

UNITED STATES  
DEPARTMENT OF JUSTICE

UNITED STATES ATTORNEYS



FY 2016 PERFORMANCE BUDGET  
CONGRESSIONAL SUBMISSION

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## I. Overview of the United States Attorneys

### A. Introduction

The United States Attorneys' mission as the nation's principal litigators supports three of the Department of Justice's strategic goals - (1) to prevent terrorism and promote the nation's security consistent with the rule of law, (2) to prevent crime, protect the rights of the American people, and enforce federal law, and (3) ensure and support the fair, impartial, efficient, and transparent administration of justice at the federal, state, local, tribal and international levels. In FY 2016, the United States Attorneys' request \$2,032,216,000 and 10,851 positions, of which 5,544 are attorneys. The budget request includes the following program increases: \$15,000,000 to expand prevention, and reentry programs associated with the Smart on Crime initiative; \$10,000,000 and 94 positions for the Smart on Crime initiative; \$6,086,000 and 60 positions (including 30 attorneys) to combat cybercrime; and \$6,940,000 and 60 positions (including 60 attorneys) for civil rights prosecutions.

Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the internet using the internet address: <http://www.justice.gov/02organizations/bpp.htm>.

**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." Before 1870, the United States Attorneys acted independently, but since then they have worked under the direction of the U.S. Department of Justice.**

There are 94 United States Attorneys' offices (USAOs) located throughout the United States, 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 United States Attorney's Office.

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 districts, each USAO has a diverse docket of cases and a mix of simple and complex litigation. Each United States Attorney exercises wide discretion in the use of his or her resources to further local priorities and serve community needs. The USAOs also play a key role in the development and implementation of the Department's Smart on Crime initiative, a comprehensive review of the criminal justice system.

#### 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 Department policies and to advise the Attorney General. The Committee is comprised of approximately 19 members, including 16 United States Attorneys, a Criminal Chief, a Civil Chief, and an Appellate Chief. The Committee members meet regularly with the Deputy Attorney General and Attorney General, and represent various federal judicial circuits, and offices. The AGAC has subcommittees and working groups to address the Administration's priorities.

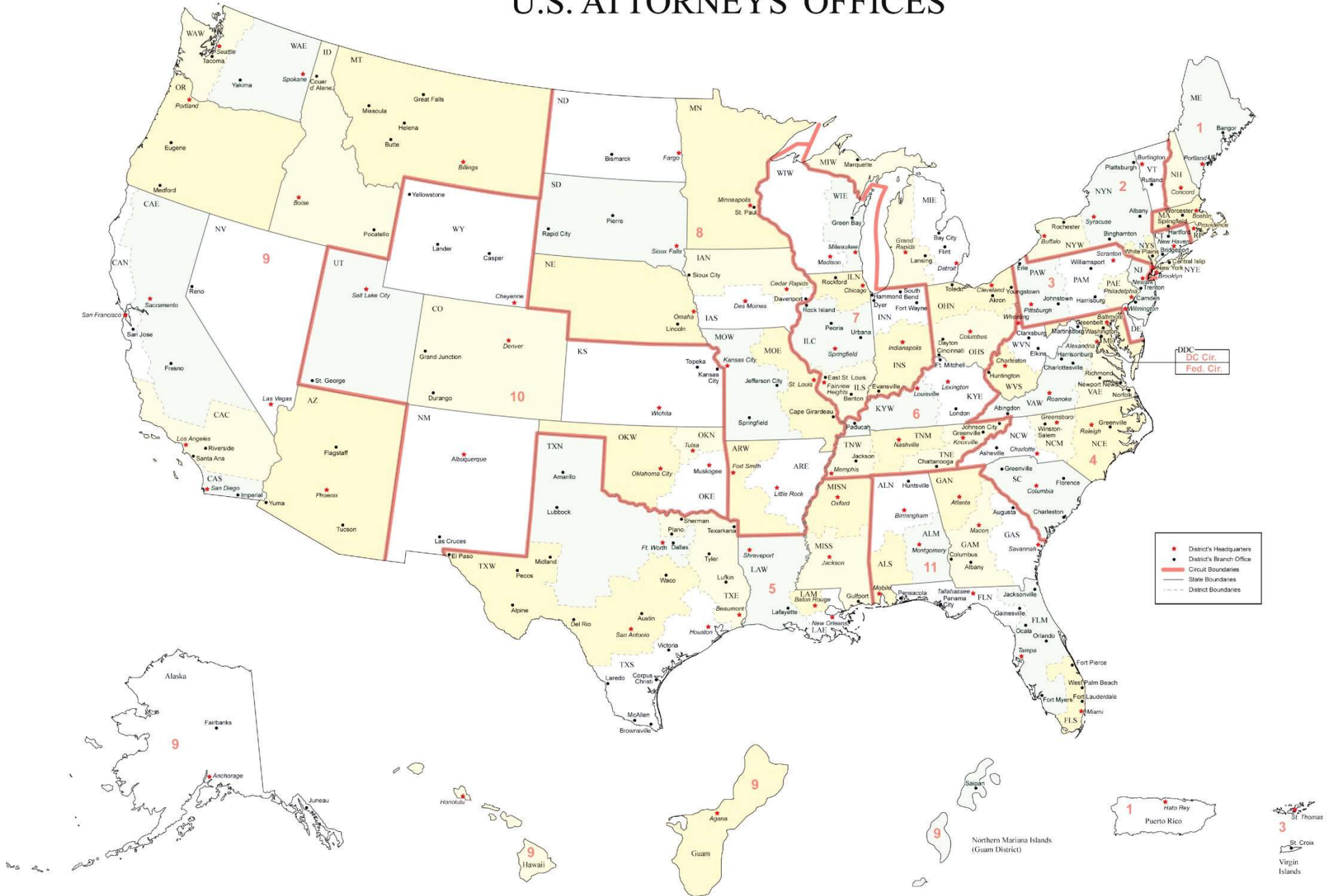
The subcommittees include:

- Border and Immigration Law Enforcement
- Civil Rights
- Criminal Practice Subcommittee
- Cyber/Intellectual Property
- LECC/Victim/Community Issues
- Native American Issues
- Office Management and Budget
- Terrorism/National Security
- Violent and Organized Crime
- White Collar/Fraud

The working groups include:

- Administrative Officers
- Appellate Chiefs
- Child Exploitation and Obscenity
- Civil Chiefs
- Controlled Substances and Asset Forfeiture
- Criminal Chiefs
- Domestic Terrorism
- Environmental Issues
- Forensic Science
- Health Care Fraud
- Local Government Coordination
- Medical Marijuana
- Security
- Service Members and Veterans Rights

# 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 expediter 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 of EOUSA, the staffs provide the 94 United States Attorneys’ offices 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. EOUSA provides support and assistance to approximately 11,600 employees in 250 staffed offices throughout the country. See Exhibit A for an organization chart of EOUSA. As depicted in the organization chart, specific offices and functions of EOUSA fall under the Director of EOUSA. EOUSA also has two Deputy Directors.

The following three program/functional areas fall under the direction of the Director: **Resource Management and Planning, Information Technology, and Human Resources**. The responsibilities of these program areas are outlined below:

- The **Chief Financial Officer (CFO)** has responsibility for the following staffs: the **Resource Management and Planning Staff (RMP)**; the **Facilities and Support Services (FASS) Staff**; and the **Acquisitions Staff**. The **Resource Management and Planning Staff (RMP)** is responsible for budget formulation, budget execution, financial management, audit reviews, and the detailee program. The CFO is a key advisor to the Director of EOUSA. The CFO also provides the Director of EOUSA with expert advice on an annual budget of approximately \$2 billion, full-time equivalent (FTE) allocations, and reimbursable agreements with the Department and other federal agencies. The RMP staff compiles resource needs and formulates an annual budget submission for presentation to the Department, the Office of Management and Budget (OMB), and Congress. It also manages the day-to-day financial operations through daily contact with the USAOs and through review of regular accountability reports. An internal Audit and Review Staff participates in evaluating internal controls in the USAOs and is also responsible for preparing districts for the annual independent federal financial audit. The Detailee Program Staff initiates and coordinates all detail assignments, both internal and external to our community. The Financial Systems Support Group (FSSG) provides financial systems support and expertise to the USAOs on all Departmental and EOUSA automated financial and accounting systems. RMP also develops performance measures for the United States Attorneys in accordance with the Government Performance and Results Act (GPRA) and coordinates quarterly status reporting and program assessments. The **FASS Staff** provides direct support and oversight of all USAOs in the areas of real property management, including space acquisition, relocation, design, repair, and management of rent payments. Support services include forms management, printing, and mail metering. The **Acquisitions Staff** supports both EOUSA





and the USAOs by issuing contracts for supplies/services nationwide in compliance with applicable federal, departmental, and other regulations, policies, and procedures.

- The **Chief Information Officer (CIO)** is responsible for providing advice and assistance to the Director of EOUSA and the senior staff to ensure that Information Technology (IT) is acquired and managed according to Department and EOUSA policies and procedures. The CIO directs and manages the following staffs: The **Case Management Staff** provides case management systems. The **Office Automation Staff** supports the purchase and installation of computer systems, equipment and software, maintenance of hardware and software, and end-user training. The **Telecommunications and Technology Development Staff** provides administrative and technical support to the USAOs in all telecommunications activities, including voice, data and video. The **Information Security Staff** ensures the confidentiality, integrity, and availability of information and information systems to best support the mission of the United States Attorneys. The **Records Information Management Staff** coordinates and oversees electronic records and document management capabilities of all USAOs. The **Enterprise Voice-over Internet Protocol (EVoIP) Staff** implements and maintains the next generation telephone service/system that integrates into the computer system, creating a more effective method of communication to maximize return on investment and contribute to the mission statement of the United States Attorneys organization at approximately 250 sites worldwide.
- The **Human Resources Staff** assists EOUSA and the USAOs by providing employment services in such areas as position classifications, staffing, compensation, employee benefits, performance management, pre-employment security, and employee assistance. Staff members are responsible for policy, guidance, personnel actions, training, resources, and initiatives related to these programs and activities. The **Security Programs Staff** provides security program support for the USAOs, including policy and procedural assistance, training, education and awareness efforts, and emergency and contingency planning.

The **Deputy Director and Counsel to the Director** oversees the **Office of Legal and Victim Programs**; the **Strategic Communications Staff**; the **Data Integrity and Analysis Staff** and the **Evaluation and Review Staff**. The functions of these units are outlined below:

- The **Office of Legal and Victim Programs (OLVP)** includes four staffs: **Asset Recovery, White Collar and Civil Litigation, Victim-Witness and Indian, Violent and Cyber Crimes**. The **Asset Recovery Staff (ARS)** supports the collection and enforcement efforts of district financial litigation programs, asset forfeiture programs and bankruptcy. ARS assists in the development of financial litigation policy, development and implementation of procedures and programs, and provides liaison functions within the Department and with outside agencies. The **White Collar and Civil Litigation Staff (WCCL)** provides guidance and support to the USAOs in the areas of health care fraud, white collar crime and civil defensive litigation and assist in the development of national policies and initiatives. In addition, WCCL coordinates the activities of the Affirmative Civil Enforcement Program, which uses civil statutes for federal law enforcement efforts in fighting economic fraud.



The **Victim-Witness Staff (VWS)** provides guidance and support for personnel in the USAOs who handle victim notification, explain to victims the criminal justice process, prepare victims and witnesses for testimony and allocution, coordinate and accompany victims and witnesses to court proceedings, and provide victims with service referrals and emergency assistance. Victims' rights have taken on new importance since the passage of the Crime Victims' Rights Act of 2004, which provided victims with enumerated rights and, for the first time at the federal level, the mechanisms to enforce their rights. Victims are now playing a more central role in the criminal process and exercising their rights in greater numbers than ever before. In addition, the VWS provides guidance and support to the USAOs in both civil and criminal Civil Rights issues. The **Indian, Violent and Cyber Crimes Staff (IVCC)** provides guidance and support to the USAOs in the areas of Native American issues, computer crime and intellectual property, immigration and border security, violent crime and gangs, and narcotics. The staff also provides management support for Project Safe Neighborhoods and Project Safe Childhood.

- The **Strategic Communications Staff (SCS)** supports EOUSA and the USAOs in the areas of external and internal communications, digital engagement, and multimedia, and conducts the EOUSA awards program. Working closely with the Department's Office of Public Affairs, SCS provides support on public affairs and media issues related to the United States Attorneys' offices. SCS also manages digital engagement at EOUSA, which provides web content and social media management, development, and support for EOUSA and the USAOs; and multimedia support, through photography, audio/visual productions, and graphic design. In coordination with the Department's Programs & Events Office, SCS also administers the EOUSA awards program, which provides a forum to nominate EOUSA and USAO employees for internal and external awards such as the Attorney General's Awards.

- The **Data Integrity and Analysis Staff** is the primary source of statistical information and analysis for EOUSA. The staff provides data and analysis to EOUSA allowing them to respond to requests from, the Department, the White House, Congress, and the public. The staff also provides the United States Attorneys' comprehensive quarterly analysis of work-year, caseload and workload information and produces the United States Attorneys' Annual Statistical Report. During FY 2014, the Data Analysis Staff responded to 7,555 requests for statistical, narrative and analytical information. In FY 2016, the United States Attorneys' community will continue to assess data analysis capabilities to identify cost-effective crime reduction strategies.




- **Evaluation and Review Staff:** EOUSA is required under 28 C.F.R. Part 0.22 to evaluate the performance of the USAOs, to make appropriate reports, and to take corrective actions if necessary. An evaluation program enables EOUSA to fulfill this responsibility. In meeting



these regulatory and statutory requirements, the evaluation program provides on-site management assistance to United States Attorneys, as well as a forum for evaluators and the office being evaluated to share information and innovative ideas. The feedback provided to EOUSA and the Department assists in planning improvements to USAO operations.

