ Seeking the extradition of criminal defendants who have fled overseas 	<ul style="list-style-type: none"> ▪ Assisting foreign countries in the development of laws and legal procedures ▪ Training of our foreign counterparts 	<ul style="list-style-type: none"> ▪ Obtaining evidence from or for foreign countries ▪ Supporting trans-national investigations 	<ul style="list-style-type: none"> ▪ Providing direct technical assistance on case-specific matters ▪ Participating in international policy groups
<p>Supporting National Security</p>	<ul style="list-style-type: none"> ▪ Prosecuting cases focused on deterring corruption of foreign officials ▪ Supporting investigations aimed at limiting terrorist mobility 	<ul style="list-style-type: none"> ▪ Participating in government-wide anti-terrorism strategy groups ▪ Providing expert guidance on freezing terrorist assets 	<ul style="list-style-type: none"> ▪ Negotiating Mutual Legal Assistance Treaties to obtain foreign evidence ▪ Securing extradition of terrorist suspects 	<ul style="list-style-type: none"> ▪ Strengthening counter-terrorism ability of foreign counterparts ▪ Working with other countries to disrupt terrorist travel networks

D. Challenges to Achieving Outcomes

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

External Challenges

There are many external challenges that affect the Division's ability to achieve its goals successfully. These challenges include the following:

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

Internal Challenges

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

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

E. Budget & Performance Integration

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

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

F. Environmental Accountability

The Criminal Division has taken significant steps in integrating environmental accountability into its daily operations and decision-making process. For example, the Division has initiated (paperless) electronic transmittal of all telephone service requests. The Division is the first and only component to be granted this privilege, at this time, by JMD's Operations Services Staff. This paperless transmittal system saves paper and reduces our carbon footprint.

In addition, the Division, in support of GSA's new smoking policy, has installed signage advising employees that smoking is prohibited within 25 feet of any active entrance or portico in all Federal buildings and leased space where Federal workers are located. Additionally, the designated smoking areas for our leased space have been relocated to conform to this policy.

The Division has also completed the balancing of the water system to conserve and provide more efficient utilization of our supplemental air conditioning units. The Division is continuing to work with the building management to install electrical light timers and motion detectors in corridors and bathrooms to reduce the use and cost of electricity.

Furthermore, the Division continues to take steps to improve the recycling and environmental awareness programs within the Division. The Division has a comprehensive recycling program that includes the (1) distribution of individual recycling containers to every federal and contract employee, (2) inclusion of recycling flyers in all new employee orientation packages, (3)

publication of energy and recycling articles in the Division’s Security and Operations Support newsletter, and (4) creation of a recycling section on the Division’s Intranet site.

Lastly, the Division has been directed to rebid all its building leases and is currently working with the Department and GSA through this procurement process. Whenever a new lease is obtained, the Division plans to implement any environmental advantages beginning in the architectural and engineer phase and continuing through the construction of the project.

II. Summary of Program Changes

Item Name	Description				Page
		Pos.	FTE	Dollars (\$000)	
Intellectual Property	<ul style="list-style-type: none"> Located in strategic regions across the globe, the DOJ Attachés/ICHIPS will be well-positioned to combat the increasing threat of transnational crime, including intellectual property and cybercrime. 	6	3	\$2,950	19
Administrative Efficiencies	<ul style="list-style-type: none"> Results from across-the-board economies of scale that bring about increased efficiencies and cost savings. 	0	0	-\$159	24
Extend Technology Refresh	<ul style="list-style-type: none"> Replacing basic office equipment at a slower rate to realize savings with little impact on the Division’s mission. 	0	0	-\$171	26

III. Appropriations Language and Analysis of Appropriations Language

Appropriations Language

Not Applicable

IV. Decision Unit Justification

A. Enforcing Federal Criminal Laws

<i>[Enforcing Federal Criminal Laws] TOTAL</i>	Perm. Pos.	FTE	Amount (Dollars in \$000)
2010 Enacted with Rescissions	751	748	\$176,861
2010 Supplemental	26	13	\$3,550
2010 Enacted w/Rescissions and Supplemental	777	761	\$180,411
2011 CR	751	748	\$176,861
Adjustments to Base and Technical Adjustments	25	34	\$21,121
2012 Current Services	776	782	\$197,982
2012 Program Increases	6	3	\$2,950
2012 Program Offsets	0	0	(\$330)
2012 Request	782	785	\$200,602
Total Change 2010-2012	31	37	\$23,741

