

UNITED STATES  
DEPARTMENT OF JUSTICE

UNITED STATES ATTORNEYS



FY 2020  
CONGRESSIONAL SUBMISSION

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## I. Overview of the United States Attorneys

### A. Introduction

In FY 2020, the United States Attorneys request \$2,254,541,000 and 11,319 positions, of which 5,861 are attorneys. The budget request includes the following program increases: \$23,283,000 is to support key priorities and sustain hiring and program operations in the United States Attorneys' offices (USAOs); \$5,801,000 and 60 positions to combat violent crime; and \$4,304,000 and 38 positions (23 attorneys) to combat the opioid epidemic.

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

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

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

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



## **The Attorney General's Advisory Committee of United States Attorneys**

United States Attorneys provide advice and counsel to the Attorney General and senior policy leadership through the Attorney General's Advisory Committee (AGAC) and its various subcommittees and working groups. The AGAC was established in 1973, to give United States Attorneys a voice in advising the Attorney General on Department policies. The Committee is comprised of approximately 15 members, representing various federal judicial districts, and geographic locations. The Committee members meet regularly with the Attorney General, the Deputy Attorney General, and the Associate Attorney General, and works to further the goals as set by the President of the United States. The AGAC has subcommittees and working groups to address the Administration's priorities.

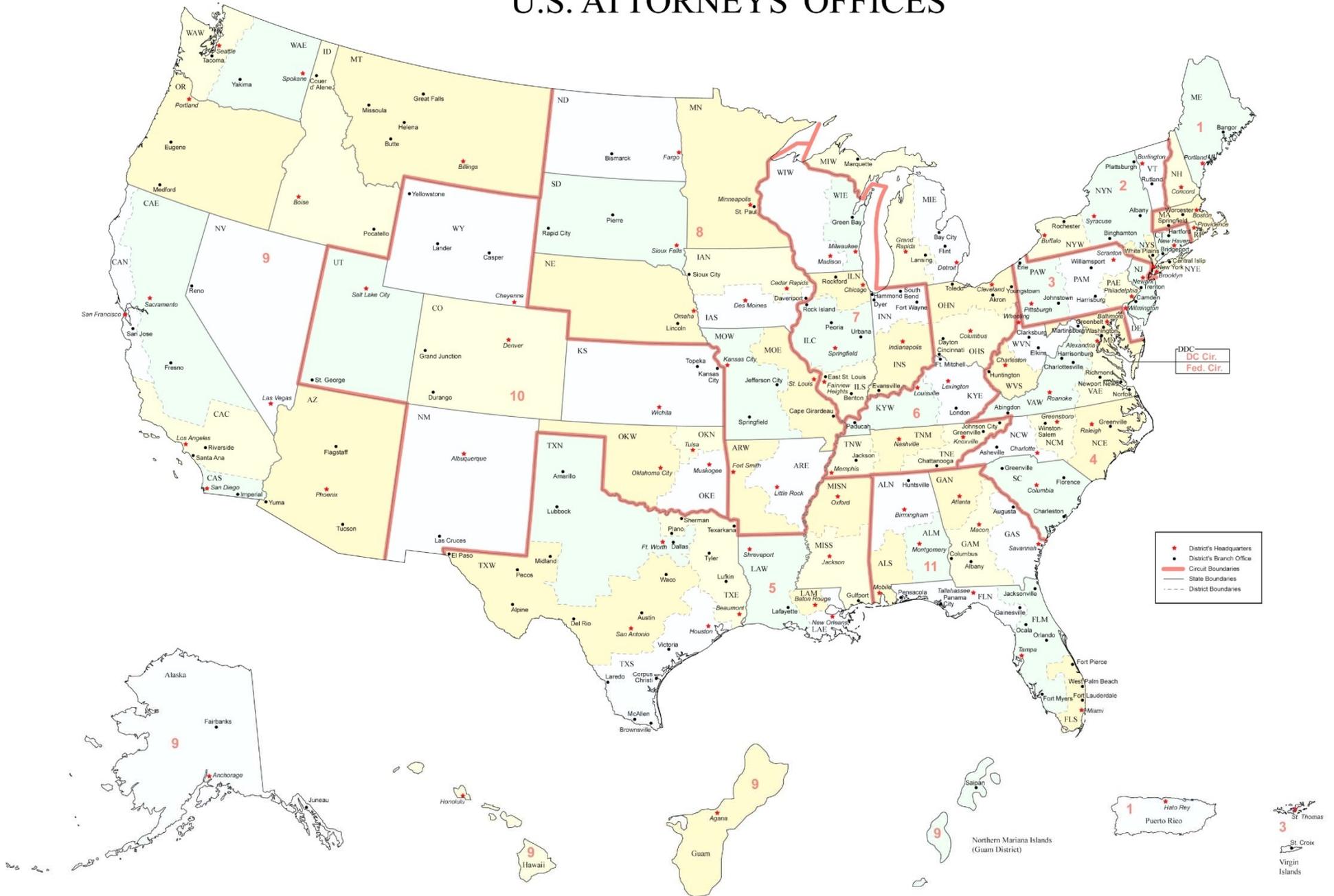
The subcommittees include:

- Asset Recovery
- Border and Immigration Law Enforcement
- Controlled Substances
- Cyber/Intellectual Property
- Law Enforcement Coordination & Relations
- Management, People & Performance
- Native American Issues
- Service Members and Veterans Rights
- Terrorism & National Security
- Violent and Organized Crime
- White Collar/Fraud

The working groups include:

- Administrative Officers
- Appellate Chiefs
- Child Exploitation and Human Trafficking
- Civil Chiefs
- Criminal Chiefs
- Diversity Working Group
- Domestic Terrorism & Executive Committee
- Elder Justice
- Health Care Fraud
- Investment Review Board
- Marijuana
- Opioids & Heroin
- Victim and Community Issues

# U.S. ATTORNEYS' OFFICES





## Executive Office for the United States Attorneys

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

The Executive Office for United States Attorneys shall be under the direction of a Director who shall (28 CFR 0.22):

- A. Provide general executive assistance and supervision to the Offices of the U.S. Attorneys, including:
  - 1) Evaluating the performance of the Offices of the U.S. Attorneys, making appropriate reports and inspections and taking corrective action where indicated.
  - 2) Coordinating and directing the relationship of the Offices of the U.S. Attorneys with other organizational units of the Department of Justice.
- B. Publish and maintain a U.S. Attorneys' Manual and a United States Attorneys' Bulletin for the internal guidance of the U.S. Attorneys' offices and those other organizational units of the Department concerned with litigation.
- C. Supervise the operation of the Office of Legal Education, the Attorney General's Advocacy Institute and the Legal Education Institute, which shall develop, conduct, and authorize the training of all federal legal personnel.
- D. Provide the Attorney General's Advisory Committee of United States Attorneys with such staff assistance and funds as are reasonably necessary to carry out the Committee's responsibilities (28 CFR 0.10(d)).
- E. Establish policy and procedures for the satisfaction, collection, or recovery of criminal fines, special assessments, penalties, interest, bail bond forfeitures, restitution, and court costs in criminal cases consistent with § 0.171 of this chapter.

The major functions of EOUSA are to:

- Provide support to the Deputy Attorney General regarding United States Attorney appointments.
- Provide general direction and supervision of the management and policy activities of the United States Attorneys' financial litigation programs, including the establishment of policy and procedures for debt collection activities, affirmative civil enforcement and bankruptcy litigation, litigative and technical support, training, publication of



- newsletters, coordination and implementation of legislative initiatives and the establishment of guidelines, and procedures on criminal fine collection issues.
- Provide general legal interpretations, opinions, and advice to United States Attorneys in areas of recusals, cross-designations, outside activities, representation, allegations of misconduct, adverse actions, grievances, labor relations, and ethical and conflict of interest questions.
  - Provide general support to the United States Attorneys in matters involving Assistant United States Attorney and Special Assistant United States Attorney appointments.
  - Provide overall administrative management oversight, technical and direct support to the United States Attorneys in the program areas of facilities management (to include acquisition of real property/space, construction, renovation, repair, and relocation); and support service programs (to include personal property management, small purchases procurement, motor vehicle support, telephone systems, printing, and records disposition).
  - Provide overall management oversight, technical, and direct support to the United States Attorneys in the area of security programs (to include physical security, information security, communications, security, security awareness and safety).
  - Analyze, design, and provide automated services and systems in support of the litigation mission and of selected administrative functions of the United States Attorneys' offices including development, implementation, and monitoring of policies and programs for office automation, systems development activities, and data base maintenance.
  - Design, program, and support the operations and software for caseload and collections systems and administrative/litigative applications in the districts and the central systems, provide technical assistance, produce the Annual Statistical Report, and monitor the quality of the data of the Offices of the United States Attorneys.
  - Support the Offices of the United States Attorneys in the conduct of their Law Enforcement Coordination Programs as directed by the Attorney General: publication of a newsletter; assistance in providing speakers, materials, and any other technical assistance for LECC-related functions; liaison with the LECC/VW Subcommittee of the Attorney General's Advisory Committee; and the promotion of the LECC Program throughout the federal and local government.
  - Serve as the liaison on Victim-Witness assistance activities within the Offices of the United States Attorneys, supporting the United States Attorneys in their work relating to these matters.
  - Provide budget and fiscal assistance and guidance to the 94 Offices of United States Attorneys.
  - Respond to requests under the Freedom of Information Act and Privacy Act on behalf of the Offices of the United States Attorneys, coordinate and respond to litigation arising from these matters, and provide advice and training to the United States Attorneys' staffs relating to FOIA/PA.
  - Respond to inquiries from members of Congress and private citizens and review and comment on legislative and regulatory proposals relating to the activities of the Offices of United States Attorneys.



## CRIMINAL PROSECUTIONS

The USAOs investigate and prosecute the vast majority of criminal cases brought by the federal government – representing an incredibly diverse workload. The types of cases include international and domestic terrorism; illegal immigration; southwest border enforcement; firearms and violent crime; identity theft; public corruption; procurement, securities, and mortgage fraud; gangs and organized crime; drug enforcement; human trafficking; and criminal civil rights. Many of these cases involve multiple defendants and are extremely complex.