The **Deputy Director for Legal Management** provides managerial guidance to the following offices and staffs:

- The **Office of Legal Education (OLE)** develops, conducts, and authorizes the training of all federal legal personnel. OLE coordinates legal education and attorney training for the Department of Justice, other federal departments and agencies, as well as state and local law enforcement. OLE is a separate decision unit of the budget and its functions and mission, which are largely completed at the National Advocacy Center (NAC) in Columbia, South Carolina, are discussed in greater detail in Section IV.
- 
- The **Freedom of Information and Privacy Act (FOIA) Staff** processes all FOIA and Privacy Act requests for records located throughout EOUSA and the USAOs, provides legal guidance to the USAOs concerning FOIA/Privacy Act issues, represents them in administrative appeals, and assists AUSAs and Department of Justice attorneys in litigation in federal courts by providing draft pleadings and preparing legal documents.
  - The **Equal Employment Opportunity and Diversity Management (EEO/DM) Staff** which provides centralized leadership, coordination, and evaluation of all equal employment efforts within EOUSA and the USAOs is comprised of two components – Complaint Processing and Affirmative Employment/ Special Emphasis Programs. The EEO mission supports the USAOs and EOUSA by providing timely and impartial customer service in the areas of conflict resolution; EEO complaint processing; civil rights policy development and training; language assistance plans; and diversity management through training, outreach, and recruitment.
  - The **General Counsel's Office (GCO)** provides advice to the USAOs and EOUSA on a broad array of legal and ethical issues. The GCO provides guidance to USAOs and EOUSA personnel regarding ethics and standards of conduct matters including conflicts of interest, recusals, outside activities, gifts and financial disclosures, allegations of misconduct, personnel legal issues, discovery requests and compliance with subpoenas. The GCO is also responsible for the employee relations programs of EOUSA and the USAOs.



## 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; immigration; child exploitation and obscenity; 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 nature of today’s crimes has required the United States Attorneys to become conversant in a wide range of fields, such as banking and health care, computer technology, securities, foreign cultures and languages, and manufacturing processes affected by environmental and other federal regulations.



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, as well as violations reported by private citizens. Following careful consideration of each criminal matter, the United States Attorneys decide the appropriateness of bringing criminal charges and, when deemed appropriate, initiate prosecution. Except for misdemeanor offenses and instances in which an alleged offender waives the right to a grand jury indictment, the United States Attorneys present evidence against an alleged offender to a grand jury. The grand jury then decides whether to return an indictment and, if so, the United States Attorney then presents the criminal charges in open court at the defendant’s arraignment.

### Federal Law Enforcement Partners





Although historically a large number of criminal defendants have pled guilty prior to trial, a United States Attorney must always fully investigate the crime, prepare the charging document, and be ready to go to trial. Careful and consistent preparation for trial minimizes the risk of dismissal for noncompliance with the Speedy Trial Act and strengthens the government's position in negotiations with defense counsel for a guilty plea. Pre-trial discovery practice also strengthens the government's position. When a defendant does not plead guilty, a trial is necessary. The United States Attorney then presents factual evidence to the jury, or to the judge in a non-jury (bench) trial. If the defendant is convicted, the United States Attorney must prepare and present evidence at the defendant's sentencing hearing and defend the conviction at post-trial hearings and on appeal. The USAOs handle most criminal appeals at the intermediate appellate level. After filing an appellate brief, the United States Attorney may be required to participate in oral argument before a 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, its agents and its 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 are generally time-consuming, requiring a thorough review of the entire record in the case, the filing of a brief and reply brief, and, in many cases, participation in oral argument before the Court of Appeals in the city where the circuit is based. Furthermore, the complexity of appellate work and the time required to handle that work increases when convictions are based on complex facts, such as those commonly found in cases involving drug trafficking, organized crime, financial and mortgage fraud, and public corruption. The appellate workload of the United States Attorneys fluctuates due to appeals and post-sentencing motions prompted by Supreme Court rulings, legislative changes, and amendments to the United States Sentencing Guidelines (Guidelines). For example, in FY 2008, the Guidelines were amended to increase the amount of crack cocaine needed to trigger higher offense levels.

## **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.

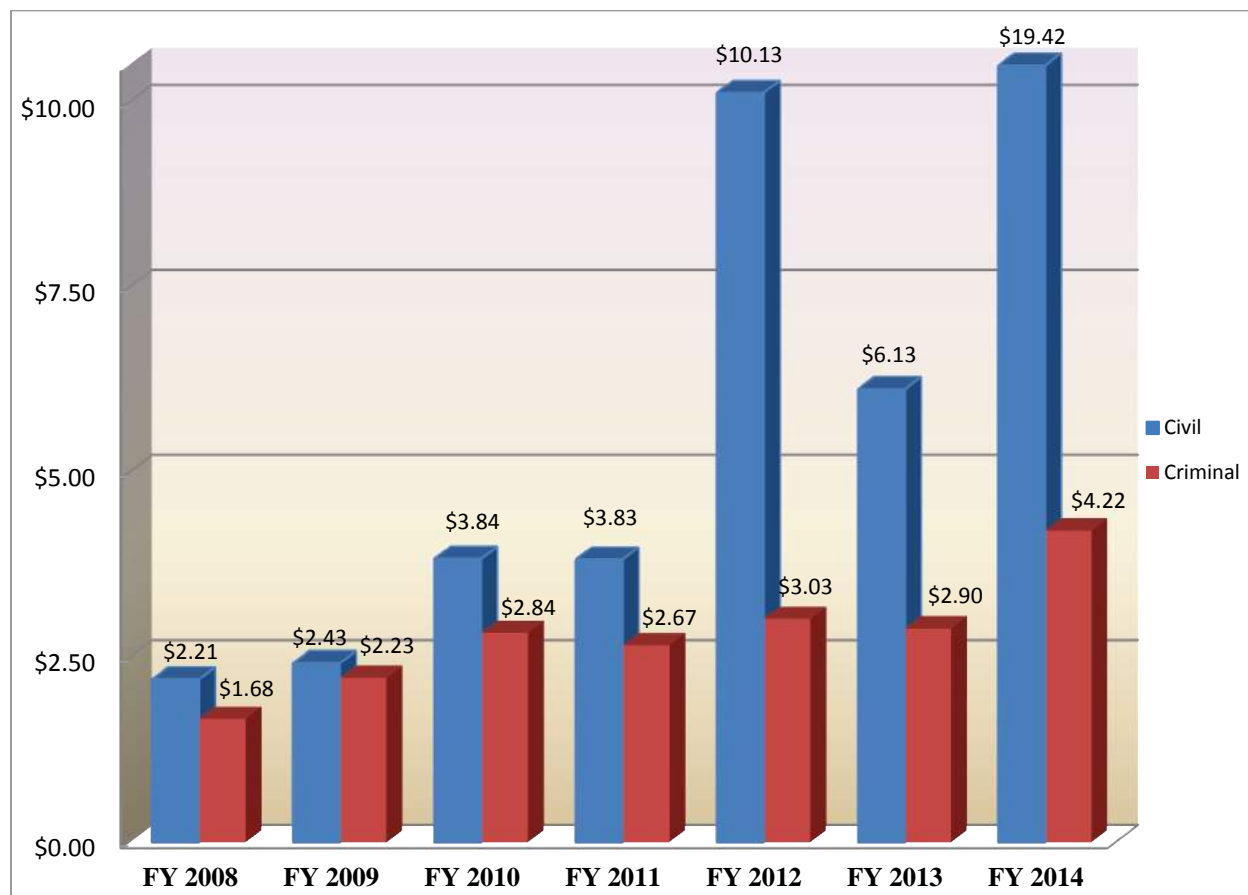
Debts are incurred by a criminal defendant when the defendant is sentenced by the court. These debts may be in the form of restitution to crime victims, fines imposed by the court, special assessments on each criminal conviction count, costs of prosecution and other costs, or forfeitures of appearance bonds. Interest may also be collected in certain cases. When restitution is ordered, the USAOs are involved in collecting federal restitution payments, or restitution which is owed to the United States, and in collecting non-federal restitution, or that which is 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 2008 through FY 2014.

### Debt Collection Chart (in billions)



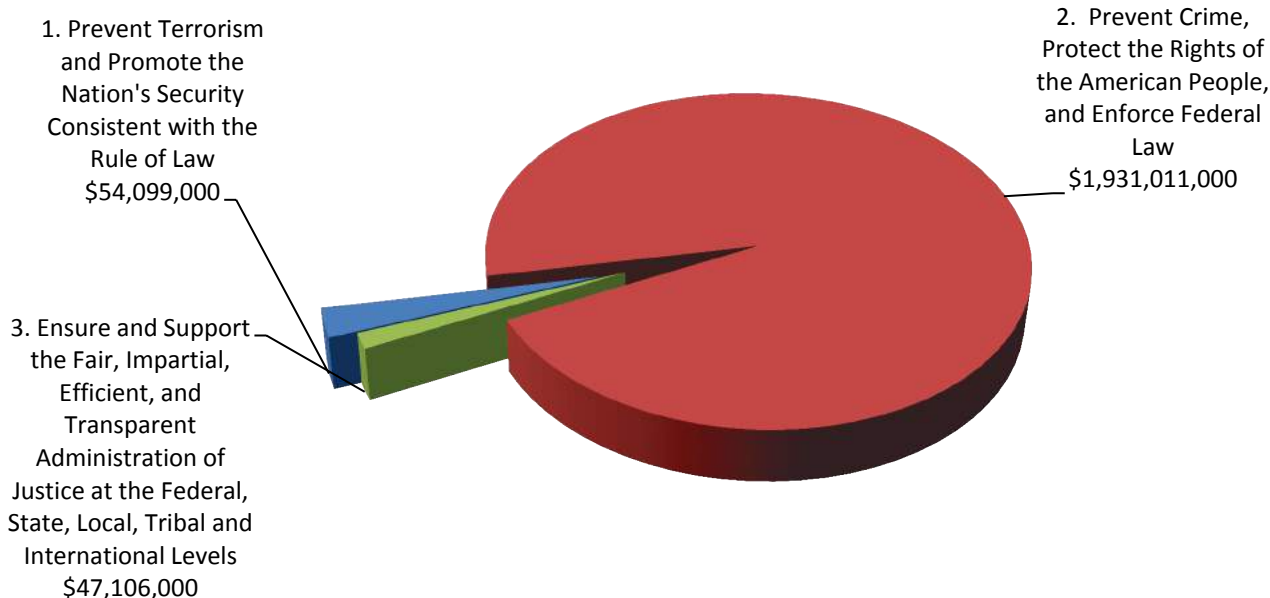
In FY 2014, the USAOs collected \$23.6 billion in criminal and civil debts. Of the total debts collected, USAOs recovered (1) \$4.2 billion in criminal debts; and (2) \$19.4 billion in civil debts. The United States Attorneys' FY 2014 collection efforts, handled by a very small percentage of the total workforce, returned to the Treasury over twelve times the \$1.94 billion appropriated in the FY 2014 budget for the entire United States Attorneys' community.



## B. Issues, Outcomes, and Strategies

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

**FY 2016 Total Request by DOJ Strategic Goal**



### **DOJ Strategic Goal 1: Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law (\$54,099,000)**

- Prosecute those involved in terrorist acts (1.2).
- Combat cyber-based threats and attacks through the use of all available tools, strong public-private partnership, and the investigation and prosecution of cyber threat actors (1.4).

### **DOJ Strategic Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law (\$1,931,011,000)**

- Combat the threat, incidence, and prevalence of violent crime by leveraging strategic partnerships to investigate, arrest, and prosecute violent offenders and illegal firearms traffickers (2.1).
- Prevent and intervene in crimes against vulnerable populations and uphold the rights of, and improve services to America's crime victims (2.2).
- Disrupt and dismantle major drug trafficking organizations to combat the threat, trafficking, and use of illegal drugs and the diversion of licit drugs (2.3).





- Investigate and prosecute corruption, economic crimes, and transnational organized crime (2.4).
- Promote and protect American civil rights by preventing and prosecuting discriminatory practices (2.5).
- Protect the federal fisc and defend the interests of the United States (2.6).

**DOJ Strategic Goal 3: Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal and International Levels (\$47,106,000)**

- Promote and strengthen relationships and strategies for the administration of justice with law enforcement agencies, organizations, prosecutors, and defenders, through innovative leadership and programs (3.1).
- Reform and strengthen America’s criminal justice system by targeting only the most serious offenses for federal prosecution, expanding the use of diversion programs, and aiding inmates in reentering society (3.4).
- Strengthen the government-to-government relationship between tribes and the United States, improve public safety in Indian Country, and honor treaty and trust responsibilities through consistent, coordinated policies, activities, and litigation (3.8).

