



U.S. Department of Justice FY 2015 Budget Request

Mutual Legal Assistance Treaty Process Reform

+ \$24.1 Million in Total Funding

FY 2015 Overview

Crime and the evidence of criminal activity transcend national boundaries, requiring the United States and its foreign partners to cooperate in the provision of evidence and the extradition of persons. Mutual Legal Assistance Treaty (MLAT) requests are the formal way in which countries request assistance in obtaining evidence located in a foreign country for criminal investigations and proceedings located in another country. Delays and difficulties in obtaining evidence, especially internet records, through the MLAT process is increasingly becoming a source of frustration for many of our foreign partners.

Continued delays in producing this type of information for our foreign partners could result in significant and adverse consequences, including – but not limited to – reducing their compliance with U.S.-initiated MLAT requests and their cooperation with U.S. law enforcement agencies, thus hampering our ability to investigate crime and to prosecute criminals. These treaties are a critical tool in the investigation and prosecution of crime. Pursuant to the President’s commitment, the Department is leading an effort to update, improve, and accelerate the handling of requests from foreign governments for evidence requested pursuant to MLATs.

Over the past decade the number of requests for assistance from foreign authorities handled by the Criminal Division’s Office of International Affairs (OIA) has increased nearly 60 percent, and the number of requests for computer records has increased ten-fold. While the workload has increased dramatically, U.S. Government resources, including personnel and technology, have not kept pace with this increased demand. This MLAT reform is a cross-agency effort involving the Departments of Justice, State, and Commerce. Funds identified in the FY 2015 President’s Budget for improvements to the MLAT program will be coordinated across these Departments and agencies as well as the commercial sector.

The Department’s FY 2015 Budget requests an additional \$24.1 million for the Department to significantly increase personnel dedicated to reviewing and executing MLAT requests as well as technological enhancements to vastly improve the way requests are analyzed, categorized, and prioritized. With these additional resources, the Department will implement a robust centralized processing system, reduce backlog, and reduce its response time by half by the end of 2015 and respond to legally sufficient requests in a matter of weeks. Additionally, the resources will support training efforts for foreign partners to ensure they can meet U.S. evidentiary standards which will enable the Department to respond to their requests more quickly.

In his January 17 speech on the review of signals intelligence, the President stated that he “will devote the resources to centralize and improve the process we use to handle foreign requests for legal assistance, keeping our high standards for privacy while helping foreign partners fight crime and terrorism.” The requested funding will support the President’s National Security Strategy, which recognizes the centrality of international mutual cooperation in criminal justice and counterterrorism matters, by building the “new framework for international cooperation.” Moreover, the Department will be better able to keep pace with changing demographic and technological trends, keeping the U.S. safer and ensuring that justice is served both domestically and by our foreign partners.

FY 2015 Program Increases

The FY 2015 Budget includes a total of \$24.1 million in program increases, including:

Criminal Division (CRM)

- **Mutual Legal Assistance Reform:** \$19.6 million and 141 positions (77 attorneys)
The Criminal Division, primarily through its Office of International Affairs, will use these resources to centralize the handling of MLAT requests, using MLAT modernization legislation signed by the President in 2009, eliminating the backlog of pending cases, and enhancing the technological resources supporting the MLAT process and OIA’s core functions. OIA and other sections in the Criminal Division will also provide training and outreach to key foreign partners to assist them in developing MLAT requests that meet U.S. evidentiary standards. The Criminal Division’s FY 2014 current services to support OIA and other core Division functions, such as extradition of U.S. and foreign fugitives, and mutual legal assistance for U.S. and foreign investigations, are 90 positions (61 attorneys) and \$20 million. However, there are no current services specific to the MLAT Reform initiative.

U.S. Attorneys (USA)

- **Mutual Legal Assistance Reform:** \$1.3 million and 13 positions (8 attorneys)
The U.S. Attorneys will assign Assistant U.S. Attorneys (AUSA) and support personnel in the District of Columbia and the Northern District of California to support OIA in the execution of foreign assistance requests and assist with litigation. These resources will align with OIA’s centralization project and will provide a dedicated workforce to support these efforts rather, where one does not currently exist. There are no FY 2014 current services for this activity.

Federal Bureau of Investigation:

- **Mutual Legal Assistance Reform:** \$3.2 million and 14 positions (7 agents)
FBI will establish a dedicated MLAT unit that will centralize and standardize a variety of FBI responsibilities related to MLAT requests. This unit will manage the intake, tracking, and management of all MLAT requests and will provide training to FBI Legats and their foreign partners in the MLAT process and structure of requests. This unit will also provide outreach to ISPs to ensure the transparency of legal requirements and processes. There are no FY 2014 current services for this activity.

FY 2015 Program Increase Summary
(Amounts in \$000s)

Component/Initiative	Positions	Attorneys/ Agents	Amount
Criminal Division	141	77	\$19,566
U.S. Attorneys	13	8	\$1,327
Federal Bureau of Investigation	14	7	\$3,208
Grand Total	168	92	\$24,101