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

### Federal Law Enforcement Partners



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



## **CIVIL LITIGATION**

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

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

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

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

## **CRIMINAL AND CIVIL APPEALS**

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



## CRIMINAL AND CIVIL DEBT COLLECTION

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

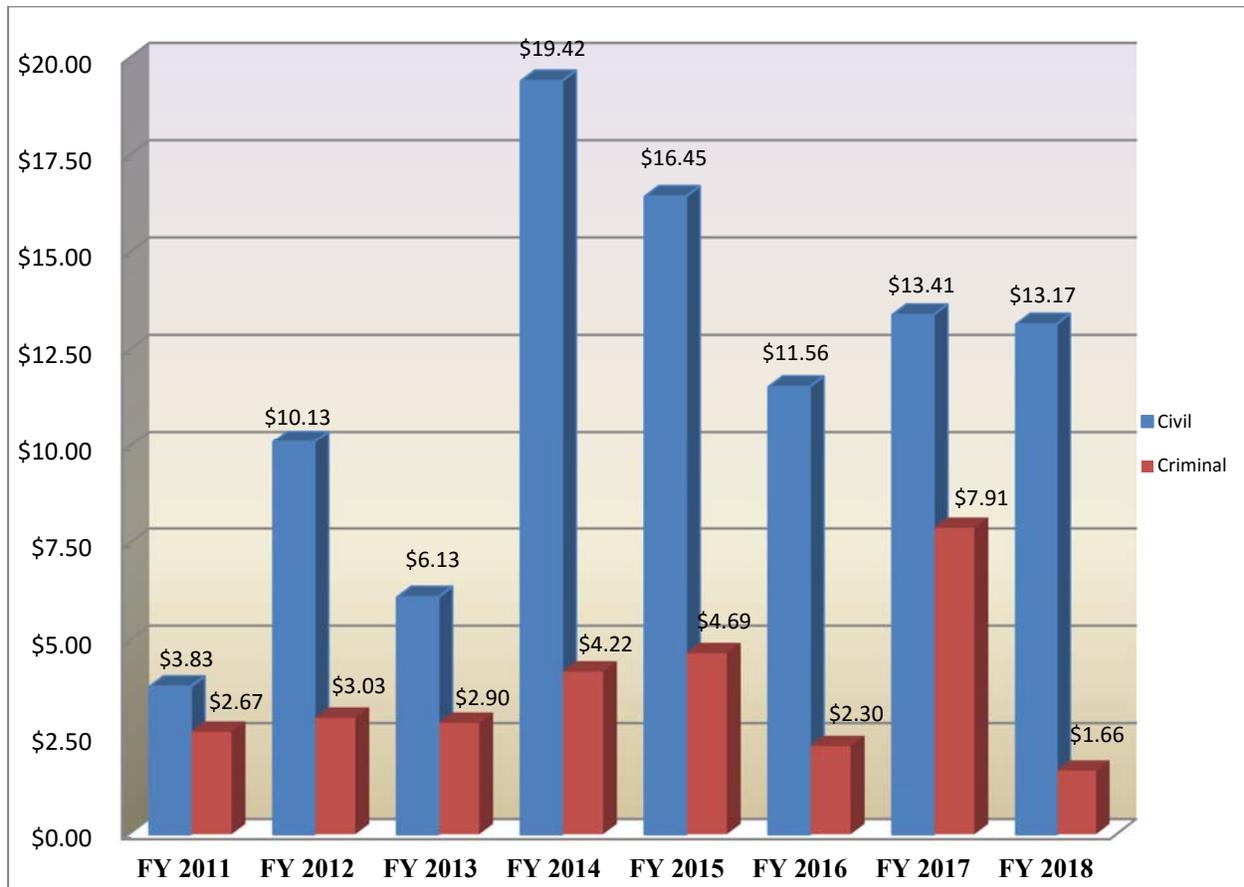
Debts are incurred by a criminal defendant when the defendant is sentenced by the court. These debts may be in the form of restitution to crime victims, fines imposed by the court, special assessments on each criminal conviction count, costs of prosecution and other costs, or forfeitures of appearance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

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



The table below illustrates the significant amount of debts collected each year from FY 2011 through the end of FY 2018.

### Debt Collection Chart (in billions)



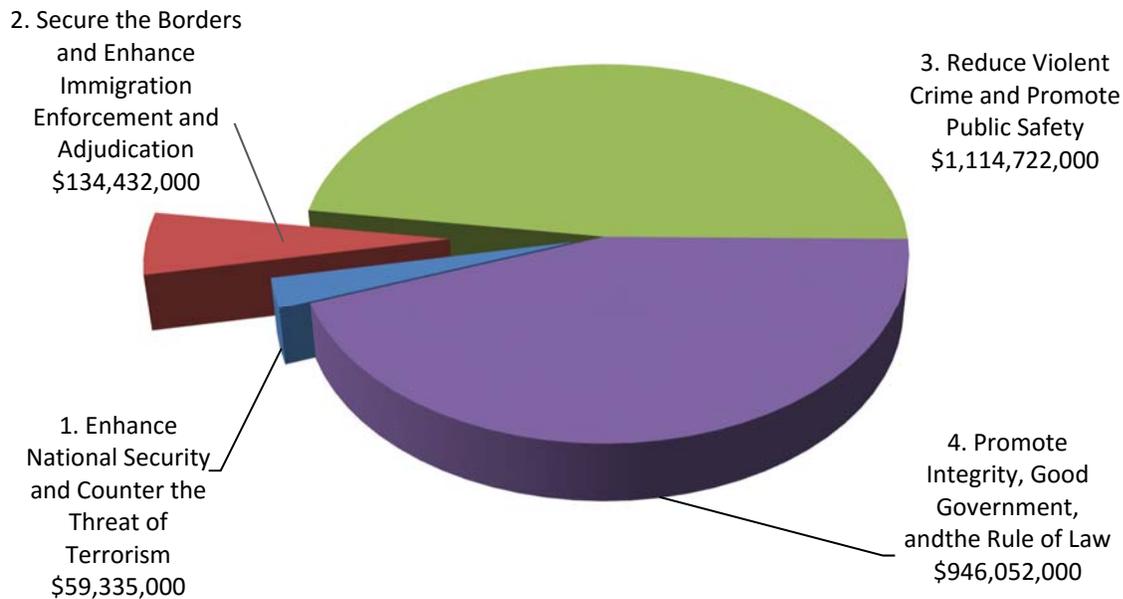
In FY 2018, the USAOs collected \$14.83 billion in criminal and civil debts. Of the total debts collected, USAOs recovered \$1.66 billion in criminal debts; and \$13.17 billion in civil debts. The United States Attorneys’ FY 2018 collection efforts, handled by a very small percentage of the total workforce, returned to the Treasury almost seven times the \$2.14 billion appropriated in the FY 2018 budget for the entire United States Attorneys’ community.



## B. Issues, Outcomes, and Strategies

The following chart and descriptions provide a brief summary of the Department’s Strategic Goals and Objectives in which the United States Attorneys play a role.

**FY 2020 Total Request by DOJ Strategic Goal**



### **DOJ Strategic Goal 1: Enhance National Security and Counter the Threat of Terrorism. (\$59,335,000)**

- Disrupt and defeat terrorist operations (1.1).
- Combat cyber-based threats and attacks (1.2).

### **DOJ Strategic Goal 2: Secure the Borders and Enhance Immigration Enforcement and Adjudication. (\$134,432,000)**

- Prioritize criminal immigration enforcement (2.1).

### **DOJ Strategic Goal 3: Reduce Violent Crime and Promote Public (\$1,114,722,000)**

- Combat violent crime, promote safe communities, and uphold the rights of victims of crime. (3.1).
- Disrupt and dismantle drug trafficking organizations to curb opioid and other illicit drug use in our nation. (3.2).



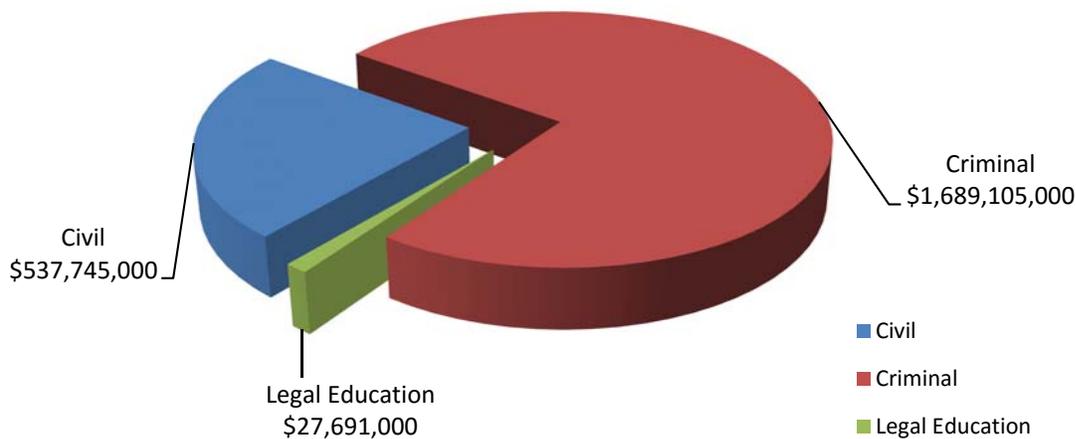
**DOJ Strategic Goal 4: Promote Integrity, Good Government, and the Rule of Law (\$946,052,000)**

- Uphold the rule of law and integrity in the proper administration of justice. (4.1).
- Defend first amendments rights. (4.2).

**C. Full Program Costs**

The United States Attorneys’ \$2,254,541,000 budget request for FY 2020 is divided into three decision units: criminal, civil, and legal education.

**FY 2020 Budget Request by Decision Unit**



Some programs, as well as management and administration costs, cross decision units. The performance and resource tables for each decision unit reflect the total costs of achieving the strategies that the United States Attorneys will employ in FY 2020. The various resource and performance charts incorporate the costs of lower level strategies which also contribute to the achievement of objectives, but which may not be highlighted in detail in order to provide a concise narrative. Also included are the indirect costs of continuing activities, which are central to the operations of each decision unit. This request will fund the United States Attorneys’ role in supporting the Department’s Strategic Plan. We will continue to provide federal leadership in preventing and controlling crime and seeking just punishment of those found guilty of unlawful conduct.



## **D. Performance Challenges**

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

### **External Challenges**

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

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

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

### **Internal Challenges**

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

Keeping Pace with Technology: New technologies have generated cutting-edge methods for committing crimes, such as the use of the Internet to commit identity theft and the use of peer-to-peer software programs to share large volumes of information in real time. These technologies continue to pose many challenges, with complexity and volume being the most prevalent.