***USAO Success Story***

***- Combatting Violent and Organized Crime -***

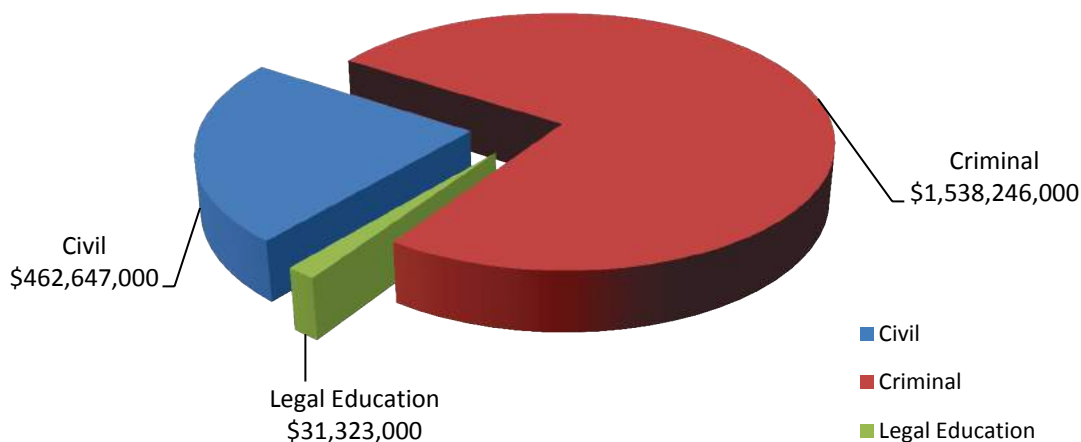
The United States Attorney’s Office for the District of Massachusetts successfully brought to justice James J. “Whitey” Bulger, a notorious mob boss whose Winter Hill Gang terrorized South Boston and its surrounding areas during the 1970s and ‘80s. In order to generate money and maintain dominance over other criminal enterprises, Bulger and his associates engaged in numerous illegal activities such as loansharking, extortion of local business owners and bookmakers, trafficking of narcotics and firearms, and murder. Bulger, and associates under his direction, used violence, threats, and intimidation to carry out these illegal activities. Bulger was responsible for the murders of at least 11 victims. Fearing an impending indictment in 1994, Bulger fled Massachusetts. After more than 16 years on the run, he was finally apprehended in California in 2011. After a two-month trial, on August 23, 2013, a jury found Bulger guilty of racketeering conspiracy and numerous racketeering acts of murder, extortion, narcotics distribution, money laundering, and possession of firearms including machineguns. At his sentencing on November 14, 2013, U.S. District Court Judge Denise J. Casper sentenced Bulger to two consecutive life terms plus five years, and \$19.5 million in restitution. During the sentencing hearing, Judge Casper told Bulger, “The scope, the callousness, the depravity of your crimes, is almost unfathomable.”



### C. Full Program Costs

The United States Attorneys' \$2,032,216,000 budget request for FY 2016 is divided into three decision units: criminal, civil, and legal education.

**FY 2016 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 2016. 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 guilty of unlawful behavior.

### D. Performance Challenges

The challenges that impede progress toward the achievement of agency goals are complex and ever-changing. National security continues to be our highest priority. In addition, the current economic climate requires that the United States Attorneys' community to continue to focus attention on financial fraud, including corporate fraud, securities fraud, and mortgage fraud. Technological developments and criminal behavior are factors that broadly impact law enforcement practices and pose challenges that demand attention.



## External Challenges

The United States Attorneys, as with other agencies throughout the entire federal government, continue to face external challenges.

Coordination activities with federal, state, and local agencies involve non-traditional roles for AUSAs and present challenges as we continue to lead efforts in areas such as combating terrorism, financial and mortgage fraud, border enforcement, gun violence reduction, disrupting and dismantling drug organizations, and child exploitation. In FY 2016, the United States Attorneys will continue to expand community outreach and engagement efforts.

In addition, the economy and emerging criminal activities present external challenges. Downturns in the economy often correlate with increases in criminal activity, especially financial fraud. Fraud schemes, which have become more sophisticated over time, are continually evolving as a result of technological changes and in response to law enforcement efforts. The USAOs and their investigative partners must identify developing trends in economic crime and technology and adapt accordingly.

There have been a number of issues recently that have demonstrated the challenges facing the USAOs. With the events in Ferguson, Missouri, and New York City, the United States Attorneys have been called on to address potential civil rights issues at local law enforcement agencies with whom they must partner with every day to prosecute cases. In other cities, such as Cleveland, the Department is addressing “pattern and practice” civil rights violations. In addition, the USAOs have had to develop protocols, procedures and relationships to address the surge of immigration of unaccompanied alien children entering the country illegally from Central and South America. Changing conditions as a result of the President’s Executive Order on immigration will also impact United States Attorney immigration priorities. Finally, with the resulting backlash from the exposure of NSA surveillance of U.S. citizens, the tech industry has created significant obstacles to the effective investigation of crime involving computers, cell phones and other devices, such as advanced encryption and the disclosure of subpoenas provided to internet service providers. These challenges require the United States Attorney’s offices to maintain a flexible and adaptable workforce to address both local issues with national implications, as well as national priorities.

### *USAO Success Story - Indian Country -*

Over the last four and one-half years, United States Attorneys’ offices with responsibility for Indian Country prosecutions have seen their caseload of prosecutions for crimes committed on tribal lands increase. This increase shows the fruits of our labor since the Department of Justice implemented the Indian Country Law Enforcement Initiative in January 2010. The districts focused on fully leveraging vital partnerships with tribal, local, and state agencies to address violent crime and victimization in tribal communities. The increase in prosecutions of Indian Country crime is the direct result of the many initiatives led by United States Attorney’s Offices across the country, including strategies that place federal prosecutors on the reservations on a frequent basis to enhance criminal investigations and communication.



We will continue to focus on areas within our spheres of influence and control, concentrating on coordination efforts with federal, state, tribal, and local agencies, and ensuring that our workforce is trained for emerging and complex issues.

### **Internal Challenges**

One internal challenge to the United States Attorneys' community is keeping the workforce flexible and adaptable. Over the past few years, terrorism, financial and mortgage fraud, violent crime and gangs, immigration, internet-related crime, and child exploitation have emerged as important national priorities. As technology increases the pace at which criminal activity changes, we must ensure that our workforce is trained and equipped to respond. Training is provided through the Office of Legal Education to ensure that attorneys and support staff have the necessary expertise in these areas. In addition, regular review and monitoring of case work, resources, technology, and other needs are essential to continued responsiveness.



## II. Summary of Program Changes

In FY 2016, the United States Attorneys' budget request is \$2,032,216,000, which includes the following program changes: 214 positions (including 90 attorneys), 107 FTE, and \$38,026,000 in program increases; and \$4,673,000 in program offsets. The following program changes are outlined in the chart below:

Item Name	Description				Page
	Purpose	Pos.	FTE	Dollars (\$000)	
<b>Expand Prevention and Reentry Programs</b>	These resources will allow the 94 districts to develop programs that are specifically tailored to addressing the pressing needs of their communities.	<b>0</b>	<b>0</b>	<b>15,000</b>	<b>45</b>
<b>Prevention and Reentry Coordinators</b>	Being smart on crime is ensuring that every district has a dedicated Prevention and Reentry Coordinator to work hand-in-hand with law enforcement, the courts, and community partners to promote a fair equitable justice system.	<b>94</b>	<b>47</b>	<b>10,000</b>	<b>50</b>
<b>Cybercrime Prosecutions</b>	These resources will support the investigation and prosecution of cyber threats, and provide the training on cybercrime and digital evidence needed for USAOs to be able to analyze and present digital evidence across all types of criminal cases.	<b>60</b>	<b>30</b>	<b>6,086</b>	<b>54</b>
<b>Civil Rights Prosecutions</b>	These resources will support civil and criminal civil rights prosecutions in the USAOs.	<b>60</b>	<b>30</b>	<b>6,940</b>	<b>63</b>
<b>Program and/or Administrative Savings</b>	Program and administrative reductions to be identified once funds are appropriated.	<b>0</b>	<b>0</b>	<b>-4,678</b>	<b>70</b>
<b>TOTAL</b>		<b>214</b>	<b>107</b>	<b>33,353</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, [\$1,960,000,000] \$2,032,216,000: *Provided*, That of the total amount appropriated, not to exceed \$7,200 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 United States Attorney-led task force on human trafficking].

#### **Analysis**

The FY 2016 request proposes to delete language requiring each United States Attorney to establish or participate in a United States Attorney-led human trafficking task force. The United States Attorneys have established task forces and remain committed to enforcing Anti-Human Trafficking Laws.



## IV. Program Activity Justification

### A. Criminal

<b>Criminal Litigation</b>	<b>Direct Pos.</b>	<b>Estimated FTE</b>	<b>Amount</b>
2014 Enacted	8,093	6,959	1,464,362,000
2015 Enacted	8,105	7,438	1,473,799,000
Adjustments to Base and Technical Adjustments	0	6	33,779,000
2016 Current Services	8,105	7,444	1,507,578,000
2016 Program Increases	178	89	33,966,000
2016 Program Decrease	0	0	-3,298,000
2016 Request	8,283	7,533	1,538,246,000
<b>Total Change 2015-2016</b>	<b>178</b>	<b>95</b>	<b>64,447,000</b>

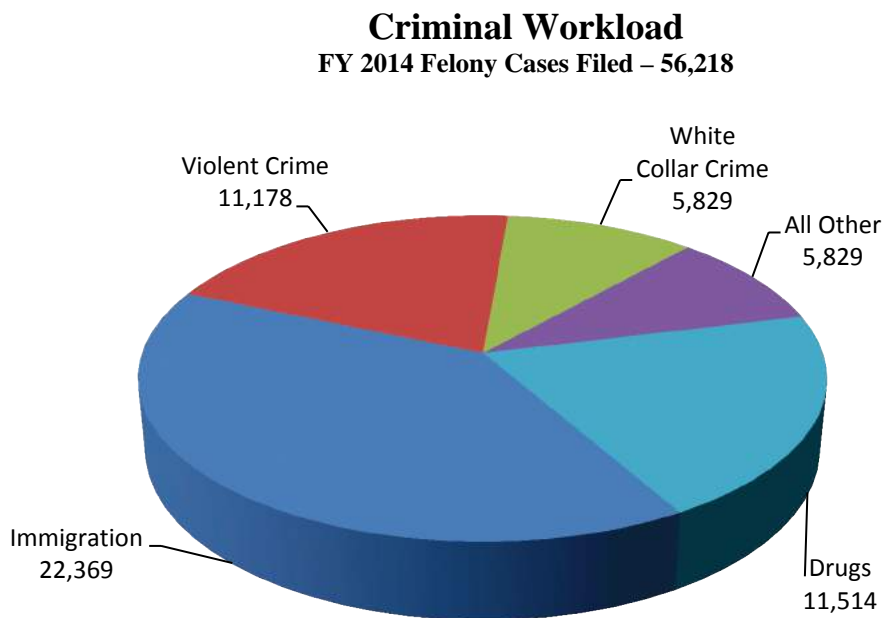
<b>Criminal Litigation Information Technology Breakout</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2014 Enacted	344	344	121,990,000
2015 Enacted	344	344	121,441,000
Adjustments to Base and Technical Adjustments	0	0	6,919,000
2016 Current Services	344	344	128,360,000
2016 Request	344	344	128,360,000
<b>Total Change 2015-2016</b>	<b>0</b>	<b>0</b>	<b>6,919,000</b>



## 1. Program Description–Criminal Program Activity

The USAOs investigate and prosecute the vast majority of criminal cases brought by the federal government. Criminal caseloads include: cases in international and domestic terrorism, immigration and border security, firearms and gangs, child exploitation and obscenity, complex fraud (including health care fraud, financial and mortgage fraud and computer fraud), environmental crime, public corruption, organized crime, drug enforcement, civil rights violations, human trafficking and cases involving multiple defendants and international organizations.

The USAOs receive most of their criminal referrals, or “matters,” from federal investigative agencies or become aware of criminal activities in the course of investigating or prosecuting other cases. They also receive criminal matters from state and local investigative agencies, as well as those reported to the USAOs by citizens. After careful consideration of each criminal matter, the United States Attorney decides the appropriateness of bringing criminal charges and initiates prosecution.



During FY 2014, the USAOs filed 56,218 felony criminal cases against 74,379 defendants in United States District Court. The number of new cases filed decreased by approximately more than ten percent from FY 2008 to FY 2014 – declining from 63,042 cases to 56,218. A total of 59,555 cases against 80,174 defendants were closed during FY 2014. Of the 80,174 defendants whose cases were closed, 92.8 percent or 74,392, either pled guilty or were found guilty. Of these, 59,401 received prison sentences, and 126 guilty defendants received sentences of life imprisonment. The rate of convicted defendants who received prison sentences has been approximately 80 percent over the last five years.





### **USAO Success Story – Border and Immigration**

In December of 2013, Espiridion Pablo-Madriral, of Mexico, was sentenced to ten and one-half years, Abel Doncel de la Torre-Gonzalez, of Mexico, was sentenced to seven years, and Luis Bretado-Aragon, also of Mexico, was sentenced to six years in prison for their role in a hostage taking and human smuggling case. All three had been indicted on June 12, 2013, on charges of hostage taking, conspiracy to commit hostage taking, and using, carrying and brandishing a firearm during and in relation to a crime of violence. The prosecution was handled by the USAO in the District of Arizona.

### **USAO Success Story - Cyber Crime -**

In June 2014, the Western District of Pennsylvania orchestrated the disruption of the Gameover Zeus botnet. Gameover Zeus is an extremely sophisticated type of malware designed to steal banking and other credentials from the computers it infects. Unknown to their rightful owners, the infected computers also secretly become part of a global network of compromised computers known as a “botnet,” a powerful online tool that cyber criminals can use for numerous criminal purposes besides stealing confidential information from the infected machines themselves. Security researchers estimated that between 500,000 and one million computers worldwide were infected with Gameover Zeus, and that approximately 25 percent of the infected computers were located in the United States. The FBI estimated that Gameover Zeus was responsible for more than \$100 million in losses. The operation required a multi-national law enforcement effort.

**PERFORMANCE AND RESOURCES TABLE**

**Decision Unit: Criminal**

RESOURCES		Target		Actual		Projected		Changes		Requested (Total)			
		FY 2014		FY 2014		FY 2015		Current Services Adjustments and FY 2016 Program Changes		FY 2016 Request			
		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000		
<b>Total Costs and FTE</b> (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		7,432	1,464,362	6,959	1,464,362	7,438	1,473,799	95	64,447	7,533	1,538,246		
		1,136	[254,206]	1,095	[239,206]	1,136	[269,175]	0	0	1,136	[269,175]		
TYPE	STRATEGIC OBJECTIVE	PERFORMANCE		FY 2014		FY 2014		FY 2015		Current Services Adjustments and FY 2016 Program Changes		FY 2016 Request	
Program Activity	1.2	Terrorism/Terrorist-Related		345	51,056			345	51,056	0	0	345	51,056
Performance Measure: Output	2.1,2.2,2.3,2.4, 2.5,2.6,3.1,3.4, 3.8	Number of Cases - Defendants Handled		181,606		188,272		181,606				181,606	
Performance Measure: Efficiency	2.1,2.2,2.3,2.4, 2.5,2.6,3.1,3.4, 3.8	Total Defendants Terminated		90,461		80,174		90,461				90,461	
Performance Measure: Outcome	2.1,2.2,2.3,2.4, 2.5,2.6,3.1,3.4, 3.8	Total Defendants Guilty		83,860		74,392		83,860				83,860	
Performance Measure: Outcome	2.1,2.2,2.3,2.4, 2.5,2.6,3.1,3.4, 3.8	Percentage of Cases Favorably Resolved		90.00%		92.65%		90.00%				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-annually 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.