<i>Criminal Division-Information Technology Breakout (of Decision Unit Total)</i>	Perm. Pos.	FTE	Amount
2010 Enacted with Rescissions	14	14	\$19,398
2010 Supplemental	0	0	0
2010 Enacted w/Rescissions and Supplementals	14	14	\$19,398
2011 CR	14	14	\$21,507
Adjustments to Base and Technical Adjustments	0	0	0
2012 Current Services	14	14	\$22,183
2012 Program Increases	0	0	0
2012 Program Offsets	0	0	0
2012 Request	14	14	\$22,183
Total Change 2010-2012	0	0	\$2,785

1. Program Description

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

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

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

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

PERFORMANCE AND RESOURCE TABLE											
Decision Unit: Enforcing Federal Criminal Laws											
WORKLOAD/RESOURCES		Final Target		Actual		Projected		Changes		Requested (Total)	
		FY 2010		FY 2010		FY 2011 CR		Current Services Adjustments and FY 2012 Program Changes		FY 2012 Request	
Total Costs and FTE (reimbursable FTE are included)		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		957	\$176,861	883	\$175,081	957	\$176,861	38	\$23,741	995	\$200,602
TYPE/ Strategic Objective	PERFORMANCE	FY 2010		FY 2010		FY 2011 CR		Current Services Adjustments and FY 2012 Program Changes		FY 2012 Request	
Program Activity	1. Prosecutions and Investigations	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		417	\$88,203	385	\$87,397	417	\$88,203	21	\$10,995	438	\$99,198
Workload	Cases Opened	423		375		483		27		509	
Workload	Cases Closed	326		481		390		22		412	
Workload	Cases Pending	1,268		1,067		1,159		5		1,164	
Workload	Appellate Work - Opened	3,840		3,969		3,995		0		3,995	
Workload	Appellate Work - Closed	3,560		3,770		3,865		0		3,865	
Workload	Appellate Work - Pending	2,916		2,833		2,963		130		3,093	
Workload	Matters Opened	935		987		998		56		1,054	
Workload	Matters Closed	813		944		810		45		855	
Workload	Matters Pending at EOY	1,861		1,782		1,970		11		1,981	

Program Activity	2. Expert Guidance and Legal Advice	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		368	\$51,881	341	\$51,994	368	\$51,881	3	\$6,949	371	\$58,830
Workload	Number of Legislative and Policy Analysis Matters Completed	6,492		6,524		5,737		69		5,806	
Workload	Number of Programmatic Coordination Activities	2,902		3,509		3,693		44		3,737	
Workload	Number of Legal Advisory Matters Completed	22,919		19,039		18,016		216		18,232	
Workload	Number of Training Sessions/ Presentations	2,241		2,767		2,372		28		2,400	
Program Activity	3. Law Enforcement Tools	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		172	\$36,777	157	\$35,690	172	\$36,777	14	\$5,797	186	\$42,574
Workload	Number of Mandatory Reviews Completed	32,139		46,125		21,222		857		22,079	
EFFICIENCY MEASURE	Ratio of Administrative Costs to Program Costs	69.90%		70.0%		N/A		N/A		N/A	
OUTCOME	Favorably Resolve Criminal Cases	90%		90%		90%		0		90%	
OUTCOME	Favorably Resolve Civil Cases	80%		100%		80%		0		80%	
<p>Data Definition, Validation, Verification, and Limitations: Definitions: Prosecutions and Investigations: This program activity includes cases or investigatory matters in which the Criminal Division has sole or shared responsibility. The case breakouts include cases from the following Sections/Offices: Fraud Section, Public Integrity Section, Computer Crimes and Intellectual Property Section, Child Exploitation and Obscenity Section, Organized Crime and Racketeering Section, Narcotic and Dangerous Drug Section, Asset Forfeiture and Money Laundering Section, Human Rights and Special Prosecutions Section, Gang Unit, and Capital Case Unit. Appeals: Appellate Section. Expert Guidance & Legal Advice: This program activity includes oral and written advice and training to federal, state, local, and foreign law enforcement officials; coordination and support of investigations, prosecutions, and programs at the national, international and multi-district levels; and oral and written analysis of legislation and policy issues, development of legislative proposals, advice and briefing to Departmental and external policy makers, and participation in inter-agency policy coordination and discussions. Law Enforcement Tools: This program activity includes the work the Division does in specific areas of criminal law in reviewing and approving the use of law enforcement tools throughout the law enforcement community.</p> <p>Validation: In FY 2002, the Division initiated a multi-phased workload tracking improvement initiative. To date, improvements include definition and policy clarifications, uniform guidance and reporting, case tracking database improvements for end user benefit, and a regular data validation process to ensure system integrity.</p>											