The USAOs strive to keep pace with these cutting-edge methods and the exponentially increasing volume of data associated with a diverse range of cases. The United States Attorneys must continue to develop innovative practices to ensure that each office has the capacity to process, analyze, and leverage electronic information. For example, the USAs have implemented eDiscovery processes to move from paper evidence to electronic evidence, and to manage, examine, and transfer large amounts of casework data. The USAs have used technologically advanced tools and processes in sophisticated cases, allowing for data integration from multiple source points, which is critical to organizing and prosecuting complex cases, such as healthcare fraud and securities fraud cases. The USAOs are looking to expand this support to other types of cases such as procurement fraud.



## II. Summary of Program Changes

In FY 2020, the United States Attorneys’ budget request is \$2,254,541,000, which includes the following program changes: 98 positions; 49 FTE; and \$33,388,000 in program increases. The following program changes are outlined in the chart below:

| Item Name                             | Description  |           |           |                 | Page      |
|---------------------------------------|--|-----------|-----------|-----------------|-----------|
|                                       | Purpose  | Pos.      | FTE       | Dollars (\$000) |           |
| <b>District Workload Productivity</b> | This funding will be used to support the key priorities of the Administration in FY 2020 and sustain hiring and program operations funded in FY 2018.  | <b>0</b>  | <b>0</b>  | <b>23,283</b>   | <b>39</b> |
| <b>Violent Crime Prosecutions</b>     | These positions will assist with the growing number of cases being presented for prosecution to the United States Attorneys’ offices (USAOs).  | <b>60</b> | <b>30</b> | <b>5,801</b>    | <b>41</b> |
| <b>Opioid Prosecutions</b>            | The funding will be used to conduct criminal and civil prosecutions resulting from the illegal prescription and dispensing of opioids, and to resolve complex cases involving Medicare and Medicaid fraud. | <b>38</b> | <b>19</b> | <b>4,304</b>    | <b>45</b> |
| <b>TOTAL</b>                          |  | <b>98</b> | <b>49</b> | <b>33,388</b>   |           |



### III. Appropriations Language and Analysis of Appropriations Language

#### Appropriations Language

##### SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

*For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, \$2,254,541,000: Provided, That of the total amount appropriated, not to exceed \$19,600 shall be available for official reception and representation expenses: Provided further, That not to exceed \$25,000,000 shall remain available until expended: Provided further, That each United States Attorney shall establish or participate in a task force on human trafficking.*

**Note** -- A full-year 2019 appropriation for this account was not enacted at the time the budget was prepared; therefore, the budget assumes this account is operating under the Continuing Appropriations Act, 2019 (Division C of P.L. 115-245, as amended). The amounts included for 2019 reflect the annualized level provided by the continuing resolution.

#### **Analysis:**

The United States Attorneys' re-propose an adjustment to the reception and representation funding limitation that was initially requested in the FY 2019 President's Budget request. The establishment and maintenance of relationships with State and local officials is a critical component of the United States Attorneys' mission. Reception and representation activities better enable our United States Attorneys' offices (USAOs) to foster such relationships, which enhance cooperation with respect to common goals, such as reducing violent crime. The requested increase to \$19,600 will help ensure that reception and representation activities are available to a greater number of USAOs while ensuring that appropriated resources are utilized in the most effective manner.



## IV. Program Activity Justification

### A. Criminal

| <b>Criminal Litigation</b>                    | <b>Direct Pos.</b> | <b>Estimated FTE</b> | <b>Amount</b>     |
|---|--------------------|----------------------|-------------------|
| 2018 Enacted                                  | 8,617              | 7,205                | 1,597,554,000     |
| 2019 Continuing Resolution                    | 8,617              | 7,697                | 1,597,554,000     |
| Adjustments to Base and Technical Adjustments | 0                  | 80                   | 63,962,000        |
| 2020 Current Services                         | 8,617              | 7,777                | 1,661,516,000     |
| 2020 Program Increases                        | 90                 | 45                   | 27,589,000        |
| 2020 Request                                  | 8,707              | 7,822                | 1,689,105,000     |
| <b>Total Change 2019-2020</b>                 | <b>90</b>          | <b>125</b>           | <b>91,551,000</b> |

| <b>Criminal Litigation<br/>Information Technology Breakout</b> | <b>Perm. Pos.</b> | <b>FTE</b> | <b>Amount</b>    |
|--|-------------------|------------|------------------|
| 2018 Enacted   | 344               | 344        | 130,285,000      |
| 2019 Continuing Resolution                                     | 344               | 344        | 130,285,000      |
| Adjustments to Base and Technical Adjustments                  | 0                 | 0          | 3,938,000        |
| 2020 Current Services  | 344               | 344        | 134,223,000      |
| 2020 Request   | 344               | 344        | 134,223,000      |
| <b>Total Change 2019-2020</b>                                  | <b>0</b>          | <b>0</b>   | <b>3,938,000</b> |



## 1. Program Description–Criminal Program Activity

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

Federal prosecution of crimes committed on our nation’s northern and southwestern borders is a critical part of our national security. Border-related cases span a wide range of priorities, including felony and misdemeanor immigration cases, human trafficking, alien smuggling, firearms and ammunition trafficking, document fraud, drug offenses, and significant threats from designated criminal and terrorist organizations.

### ***USAO Success Story – Alien Smuggling***

The USAO in the **Northern District of New York** prosecuted Laura Olguin Mercado, a Mexican citizen, pled guilty to transporting illegal aliens from a remote spot along the Canadian border in northern Vermont and picked up three illegal aliens from Mexico who were waiting there to be transported into the United States.

<https://www.justice.gov/usao-ndny/pr/mexican-citizen-admits-transportation-illegal-aliens>

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

The President’s 2020 Budget proposes the creation of a Border Security and Immigration Enforcement Fund (Fund). The Fund will provide additional mandatory resources beyond existing discretionary and mandatory appropriations that will be available for authorized purposes. These may include (but not be limited to) Department of Homeland Security and Department of Justice pay and non-pay costs for non-wall-related border security, criminal and administrative immigration enforcement and adjudication, and customs enforcement activities.

Additional mandatory funding in these areas is necessary to bridge the gap between mission requirements and appropriated resources. The U.S. Government’s efforts to counter illegal mass migration, human smuggling and trafficking, drug smuggling, and transnational criminal organizations’ illicit cross-border activities must be sufficiently resourced. However, appropriated resources are limited. This proposal would increase revenues that would be applied to ensure staffing and operational requirements are met.

Without additional mandatory resources from the Fund, current federal resources will be insufficient to mitigate and reverse the growing illicit trade and travel activities taking place across our borders.



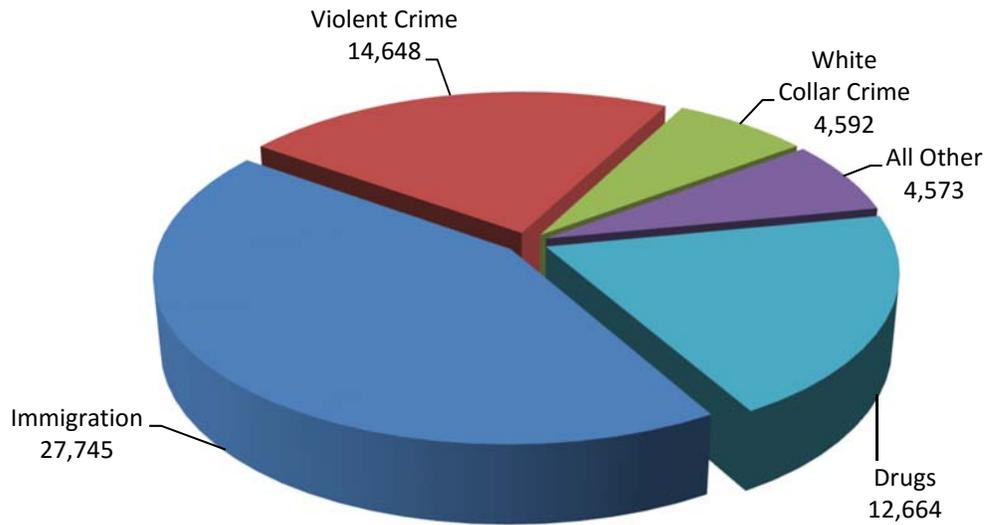
The following cases are examples of the United States Attorneys' criminal case successes:

- The USAO in the **Middle District of Louisiana**. In June 2018, Demitoris Alexander, the leader of a large-scale and violent drug trafficking organization, was sentenced to life in prison following a six-day jury trial. He was also ordered to forfeit \$6.6M in proceeds from illegal drug trafficking. Alexander then oversaw the pricing and distribution of all the cocaine in Louisiana and controlled a network of drug traffickers to enact his orders. The evidence at trial also reflected that Alexander obtained and distributed hundreds of kilograms of cocaine to others. Alexander was one of the final two of 38 defendants convicted in Operation Third World, an extensive investigation that dismantled a violent drug trafficking network primarily operating out of Baton Rouge and Ascension Parish, LA. His codefendant at trial, Colin Y. Knox, who was also convicted on all charges, was sentenced to 30 years in prison.
- The USAO in the **Southern District of Texas**. Jason Gandy was sentenced to 360 months in prison for trafficking children for commercial sex and attempting to do so during the 2012 Olympics. In July 2018, a federal jury convicted Gandy of four counts of sex trafficking of minors, one count of transportation of minors, one count of sexual exploitation of a child, and one count of transportation of child pornography. Gandy was apprehended at the airport in London with one of his victims, age 15. United Kingdom (UK) officials denied them entry into the UK and both were returned to the United States. Upon arrival in Houston, Gandy told law enforcement that he ran a massage business in Texas and the minor worked for him. During the trial, four of the identified victims – all minors at the time of the exploitation – testified as to how Gandy manipulated them into performing massages on men which culminated in the sexual gratification of the clients.



As discussed earlier, the USAOs receive criminal referrals from federal investigative agencies as well as state and local investigative agencies. After careful consideration of the applicable law and evidence in each case, a USAO must decide whether to initiate a prosecution. During FY 2018, the USAOs filed 64,222 felony criminal cases against 81,888 defendants in United States District Court. The following chart shows the types of cases filed by the USAOs.