PERFORMANCE MEASURE TABLE										
Decision Unit: Criminal										
Strategic Objective	Performance Report and Performance Plan Targets		FY 2010	FY 2011	FY 2012	FY 2013	FY 2014		FY 2015	FY 2016
			Actual	Actual	Actual	Actual	Target	Actual	Target	Target
1.2;2.1,2.2,2.3,2.4, 2.5,2.6;3.1, 3.4, 3.8	Performance Measure	Total Defendants Terminated	88,369	90,461	87,709	82,092	90,461	80,174	90,461	90,461
1.2;2.1,2.2,2.3,2.4, 2.5,2.6;3.1, 3.4, 3.8	Performance Measure	Total Defendants Guilty	81,934	83,360	80,963	75,718	83,860	74,392	83,860	83,860
1.2;2.1,2.2,2.3,2.4, 2.5,2.6;3.1, 3.4, 3.8	OUTCOME Measure	Percentage of Cases Favorably Resolved	92.7%	92.7%	92.0%	92.0%	90.0%	92.7%	90.0%	90.0%
N/A = Data unavailable										



### 3. Performance, Resources, and Strategies

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

**Goal I: Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law.** Within this goal, the decision unit's resources address the Department's Strategic Objective: 1.2 - Prosecute those involved in terrorist acts; 1.4 – Combat cyber-based threat and attacks through the use of all available tools, strong public-private partnership, and the investigation and prosecution of cyber threat actors.

**Goal II: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law.** Within this goal, the decision unit's resources address six of the Department's Strategic Objectives: 2.1 - Combat the threat, incidence, and prevalence of violent crime; 2.2 - Prevent, and intervene in crimes against vulnerable populations; uphold the rights of, and improve services to, America's crime victims; 2.3 – Combat the threat, trafficking, and use of illegal drugs and the diversion of licit drugs; 2.4 - Combat corruption, economic crimes, and international organized crime; 2.5 – Promote and protect Americans' civil rights; and 2.6 – Protect the federal fisc and defend the interests of the United States.

**Goal III: Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal and International Levels.** Within this goal, the decision unit's resources address the Department's Strategic Objectives: 3.1 - Promote and strengthen relationships and strategies for the administration of justice with law enforcement agencies, organizations, prosecutors, and defenders, through innovative leadership and programs; 3.4 - Reform and strengthen America's criminal justice system by targeting only the most serious offenses for federal prosecution, expanding the use of diversion programs, and aiding inmates in reentering society; 3.8 - Strengthen the government-to-government relationship between tribes and the United States, improve public safety in Indian Country, and honor treaty and trust responsibilities through consistent, coordinated policies, activities, and litigation.

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

In the criminal area, the performance measure for the United States Attorneys is the percentage of criminal cases favorably resolved.

The United States Attorneys play a vital role in the development and implementation of the Department's Smart on Crime initiative, a comprehensive review of the criminal justice system in order to identify reforms that would ensure federal laws are enforced more fairly and efficiently. Smart on Crime directs USAOs to address crime in the full context in which it occurs. This requires USAOs to take some degree of responsibility not only for criminal prosecution, but for prevention, reentry, diversion, and community outreach and engagement of all kinds. Criminal prosecutions, of course, are and will remain the backbone of USAO activity. Successful federal investigations and prosecutions bring justice to victims and a sense of stability and security to the communities affected by crime. It is from this core work that the stature of



the USAO within the community and the United States Attorney’s “convening authority” flows. But USAO efforts directed solely at case prosecution miss the larger context of crime and thus miss the opportunity to more comprehensively prevent future crime. USAO prevention, reentry, and community engagement efforts, when joined with coordinated and targeted prosecutions, can be extremely effective in improving public safety, building trust in law enforcement, and reducing recidivism over the longer term.

Currently, each USAO has designated a Prevention and Reentry Coordinator. For all but one USAO, the Coordinator position is a collateral duty, requiring the incumbent to attend to prevention, reentry, diversion, outreach or other such duties in addition to his or her other full time job obligations. The FY 2016 enhancement request would provide USAOs with the resources to hire new personnel to undertake the role of a dedicated Prevention and Reentry Coordinator, and provide USAOs with the necessary resources to implement Smart on Crime without exhausting other office resources.

Despite their currently limited resources, United States Attorneys have already begun to undertake this work as an important element of their larger public safety and community outreach mission. Their efforts have been both varied and widespread, as described below. These efforts could be greatly expanded with the requested additional resources.

- In November 2013 the USAO in Cleveland, OH hosted a summit of key community leaders to comprehensively address the heroin epidemic in Northern Ohio. Participants included the Cleveland Clinic and other health care providers, county government officials, the State Boards of Health and Pharmacy, and local, state, and federal prosecutors and law enforcement agencies. The summit resulted in a community action plan that calls for an education campaign to warn citizens of the dangers of heroin addiction and its connection to prescription drug abuse.
- In October 2013, the United States Attorney’s Office in the Northern District of Alabama and the North Alabama Reentry Council sponsored a “Smart on Crime” reentry policy summit at Samford University focusing on identifying ways to lower prison population and criminal justice costs as well as reduce recidivism in Alabama. Prison overcrowding is a crisis in Alabama, and the summit gave local, state, and federal leaders a chance to discuss real ways to ease the crisis.
- In the Eastern District of Pennsylvania the United States Attorney’s Office hosted a meeting of key federal, state, and local leaders concerned with improving reentry and reducing recidivism in Philadelphia. That initial meeting grew into the Philadelphia Reentry Coalition, which is now comprised of over 20 organizations, including federal, state, and local law enforcement, prison, and probation officials, prosecutors, defenders, academics, and non-profit organizations.
- In the Central District of Illinois the USAO is the key player in the Pretrial Alternatives to Detention Initiative (PADI), a ground breaking program that for years was the first of its kind. The program is designed for defendants with substance abuse issues. The USAO refers a potential candidate to the Probation Office, which in turn consults with a substance abuse provider, and together they evaluate the candidate to ensure that he or she has a legitimate substance abuse problem. Once a defendant is selected for the program,



he enters a period of personalized supervision by the Probation Office that is overseen by the court and members of the team, including the USAO, the Federal Public Defender and U.S. Probation/Pretrial. Upon successful completion of supervision, the defendant may expect one of a number of results that range from dismissal of the charges to a non-custodial sentence.

The new Smart on Crime resources are thus essential to providing USAOs the ability to develop or expand the type of efforts described above. Additional resources for this critical work will ensure that these efforts become institutionalized within the USAOs.

Financial industry fraud has shaken the world's confidence in the United States financial system. Losses in financial fraud cases have ranged from millions of dollars to billions of dollars. Mortgage fraud and foreclosure rescue scams routinely involve millions of dollars in losses and multiple defendants, including mortgage brokers, real estate agents, appraisers, closing agents, and false buyers and sellers who receive kickbacks. Since FY 2010, the number of financial and mortgage fraud cases filed and pending has remained high. These complex cases are resource intensive and often take years to resolve. Efforts to combat financial and mortgage fraud will continue to play a key role not only in ensuring that those who have engaged in fraudulent activities will be held accountable for their illegal conduct, but in deterring future fraudulent conduct and in recovering funds for fraud victims. In FY 2014, cases involving 74,392 defendants were favorably resolved, resulting in 92.7 percent criminal cases favorably resolved. This outcome surpassed the 90 percent goal by more than two percent.

### ***USAO Success Story*** ***- National Security -***

In the Eastern District of Pennsylvania, defendant Siarhei Baltutski, of the Republic of Belarus, was sentenced to 15 years in prison for conspiring to violate the Arms Export Control Act and related charges. Baltutski organized a network of buyers in the United States to obtain and illegally export to Belarus high-tech military hardware such as Scorpion Thermal Weapon Sights, ThOR 2 Thermal Imaging Scopes, Thermal-Eye Renegade 320's, and other night-vision targeting devices. During the course of the conspiracy, Baltutski and his associates illegally exported hundreds of these items. Baltutski then arranged for hundreds of thousands of dollars to be secretly wired, via offshore shell companies, to purchase these items, to pay for shipping, and to pay his network of buyers.



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

In FY 2016, the United States Attorneys will continue to place a high priority on prosecution related to national security as well as address other important priorities such as financial and mortgage fraud, identity theft, immigration, child exploitation, violent crime and gangs, cybercrime and intellectual property, and drug trafficking.

The United States Attorneys are adjusting to the increased use of technology in the practice of law. While technology provides a means to increase productivity with existing resources, some USAO personnel have difficulty transitioning to new technological solutions. As criminal cases are increasingly “electronic” – meaning that technology plays a major role in areas such as electronic case filing and e-discovery, technical training and hiring employees with the appropriate skill sets are critical to the successful furtherance of our mission.

Other strategies include:

- Regular reviews and monitoring of case and workload data.
- Leveraging technology to improve efficiency and enhance information flow organization-wide and with our partners.
- 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

The United States Attorneys contribute to two priority goals:

**Financial Fraud and Healthcare Fraud:** Protect the American people from financial and healthcare fraud: In order to reduce financial and healthcare fraud, by September 30, 2015, the Department will reduce by 3 percent over FY 2013 levels, the number of financial and healthcare fraud investigations pending longer than 2 years to efficiently and effectively drive those investigations to resolution.

**Vulnerable People:** Protect vulnerable populations by increasing the number of investigations and litigation matters concerning child exploitation, human trafficking, and non-compliant sex offenders; and by improving programs to prevent victimization, identify victims, and provide services.

By September 30, 2015, by working with federal, state, local, and tribal partners, the Department will protect potential victims from abuse and exploitation through one set of key indicators:

- Open litigation matters concerning sexual exploitation of children and human trafficking (5 percent increase over baseline).

The United States Attorneys' progress regarding these two goals is reported quarterly to the Department.

#### ***USAO Success Story*** ***- Child Exploitation Prosecution -***

Steven Mazer is a 27 year-old former babysitter and karate instructor. Mazer sexually assaulted and raped two toddlers in 2005 and did the same to another toddler in 2009. The county prosecutor's office declined prosecution due to the lack of physical evidence and the inability of the minor victims to testify. The United States Attorney's Office in the Eastern District of Pennsylvania began investigating Mazer and obtained a search warrant for his residence in 2012. From a camera memory card in the residence, Homeland Security Investigations forensics team recovered a deleted video of Mazer raping two more toddler victims. Mazer was charged and arrested, and later pleaded guilty to two counts of producing child pornography. In July 2014, at the sentencing hearing, parents of four of Mazer's minor victims provided impact statements detailing the horrific and lasting impact of Mazer's crimes on their children and families. Mazer was sentenced to 60 years in prison.





**B. Civil**

<b>Civil Litigation</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2014 Enacted	2,478	2,130	448,000,000
2015 Enacted	2,479	2,277	446,440,000
Adjustments to Base and Technical Adjustments	0	0	13,461,000
2016 Current Services	2,479	2,277	459,901,000
2016 Program Increases	36	18	4,060,000
2016 Program Decrease	0	0	-1,314,000
2016 Request	2,515	2,295	462,647,000
<b>Total Change 2015-2016</b>	<b>36</b>	<b>18</b>	<b>16,207,000</b>

<b>Civil Litigation Information Technology Breakout</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2014 Enacted	95	95	32,843,000
2015 Enacted	95	95	32,696,000
Adjustments to Base	0	0	497,000
2016 Current Services	95	95	34,558,000
2015 Request	95	95	34,558,000
<b>Total Change 2015-2016</b>	<b>0</b>	<b>0</b>	<b>1,862,000</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. 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 alleged discrimination by the United States, its agencies and employees. The United States Attorneys may also be called upon to represent the United States in cases which 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.

Affirmative civil cases can return substantial monies to the federal Treasury. In FY 2014, the USAOs collected \$19.4 billion in civil debts, which is several times more than the United States Attorneys’ budget. The following cases are examples of the United States Attorneys’ affirmative civil successes in FY 2014:

- In November 2013, JPMorgan agreed to pay \$13 billion – the largest settlement with a single entity in American history - to resolve federal and state civil claims arising out of the packaging, marketing, sale and issuance of residential mortgage-backed securities (RMBS) by JPMorgan, Bear Stearns and Washington Mutual prior to January 1, 2009. As part of the settlement, JPMorgan acknowledged it made serious misrepresentations to the public – including the investing public - about numerous RMBS transactions. The settlement includes a statement of facts, in which JPMorgan acknowledges that it regularly represented to RMBS investors that the mortgage loans in various securities complied with underwriting guidelines. Contrary to those representations, as the statement of facts explains, on a number of different occasions, JPMorgan employees knew that the loans in question did not comply with those guidelines and were not otherwise appropriate for securitization, but they allowed the loans to be securitized – and those securities to be sold – without disclosing this information to investors. This conduct, along with similar conduct by other banks that bundled toxic loans into securities and misled investors who purchased those securities, contributed to the financial crisis.
- In June 2014, Omnicare Inc., the nation’s largest provider of pharmaceuticals and pharmacy services to nursing homes, agreed to pay \$124.24 million for allegedly offering improper financial incentives to skilled nursing facilities in return for their continued selection of Omnicare to supply drugs to elderly Medicare and Medicaid beneficiaries.