PERFORMANCE MEASURE TABLE												
Decision Unit: Enforcing Federal Criminal Laws												
Performance Report and Performance Plan Targets		FY 2003	FY 2004	FY 2005	FY 2006	FY 2007*	FY 2008	FY 2009	FY 2010		FY 2011	FY 2012
		Actual	Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
OUTCOME Measure	Favorably Resolved Criminal Cases**	97%	94%	96%	98%	97%	95%	97%	90%	90%	90%	90%
OUTCOME Measure	Favorably Resolve Civil Cases**	100%	100%	100%	90%	87%	75%	100%	80%	100%	80%	80%
Efficiency Measure	Ratio of Administrative Costs to Program Costs***	N/A	N/A	69.61%	70.27%	70.40%	70.00%	70.27%	69.90%	70.0%	N/A	N/A

N/A = Data unavailable

* As of Fiscal Year 2007, the workloads of the Counterterrorism and Counterespionage Sections are not included in the Criminal Division.

** Denotes inclusion in the DOJ *Performance & Accountability Report*

***Beginning FY 2011, the Criminal Division will no longer track or report its efficiency measure.

3. Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes

Outcome Measure

The Department's long-term outcome goal for the litigating divisions, including the Criminal Division, is the percentage of criminal and civil cases favorably resolved during the Fiscal Year. The goals are 90 percent (criminal) and 80 percent (civil). In FY 2010, the Division met both outcome goals.

Prosecutions and Investigations Workload

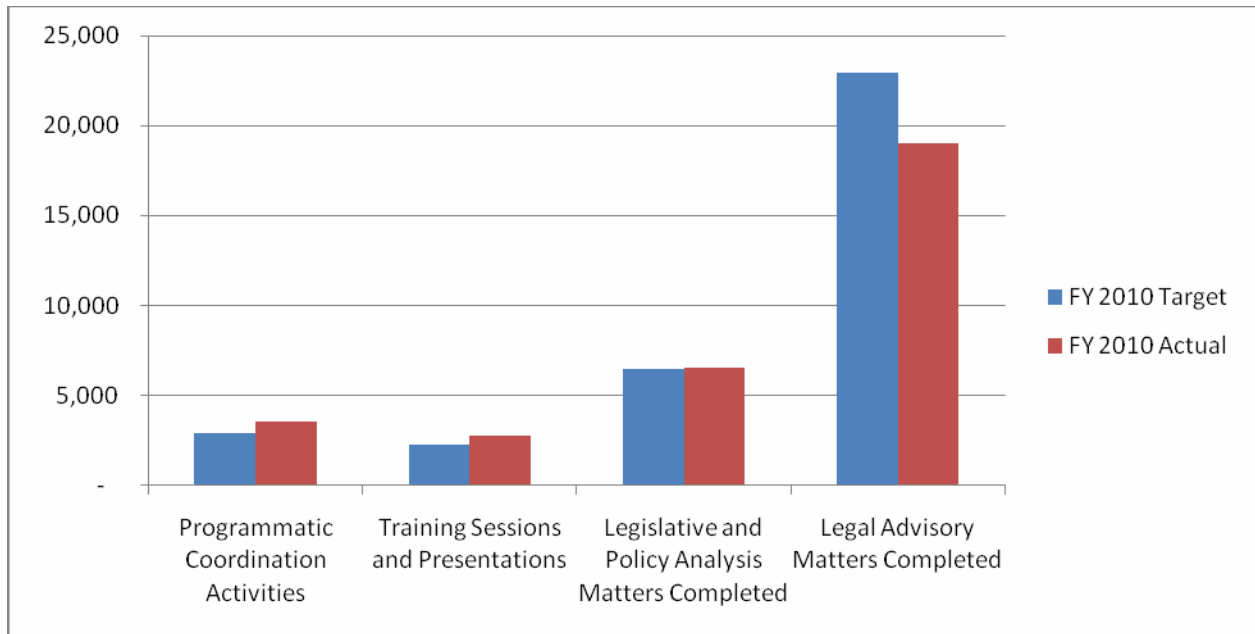
The Division leads complex investigations and tries significant prosecutions. Many of these cases are of national significance, require international coordination, have precedent-setting implications, involve the coordination of cross-jurisdictional investigations, and, consequently, require intensive resources. Between FYs 2009 and FY 2010, Division prosecutions and investigations workload reflected the following:

- The number of cases and matters opened by the Division increased by 5% (the first decrease reported since FY 2004)
- The number of cases and matters closed increased by 18%
- The Division's pending workload decreased by 2%

If the positions requested for FY 2012 are supported, the Division projects that its prosecution and investigation workload will increase by approximately 6%.

Other Critical Division Workload

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



The Division exceeded all but one measure in FY 2010. The Division received fewer requests for advice and guidance from the field, which impacted the Division’s workload level in this measure. For the number of Mandatory Reviews Completed, on the other hand, the Division exceeded the target by 44%, demonstrating the essential needs of the Division in this area. The Division predicts that workload levels will increase slightly if the positions requested in the President’s FY 2012 budget are approved.

b. Strategies to Accomplish Outcomes

The Criminal Division’s mission is to develop, enforce, and exercise general oversight for all federal criminal laws. In fulfilling this mission, the Division plays a central role in assisting the Department in accomplishing its Strategic Goals One and Two. Section I (Overview) of this budget fully discusses the Division’s current strategies to accomplish these outcomes. This budget requests the resources necessary to continue FY 2011 levels of service in accomplishing these strategies.

c. Priority Goals

The Criminal Division contributes to two priority goals: (1) increase white collar crime caseload by 5 percent by FY 2012, with emphasis on mortgage fraud, health care fraud, and official corruption, and with 90 percent of cases favorably resolved; and (2) increase agents and prosecutors by 3 percent, in order to reduce incidents of violent crime in high crime areas by FY 2012. The Division’s progress regarding these two goals is reported quarterly to the Department.

V. Program Increases by Item

Item Name: Intellectual Property Enforcement

Budget Decision Unit(s): Enforcing Federal Criminal Laws

Strategic Goal(s) & Objective(s): **Goal 2:** Prevent Crime, Enforce Federal Laws and Represent the Rights and Interests of the People
Objective 2.5: Combat public and corporate corruption, fraud, economic crime, and cybercrime

Organizational Program: Criminal Division

Component Ranking of Item: 1 of 1

Program Increase: Positions 6 Atty 6 FTE 3 Dollars \$2,950,000

Description of Item

The Criminal Division requests an enhancement of 6 positions (6 attorneys), 3 FTE, and \$2,950,000 to place six DOJ Attachés overseas to fight transnational crime, with particular emphasis on intellectual property crime. These DOJ Attachés will serve as regional International Computer Hacking and Intellectual Property coordinators (ICHIPs) and will be well-positioned to combat the increasing threat of transnational crime, especially intellectual property crime.