### **Criminal Workload** FY 2018 Felony Cases Filed – 64,222



A total of 56,923 cases against 72,557 defendants were closed during FY 2018. Of the 72,557 defendants whose cases were closed, 93 percent or 67,595, either pled guilty or were found guilty after a trial. Of these, 52,050 defendants received prison sentences. One hundred and fifteen of these defendants received sentences of life imprisonment.

## 2. PERFORMANCE AND RESOURCE TABLE

| PERFORMANCE AND RESOURCES TABLE   |                     |  |         |           |         |           |           |           |  |        |                   |           |
|---|---------------------|--|---------|-----------|---------|-----------|-----------|-----------|--|--------|-------------------|-----------|
| Decision Unit: Criminal   |                     |  |         |           |         |           |           |           |  |        |                   |           |
| RESOURCES   |                     |  | Enacted |           | Actual  |           | Projected |           | Changes  |        | Requested (Total) |           |
|   |                     |  | FY 2018 |           | FY 2018 |           | FY 2019   |           | Current Services Adjustments and FY 2020 Program Changes |        | FY 2020 Request   |           |
|   |                     |  | FTE     | \$000     | FTE     | \$000     | FTE       | \$000     | FTE  | \$000  | FTE               | \$000     |
| <b>Total Costs and FTE</b><br>(reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total) |                     |  | 7,697   | 1,597,554 | 7,205   | 1,597,554 | 7,697     | 1,597,554 | 125  | 91,551 | 7,822             | 1,689,105 |
|   |                     |  | 1,345   | [217,924] | 953     | 176,540   | 200       | [80,217]  | 0  | 0      | 200               | [80,217]  |
| TYPE  | STRATEGIC OBJECTIVE | PERFORMANCE                            | FY 2018 |           | FY 2018 |           | FY 2019   |           | Current Services Adjustments and FY 2020 Program Changes |        | FY 2020 Request   |           |
| Performance Measure: Output   | 1.2;2.1;3.1;3.2     | Number of Cases - Defendants Handled   | 176,885 |           | 186,119 |           | 178,654   |           | 1,787  |        | 180,441           |           |
| Performance Measure: Efficiency   | 1.2;2.1;3.1;3.2     | Total Defendants Terminated            | 70,913  |           | 72,557  |           | 71,622    |           | 716  |        | 72,338            |           |
| Performance Measure: Outcome  | 1.2;2.1;3.1;3.2     | Total Defendants Guilty                | 65,962  |           | 67,595  |           | 66,622    |           | 666  |        | 67,288            |           |
| Performance Measure: Outcome  | 1.2;2.1;3.1;3.2     | Percentage of Cases Favorably Resolved | 90.00%  |           | 90.00%  |           | 90.00%    |           | 0  |        | 90.00%            |           |

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

## 2. PERFORMANCE AND RESOURCE TABLE

| PERFORMANCE MEASURE TABLE |   |  |         |         |         |         |         |         |         |         |
|---------------------------|---|--|---------|---------|---------|---------|---------|---------|---------|---------|
| Decision Unit: Criminal   |   |  |         |         |         |         |         |         |         |         |
| Strategic Objective       | Performance Report and Performance Plan Targets |  | FY 2014 | FY 2015 | FY 2016 | FY 2017 | FY 2018 |         | FY 2019 | FY 2020 |
|                           |   |  | Actual  | Actual  | Actual  | Actual  | Target  | Actual  | Target  | Target  |
| 1.2; 2.1;<br>3.1;3.2      | Performance Measure                             | Number of Cases - Defendants Handled   | 188,272 | 180,303 | 176,451 | 175,134 | 176,885 | 186,119 | 178,654 | 180,441 |
| 1.2; 2.1;<br>3.1;3.2      | Performance Measure                             | Total Defendants Terminated            | 80,174  | 74,990  | 71,838  | 70,211  | 70,913  | 72,557  | 71,622  | 72,338  |
| 1.2; 2.1;<br>3.1;3.2      | Performance Measure                             | Total Defendants Guilty                | 74,392  | 69,561  | 66,670  | 65,309  | 65,962  | 67,595  | 66,622  | 67,288  |
| 1.2; 2.1;<br>3.1;3.2      | OUTCOME Measure                                 | Percentage of Cases Favorably Resolved | 92.7%   | 92.7%   | 93.0%   | 93.0%   | 90.0%   | 90.0%   | 90.0%   | 90.0%   |
| N/A = Data unavailable    |   |  |         |         |         |         |         |         |         |         |



### 3. Performance, Resources, and Strategies

The Criminal Decision Unit contributes to the following Department' Strategic Goals:

**Goal I: Enhance National Security and Counter the Threat of Terrorism.** Within this goal, the decision unit's resources address the Department's Strategic Objective: 1.1 - Disrupt and defeat terrorist operations; and 1.2 – Combat cyber-based threats and attacks.

**Goal II: Secure the Borders and Enhance Immigration Enforcement and Adjudication Prevent Crime.** Within this goal, the decision unit's resources address the Department's Strategic Objectives: 2.1 - Prioritize criminal immigration enforcement.

**Goal III: Reduce Violent Crime and Promote Public Safety.** Within this goal, the decision unit's resources address the Department's Strategic Objectives: 3.1 - Combat violent crime, promote safe communities, and uphold the rights of victims of crime; Disrupt and dismantle drug trafficking organizations to curb opioid and other illicit drug use in our nation

#### i. Performance Plan and Report for Outcomes

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

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

Federal prosecution of crimes committed on our nation's northern and southwestern borders is a critical part of our national security. Border-related cases span a wide range of priorities, including felony and misdemeanor immigration cases, human trafficking, alien smuggling, firearms and ammunition trafficking, document fraud, drug offenses, and significant threats from designated criminal and terrorist organizations. Computer hacking, data thefts and cyberattacks can compromise national security and have the potential of crippling our nation's infrastructure. The United States Attorneys' will continue to prioritize cybercrime prosecutions, protecting Americans from similar threats in the future. In combating these challenges, USAs' efforts will focus on illegal immigration, illegal prescription and dispensing of opioids, and violent crime.



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

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

- The USAO in the **Eastern District of Virginia**. Ruslan Bondars, Latvian “non-citizen,” meaning a citizen of the former USSR who resided in Riga, Latvia, was sentenced to 168 months in prison on September 2018 for offenses related to his operation of “Scan4you,” an online counter antivirus service that helped computer hackers determine whether the computer viruses and other malicious software they created would be detected by antivirus software. In issuing the sentence, the court found a loss amount of \$20.5 billion. Bondars was convicted following a five-day jury trial of one count of conspiracy to violate the Computer Fraud and Abuse Act, one count of conspiracy to commit wire fraud, and one count of computer intrusion with intent to cause damage and aiding and abetting. Bondars operated Scan4you, which was one of the largest services of its kind and differed from legitimate antivirus scanning services in multiple ways.
- The USAO in the **Eastern District of Kentucky**. Ciro Macias Martinez, an undocumented alien from Mexico, was sentenced to 31 years in prison after entering a guilty plea to conspiracy to distribute methamphetamine and conspiracy to commit money laundering. The investigation found that Macias was the local head of a sophisticated drug trafficking and money laundering organization operating in Central Kentucky, which was tied to the Mexican drug cartels. As head of the organization, Macias was responsible for distributing kilogram quantities of methamphetamine, cocaine and heroin. Macias collected drug proceeds and returned the money to Mexico. Macias and the larger criminal organization also laundered money through the banking system, by making deposits at multiple banks increments less than \$10,000 per transaction (known as structuring), thereby attempting to avoid certain federal and state bank reporting requirements. Federal and local law enforcement authorities seized and forfeited approximately \$1.2 million during the investigation.
- The USAO in the **Southern District of New York** - Frankie Beqiraj was sentenced to 25 years in prison for leading a conspiracy to distribute heroin, cocaine, oxycodone, and alprazolam in the Bronx and Westchester. Beqiraj personally distributed heroin that resulted in the death of 25 year old, Robert Vivolo. He was the principal drug supplier of the small Bronx community of City Island, and employed workers, who were themselves heroin addicts, to deliver narcotics to his customers using prepaid phones. These workers were paid their salaries in money and heroin. Through his organization, Beqiraj distributed large quantities of heroin, cocaine, oxycodone, and alprazolam. The Court also found that, on or about January 9, 2017, one of Beqiraj’s workers distributed heroin to three additional individuals, all of whom overdosed. One of those individuals died as a result of the overdose; the two others survived, having been revived with naloxone.



## b. Strategies to Accomplish Outcomes

The United States Attorneys play a central role in assisting the Department in accomplishing its Strategic Goals and Objectives by contributing to ten of the Department's eighteen strategic objectives. In FY 2020, the United States Attorneys will continue to place a high priority on prosecutions related to national security as well as address other important priorities such as

illegal immigration; border enforcement; Illegal prescription and dispensing of opioids; violent crime; illegal firearms; gang prosecution; transnational organized crime; Indian Country prosecution; cybercrime prosecutions; drug enforcement; human trafficking; and complex and multi-jurisdictional fraud – including health care, identity theft, public corruption, corporate and investment fraud.

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

Other strategies include:

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

## c. Priority Goals

In Fiscal Years 2018 – 2019, the United States Attorneys contribute to the *two* of the three Department's priority goals: The progress regarding these goals are reported quarterly and annually to the Department.

**Cybercrime:** To combat cybercrime, the Department will identify, disrupt, and prosecute cyber threat actors; develop and use all appropriate tools to identify and disrupt cyber threats. By September 30, 2019, the Department will combat cyber-enabled threats and attacks by conducting 8,400 computer intrusion program, deterrence, detections, disruptions and dismantlements. *By September 30, 2019, the United States Attorneys will favorably resolve 90 percent of cyber defendant cases.*

**Status:** As with all cases handled by the Department, each was individually evaluated throughout the judicial process, including the decision to initiate charges. Depending upon the total number of cases resolved during any given quarter, a one case differential can significantly impact the favorable percentage. Many cases concerning “cybercrime” may not



necessarily be captured under this number, as there is not a single statute to prosecute criminal cyber conduct. Cyber cases tend to involve other related criminal conduct under which the matter could be coded in the EOUSA case management database. USAOs will continue to individually assess each case brought for criminal prosecution in a manner that promotes the ends of justice.