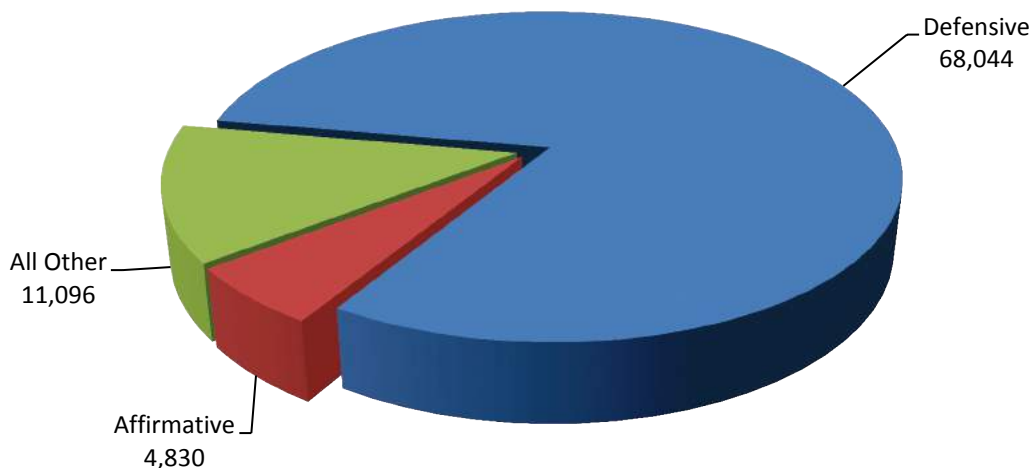


The settlement resolves allegations that Omnicare submitted false claims by entering into below-cost contracts to supply prescription medication and other pharmaceutical drugs to skilled nursing facilities and their resident patients to induce the facilities to select Omnicare as their pharmacy provider. The facilities were participating providers under agreements with Medicare and Medicaid. The settlement with Omnicare was the result of a coordinated effort by the United States Attorney's Office for the Northern District of Ohio and the Commercial Litigation Branch of the Justice Department's Civil Division.

Civil matters and cases represent a significant part of the United States Attorneys' workload. In FY 2014, the United States Attorneys received 92,006 civil matters, which represented 38 percent of all of the 240,342 criminal and civil matters received during the fiscal year. Of the civil matters received, 75 percent or 68,591 were defensive matters, 10 percent or 8,945 or were affirmative matters, and 16 percent or 14,470 or were other civil matters. The United States Attorneys filed or responded to 83,970 civil cases in FY 2014, which represented 60 percent of the 140,188 criminal and civil cases filed during the fiscal year. Of the civil cases filed, 81 percent or 68,044 were defensive cases; six percent or 4,830 were affirmative cases; and 13 percent or 11,096 were other civil cases.

Between FY 2008 and FY 2014, the number of civil cases filed or responded to decreased by 17 percent or 17,099 - from 101,069 cases to 83,970, and the number of civil cases referred to the United States Attorneys decreased by 16 percent or 17,854 - from 109,860 in FY 2008 to 92,006 cases in FY 2014. The number of defensive civil cases filed decreased by 16 percent or 13,431 - from 81,475 cases in FY 2008 to 68,044 in FY 2013

### Civil Workload FY 2014 Cases Filed/Responded To – 83,970





## ***USAO Success Story***

### ***- Health Care and Pharmaceutical Fraud -***

In November 2013, Johnson & Johnson (J&J) and its subsidiaries agreed to pay more than \$2.2 billion to resolve criminal and civil liability arising from allegations relating to the prescription drugs Risperdal, Invega and Natrecor, including promotion for uses not approved as safe and effective by the Food and Drug Administration and payment of kickbacks to physicians and to the nation's largest long-term care pharmacy provider. The global resolution is one of the largest health care fraud settlements in U.S. history, including criminal fines and forfeiture totaling \$485 million and civil settlements with the federal government and states totaling \$1.72 billion. In addition to imposing substantial monetary sanctions, the resolution will subject J&J to stringent requirements under a Corporate Integrity Agreement (CIA) with the Department of Health and Human Services Office of Inspector General (HHS-OIG). This agreement is designed to increase accountability and transparency and prevent future fraud and abuse. The global resolution was the result of the efforts of the United States Attorney's Offices for the Eastern District of Pennsylvania, the Northern District of California, and the District of Massachusetts; and the Civil Division's Consumer Protection Branch and Commercial Litigation Branch.

## ***USAO Success Story – Environmental Justice***

In April 2014, Anadarko Petroleum Corporation, parent of Kerr-McGee Corporation and certain of its affiliates, agreed to settle with the United States for \$5.15 billion, of which approximately \$4.4 billion will be used to fund environmental clean-up and environmental claims. This is the largest environmental recovery ever by the Department of Justice. The United States brought a fraudulent conveyance case in the bankruptcy of a Kerr-McGee affiliate, alleging that Kerr-McGee Corporation had fraudulently conveyed assets to a new entity to evade its debts, including liability for environmental clean-up at contaminated sites around the country. The settlement funds are expected to be used to clean up certain Superfund sites, a chemical manufacturing site in Nevada that led to contamination of Lake Mead which feeds into the Colorado River, and abandoned uranium mines in and around the Navajo Nation. The United States Attorney's Office for the Southern District of New York handled the case, with assistance from the Environmental Protection Agency, the Departments of the Interior, Commerce, and Agriculture, the U.S. Nuclear Regulatory Commission, and the Navajo Nation.

## 2. Performance and Resource Tables

PERFORMANCE AND RESOURCES TABLE												
Decision Unit: Civil												
RESOURCES			Target		Actual		Projected		Changes		Requested (Total)	
			FY 2014		FY 2014		FY 2015		Current Services Adjustments and FY 2016 Program Changes		FY 2016 Request	
			FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
<b>CIVIL LITIGATION</b>			2,276	448,000	2,130	448,000	2,277	446,440	18	16,207	2,295	462,647
<b>Reimbursable FTE and Costs</b> (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)			420	[94,021]	420	[81,937]	420	[110,552]	0	0	420	[110,552]
TYPE	STRATEGIC OBJECTIVE	PERFORMANCE	FY 2014	FY 2014	FY 2015	Current Services Adjustments and FY 2016 Program Changes		FY 2016 Request				
Workload Measure: Output	2.5, 2.6	Number of Matters Handled	107,155	106,879	107,155			107,155				
Performance Measure: Output	2.5, 2.6	Total Judgements and Settlements	40,241	39,283	40,241			40,241				
Performance Measure: Output	2.5, 2.6	Number of Judgements in favor of the U.S. and Settlements	32,976	31,167	32,976			32,976				
Performance Measure: Outcome	2.5, 2.6	Percentage of Cases Favorably Resolved	80.00%	82.30%	80.00%			80.00%				

PERFORMANCE MEASURE TABLE										
Decision Unit: Civil										
Strategic Objective	Performance Report and Performance Plan Targets		FY 2010	FY 2011	FY 2012	FY 2013	FY 2014		FY 2015	FY 2016
			Actual	Actual	Actual	Actual	Target	Actual	Target	Target
2.5, 2.6	Performance Measure	Number of Total Judgements and Settlements	40,241	39,416	42,618	40,667	40,241	39,283	40,241	40,241
2.5, 2.6	Performance Measure	Number of Judgements in favor of the U.S. and Settlements	32,976	31,856	32,619	32,606	32,976	31,167	32,976	32,976
2.5, 2.6	OUTCOME Measure	Percentage of Cases Favorably Resolved	81.9%	80.0%	82.0%	82.0%	80.0%	82.3%	80.0%	80.0%
N/A = Data unavailable										

### 3. Performance, Resources, and Strategies

The Civil Decision Unit contributes to the Department's Strategic Goal II: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law.

Within this goal, the Civil Decision Unit's resources specifically address two of the Department's Strategic Objectives: 2.5 – Promote and protect American' civil rights, and 2.6 – Protect the federal fisc and defend the interests of the United States.

#### 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. Civil affirmative 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. United States Attorneys represented the federal government in 75,458 defensive civil cases that were filed in court during FY 2013. 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 e-discovery, the technological and resource needs of our civil cases continue to grow. While technology provides a means to increase productivity with existing resources, some USAO personnel have difficulty transitioning to new technological solutions, placing greater demands on technical training and hiring employees with the appropriate skill sets.

Other strategies include:

- Regular reviews and monitoring of case and workload data.
- Leveraging technology to improve efficiency and enhance information flow organization-wide and with our partners.
- Continue to look at operational efficiencies in order to preserve human capital.
- Continue to address emerging training needs through the Office of Legal Education.

***USAO Success Story***  
***- Health Care and Pharmaceutical Fraud -***

In June 2014, Omnicare Inc., the nation's largest provider of pharmaceuticals and pharmacy services to nursing homes, agreed to pay \$124.24 million for allegedly offering improper financial incentives to skilled nursing facilities in return for their continued selection of Omnicare to supply drugs to elderly Medicare and Medicaid beneficiaries. The settlement resolves allegations that Omnicare submitted false claims by entering into below-cost contracts to supply prescription medication and other pharmaceutical drugs to skilled nursing facilities and their resident patients to induce the facilities to select Omnicare as their pharmacy provider. The facilities were participating providers under agreements with Medicare and Medicaid. The settlement with Omnicare was the result of a coordinated effort by the United States Attorney's Office for the Northern District of Ohio and the Commercial Litigation Branch of the Justice Department's Civil Division.



### C. Legal Education

<b>Legal Education</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2014 Enacted	53	53	31,638,000
2015 Enacted	53	53	30,761,000
Adjustments to Base and Technical Adjustments	0	0	623,000
2016 Current Services	53	53	31,384,000
2016 Program Decrease	0	0	-61,000
2016 Request	53	53	31,323,000
<b>Total Change 2015-2016</b>	<b>0</b>	<b>0</b>	<b>562,000</b>

<b>Legal Education Information Technology Breakout</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2014 Enacted	4	4	1,564,000
2015 Enacted	4	4	1,557,000
Adjustments to Base and Technical Adjustments	0	0	89,000
2016 Current Services	4	4	1,646,000
2016 Request	4	4	1,646,000
<b>Total Change 2015-2016</b>	<b>0</b>	<b>0</b>	<b>89,000</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 (DOJ) 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 augmented by a conference and research center with student and support services on site.

In FY 2014, OLE was responsible for the management of 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 automated litigation support training. In FY 2014, 23,800 individuals participated in training hosted by OLE, including 11,477 who attended live training through courses or other events and 12,323 individuals who received training through one of OLE’s distance education offerings, including webinars sponsored by OLE and online training through its contract with West Legal Ed Center, continuing legal education (CLE) programs broadcast via satellite on OLE’s Justice Television Network (JTN), and CLE programs co-sponsored by OLE in USAOs using OLE training modules and materials. Seventy-one percent of the 20,199 individuals trained were DOJ employees, while the other 29 percent were non-DOJ employees with various federal agencies or state and local governments.

More than 3,609 individuals received training in areas covered in the Department’s Strategic Plan, including Financial and Mortgage Fraud and Cybercrime, Crimes Against Children, Anti-Terrorism, Violent Crime/Gun Violence Reduction, Crimes in Indian Country, Drug Enforcement, Official Corruption, Bankruptcy and Sound Management. Of significance for FY 2014 was the Smart on Crime Conference that was attended by representatives from all of the United States Attorneys’ Offices and included in person addresses from the Attorney General and the Deputy Attorney General. The Smart on Crime Initiative promotes fundamental reforms to the criminal justice system that will improve public safety, save money, and ensure the fair enforcement of Federal laws. This initiative recognizes the impact of scarce resources and directs federal law enforcement efforts to focus on the most serious cases that implicate clear, substantial federal interests.





Recognizing the need to provide more distance learning opportunities, OLE continued to update and expand its Video on Demand (VOD) library, permitting USAO and DOJ litigating division employees to view OLE programming “on demand” at their desktop through OLE’s Learning Management System, LearnDOJ. There are currently more than 845 programs available, including programs on *Brady/Giglio*, E-Discovery, and a New Employee Orientation. In FY 2014, DOJ employees who accessed the VOD library completed more than 92,754 videos. OLE’s Learning Management System, LearnDOJ is utilized by other DOJ components and is administered by the Justice Management Division. LearnDOJ gives OLE increased functionality to build Individual Development Plans, assessment tools, and greater compliance management. It is also available via the Internet and can function as a virtual training system with the ability to integrate technologies such as Adobe Connect.

\*\*\* PARTNERS IN LEGAL EDUCATION \*\*\*



The National Advocacy Center  
Columbia, South Carolina

\*\*\* U.S. Attorneys Training At a Glance \*\*\*



In FY 2014, the United States Attorneys trained more than 23,800 federal, state and local law enforcement and legal partners through the Office of Legal Education, both at the National Advocacy Center and through varied distance learning offerings. Course offerings are determined according to prosecution priorities and reflect timely issues, such as mortgage and financial fraud, cybercrime, official corruption, crimes against children, and national security. In addition, OLE has responded to the flexibility that distance learning provides by expanding its Video on Demand library, accessed through JUSTLearn. OLE also encouraged in-house learning for USAOs by developing new training modules in areas such as: Appellate Advocacy, Electronic Discovery, and Professional Responsibility.



OLE’s Publications Unit edits and publishes the United States Attorneys’ Manual, the United States Attorneys’ Bulletin, and a number of practical skills manuals. OLE published six editions of the United States Attorneys’ Bulletin on a variety of topics, including Export Control Laws, Violent Crimes, Financial Intelligence, Community Outreach, Environmental Crimes and



Criminal Discovery, all of which are accessible on the DOJ Internet website. The Publications Unit continued to maintain and update the USABook, an online legal resource available on the Department intranet that includes electronic versions of all OLE publications, forms including indictment and jury instructions for all circuits, and many significant monographs and policy manuals, and has become a federal practice encyclopedia. They also published Blue Books on Immigration Law and the National Security Prosecutor's Manual. In FY 2014, the USABook site experienced millions of page views. Its front page alone received over 500,000 page views in FY 2014, making it one of the Department's most used legal research sites.