Justification

“We’re going to aggressively protect intellectual property. ... Our single greatest asset is the innovation and the ingenuity and creativity of the American people. ... But it’s only a competitive advantage if our companies know that someone else can’t just steal that idea and duplicate it with cheaper inputs and labor.”

~ President Obama, March 2010 (Remarks from the Export-Import Bank’s Annual Conference)

As indicated by President Obama, intellectual property (IP) crime poses a grave threat to the country’s economic well-being, as well as the health and safety of our citizens. Violation of IP rights poses potential safety and security risks to U.S. citizens; according to a 2009 Customs and Border Protection Report, seizures of such products increased from \$27.8 to \$62.5 million in the last year. With so many U.S. exports coming from industries reliant on the preservation of IP rights, the Department of Justice must aggressively prosecute the violation of those rights.

IP theft is a global problem. Consequently, the Department cannot focus its efforts solely within U.S. borders. The majority of pirated and counterfeit goods are produced overseas and trafficked to the United States and other consumer nations. For that reason, the Department has

significantly increased its efforts to build strong relationships with foreign law enforcement partners. The Department carries out this transnational IP mission through the Criminal Division, which currently has deployed experienced federal prosecutors to Bangkok, Thailand, and Sofia, Bulgaria, to serve as IP Law Enforcement Coordinators (IPLECs)² for Asia and Eastern Europe.

The IPLECs currently located in Thailand and Bulgaria have made inroads into the IP problem in these regions. But the IPLEC position in Bulgaria will be removed at the end of March 2011, when the funding for the position (provided by the State Department) expires. The successes in these two countries need to be expanded to help many of our other trading partners combat IP theft, to the benefit of American companies and consumers alike.

Because of the success of the IPLEC program, and because of the Administration's commitment to IP enforcement both here and abroad, in the 2010 Joint Strategic Plan on Intellectual Property Enforcement, which the Intellectual Property Enforcement Coordinator submitted to the Congress in June of last year, the Administration committed to the "stationing of additional law enforcement personnel with significant intellectual property enforcement responsibilities overseas."

Therefore, it is essential to support this request for six additional DOJ positions with significant intellectual property enforcement responsibilities. In order to most effectively leverage the resources of these additional positions, the Criminal Division, in consultation with the Intellectual Property Enforcement Coordinator (IPEC) and the State Department, proposes to place each DOJ ICHIP in a country within regions that the Department has identified as hot beds for transnational IP and cyber crime. The following regions all present opportunities for the Department to effectively leverage these additional resources and fight intellectual property crime at its source:

Eastern Europe

There is a high degree of IP and cyber crime in Eastern Europe. Romania would serve as strong base of operations for Eastern Europe because of the high IP and cybercrime activity within the country and because of the close relationship that exists with Romanian law enforcement.

Asia

Hong Kong is a good base of operations for a second ICHIP because of its proximity to mainland China and the relationship with U.S. law enforcement that is enabled by the autonomy granted through its status as a Special Administrative Region.

Latin America

South America has a tremendously high concentration of countries facing serious IP challenges. The 2010 USTR Special 301 Report included Argentina, Chile and Venezuela on the Priority

² The positions in Bulgaria and Thailand are officially designated as Intellectual Property Law Enforcement Coordinators (IPLECS). However, the new positions requested in this enhancement will be officially designated as International Computer Hacking and Intellectual Property coordinators (ICHIPs).

Watch List; Bolivia, Brazil, Colombia, Ecuador and Peru on the Watch List, and Paraguay subject to monitoring pursuant to Section 306. Likewise, there is extensive cybercrime in the region. However, there is also strong interest from many governments in the region to improve enforcement efforts and electronic evidence collection. Numerous Latin American countries, for example, have indicated interest in becoming Parties to the Budapest Convention on Cybercrime and in practical enforcement assistance from the U.S. An ICHIP placed in Brazil or Argentina, for example, would be well positioned to guide the development of regional coordination of IP and cyber crime enforcement efforts, and to provide a link between affected U.S. companies and law enforcement officials responsible for IP and cyber enforcement in the region.