**Violent Crime:** In order to combat violent crime, the Department will implement targeted strategies to increase effective law enforcement and coordinated investigations in partnership with State, local, and tribal law enforcement agencies, as well as local communities. The locally based violent crime reduction efforts target the most significant violent criminals. By September 30, 2019, the Department will disrupt and dismantle violent transnational criminal organizations and gangs, such as MS-13; support our state and local partners in making our communities safe; and identify, arrest, and prosecute violent criminals for gun violence and other violent crimes. *By September 30, 2019, the United States Attorneys will favorably resolve 90 percent of federal violent crime cases.*

**Status:** Cases favorably resolved for USAO include those cases that resulted in court judgments favorable to the government, such as convictions and government-endorsed motions to dismiss cases. The United States Attorneys has exceeded its quarterly target.



**B. Civil**

| <b>Civil Litigation</b>                       | <b>Perm. Pos.</b> | <b>FTE</b> | <b>Amount</b>     |
|---|-------------------|------------|-------------------|
| 2018 Enacted                                  | 2,551             | 2,307      | 512,373,000       |
| 2019 Continuing Resolution                    | 2,551             | 2,465      | 512,373,000       |
| Adjustments to Base and Technical Adjustments | 0                 | 14         | 19,573,000        |
| 2020 Current Services                         | 2,551             | 2,479      | 531,946,000       |
| 2020 Program Increases                        | 8                 | 4          | 5,799,000         |
| 2020 Request                                  | 2,559             | 2,483      | 537,745,000       |
| <b>Total Change 2019-2020</b>                 | <b>8</b>          | <b>18</b>  | <b>25,372,000</b> |

| <b>Civil Litigation Information Technology Breakout</b> | <b>Perm. Pos.</b> | <b>FTE</b> | <b>Amount</b>    |
|---|-------------------|------------|------------------|
| 2018 Enacted  | 95                | 95         | 35,077,000       |
| 2019 Continuing Resolution                              | 95                | 95         | 35,077,000       |
| Adjustments to Base                                     | 0                 | 0          | 1,060,000        |
| 2020 Current Services                                   | 95                | 95         | 36,137,000       |
| 2020 Request  | 95                | 95         | 36,137,000       |
| <b>Total Change 2019-2020</b>                           | <b>0</b>          | <b>0</b>   | <b>1,060,000</b> |



## 1. Program Description–Civil Program Activity

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

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

### *USAO Success Story*

On August 14, 2018, in the **District of Massachusetts**, a \$4.9 billion settlement was reached with The Royal Bank of Scotland Group plc (RBS) resolving federal civil claims that RBS misled investors in the underwriting and issuing of residential mortgage-backed securities (RMBS). The penalty is the largest imposed by the Justice Department for financial crisis-era misconduct at a single entity.

[https://www.justice.gov/opa/pr/royal-bank-scotland-agrees-pay-49-billion-financial-crisis-era-](https://www.justice.gov/opa/pr/royal-bank-scotland-agrees-pay-49-billion-financial-crisis-era)

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

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

In FY 2018, the USAOs collected \$13.17 billion in civil debts, which is several times more than the entire United States Attorneys’ budget. The following cases are examples of the United States Attorneys’ civil successes in FY 2018:

- In March 2018, in the **Eastern District of New York**, Barclays Capital, Inc. agreed to pay \$2 billion to resolve allegations in the related to Barclays’ underwriting and issuance of residential mortgage-backed securities (RMBS) between 2005 and 2007. The United States had alleged that Barclays caused billions of dollars in losses to investors by engaging in a



fraudulent scheme to sell 36 RMBS deals, and that it misled investors about the quality of the mortgage loans backing those deals.

- In March 2018, in the **District of Utah**, a federal court entered an order against three Utah-based telemarketing companies from engaging in deceptive and abusive telemarketing practices and imposing an approximately \$45.4 million civil monetary penalty (of which all but \$487,735 was conditionally suspended based on the defendants' inability to pay the entire penalty). The United States had alleged that the defendants had committed widespread violations of the FTC Act and Telemarketing Sales Rule in various telemarketing campaigns to sell DVDs and movie tickets, and in charitable solicitation call campaigns.
- In July 2018, in the **Southern District of Texas**, Sam Kane Beef Processors LLC agreed to pay nearly \$38 million to local livestock sellers in connection with allegations that Sam Kane had violated the Packers and Stockyards Act. Two complaints filed by the United States, that Sam Kane owed approximately \$34.96 million to unpaid livestock sellers. The complaints alleged Sam Kane's failure to timely pay resulted in livestock sellers filing claims under the packer statutory trust totaling more than \$142 million
- In August 2018, in the **District of Massachusetts**, the Royal Bank of Scotland (RBS) agreed to pay \$4.9 billion to resolve allegations that RBS misled investors in the underwriting and issuing of residential mortgage-backed securities (RMBS) between 2005 and 2008. The settlement includes a statement of facts that details using contemporaneous calls and emails of RBS executives, and how RBS routinely made misrepresentations to investors about significant risks it failed to disclose about its RMBS. This includes failing to disclose systemic problems with originators' loan underwriting, changing due diligence findings without justification, providing investors with inaccurate loan data, and failing to disclose due diligence and kick-out caps.

Civil matters and cases represent a significant part of the United States Attorneys' workload. In FY 2018, the United States Attorneys received 81,013 civil matters, which represented 33 percent of all of the 247,695 criminal and civil matters received during the fiscal year. Of the civil matters received, 71 percent or 57,548 were defensive matters, 12 percent or 9,964 were affirmative matters, and 17 percent or 13,501 were other civil matters.

The United States Attorneys filed or responded to 73,430 civil cases in FY 2018, which represented 53 percent of the 137,652 criminal and civil cases filed during the fiscal year. Of the civil cases filed, 78 percent or 57,157 were defensive cases; eight percent or 5,955 were affirmative cases; and 14 percent or 10,318 were other civil cases.

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

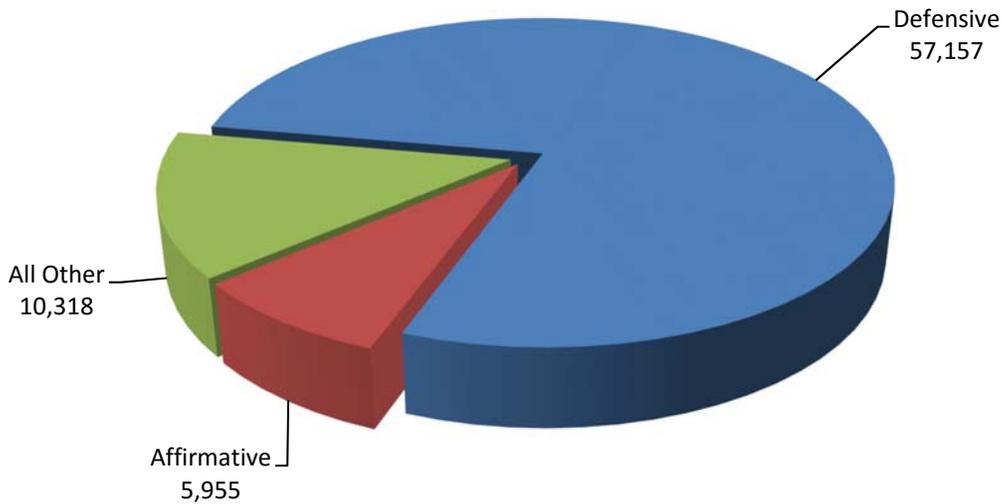


USAOs track the different types of cases where they are able to defend the government and whether or not they are successfully resolved. In affirmative civil cases handled by USAOs, or jointly with the Civil Division, USAOs' successes have resulted in the collection of billions of dollars for the Government and victims of fraud.

### *USAO Success Story*

On August 1, 2018, in the **Northern District of California**, a civil penalty of \$2.09 billion was imposed on Wells Fargo Bank, N.A. based on the bank's alleged origination and sale of residential mortgage loans that it knew contained misstated income information and did not meet the quality that Wells Fargo represented. Investors, including federally insured financial institutions, suffered billions of dollars in losses from investing in residential mortgage-backed securities (RMBS) containing loans originated by Wells Fargo. <https://www.justice.gov/usao-ndca/pr/wells-fargo-agrees-pay-209-billion-penalty-allegedly-misrepresenting-quality-loans-used>

**Civil Workload**  
**FY 2018 Cases Filed/Responded To – 73,430**



## 2. PERFORMANCE AND RESOURCE TABLE

| PERFORMANCE AND RESOURCES TABLE   |                     |   |           |         |           |           |  |  |                 |                   |         |
|---|---------------------|---|-----------|---------|-----------|-----------|--|--|-----------------|-------------------|---------|
| Decision Unit: Civil  |                     |   |           |         |           |           |  |  |                 |                   |         |
| RESOURCES   |                     | Enacted   |           | Actual  |           | Projected |  | Changes  |                 | Requested (Total) |         |
|   |                     | FY 2018   |           | FY 2018 |           | FY 2019   |  | Current Services Adjustments and FY 2020 Program Changes |                 | FY 2020 Request   |         |
|   |                     | FTE   | \$000     | FTE     | \$000     | FTE       | \$000  | FTE  | \$000           | FTE               | \$000   |
| <b>CIVIL LITIGATION</b>   |                     | 2,465   | 512,373   | 2,307   | 512,373   | 2,465     | 512,373  | 18   | 25,372          | 2,483             | 537,745 |
| <b>Reimbursable FTE and Costs</b> (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total) |                     | 430   | [104,827] | 430     | [104,827] | 4         | [5,733]  | 0  | 0               | 4                 | [5,733] |
| TYPE  | STRATEGIC OBJECTIVE | PERFORMANCE   |           | FY 2018 | FY 2018   | FY 2019   | Current Services Adjustments and FY 2020 Program Changes |  | FY 2020 Request |                   |         |
| <b>Workload Measure: Output</b>   | 4.1; 4.2            | Number of Matters Handled                                 |           | 99,802  | 93,521    | 100,800   | 1,008  |  | 101,808         |                   |         |
| <b>Performance Measure: Output</b>  | 4.1; 4.2            | Total Judgements and Settlements                          |           | 40,929  | 36,595    | 41,339    | 413  |  | 41,752          |                   |         |
| <b>Performance Measure: Output</b>  | 4.1; 4.2            | Number of Judgements in favor of the U.S. and Settlements |           | 31,295  | 27,492    | 31,608    | 316  |  | 31,924          |                   |         |
| <b>Performance Measure: Outcome</b>   | 4.1; 4.2            | Percentage of Cases Favorably Resolved                    |           | 80.00%  | 78.00%    | 80.00%    |  |  | 80.00%          |                   |         |