OLE's Justice Television Network (JTN) is a satellite-based IP video network with over 260 locations, including 92 USAOs (Guam/Northern Marianas excluded). This delivery method to the desktop currently reaches all USAOs, all FBI Field and international offices, and most DOJ components, including major bureau headquarters in the DC metro area, reaching approximately 60,000 DOJ employees. During its 25 hours of weekly broadcasts, JTN broadcasted 1,416 programs, including 44 live events, and 58 programs eligible for Continuing Legal Education (CLE).



OLE also broadcast events held at Main Justice, including press conferences by the Attorney General and other key Department officials and ceremonies commemorating other significant events.

In an effort to enhance distance learning options for USAOs and provide needed mandatory training, OLE developed a training module on Professionalism for DOJ Attorneys, including instruction on Criminal Discovery obligations, which is made available to the districts for in-house training.

CLE credit is provided through OLE for many OLE-sponsored courses. OLE is the primary source of instruction for DOJ attorneys and AUSAs from the 94 USAOs. Basic programs for newly hired attorneys include criminal, civil, and appellate advocacy; federal practice seminars; and specialty courses in priority substantive areas of the law. Advocacy skills programs are available to new and experienced trial attorneys. The Criminal Federal Practice course is designed for attorneys with litigation experience who are new to the federal civilian legal system (e.g., former state and military prosecutors), and as continuing training for Department of Justice attorneys after the basic criminal and civil trial advocacy courses. In FY 2014, OLE continued to provide additional web-based CLE through its contract with West Legal Ed Center, offering 24-hours a day access to more than 7,000 CLE programs from more than 50 leading CLE providers.



During FY 2014, Department attorneys viewed 12,574 West Legal Ed programs, earning over 11,974 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 2014, OLE staff working with the EOUSA EEO staff in Washington, DC, conducted a training seminar for leadership and training supervisors from the judiciary and prosecution services in Bosnia on creating and managing a mandatory training program to prevent sexual harassment and gender harassment. Throughout the year, OLE staff responded to numerous requests for information from OPDAT staff in Washington, DC and personnel stationed overseas regarding various training resources and available opportunities.

For all 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.

In addition to its advocacy skills training, OLE conducts substantive programs on federal criminal, civil, and administrative law for attorneys in the Executive Branch, including those in the Department of Justice. OLE offers training on a wide variety of criminal topics including fraud and white collar crime, cybercrime, violent crime, narcotics prosecutions, and child exploitation. OLE's civil and administrative law training includes instruction on discovery, bankruptcy, federal employment, environmental law, and Freedom of Information Act. Course instruction emphasizes the realities of federal practice. Federal attorneys from every agency, including the Department of Justice, are participants as well as advisors, curriculum developers, lecturers, and instructors. OLE is also meeting the demand for attorney management training for senior criminal and civil attorneys by providing management courses for attorney supervisors of all levels developed by OLE's Justice Leadership Institute (JLI). Additionally, the JLI provides leadership training to USAO attorney and support staff supervisors.

OLE develops and administers paralegal courses covering basic and advanced skills in civil, criminal, and appellate practice. Training for other support staff personnel (e.g., systems managers, Administrative Officers and Budget Officers) in USAOs is provided through OLE, which develops the curriculum and recruits instructors.

## 2. Performance and Resource Table

PERFORMANCE AND RESOURCES TABLE												
Decision Unit: Legal Education												
RESOURCES			Target		Actual		Projected		Changes		Requested (Total)	
			FY 2014		FY 2014		FY 2015		Current Services Adjustments and FY 2016 Program Changes		FY 2016 Request	
			FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
<b>LEGAL EDUCATION</b>			53	31,638	53	31,638	53	30,761	0	562	53	31,323
<b>Reimbursable FTE and Costs</b> (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)			3	[4,223]	3	[4,223]	3	[4,265]			3	[4,265]
TYPE	STRATEGIC OBJECTIVE	PERFORMANCE	FY 2014		FY 2014		FY 2015		Current Services Adjustments and FY 2016 Program Changes		FY 2016 Request	
Performance Measure: Outcome	1.2;2.1,2.2,2.3,2.4,2.5,2.6; 3.1,3.4,3.8	Number of Students Trained	24,000		23,800		24,000				24,000	

### 3. Performance, Resources, and Strategies

The Legal Education Decision Unit contributes to the following Department's Strategic Goals:

**Goal I: Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law.** Within this goal, the decision unit's resources address the Department's Strategic Objective: 1.2 - Prosecute those involved in terrorist acts; 1.4 – Combat cyber-based threat and attacks through the use of all available tools, strong public-private partnership, and the investigation and prosecution of cyber threat actors.

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

Within this goal, the decision unit's resources address six of the Department's Strategic Objectives: 2.1 - Combat the threat, incidence, and prevalence of violent crime by leveraging strategic partnerships to investigate, arrest, and prosecute violent offenders and illegal firearms traffickers; 2.2 - Prevent and intervene in crimes against vulnerable populations and uphold the rights of, and improve services to America's crime victims; 2.3 – Disrupt and dismantle major drug trafficking organizations to combat the threat, trafficking, and use of illegal drugs and the diversion of licit drugs; 2.4 - Investigate and prosecute corruption, economic crimes, and transnational organized crime; 2.5 – Promote and protect American civil rights by preventing and prosecuting discriminatory practices; and 2.6 – Protect the federal fisc and defend the interests of the United States.

***USAO Success Story***  
***- Insider Trading -***

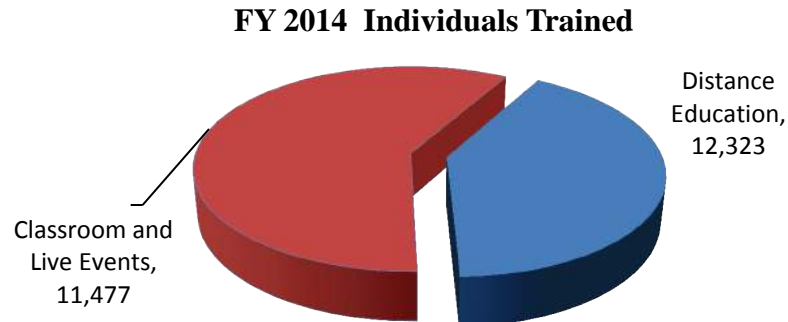
In February 2014, Matthew Martoma, a former portfolio manager of CR Intrinsic Investors, LLC, a division of S.A.C. Capital, was convicted after a four-week jury trial for his participation in the most lucrative insider trading scheme ever charged, involving approximately \$275 million in illegal profits and avoided losses. During the period of the insider trading scheme, Martoma was an S.A.C. Capital portfolio manager responsible for investment decisions in public companies in the health care sector, including pharmaceutical companies that were involved in the development of experimental drugs to combat Alzheimer's disease. In order to obtain material nonpublic information an impending drug trial, Martoma developed personal and financial relationships with the doctors involved and was able to obtain inside information about the drug trial that enabled Martoma to purchase and sell certain securities that enabled S.A.C. Capital to earn profits and avoid losses of approximately \$275 million.

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

Within this goal, the decision unit's resources address the Department's Strategic Objectives: 3.1 - Promote and strengthen relationships and strategies for the administration of justice with law enforcement agencies, organizations, prosecutors, and defenders, through innovative leadership and programs; 3.4 - Reform and strengthen America's criminal justice system by targeting only the most serious offenses for federal prosecution, expanding the use of diversion programs, and aiding inmates in reentering society; 3.8 - Strengthen the government-to-government relationship between tribes and the United States, improve public safety in Indian Country, and honor treaty and trust responsibilities through consistent, coordinated policies, activities, and litigation.

### a. Performance Plan and Report for Outcomes

The performance measure for this decision unit is the number of students trained. In FY 2014, OLE sponsored classroom training and other live events for 11,477 individuals. In addition, approximately 12,323 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 23,800 students trained in FY 2014.



This compares with a total of 17,994 in FY 2013 –10,572 individuals trained in-person and 7,422 individuals trained by satellite, videotape and other training. Seventy-one percent of the individuals trained in-person were DOJ employees in legal positions while the other 29 percent were non-DOJ employees in legal positions with various federal agencies or state and local government.

More than 3,609 individuals receiving training at the NAC attended courses in areas covered in the Department's Strategic Plan, including Fraud and Cybercrime, Crimes Against Children, and Anti-Terrorism, Violent Crime/Gun Violence Reduction, Crimes in Indian Country, Drug Enforcement, Civil Rights Enforcement, Official Corruption, Bankruptcy, and Sound Management. Of significance for FY 2014 was the Smart on Crime Conference that was attended by representatives from all of the United States Attorneys' Offices and included in person addresses from the Attorney General and the Deputy Attorney General. The Smart on Crime Initiative promotes fundamental reforms to the criminal justice system that will improve public safety, save money, and ensure the fair enforcement of Federal laws. This initiative recognizes the impact of scarce resources and directs federal law enforcement efforts to focus on the most serious cases that implicate clear, substantial federal interests.

Overall in FY 2014, OLE was responsible for the management of 181 courses and events, including traditional advocacy training, seminars and educational forums on substantive areas of the law. During FY 2014, OLE expanded VOD and DOJ employees who accessed the VOD library completed more than 92,754 programs. There are now over 845 separate programs available through VOD.

## **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.

### ***USAO Success Story*** ***- Domestic Violence/Stalking -***

In a Northern District of Iowa domestic violence case, the evidence presented at trial established that the defendant tracked his estranged wife's movements with a GPS application that he had secretly placed in her car while she was at work. When her car stopped at her new residence, the defendant armed himself with a handgun, drove from Iowa to Nebraska, entered her home without permission, punched, kicked, and pistol-whipped one of the people at the house at the time, and took his estranged wife to his house in Iowa where he further assaulted her. He was convicted of interstate stalking and possession of a firearm by a felon and sentenced to 57 months' imprisonment.

### ***USAO Success Story*** ***- Intellectual Property Crime -***

On December 17, 2013, Bruce Alan Edward was convicted by a jury of criminal copyright infringement and mail fraud in the Eastern District of Michigan for selling more than 2,500 counterfeit copies of copyrighted Microsoft software valued at more than 1 million dollars retail. After a one-week trial, a jury found that from May 2008, until September 2010, Edward purchased counterfeit Microsoft software from various suppliers located primarily in China, Singapore, and the United States, and sold them on eBay to unwitting buyers.





## V. Program Increases by Item

<b>Item Name:</b>	<b>Expand Prevention and Reentry Programs</b>
AG Targeted Priority Options:	Protecting Americans from National Security Threats Protecting Americans from Violent Crime Protecting Americans from Healthcare and Financial Fraud Protecting the Most Vulnerable Members of Society Addressing the Smart on Crime Initiative
Strategic Goal:	<b>Goal III:</b> Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal and International Levels
Strategic Objective:	<b>Objective 3.4:</b> Reform and strengthen America’s criminal justice system by targeting only the most serious offenses for federal prosecution, expanding the use of diversion programs, and aiding inmates in reentering society.
Budget Decision Unit(s):	Criminal

Program Increase: Positions 0 Attorney 0 FTE 0 Dollars **\$15,000,000**

### Description of Item

The United States Attorneys’ request a total of \$15,000,000 to establish programs and enhance community involvement in crime prevention and reentry. The Smart on Crime initiative directs the United States Attorneys’ Offices (USAOs) to address crime in the full context in which it occurs. The requested monies will enable the USAO community to more fully support locally generated prevention, diversion, and reentry initiatives. As a result of the United States Attorneys’ “convening authority,” USAOs are well positioned to help identify, sponsor, partner with, or and support such projects.

USAO crime prevention efforts constitute a significant portion of their community outreach and engagement. USAOs have a vital role to play in undertaking both direct crime prevention efforts and in facilitating and coordinating the crime prevention efforts of community organizations.



## **Justification**

Criminal prosecution, of course, is the backbone of the USAO's public safety mission. Successful federal investigations and prosecutions bring justice to victims and a sense of stability and security to the communities affected by crime. It is this core prosecution work that gives the United States Attorney unique stature within the criminal justice community. This stature allows the United States Attorney, and his or her office, to convene key criminal justice stakeholders to address broader issues of public safety, including prevention, diversion and reentry. These stakeholders include not only those with whom the USAO regularly interacts as a result of its prosecutions, such as the federal courts, U.S. Pretrial and Probation Services, and federal, state, tribal, and local law enforcement, but also a wider array of social service organizations that are working to lower recidivism by addressing the factors that lead to crime, such as employment, sobriety, and housing.

In helping to assess local needs that could benefit from the requested monies, the USAOs will interact closely with their existing partners. Such collaboration will help identify gaps or choke points that limit the effectiveness of existing prevention and reentry services. USAOs can seek input from their traditional partners, such the local U.S. Probation and Pretrial Services Office, as well as a wider range of community stakeholders, to help identify what additional services are needed and what current programs are or are not working well.

The areas of need are virtually unlimited. For instance, employment is an important key to lowering recidivism. The requested funding can help USAOs supplement existing efforts by sponsoring job fairs, supporting employer education conferences, seminars, and outreach events, and building partnerships with local job support organizations. USAOs, working with their federal, state, tribal, and local partners, can help identify local organizations that work specifically to improve employment for at-risk individuals. Even without the program monies requested here, some USAOs have made great strides in this area. For example, the United States Attorney's Office in Mobile, Alabama organized a meeting with potential employers at the Mobile Chamber of Commerce, co-hosted an event for over 900 offenders seeking work, held mock interviews for offenders, and explained to employers the federal bonding program for ex-offenders, as well as a federal tax credit that may be available for employers of ex-offenders. The requested monies would support similar efforts on a much wider scale across the country.