South Asia

The violation of intellectual property rights, particularly counterfeiting and copyright piracy, are ongoing problems in a number of south Asian countries. India and Pakistan have each been listed on the U.S. Trade Representative's Special 301 Priority Watch List for several years, and, after China, are two of the largest sources of manufacture for counterfeit and unauthorized pharmaceuticals. The U.S. has invested in training law enforcement officials in Pakistan and investigators, prosecutors and judges in India in techniques to improve the protection of IP rights. Additionally, South Asia has a burgeoning information technology industry and an increasingly electronically-sophisticated populace. Growing cyber threats and terrorism investigations in that region require enhanced law enforcement relationships and training to increase investigations, as well as cooperation in investigations, that rely heavily on electronic evidence. A regional ICHIP would substantially improve the opportunities to build on the foundation of training and to develop joint cases.

West Africa / Sub-Saharan Africa

In recent years there has been rapid growth in the import and sale of counterfeit goods into the developing economies of sub-Saharan Africa. Many of the counterfeits being sold are passed off as life-saving pharmaceuticals, including fake versions of anti-Malarial and AIDS medications. The high profit margins from the sale of counterfeits have attracted organized criminal groups to the business, resulting in further harm to the public and to the governments. Additionally, West Africa faces significant amounts of electronic fraud that will only increase as wider access to broadband in the region continues to grow. Law enforcement in West Africa and sub-Saharan Africa has indicated an interest in improving their law enforcement efforts to combat these problems as well as increasing their cooperation in ongoing cyber crime investigations. An ICHIP stationed in Western Africa could monitor and extend the reach of training and capacity building efforts undertaken in the past by U.S. agencies and develop joint cases.

Western Europe

Several Western European nations are active partners in U.S. efforts to limit the damage caused by online copyright piracy, and have cooperated with the U.S. in multi-national investigations. Other nations in the region have taken a less active role in addressing online infringement to the detriment of the industries relying on copyright protection. Spain is included on USTR's Special 301 list due to its limited efforts to reduce rampant online piracy. An appropriately placed ICHIP in Western Europe would be well positioned to support joint investigations, assist countries to develop more effective enforcement strategies, and to provide assistance and training to developing economies in North Africa.

Since conditions in these regions could change, countries in these regions will remain under review and the Division (in consultation with the State Department and the IPEC) will make a final determination regarding the locations in all six regions, when the resources for these positions are approved.

In addition to placement within the proper country, the cross-designation of these positions as DOJ Attachés/ICHIPs is critical to the success of the Department's overseas law enforcement mission. The effectiveness of cross-designating the Bangkok position is well-documented and gives operational advantages not necessarily available to ICHIPs who do not also possess the DOJ Attaché designation. For example, a DOJ Attaché has greater access to case files and resources because they are not perceived as doing IP work exclusively; ICHIPs can be marginalized by foreign law enforcement, if they are thought of as limited to one area of expertise. Since IP crime often intersects with other types of cases, like international organized crime, the designation of these new positions as solely ICHIPs will hinder their effectiveness in fighting the IP threat.

The Division plans to hire attorneys with a strong background in criminal prosecution who are capable of and invested in focusing on the IP threat in these regions. This approach will help ensure that the bulk of the ICHIPs' time and effort will contribute to the Department's efforts against IP crime and cyber crime.

Impact on Performance (Relationship of Increase to Strategic Goals and Priority Goals – (PGs))

Benefits:

- Increase number and scope of cooperative international prosecutions targeting high-tech and intellectual property crimes;
- Increase coordination of international cases involving computer crimes, intellectual property crimes, and digital evidence;
- Develop capacity of nations in several important regions to combat IP and computer crimes;
- Build upon the successful integration of IP and cybercrime expertise that currently exists in the domestic Computer Hacking and Intellectual Property (CHIP) Network;
- Replace the IP Law Enforcement Coordinator for Eastern Europe, which will no longer be funded by the State Department; and
- Strengthen the DOJ Attaché program's ability to address transnational organized crime.