2. PERFORMANCE AND RESOURCE TABLE

| PERFORMANCE MEASURE TABLE |   |   |         |         |         |         |         |        |         |         |
|---------------------------|---|---|---------|---------|---------|---------|---------|--------|---------|---------|
| Decision Unit: Civil      |   |   |         |         |         |         |         |        |         |         |
| Strategic Objective       | Performance Report and Performance Plan Targets |   | FY 2014 | FY 2015 | FY 2016 | FY 2017 | FY 2018 |        | FY 2019 | FY 2020 |
|                           |   |   | Actual  | Actual  | Actual  | Actual  | Target  | Actual | Target  | Target  |
| 4.1; 4.2                  | Performance Measure                             | Number of Matters Handled                                 | 106,879 | 124,172 | 119,699 | 98,814  | 99,802  | 93,521 | 100,800 | 101,808 |
| 4.1; 4.2                  | Performance Measure                             | Number of Total Judgements and Settlements                | 39,283  | 45,501  | 48,113  | 40,524  | 40,929  | 36,595 | 41,339  | 41,752  |
| 4.1; 4.2                  | Performance Measure                             | Number of Judgements in favor of the U.S. and Settlements | 31,167  | 31,995  | 34,988  | 30,985  | 31,295  | 27,492 | 31,608  | 31,924  |
| 4.1; 4.2                  | OUTCOME Measure                                 | Percentage of Cases Favorably Resolved                    | 82.3%   | 81.6%   | 80.0%   | 78.0%   | 80.0%   | 78.0%  | 80.0%   | 80.0%   |
| N/A = Data unavailable    |   |   |         |         |         |         |         |        |         |         |



### 3. Performance, Resources, and Strategies

The Civil Decision Unit contributes to the Department’s Strategic **Goal IV: Promote Integrity, Good Government, and the Rule of Law**. Within this goal, the decision unit’s resources specifically address two of the Department’s Strategic Objectives: 4.1 – Uphold the rule of law and integrity in the proper administration of justice; and 4.2 – Defend first amendments rights.

#### a. Performance Plan and Report for Outcomes

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

#### b. Strategies to Accomplish Outcomes

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

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

Other strategies include:

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



### C. Legal Education

| <b>Legal Education</b>                        | <b>Perm. Pos.</b> | <b>FTE</b> | <b>Amount</b>  |
|---|-------------------|------------|----------------|
| 2018 Enacted                                  | 53                | 53         | 26,823,000     |
| 2019 Continuing Resolution                    | 53                | 53         | 26,823,000     |
| Adjustments to Base and Technical Adjustments | 0                 | 0          | 868,000        |
| 2020 Current Services                         | 53                | 53         | 27,691,000     |
| 2020 Program Increase                         | 0                 | 0          | 0              |
| 2020 Request                                  | 53                | 53         | 27,691,000     |
| <b>Total Change 2019-2020</b>                 | <b>0</b>          | <b>0</b>   | <b>868,000</b> |

| <b>Legal Education<br/>Information Technology Breakout</b> | <b>Perm. Pos.</b> | <b>FTE</b> | <b>Amount</b> |
|--|-------------------|------------|---------------|
| 2018 Enacted   | 4                 | 4          | 1,670,000     |
| 2019 Continuing Resolution                                 | 4                 | 4          | 1,670,000     |
| Adjustments to Base and Technical Adjustments              | 0                 | 0          | 50,000        |
| 2020 Current Services                                      | 4                 | 4          | 1,721,000     |
| 2020 Request   | 4                 | 4          | 1,721,000     |
| <b>Total Change 2019-2020</b>                              | <b>0</b>          | <b>0</b>   | <b>50,000</b> |



## 1. Program Description–Legal Education

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

In FY 2018, OLE managed 181 courses and events at the NAC, as well as offsite locations, including traditional advocacy skills training, seminars on substantive areas of the law, leadership training, and litigation technology training. In FY 2018, 31,577 individuals participated in training hosted by OLE (12,719 attended residential training through courses or other events and 18,858 individuals received training through one of OLE’s distance education offerings).

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

OLE helped support the United States Attorneys’ community by designing and delivering training to support the Attorney General’s priority initiatives, including seminars on violent crime and firearms prosecutions, narcotics, and criminal immigration. Additionally, OLE developed several distance education programs on opioid prosecutions, and programs highlighting the lessons learned from high profile prosecutions, and sponsored a National Security Conference for newly confirmed United States Attorneys.

The Publications Unit continued to edit and publish the DOJ Journal of Federal Law and Practice, formerly the U.S. Attorneys’ Bulletin in a new, more academic friendly form. This FY included issues on priority topics such as Fentanyl and Related Threats. The Publications Unit also edited and published the federal Firearms Manual, which was published in the fall. For the upcoming year, the Publications Unit expects to publish new editions of the Federal Narcotics Prosecutions, Violent Crime, and Collateral Attacks on Convictions blue books. The Publications Unit continued to maintain and update DOJBook, formerly USABook, an online legal resource available on the Department intranet that includes electronic versions of all OLE publications, indictment forms, and jury instructions for all circuits, as well as many significant monographs and litigation manuals. At the end of FY 2018, OLE added a weekly DOJBook podcast as a distance learning project, which is averaging approximately 1,400 downloads per month. In FY 2018, the DOJBook site itself received more than 1 million page views, up 36% from FY 2017. The Publications Unit, as an ancillary function, works with the DAG’s office to



maintain and update the Justice Manual (JM), formerly the United States Attorneys' Manual (USAM), on a regular basis.

The National Security (NS) team responded to a broad array of training needs this fiscal year. OLE sponsored nine National Security (NS) residential courses, including six courses hosted at the NAC and three courses hosted in the National Capitol Region in Sensitive Compartmented Information Facilities (SCIFs) at the TOP SECRET/SCI clearance level. In addition, NS hosted a working group meeting at the National Security Division (NSD), which included national security prosecutors from across the USAO community meeting with NSD Trial Attorneys and senior leaders to strategically plan training for FY 2019. The NS team was also able to hold a distance education program through USAMeeting on May 30, 2018, entitled "Managing the ATAC Program."

In FY 2018, the National Indian Country Training Initiative (NICTI) sponsored 12 residential courses and an extensive distance education portfolio. The trainings were a mix of repeated and new course offerings. Additionally, the Indian country team coordinated development of the national Criminal Jurisdiction in Indian Country (CJIC) training program. Successful completion of the CJIC course is necessary for tribal and local law enforcement officers who are not recent graduates of the BIA's police training program to get a Special Law Enforcement Commission (SLEC). An SLEC allows those officers to enforce federal criminal statutes and federal hunting and fishing regulations in Indian Country. A new training calendar is published at the start of each fiscal year. In CY 18, there were 16 CJIC classes held around the country with 493 students in attendance. The National Indian Country Training Initiative (NICTI) prepares and updates the training curriculum for all of the classes held around the country. This provides AUSAs teaching the class with an "off the shelf" prepared curriculum. It also ensures that the curriculum is standardized. The NICTI also prints and ships all of the student binders for every USAO hosted class held around the country. This arrangement ensures that the USAOs timely receive the materials needed to teach the course. In CY 2018, this project essentially added 16 trainings to the course load of the Indian country team. In addition to OLE sponsored training, the coordinator for the NICTI worked with other agencies to develop distance education, including a training video with the International Association of Forensic Nurses on the use of expert witnesses in sexual assault cases.

During FY 2018, OLE supported EOUSA's commitment to develop the capacity of USAOs to conduct modern eLitigation. In support of EOUSA's eLitigation initiative, OLE developed a training plan to ensure that all employees have the legal and technical eLitigation competencies required for their positions. OLE developed a survey to assess baseline competencies on eLitigation within the USAOs, identified eLitigation competency gaps, and embedded eLitigation training in all appropriate courses for FY 2018.

During FY 2018, the Litigation Technology and Support Team (LTST) executed 21 residential courses or working groups at the NAC, as well as three courses in DC training support staff, attorneys, and IT personnel. The LTST will continue to work closely with OLVP, LTHD, and the eLitigation Working Group to identify.



Recognizing the need to provide more distance learning opportunities, the Distance Education Team and the Justice Television Network (JTN) staff continued to live stream presentations from classroom training at the NAC. Sixty-six presentations were live-streamed in FY 2018, and these programs were accessed by 2,394 viewers. Additionally, JTN broadcast 611 programs, including 27 programs eligible for Continuing Legal Education (CLE). The Distance Education Team developed 18 computer-based trainings, including a Captivate program for EEO on Reasonable Accommodations.

As a complement to live in-person training, the Distance Education Team and the Justice Television Network (JTN) staff developed and made available live and on-demand training modules. In FY 2018, JTN produced 418 recorded studio shows, which were added to the Video on Demand (VOD) library, permitting USAO and DOJ litigating division employees to view OLE programming “on demand” at their desktop through the Department’s Learning Management System, learnDOJ. JTN also produced 220 live JTN shows and 14 live webinars. Seventeen live JTN shows and two webinars were eligible for Continuing Legal Education (CLE).

The CLE Team continued its work with West Accreditation Service (WAS) to refine and simplify the automated process for processing CLE credit online and making applications accessible via both types of mobile phones, Android and iPhone, resulting in faster, more efficient service to users.

In FY 2018, OLE continued to provide additional web-based CLE through its contract with West LegalEdcenter, offering 24-hours a day access to approximately 6,000 CLE programs from more than 40 leading CLE providers. During FY 2018, over 1,500 Department employees viewed 9,524 programs on West LegalEdcenter, earning 12,241 CLE credits, further expanding OLE’s ability to provide needed training.

OLE continued its tradition of providing training support to Department of Justice personnel, assisting foreign prosecutors through the Criminal Division’s Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT). In FY 2018, OLE staff hosted visiting prosecutors from the countries of Egypt and Spain, providing information on principals of adult learning, curriculum design, program management, and faculty development. OLE assisted with faculty development training for OPDAT staff and for foreign prosecutor trainers from various countries including Colombia, North Macedonia, and Indonesia (two trainings).