Education is similarly important in preventing crime both as an initial matter and in lowering recidivism. Education levels among prisoners are generally low. But correctional education programs and mentoring can make a big difference. USAOs can work closely with the Bureau of Prisons or state correctional partners to help sponsor or identify appropriate educational or mentoring programs for incarcerated inmates and ex-offenders who are reentering society. For instance, the United States Attorney's Office in Boston has long supported the Boston Reentry Initiative, a widely successful program that identifies inmates prior to release and assigns them mentors to help with the upcoming transition back to society.



Other USAOs have supported education as part of community centered crime prevention programs. For example, the USAO in Miami forged extraordinary partnerships with a variety of community stakeholders in Miami-Dade County. These efforts included Town Hall community meetings in the areas most beset by violence and drugs. The meetings focused in part on promoting success for the children in these neighborhoods. This effort grew to include a “Hotspots Reading Program” wherein prosecutors and other government professionals took the time to read to pre-schoolers in impoverished and crime-ridden areas with the objective of increasing the childrens’ appetite for reading and to create connections among the community and the federal prosecutors in that area. These efforts were also paired with targeted prosecution of gang members in the affected areas. Programs such as these could be broadened and strengthened with the requested monies.

Sobriety is another critical factor impacting crime. Ex-offenders who cannot overcome substance abuse addiction will likely commit new crimes to support their addiction. Through its convening authority and community outreach the USAO can help sponsor, partner with, and help identify programs in need of support that address addiction and sobriety for at risk individuals and/or ex-offenders. Currently, approximately half the USAOs are involved in a reentry or diversion court program that utilizes some form of substance abuse counseling. Thus, USAOs are well positioned to help identify or further sponsor effective substance abuse programs.

Housing also plays a critical role in reducing crime. Returning citizens need a stable place to live upon return to the community. Perceived bans on public housing only amplify the problem. USAOs can help sponsor and help identify government and non-profit programs and agencies that could provide housing assistance to help lower recidivism.

In many cases, access to employment, education, health benefits, and housing depends on a having a driver’s license, a social security card or other basic government identification document, something too many ex-offenders do not have. Obtaining a driver’s license in particular is a benefit that has an enormous impact on society. Fines, such as speeding tickets, that are incurred prior to incarceration often accrue penalties while the inmate is incarcerated. In some cases such penalties accrue even though the inmate had no notice of, or opportunity to pay, the penalty. Upon release an inmate may find that a \$200 speeding ticket has ballooned to \$1000 due to overdue penalties. In many localities the inability to pay such penalties will result in the suspension or loss of one’s driver’s license. Some USAOs are already partnering with local bar associations or non-profit groups that endeavor to help ex-offenders with such issues. With the requested monies, USAOs can more widely identify, sponsor, and partner with such organizations, which will have a real impact on recidivism rates.

There are numerous other areas of crime prevention and community outreach that could benefit from the requested funds. For instance, the USAO in Detroit organized an anti-bullying event in partnership with the Detroit Tigers that was attended by over 500 people. The U.S. Attorney discussed issues associated with bullying and two members of the Tigers also discussed their own experiences with bullying. In Philadelphia the USAO has facilitated the development of “youth courts” in several schools in Philadelphia and Chester, PA.



These courts use the power of positive peer pressure to shape behavior and have been shown to be effective in reducing suspensions, referrals to the juvenile justice system, and delinquency. All of these efforts as well as many other similar initiatives could be enhanced by the requested monies.

### **Impact on Performance**

This initiative will address **Strategic Goal III:** Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal and International Levels, specifically including **Objective 3.4:** *Reform and strengthen America's criminal justice system by targeting only the most serious offenses for federal prosecution, expanding the use of diversion programs, and aiding inmates in reentering society.*

This initiative will further address the **Attorney General's targeted Priority Goal 1:** Protecting Americans from National Security Threats, **Goal 2:** Protecting Americans from Violent Crime, **Goal 3:** Protecting Americans from Healthcare and Financial Fraud, and **Goal 4:** Protecting the Most Vulnerable Members of Society, by dedicating efforts to successfully promote fundamental reforms to the criminal justice system that will improve public safety, save money, and ensure the fair enforcement of Federal laws. Furthermore, the United States Attorneys has been involved in developing the Department's **Strategic Objective Review** to prioritize federal cases and to exercise informed prosecutorial discretion by increased education about understanding of all the factors that comprise the Smart on Crime initiative.



## Expand Prevention and Reentry Programs Funding

### Base Funding

FY 2014 Enacted				FY 2015 Enacted				FY 2016 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 2016 Request (\$000)	FY 2017 Net Annualization (change from 2016) (\$000)	FY 2018 Net Annualization (change from 2017) (\$000)
Total Personnel	0	0	0	0	0

### Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2016 Request (\$000)	FY 2017 Net Annualization (Change from 2016) (\$000)	FY 2018 Net Annualization (Change from 2017) (\$000)
Crime Prevention and Community Outreach and Training	N/A	N/A	15,000,000	0	0
Total Non-Personnel	N/A	N/A	15,000,000	0	0

### Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2017 Net Annualization (Change from 2016) (\$000)	FY 2018 Net Annualization (Change from 2017) (\$000)
Current Services	0	0	0	0	0	0	0	0
Increases	0	0	0	0	15,000,000	15,000,000	0	0
Grand Total	0	0	0	0	15,000,000	15,000,000	0	0



**Item Name: Prevention and Reentry Coordinators**

AG Targeted Priority Options: Protecting Americans from National Security Threats  
Protecting Americans from Violent Crime  
Protecting Americans from Healthcare and Financial Fraud  
Protecting the Most Vulnerable Members of Society  
Addressing the Smart on Crime Initiative

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

Strategic Objective: **Objective 3.4:** Reform and strengthen America’s criminal justice system by targeting only the most serious offenses for federal prosecution, expanding the use of diversion programs, and aiding inmates in reentering society.

Budget Decision Unit(s): Criminal

Program Increase: Positions 94 Attorney 0 FTE 47 Dollars \$10,000,000

**Description of Item**

The United States Attorneys’ request a total of 94 positions, 47 FTE, and \$10,000,000 to support an increase in personnel resources to fully implement the Smart on Crime initiative. This request will fully support an increase in personnel completely dedicated to implementing the Smart on Crime initiative and to supporting USAO outreach efforts. Smart on Crime is a multi-pronged approach to prioritizing the work of the United States Attorneys’ offices (USAOs) and finding holistic and comprehensive solutions to improving public safety and reducing recidivism, while efficiently and fairly utilizing scarce public resources. The Smart on Crime initiative consists of the following five principles:

- I) Prioritize prosecutions to focus on the most serious cases.
- II) Reform sentencing to eliminate unfair disparities and reduce overburdened prisons.
- III) Pursue alternatives to incarceration for low-level, non-violent crimes.
- IV) Improve reentry to curb repeat offenses and re-victimization.
- V) “Surge” resources to violence prevention and protecting the most vulnerable populations.



## **Justification**

The USAOs will utilize the requested resources to hire permanent, full time Prevention and Reentry Coordinators, to conduct prevention, reentry, diversion, and community outreach work without draining resources devoted to criminal prosecution.<sup>1</sup> As required by the Deputy Attorney General’s Memorandum of August 12, 2013, each USAO has already designated an employee to serve as the Prevention and Reentry Coordinator. For the vast majority of USAOs, the Prevention and Reentry Coordinator position is currently a collateral duty, requiring the incumbent to attend to prevention, reentry, diversion, outreach, or other such duties in addition to his or her other full time job obligations.

The type of prevention and reentry work that Coordinators can undertake is as varied and unique as the districts themselves. USAOs have a vital role to play both in direct crime prevention efforts and in facilitating and coordinating the crime prevention and reentry efforts of community organizations. The requested Coordinator positions can disseminate information about successful programs and serve as clearinghouses for productive and successful prevention, diversion, or reentry efforts. The new Coordinators can work with local officials to identify organizations that may partner with USAOs in working to lower recidivism.

Some USAOs have managed to accomplish a great deal in the area of prevention, reentry, and diversion even without a full-time, dedicated Coordinator. The following examples indicate the type of work that, with addition of the requested personnel, can be accomplished more widely across the country.

The USAO in Cleveland, OH hosted a summit of key community leaders to comprehensively address the heroin epidemic in Northern Ohio. Participants included the Cleveland Clinic and other health care providers, county government officials, the State Boards of Health and Pharmacy, and local, state, and federal prosecutors and law enforcement agencies. The summit resulted in a community action plan that calls for an education campaign to warn citizens of the dangers of heroin addiction and its connection to prescription drug abuse. Drop boxes for returning unused prescription medication were set up. The need for greater sharing of pharmacological and medical data on heroin trends, as well as better tracking of ER visits and heroin overdose data was stressed. Uniformity in coroners’ procedures for heroin-related deaths was discussed. This prevention work was also paired with USAO efforts to encourage alternatives to incarceration for heroin users. Just as importantly, “jump teams” were created to respond quickly to heroin overdose sites to evaluate the available forensic evidence and to determine whether a federal prosecution could be made against the heroin supplier. These efforts all resulted directly from the USAO’s initiative and collaboration with key community

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<sup>1</sup> By the time the FY 2016 appropriation is passed, some minority of USAOs, perhaps 20-30 percent, will likely have hired a permanent, full time Prevention and Reentry Coordinator. Such hiring will have occurred as a result of the reprioritized funds in the 2015 budget. Those USAOs that will already have a full time Prevention and Reentry Coordinator can use the FY 2016 monies to hire an additional support staff position to supplement the work of the Coordinator.



stakeholders in Cleveland. The requested resources will allow USAOs to hire personnel who can assist and strengthen collaborative efforts such as this.

Similarly, the USAO in the Birmingham Alabama, partnering with the North Alabama Reentry Council, sponsored a “Smart on Crime” reentry summit at Samford University focusing on identifying ways to lower prison population and criminal justice costs as well as reduce recidivism in Alabama. Prison overcrowding is a crisis in Alabama, and the summit gave local, state, and federal leaders a chance to discuss real ways to ease the crisis. Likewise, the USAO in Philadelphia hosted a meeting of key federal, state, and local leaders concerned with improving reentry and reducing recidivism in Philadelphia. That initial meeting grew into the Philadelphia Reentry Coalition, which is now comprised of over 20 organizations, including federal, state, and local law enforcement, prison, and probation officials, prosecutors, defenders, and academics and non-profit organizations. A representative from the United States Attorney’s office continues to serve as a member of the Steering Committee. The Coalition has issued a countywide blueprint outlining its plans, which include forming sub-committees on education, employment, and housing, and providing technical advice on capacity building. Efforts such as these will be strengthened by the new personnel that the requested monies will allow USAOs to hire.

### **Impact on Performance**

This initiative will address **Strategic Goal III:** Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal and International Levels, specifically including **Objective 3.4:** *Reform and strengthen America’s criminal justice system by targeting only the most serious offenses for federal prosecution, expanding the use of diversion programs, and aiding inmates in reentering society.*

This initiative will further address the **Attorney General’s targeted Priority Goal 1:** Protecting Americans from National Security Threats, **Goal 2:** Protecting Americans from Violent Crime, **Goal 3:** Protecting Americans from Healthcare and Financial Fraud, and **Goal 4:** Protecting the Most Vulnerable Members of Society, by dedicating efforts to successfully promote fundamental reforms to the criminal justice system that will improve public safety, save money, and ensure the fair enforcement of Federal laws. Furthermore, the United States Attorneys has been involved in developing the Department’s **Strategic Objective Review** to prioritize federal cases and to exercise informed prosecutorial discretion by increased education about understanding of all the factors that comprise the Smart on Crime initiative.





## Prevention and Reentry Coordinators Funding

### Base Funding

FY 2014 Enacted				FY 2015 Enacted				FY 2016 Current Services			
Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)
11	8	11	2,080,778	103	60	52	15,000,000	114	68	114	22,206,508

### Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2016 Request (\$000)	FY 2017 Net Annualization (change from 2016) (\$000)	FY 2018 Net Annualization (change from 2017) (\$000)
Reentry Coordinator	85,896	94	8,074,224	5,375,296	193,734
Total Personnel		94	8,074,224	5,375,296	193,734

### Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2016 Request (\$000)	FY 2017 Net Annualization (Change from 2016) (\$000)	FY 2018 Net Annualization (Change from 2017) (\$000)
Training	N/A	N/A	1,925,776	0	0
Total Non-Personnel	N/A	N/A	1,925,776	0	0

### Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2017 Net Annualization (Change from 2016) (\$000)	FY 2018 Net Annualization (Change from 2017) (\$000)
Current Services	114	68	114	22,206,508	0	22,206,508	0	0
Increases	94	0	47	8,074,224	1,925,776	10,000,000	5,375,296	193,734
Grand Total	208	68	161	30,280,732	1,925,776	32,206,508	5,375,296	193,734



<b>Item Name:</b>	<b>Cybercrime Prosecutions</b>
AG Targeted Priority Options:	<b>Protecting Americans from National Security Threats</b> <ul style="list-style-type: none"><li>• Cybersecurity</li></ul>
Strategic Goal:	<b>Goal I:</b> Prevent Terrorism and Promote the Nation’s Security Consistent with the Rule of Law. <b>Goal II:</b> Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law.
Strategic Objective:	<b>Objective 1:4:</b> Combat cyber-based threats and attacks through the use of all available tools, strong private-public partnerships, and the investigation and prosecution of cyber threat actors. <b>Objective 2:1:</b> Combat the threat, incidence, and prevalence of violent crime by leveraging strategic partnerships to investigate, arrest, and prosecute violent offenders and illegal firearms traffickers. <b>Objective 2:2:</b> Prevent and intervene in crimes against vulnerable populations and uphold the rights of, and improve services to, America’s crime victims. <b>Objective 2.3:</b> Disrupt and dismantle major drug trafficking organizations to combat the threat, trafficking, and use of illegal drugs and diversion of licit drugs. <b>Objective 2:4:</b> Investigate and prosecute corruption, economic crimes, and transnational organized crime.
Budget Decision Unit(s):	Criminal and Civil

Program Increase: Positions **60** Attorney **30** FTE **30** Dollars **\$6,086,400**

**Description of Item**

On May 16, 2014, the Department informed the Appropriations Committees that it would increase the number of attorneys available to investigate and prosecute cyber threats, increase training for all DOJ investigators and attorneys on cybercrime and digital evidence, and increase the number of digital forensic experts available to assist cybercrime prosecutions from the inception of investigations through sentencing. This budget request seeks to implement this strategy for the United States Attorneys community.