Funding

Base Funding

FY 2010 Enacted (w/resc./supps)				FY 2011 CR				FY 2012 Current Services			
Pos	atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)	Pos	atty	FTE	\$(000)
1	1	1	\$605	1	1	1	\$605	1	1	1	\$622

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2012 Request (\$000)	FY 2013 Net Annualization (change from 2012) (\$000)	FY 2014 Net Annualization (change from 2013) (\$000)
Attorney	\$475	6	\$2,850	\$1,056	n/a
Total Personnel	\$475	6	\$2,850	\$1,056	n/a

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2012 Request (\$000)	FY 2013 Net Annualization (Change from 2012) (\$000)	FY 2014 Net Annualization (Change from 2013) (\$000)
Travel	\$100	1	\$100	\$0	\$0
Total Non-Personnel	\$100	1	\$100	\$0	\$0

Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2013 Net Annualization (Change from 2012) (\$000)	FY 2014 Net Annualization (Change from 2013) (\$000)
Current Services	1	1	1	\$622	\$0	\$622	N/A	N/A
Increases	6	6	3	\$2,850	\$100	\$2,950	\$1,056	N/A
Grand Total	7	7	4	\$3,472	\$100	\$3,572	\$1,056	N/A

VI. Program Offsets by Item

Item Name: Administrative Efficiencies

Budget Decision Unit(s): Enforcing Federal Criminal Law

Strategic Goal(s) & Objective(s):

Goal 1: Prevent Terrorism and Promote the Nation's Security

Objective 1.1: Prevent, disrupt, and defeat terrorist operations before they occur; **Objective 1.2:** Strengthen partnerships to prevent, deter, and respond to terrorist incidents; and **Objective 1.3:** Prosecute those who have committed, or intend to commit, terrorist acts in the United States

Goal 2: Prevent Crime, Enforce Federal Laws and Represent the Rights and interests of the People

Objective 2.2: Reduce the threat, incidence, and prevalence of violent crime; **Objective 2.3:** Prevent, suppress, and intervene in crimes against children; **Objective 2.4:** Reduce the threat, trafficking, use, and related violence of illegal drugs; **Objective 2.5:** Combat public and corporate corruption, fraud, economic crime, and cybercrime; **Objective 2.6:** Uphold the civil and constitutional rights of all Americans

Organizational Program: Criminal Division

Component Ranking of Item: 1 of 2

Program Reduction: Positions N/A Atty N/A FTE N/A Dollars \$159,000

Description of Item

The Division requests an offset of \$159,000 to reflect the savings projected by implementing administrative efficiencies throughout the Division.

Summary Justification

The Department is continually evaluating its programs and operations with the goal of achieving across-the-board economies of scale that result in increased efficiencies and cost savings. In FY 2012, the Department is focusing on areas in which savings can be achieved, which include, but are not limited to: printing, publications, travel, conferences, supplies, and general equipment. For the Criminal Division, these administrative efficiencies will result in an offset of \$159,000. This reduction to administrative items will demonstrate that the Department plans to institute substantive efficiencies without unduly taxing either the people or the missions of DOJ.

Impact on Performance (Relationship of Decrease to Strategic Goals and Priority Goals – (PGs))

Implementing this offset will have no impact on the Division's ability to meet its performance goals.

Funding

Base Funding

FY 2010 Enacted (w/resc./supps)				FY 2011 CR				FY 2012 Current Services			
Pos	atty	FTE	\$(000)	Pos	atty	FTE	\$(000)	Pos	atty	FTE	\$(000)
N/A	N/A	N/A	\$4,730	N/A	N/A	N/A	\$5,401	N/A	N/A	N/A	\$6,484

Personnel Reduction Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Reduced	FY 2012 Request (\$000)	FY 2013 Net Annualization (change from 2012) (\$000)	FY 2014 Net Annualization (change from 2013) (\$000)
	N/A	N/A	N/A	N/A	N/A
Total Personnel					