## 2. PERFORMANCE AND RESOURCE TABLE

|   |                                      |                            | FY 2018 |         | FY 2018 |         | FY 2019 |         | Current Services Adjustments and FY 2020 Program Changes |       | FY 2020 Request |         |
|---|--------------------------------------|----------------------------|---------|---------|---------|---------|---------|---------|--|-------|-----------------|---------|
|   |                                      |                            | FTE     | \$000   | FTE     | \$000   | FTE     | \$000   | FTE  | \$000 | FTE             | \$000   |
| <b>LEGAL EDUCATION</b>  |                                      |                            | 53      | 26,823  | 53      | 26,823  | 53      | 26,823  | 0  | 868   | 53              | 27,691  |
| <b>Reimbursable FTE and Costs</b> (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total) |                                      |                            | 3       | [5,633] | 3       | [5,633] | 3       | [5,633] | 0  | \$0   | 3               | [5,633] |
| TYPE  | STRATEGIC OBJECTIVE                  | PERFORMANCE                | FY 2018 |         | FY 2018 |         | FY 2019 |         | Current Services Adjustments and FY 2020 Program Changes |       | FY 2020 Request |         |
| Performance Measure:<br>Outcome   | 1.1; 1.2; 2.1; 3.1;<br>3.2; 4.1; 4.2 | Number of Students Trained | 24,000  |         | 31,577  |         | 24,000  |         |  |       | 24,000          |         |



### **3. Performance, Resources, and Strategies**

The Legal Education Decision Unit contributes to all of the Department's Strategic Goals.

#### **a. Performance Plan and Report for Outcomes**

The performance measure for this decision unit is the number of students trained. In FY 2018, OLE sponsored classroom training and other live events for 12,719 individuals. In addition, approximately 18,858 individuals were trained through one of OLE's distance education offerings, including continuing legal education programs broadcast via satellite, and other means, for a total of 31,577 students trained in FY 2018.

This compares with a total of 21,393 in FY 2017 – 11,912 individuals trained in-person and 9,481 individuals trained by satellite, videotape and other training.

#### **b. Strategies to Accomplish Outcomes**

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



## V. Program Increases by Item

|                          |   |
|--------------------------|---|
| <b>Item Name:</b>        | <b>District Workload Productivity</b>   |
| Strategic Goal:          | All   |
| Strategic Objective:     | All   |
| Budget Decision Unit(s): | All   |
| Program Increase:        | Positions <u>0</u> Attorney <u>0</u> FTE <u>0</u> Dollars <u>\$23,283,000</u> |

### Description of Item

The United States Attorneys request **\$23.3 million** to fully support the key priorities of the Administration in FY 2020. The requested resources are critical to the United States Attorneys' ability to sustain attorney and support staffing levels.

### Justification

The workforce investments made in FY 2018 were significant, and hiring of those new positions is well underway. The requested resources are necessary to sustain hiring and program operations funded in FY 2018, and retain prosecutors to meet the workloads associated with the investigation and prosecution of violent crime, immigration, and other serious crimes, such as opioid and drug trafficking. In the absence of such resources, vacancies are projected to increase, resulting in a less efficient workforce and impeding the United States Attorneys' ability to respond to both existing and emerging prosecutorial needs.

These resources will also be allocated to the United States Attorneys' offices (USAOs) around the country with demonstrable workload challenges to counter exceedingly complex caseloads. Many investigations take months or years and generate countless documents and other evidence that must be organized and managed. The bulk of today's evidence consists of electronically stored information, which is generated on thousands of different devices and in hundreds of file formats. Case teams must be able to collect, analyze, store, produce, and present voluminous electronic data in an efficient and legally defensible manner. The investments above will provide the United States Attorneys with the capacity to adjust the skill mix of the federal workforce to reflect tomorrow's changing mission and compete with an increasingly competitive private sector. Such flexibility allows the USAOs' workforce to adapt in size and competencies to handle changes in mission, technology, labor markets, the law, its practice, and the tools used in support of the United States Attorneys' mission.

### Impact on Performance

The additional resources will be allocated to the USAOs to sustain staffing levels. The requested resources will continue to address the Department's four Strategic Goals (SG) and all objectives.



## District Workload Productivity Funding

### Base Funding

| FY 2018 Enacted |      |     |         | FY 2019 Continuing Resolution |      |     |         | FY 2020 Current Services |      |     |         |
|-----------------|------|-----|---------|-------------------------------|------|-----|---------|--------------------------|------|-----|---------|
| Pos             | Atty | FTE | \$(000) | Pos                           | Atty | FTE | \$(000) | Pos                      | Atty | FTE | \$(000) |
| 0               | 0    | 0   | 0       | 0                             | 0    | 0   | 0       | 0                        | 0    | 0   | 0       |

### Personnel Increase Cost Summary

| Type of Position | Modular Cost per Position (\$000) | Number of Positions Requested | FY 2020 Request (\$000) | FY 2021 Net Annualization (change from 2020) (\$000) | FY 2022 Net Annualization (change from 2021) (\$000) |
|------------------|-----------------------------------|-------------------------------|-------------------------|--|--|
| N/A              | 0                                 | 0                             | 0                       | 0  | 0  |

### Non-Personnel Increase Cost Summary

| Non-Personnel Item | Unit Cost | Quantity | FY 2020 Request (\$000) | FY 2021 Net Annualization (Change from 2020) (\$000) | FY 2022 Net Annualization (Change from 2021) (\$000) |
|--------------------|-----------|----------|-------------------------|--|--|
| N/A                | N/A       | N/A      | 23,283                  | N/A  | N/A  |

### Total Request for this Item

|                  | Pos | Atty | FTE | Personnel (\$000) | Non-Personnel (\$000) | Total (\$000) | FY 2021 Net Annualization (Change from 2020) (\$000) | FY 2022 Net Annualization (Change from 2021) (\$000) |
|------------------|-----|------|-----|-------------------|-----------------------|---------------|--|--|
| Current Services | 0   | 0    | 0   | 0                 | 0                     | 0             | 0  | 0  |
| Increases        | 0   | 0    | 0   | 23,283            | 0                     | 23,283        | 0  | 0  |
| Grand Total      | 0   | 0    | 0   | 23,283            | 0                     | 23,283        | 0  | 0  |



**Item Name:**

**Violent Crime Prosecutions**

**Strategic Goal:**

**Goal III:** Reduce Violent Crime and Promote Public Safety

**Strategic Objective:**

**Objective: 3.1:** Combat violent crime, promote safe communities, and uphold the rights of victims of crime

**Budget Decision Unit(s):**

Criminal Litigation

Program Increase: Positions **60** Attorney **0** FTE **30** Dollars **\$5,801,000**

**Description of Item**

The United States Attorneys request **\$5.8 million** and **60 positions**, to enhance violent-crime and firearms prosecutions in high-crime districts that have seen a recent precipitous increase in violent crime, and to target the worst criminal organizations in order to address violent crime and gun-related deaths. The United States Attorneys’ Offices in districts with jurisdictions facing the most serious recent spikes and those with sustained high levels of violence will need additional paralegal positions to assist in the prosecution of violent-crime cases. Paralegals provide a vital support function in violent-crime prosecutions; violent-crime prosecutors cannot perform their duties without paralegals’ administrative and litigation assistance. This request will support the efforts to reduce violent crime by providing additional resources to address these problems throughout our country.

The additional funding for paralegal support would enhance prosecutors’ productivity and increase the USAOs’ capability to: target priority trigger-pullers and the “worst of the worst” violent offenders; dismantle street gangs that pose a threat to public safety; and ease burdens for local prosecutors by accepting more high priority firearms cases for federal prosecution. The funding will further enhance USAOs’ ability to remove violent offenders more quickly from the streets and assure their appropriate punishment, and disrupt and dismantle violent street gangs and crews in jurisdictions that are suffering from elevated levels of violence.

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



## **Justification**

The FBI's Uniform Crime Reporting data show positive signs in national efforts to combat violent crime. After rises in violent crime in recent years, the overall number of violent crimes decreased 0.2 percent from 2016 to 2017, and the violent crime rate fell 0.9 percent. The murder rate dropped 1.4 percent from 2016 to 2017, as compared to an 8.8 percent increase from 2015 to 2016. Of course, the Department's work is not done; crime is still far too high, especially in the most vulnerable neighborhoods. The Department is renewing its commitment to reducing crime in America by focusing on the most violent criminals, taking down violent gang networks, prioritizing public safety, and supporting state, local, and tribal law enforcement partners. See <https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/topic-pages/violent-crime> and <https://www.justice.gov/opa/pr/newly-released-fbi-crime-data-shows-violent-crime-decline-2017>.

The Department has made combating violent crime a priority of the past two years. In a memorandum to all federal prosecutors dated March 8, 2017, Attorney General (AG) Sessions directed all USAOs to “partner with federal, state, local, and tribal law enforcement to identify the criminals responsible for significant violent crime in their districts. . . . [USAOs] must ensure that these drivers of violent crime are prosecuted, using the many tools at a prosecutor’s disposal.” AG Sessions asked all USAOs to coordinate with state and local prosecutors to determine the best venue for ensuring “an immediate and appropriate penalty for these violent offenders,” and called for USAOs to increase their coordination and prosecution efforts to ensure successful results. AG Sessions directed USAOs to consider all the statutory tools targeting violent criminals under federal law, including firearms statutes (18 U.S.C. §§ 922 and 924(c)), the Hobbs Act (18 U.S.C. § 1951), carjacking (18 U.S.C. § 2119), violent crime in aid of racketeering (18 U.S.C. § 1959), RICO (18 U.S.C. §§ 1961-68), and offenses under the Controlled Substances Act. AG Sessions also reinvigorated Project Safe Neighborhoods (PSN), the Department’s signature violence reduction strategy. In October 2017, he directed all USAOs to implement a local PSN plan to address the most significant violent crime in their districts based on five principles: (1) leadership by the United States Attorney to develop and lead the district plan; (2) partnership with all relevant law enforcement and community stakeholders to address to violent crime; (3) targeted and prioritized enforcement against the individuals driving the violence in the district in the district’s locations that have the greatest need for violence reduction attention; (4) prevention of additional violence, including through support to locally based prevention and reentry efforts; and (5) accountability, as measured through the plan’s efforts on the district’s violent crime rate. In addition, in fiscal year 2018, the Department announced two allocations resulting in a total of 230 additional AUSAs to prosecute violent crime in USAOs across the Nation. Department leadership has reiterated the Department’s fervent commitment to reducing violence and gun-related crimes. The requested program increase seeks to build on all these efforts, and demonstrates the Department’s commitment not to relent in combating violent crime.



## **Impact on Performance**

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

**Goal III:** Reduce Violent Crime and Promote Public Safety; including **Objective: 3.1:** combat violent crime, promote safe communities, and uphold the rights of victims of crime.

### ***Strategies:***

***Strategy 1: Disrupt and dismantle violent transnational criminal organizations and gangs, such as MS-13.*** To address this threat, the Department is committed to vigorous enforcement efforts against violent transnational criminal organizations and gangs such as MS-13, using all of the tools at the Department's disposal, including extraditions and building the capacity of our foreign partners to investigate and to prosecute those criminal networks before they can reach our borders.

***Strategy 2: Support our State, local and tribal partners in making our communities safe.*** As part of the Department's nationwide violence reduction strategy, the Department will support, train, and work in partnership with state, local, and tribal partners to make communities safer.

***Strategy 3: Protect victims of crime from exploitation and re-victimization,*** individuals impacted by crime face the daunting task of rebuilding and healing while navigating the criminal justice system. The Department will work to protect victims and provide them with a voice during the investigation and prosecution of their case.

***Strategy 4: Identify, arrest, and prosecute violent criminals for gun violence and other violent crimes.*** The Department will identify the offenders who are committing crimes in locations with the highest violent crime rates, and ensure that they are prosecuted in the jurisdiction—Federal, State, local, or tribal—that will provide the most appropriate and immediate sanction.



## Violent Crime Prosecutions Funding

### Base Funding

| FY 2018 Enacted |      |       |         | FY 2019 Continuing Resolution |      |       |         | FY 2020 Current Services |      |       |         |
|-----------------|------|-------|---------|-------------------------------|------|-------|---------|--------------------------|------|-------|---------|
| Pos             | Atty | FTE   | \$(000) | Pos                           | Atty | FTE   | \$(000) | Pos                      | Atty | FTE   | \$(000) |
| 1,321           | 921  | 1,147 | 193,367 | 1,321                         | 921  | 1,147 | 193,367 | 1,321                    | 921  | 1,321 | 221,919 |

### Personnel Increase Cost Summary

| Type of Position     | Modular Cost per Position (\$000) | Number of Positions Requested | FY 2020 Request (\$000) | FY 2021 Net Annualization (change from 2020) (\$000) | FY 2022 Net Annualization (change from 2021) (\$000) |
|----------------------|-----------------------------------|-------------------------------|-------------------------|--|--|
| Professional Support | 94.63                             | 60                            | 5,678                   | 4,205  | 0  |

### Non-Personnel Increase Cost Summary

| Non-Personnel Item | Unit Cost | Quantity | FY 2020 Request (\$000) | FY 2021 Net Annualization (Change from 2020) (\$000) | FY 2022 Net Annualization (Change from 2021) (\$000) |
|--------------------|-----------|----------|-------------------------|--|--|
| Litigation         | N/A       | N/A      | 123                     | 0  | 0  |

### Total Request for this Item

|                  | Pos   | Atty | FTE   | Personnel (\$000) | Non-Personnel (\$000) | Total (\$000) | FY 2021 Net Annualization (Change from 2020) (\$000) | FY 2022 Net Annualization (Change from 2021) (\$000) |
|------------------|-------|------|-------|-------------------|-----------------------|---------------|--|--|
| Current Services | 1,321 | 921  | 1,321 | 221,919           | 0                     | 221,919       | 0  | 0  |
| Increases        | 60    | 0    | 30    | 5,678             | 123                   | 5,801         | 4,205  | 0  |
| Grand Total      | 1,381 | 921  | 1,351 | 227,597           | 123                   | 227,720       | 4,205  | 0  |



**Item Name:**

**Opioid Prosecutions**

Strategic Goal:

**Goal III:** Reduce Violent Crime and Promote Public Safety

Strategic Objective:

**Objective: 3.2:** Disrupt and dismantle drug trafficking organizations to curb opioid and other illicit drug use in our nation.

Budget Decision Unit(s):

Criminal and Civil Litigation

Program Increase: Positions **38** Attorney **23** FTE **19** Dollars **\$4,304,000**

**Description of Item**

The United States Attorneys request a **\$4.3 million** to hire **38 positions (23 Attorneys)** which will be allocated to the United States Attorneys’ offices (USAOs) to combat the drug addiction and the current opioid crisis that is rampantly impacting our country. The Department remains committed to doing its part to protect the American people from the impact of drugs and drug-related crime nationwide. The funding will be used to conduct criminal and civil prosecutions resulting from the illegal prescription and dispensing of opioids, and to resolve complex cases involving Medicare and Medicaid fraud.

**Justification**

On March 29, 2017, President Trump signed an Executive Order establishing the President's Commission on Combating Drug Addiction and the Opioid Crisis. On October 26, 2017, the president declared the opioid abuse crisis a national public health emergency, and one week later the President's Commission released its comprehensive final report. Drug overdose has overtaken firearms and automobile accidents as the leading cause of accidental or unintentional injury death in the United States. In February, 2018, Attorney General Jeff Sessions announced the creation of a new effort, the Department of Justice Prescription Interdiction & Litigation (PIL) Task Force, to fight the prescription opioid crisis. The PIL Task Force aggressively deploys and coordinates all available criminal and civil law enforcement tools to reverse the tide of opioid overdoses in the United States, with a particular focus on opioid manufacturers and distributors.

Since the 1990s, the amount of opioid pain medicine prescribed in the United States grew dramatically, accompanied by a corresponding increase in the number of overdoses and deaths from prescription opioids. While the overall opioid prescribing rate in the United States has been declining since 2012, the amount of opioids (measured in morphine milligram equivalents) prescribed per person is still around three times higher than in 1999. See data reporting from Centers for Disease Control reporting at <https://www.cdc.gov/drugoverdose/data/prescribing.html> and <https://www.cdc.gov/drugoverdose/epidemic/index.html>



- From 1999 to 2017, more than 700,000 people have died from a drug overdose.
- Of the 700,000 overdose deaths from 1999 to 2017, almost 400,000 of these deaths involved a prescription or illicit opioid.
- In 2017, the number of overdose deaths involving opioids (including prescription opioids and illegal opioids like heroin and illicitly manufactured fentanyl) was 6 times higher than in 1999.
- On average, throughout 2017, 130 Americans died every day from an overdose involving opioids.

In addition to the direct harm caused by the abuse of opioid drugs diverted from legitimate use, it is clear that the use and abuse of prescription opioids is a factor leading to the use of other illegal substances. Among new heroin users, approximately three out of four report misusing prescription opioids prior to using heroin. The prosecution of those responsible for and engaged in criminal and related civil diversion activity is integral to public safety. Between January 2017 and September 2018 inclusive, USAOs have prosecuted more than 480 medical professionals, including more than 240 doctors, for opioid-related offenses.

As the number of personnel dedicated to diversion investigations has increased, the arrests and potential defendants identified for prosecution have also increased. The requested resources will help ensure that the USAOs will continue to generate cases for prosecution and will continue to pursue the highest administrative, civil and criminal sanctions available.

### **Impact on Performance**

The requested investment is critical to increasing our drug enforcement efforts in disrupting the flow of illicit drugs into our country, and reduce drug trafficking. These resources will enable the Department to target those drug trafficking organizations most responsible for the opioid epidemic and drug-related violence in our communities, as well as ensure the life and safety of first responders who are on the front lines protecting the American people.

The requested resources will address:

**Goal III:** Reduce Violent Crime and Promote Public Safety; including **Objective: 3.2:** Disrupt and dismantle drug trafficking organizations to curb opioid and other illicit drug use in our nation.

**Strategies:** *1: Identify and disrupt organized crime and drug networks*, to address the safety and security threats posed by organized crime and drug networks, the Department will target the most significant and violent offenders. *2: Enforce drug trafficking laws including opioid-related health care fraud to reduce opioid addictions and deaths*, the Department will enforce drug trafficking laws against those who traffic in illicit opioids and will work to ensure compliance with the Controlled Substances Act (CSA) to reduce opioid use, addiction, and deaths in the U.S. *3: Engage the community to raise awareness and reduce demand for opioids and illicit drugs*, the Department will engage with the community to raise awareness and reduce demand for opioids and illicit drugs.



## Opioid Prosecutions Funding

### Base Funding

| FY 2018 Enacted |      |     |         | FY 2019 Continuing Resolution |      |     |         | FY 2020 Current Services |      |     |         |
|-----------------|------|-----|---------|-------------------------------|------|-----|---------|--------------------------|------|-----|---------|
| Pos             | Atty | FTE | \$(000) | Pos                           | Atty | FTE | \$(000) | Pos                      | Atty | FTE | \$(000) |
| 0               | 0    | 0   | 2,500   | 0                             | 0    | 0   | 0       | 0                        | 0    | 0   | 2,500   |

### Personnel Increase Cost Summary

| Type of Position     | Modular Cost per Position (\$000) | Number of Positions Requested | FY 2020 Request (\$000) | FY 2021 Net Annualization (change from 2020) (\$000) | FY 2022 Net Annualization (change from 2021) (\$000) |
|----------------------|-----------------------------------|-------------------------------|-------------------------|--|--|
| Attorney             | 123.59                            | 23                            | 2,843                   | 2,246  | 0  |
| Professional Support | 94.63                             | 15                            | 1,419                   | 1,051  | 0  |
| Total Personnel      |                                   | 38                            | 4,262                   | 3,297  | 0  |

### Non-Personnel Increase Cost Summary

| Non-Personnel Item  | Unit Cost | Quantity | FY 2020 Request (\$000) | FY 2021 Net Annualization (Change from 2020) (\$000) | FY 2022 Net Annualization (Change from 2021) (\$000) |
|---------------------|-----------|----------|-------------------------|--|--|
| Litigation          | N/A       | N/A      | 42                      | 0  | 0  |
| Total Non-Personnel | N/A       | N/A      | 42                      | 0  | 0  |

### Total Request for this Item

|                  | Pos | Atty | FTE | Personnel (\$000) | Non-Personnel (\$000) | Total (\$000) | FY 2021 Net Annualization (Change from 2020) (\$000) | FY 2022 Net Annualization (Change from 2021) (\$000) |
|------------------|-----|------|-----|-------------------|-----------------------|---------------|--|--|
| Current Services | 0   | 0    | 0   | 0                 | 2,500                 | 2,500         | 0  | 0  |
| Increases        | 38  | 23   | 19  | 4,262             | 42                    | 4,304         | 3,297  | 0  |
| Grand Total      | 38  | 23   | 19  | 4,262             | 2,542                 | 6,804         | 3,297  | 0  |



## VII. EXHIBITS