Non-Personnel Reduction Cost Summary

Non-Personnel Item	Unit	Quantity	FY 2012 Request (\$000)	FY 2013 Net Annualization (change from 2012) (\$000)	FY 2014 Net Annualization (change from 2013) (\$000)
Administrative Efficiencies	N/A	N/A	-\$159	\$0	\$0
Total Non-Personnel	N/A	N/A	-\$159	\$0	\$0

Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2013 Net Annualization (change from 2012) (\$000)	FY 2014 Net Annualization (change from 2013) (\$000)
Current Services	N/A	N/A	N/A	N/A	\$6,484	\$6,484	\$0	\$0
Decreases	N/A	N/A	N/A	N/A	-\$159	-\$159	\$0	\$0
Grand Total	N/A	N/A	N/A	N/A	\$6,325	\$6,325	\$0	\$0

Item Name: **Extend Technology Refresh Cycle**

Budget Decision Unit(s): Enforcing Federal Criminal Law

Strategic Goal(s) & Objective(s):

Goal 1: Prevent Terrorism and Promote the Nation's Security

Objective 1.1: Prevent, disrupt, and defeat terrorist operations before they occur; **Objective 1.2:** Strengthen partnerships to prevent, deter, and respond to terrorist incidents; and **Objective 1.3:** Prosecute those who have committed, or intend to commit, terrorist acts in the United States

Goal 2: Prevent Crime, Enforce Federal Laws and Represent the Rights and interests of the People

Objective 2.2: Reduce the threat, incidence, and prevalence of violent crime; **Objective 2.3:** Prevent, suppress, and intervene in crimes against children; **Objective 2.4:** Reduce the threat, trafficking, use, and related violence of illegal drugs; **Objective 2.5:** Combat public and corporate corruption, fraud, economic crime, and cybercrime; **Objective 2.6:** Uphold the civil and constitutional rights of all Americans

Organizational Program: Criminal Division

Component Ranking of Item: 2 of 2

Program Reduction: Positions N/A Agt/Atty N/A FTE N/A Dollars \$171,000

Description of Item

The Division requests an offset of \$171,000 to reflect the savings projected by extending the Division's Technology Refresh Cycle beyond the current practice for office equipment.

Summary Justification

As desktops and laptops are used primarily for basic office automation applications (e.g., spreadsheets and word processing), replacing this inventory at a slower rate is expected to have minimal impact on Department operations. In FY 2012, the Department is proposing to extend the refresh rate of all desktops and laptops by one year, resulting in an offset of \$171,000 for the Criminal Division.

Impact on Performance (Relationship of Decrease to Strategic Goals and Priority Goals – (PGs))

Implementing this offset will have no impact on the Division's ability to meet its performance goals.

Funding

Base Funding

FY 2010 Enacted (w/resc./supps)				FY 2011 CR				FY 2012 Current Services			
Pos	atty	FTE	\$(000)	Pos	atty	FTE	\$(000)	Pos	atty	FTE	\$(000)
N/A	N/A	N/A	\$2,000	N/A	N/A	N/A	\$0	N/A	N/A	N/A	\$0

Personnel Reduction Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Reduced	FY 2012 Request (\$000)	FY 2013 Net Annualization (change from 2012) (\$000)	FY 2014 Net Annualization (change from 2013) (\$000)
N/A	N/A	N/A	N/A	N/A	N/A
Total Personnel					

Non-Personnel Reduction Cost Summary

Non-Personnel Item	Unit	Quantity	FY 2012 Request (\$000)	FY 2013 Net Annualization (change from 2012) (\$000)	FY 2014 Net Annualization (change from 2013) (\$000)
Extend Technology Refresh Cycle	N/A	N/A	-\$171	\$0	\$0
Total Non-Personnel	N/A	N/A	-\$171	\$0	\$0

Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2013 Net Annualization (change from 2012) (\$000)	FY 2014 Net Annualization (change from 2013) (\$000)
Current Services	N/A	N/A	N/A	N/A	\$0	\$0	\$0	\$0
Decreases	N/A	N/A	N/A	N/A	-\$171	-171	\$0	\$0
Grand Total	N/A	N/A	N/A	N/A	-\$171	-\$171	\$0	\$0