The United States Attorneys’ request a total of 60 positions (30 attorneys, 15 support staff, 15 forensic professionals) 30 FTE, and \$6,086,400 to increase the number of prosecutors available



to counter the growing threat posed by cybercrime, to provide baseline training on cybercrime and digital evidence for all criminal prosecutors so that they have the knowledge and tools necessary to analyze and present digital evidence across all types of criminal cases, and to ensure forensic resources are available to prosecutors throughout the lifecycle of cybercrime cases.<sup>2</sup>

## **Justification**

### *Additional Cybercrime Attorneys*

There is widespread agreement that cybercrime is one of the greatest threats facing our country and has enormous implications for our national security, economic prosperity, and public safety. It also is clear that cyber threats are on the rise.

In the last six months alone, 40 million customer account records were stolen via the internet from retail giant Target Corporation, and defense contractor Lockheed Martin announced that the number of sophisticated attacks against its cyber networks, and the high tech intellectual property stored on them had quadrupled since 2007. Increasingly, cyber breaches are leading to a variety of frauds being committed with stolen information, resulting in large losses for individual consumers and entire business sectors. At the same time, the number of botnets controlled by organized crime groups has grown exponentially and is being used to commit a host of crimes including spreading malware, stealing credit card and bank credentials, and launching denial of service and other types of attacks against computer networks. Surveying the impact of cybercrime on the banking system in particular, the Office of the Comptroller of the Currency recently warned that “cyber-threats continue to increase in sophistication and frequency,” while cyber security professionals (Krebs) who have compared the total losses from traditional bank robberies to those from cyber heists have demonstrated that over the same time period cyber bank robberies result in significantly greater losses (e.g., in the third quarter of 2009, \$25 million was looted in cyber heists compared to \$9.4 million via traditional bank robberies). Moreover, cyber security experts (McAfee) who have analyzed the costs associated with cyber-attacks have concluded that they cost the world economy between \$300 billion and \$1 trillion annually.

The perpetrators of these cybercrimes range from individual “hacktivists” motivated by ideology to sophisticated, transnational organized crime groups looking to fuel their operations with cash. This broad range of cybercrime, and cyber-facilitated crime, is burgeoning at the same light speed as the technological innovations coming from the private sector.

Congress has recognized the cyber threat problem and encouraged the Department to focus on addressing it. Most recently, in a letter to Attorney General Holder dated March 26, 2014, Senators Sheldon Whitehouse and Lindsey Graham, Chairman and Ranking Member respectively on the Senate Subcommittee on Crime and Terrorism, described the broad range of cyber threats facing the country and pointed out that they “have long advocated for increased cyber prosecutions, particularly of those who steal America [sic] intellectual property.”

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<sup>2</sup> This budget request is consistent with past efforts by the Department to surge resources to address particular threats. For example, in FY2010, the Department added 43 positions to United States Attorneys’ offices to address mortgage fraud, and added 75 positions to address threats coming from the Southwest border.



To attack the cybercrime problem, the Department has created robust networks of attorneys across the country. Each USAO has at least one Computer Hacking and Intellectual Property (CHIP) attorney who is responsible for: (1) prosecuting computer crime and intellectual property offenses; (2) serving as the district’s legal counsel on matters relating to those offenses, and the collection of electronic or digital evidence; (3) training prosecutors and law enforcement personnel in the district; and (4) conducting public and industry outreach and awareness activities. In addition, in 2012, the Department established the National Security Cyber Specialists (NSCS) Network to coordinate the response to cyber threats – including economic espionage and trade secret theft – being conducted by nation-state actors, or terrorists, or in a manner that significantly impacts national security. Each United States Attorney’s Office has at least one NSCS attorney who provides technical and specialized assistance to his or her colleagues within the district and is a point of contact for the National Security Division (NSD) and the Criminal Division’s Computer Crime and Intellectual Property Section (CCIPS) for information sharing and de-confliction purposes. However, since 2001, when the first of these networks of CHIP attorneys was created, cyber technology has advanced in leaps and bounds and has led to an explosive growth in the types of cybercrime that impact our country.

The crimes prosecuted by CHIP and NSCS Assistant United States Attorneys (AUSAs) include, but are not limited to, the following:

- violations of the Computer Fraud and Abuse Act (CFAA);
- unlawful access to stored communications in violation of the Electronic Communications Privacy Act;
- illegal interception of electronic communications in violation of Title III;
- satellite signal piracy;
- criminal copyright infringement;
- trademark and counterfeit product offenses;
- counterfeit drug offenses in violation of the Food, Drug, and Cosmetics Act; and
- economic espionage and theft of trade secrets.

In addition to these offenses, there is an increasing array of criminal conduct that is “cyber-facilitated” and therefore properly categorized as cybercrime matters. Although these cases are not currently captured within the Legal Information Office Network System (LIONS) system as cybercrime cases, they nevertheless require a familiarity and skill with cybercrime techniques in order to be properly investigated and prosecuted. Such cases include complex fraud schemes that utilize the internet and other technologies to victimize their targets, and sophisticated identity theft rings that utilize cyber resources to perpetrate their crimes as well as to secrete and launder the unlawful gains generated from those crimes.

Increasing along with this quickly burgeoning area is the stream of traditional cyber cases that CHIP attorneys and other AUSAs have handled over the last three years. With respect to computer crimes prosecuted under the CFAA, in FY 2011, approximately 98 new cases were filed against 129 defendants by USAOs around the country. In FY 2012, approximately 113 new cases were filed against 145 defendants. In FY 2013, despite the challenges presented by



sequestration, the government shutdown, and attrition, approximately 83 cases were filed against 91 defendants.

As for Intellectual Property crimes, in FY 2011, approximately 168 new cases were filed against 215 defendants by the 94 USAOs. In FY 2012, approximately 178 new cases were filed against 254 defendants. In FY 2013, 163 cases were filed against 213 defendants. In addition, the number of defendants prosecuted for economic espionage and/or theft of trade secrets increased from 10 in FY 2011 to 22 in FY 2012 to 26 in FY 2013. These are complex and time-consuming cases to investigate and prosecute for a number of reasons, including the need to: examine and to prepare digital evidence for courtroom presentation; the vast and ever increasing quantities of digital evidence; the coordination of law enforcement efforts across multiple districts and, at times, in multiple countries; and the difficult questions of law that often arise as traditional legal principles are applied to new and evolving technologies.

Given the growing number, scope and complexity of the cybercrime cases being presented for prosecution in the USAOs, the United States Attorneys' community requires 30 new attorneys that it can allocate to those districts where the needs are greatest. These additional positions will allow the Department to increase the number of cybercrime prosecutions it handles on an annual basis, and broaden the capacity of the USAOs to do outreach and counsel AUSAs about cyber and digital evidence issues in their cases.

#### *Baseline Cyber/Digital Evidence Training for All Prosecutors*

As the frequency of cybercrime has increased, digital evidence has become ubiquitous in the prosecution of nearly every type of crime. As the Federal Bureau of Investigation takedown of the Silk Road website demonstrates, the internet is being used to commit a wide range of traditional crimes including the distribution of illicit drugs and child pornography, the sale of fake passports, driver's licenses and other documents; and the procurement of illegal service providers such as hit men, forgers, and computer hackers. Evidence found on cell phones, tablet computers, game boxes and other digital devices is instrumental to prosecuting gun and drug crimes, violent and organized crime, crimes against children and other vulnerable populations, and more. And yet, most prosecutors – while they know how to handle 20<sup>th</sup> century fingerprint, blood, and fiber evidence -- do not have sufficient baseline training to understand how to handle effectively the ever-growing amount of 21<sup>st</sup> century digital evidence.

In order to ensure that digital evidence is successfully accessed, analyzed and used in criminal cases of every variety, all prosecutors need basic training on a range of cyber topics. In particular, prosecutors must receive an overview of the types of digital evidence available, the law that governs the collection of that evidence and the issues and techniques that allow that evidence to be effectively presented in a courtroom in cyber and non-cyber cases. Moreover, annual refresher training is necessary to ensure that prosecutors are able to keep up with ever increasing types of digital evidence and the evolving law applicable to that evidence.



## Digital Forensic Experts

Digital evidence is critical in prosecutions of nearly every type of crime that Congress has authorized the Department to prosecute. In addition, AUSAs are experiencing explosive growth in the diversity, complexity, and storage capacity of electronic devices. Today, the execution of a single search warrant can require analysis of multiple devices, each with storage capacities that dwarf those of the desktops and laptops of just a few years ago. Moreover, the need for digital evidence assistance does not end with the imaging of a hard drive, or even with the identification of potentially relevant materials from seized digital media. Instead, AUSAs routinely need assistance from digital forensic experts throughout the life of a case. This support includes: pre-seizure planning to address technical and legal issues associated with executing searches of digital devices; expert consultation throughout the investigation and prosecution, including supplemental analysis to identify digital evidence artifacts that support the prosecution or rebut defenses; and support at pre-trial hearings and trial including consultation regarding defense expert testimony and defense strategies. Although AUSAs already work closely with investigative agencies and their cyber forensic specialists, they lack support from appropriately trained digital forensic experts who are committed solely to the investigative and prosecutorial needs of the AUSA.

In order to ensure that AUSAs have proper support, they need to have digital forensic experts available to them in the field. In particular, the United States Attorneys' community needs 15 digital forensic experts that it can allocate across the country and that can each act as a resource to a regional group of USAOs. These digital forensic experts will coordinate and work closely with the experts who work in the Cybercrime Laboratory located in the Criminal Division's CCIPS. However, by being located in USAOs around the country, these digital forensic experts will be able to work on an on-going and collaborative manner with CHIP and NSCS attorneys to provide support and guidance at every stage of criminal investigations and prosecutions. They also will develop a real-world understanding of the digital forensic needs in the USAOs, and thus will serve as an excellent bridge to the National Security Division (NSD), CCIPS and others in the Department on the digital evidence issues that impact prosecutors in the field.

## Impact on Performance

The requested increase in funding is necessary to permit CHIP and NSCS attorneys in the USAOs to continue their work on cutting edge cybercrime cases, while also expanding the reach of the Department's cybercrime efforts through training and outreach. In particular, CHIP and NSCS attorneys serve as the primary points of contact for AUSAs in the field. As those AUSAs receive training and begin to work on cybercrime matters, or even on non-cyber cases that involve complex digital evidence, CHIP and NSCS attorneys will be increasingly relied upon to provide expertise and guidance. CHIP and NSCS attorneys are also critical to the Department's efforts to improve outreach and information sharing with the private sector, because CHIP and NSCS attorneys are likely to be the most familiar with the private sector entities that provide critical infrastructure in their districts. At the same time, CHIP and NSCS attorneys will continue to be responsible for investigating and prosecuting the most complex cybercrime cases around the country.



The requested resources will address **Strategic Goal I: Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law**, including **Objective 1.4, Combat cyber-based threats and attacks through the use of all available tools, strong public-private partnerships, and the investigation and prosecution of cyber threat actors**; and **Goal II: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law**, including **Objective 2.1, Combat the threat, incidence, and prevalence of violent crime by leveraging strategic partnerships to investigate, arrest, and prosecute violent offenders and illegal firearms traffickers. Objective 2.2, Prevent and intervene in crimes against vulnerable populations and uphold the rights of, and improve services to, America's crime victims. Objective 2.3, Disrupt and dismantle major drug trafficking organizations to combat the threat, trafficking, and use of illegal drugs and diversion of licit drugs. Objective 2.4, Investigate and prosecute corruption, economic crimes, and transnational organized crime.**

This targeted critical investment will further address the **Attorney General's targeted Priority Goal 1: Protecting Americans from National Security Threats**, by dedicating efforts to successfully prosecute cyber criminals, and successfully achieve its objective of protecting national security and public safety against these increasing cyber threats. The United States Attorneys have an excellent track record as evidenced by numerous prosecutions with successful outcomes. Furthermore, the United States Attorneys have been involved in developing the Department's **Strategic Objective Review** to combat cybercrime, ensure cyber security, preserve digital evidence, and will continue to play a critical role implementing these strategies and objectives moving forward.

The following prosecutions are nine examples from the last few years of the types of diverse and significant cybercrime cases that the resources above will support and enhance:

- In May 2014, prosecutors in the Western District of Pennsylvania, together with attorneys from NSD, charged five members of the Chinese People's Liberation Army with obtaining unauthorized access to protected computers, conspiracy to do the same, and several other offenses relating to computer intrusions at Westinghouse Electric Co., U.S. Steel Corp, Alcoa Inc., and other U.S. companies in order to provide a commercial, economic advantage to their Chinese competitors.
- In April 2014, prosecutors in the District of Arizona secured a guilty plea from a defendant from Santa Clara, California, who had engaged in a sophisticated scheme to obtain over \$5 million in fraudulent tax refunds using various false identities, data encryption technology, and anonymizing computer services. The defendant was sentenced to 68 months in prison and was subject to orders of restitution and forfeiture.
- In March 2014, prosecutors in the Northern District of California secured a conviction at trial against two individuals and one company for economic espionage, theft of trade secrets, bankruptcy fraud, tax evasion, and obstruction of justice for their roles in a long-running effort to obtain U.S. trade secrets for the benefit of companies controlled by the government of the People's Republic of China (PRC). The jury found that one of the



defendants and his company conspired with another defendant to steal trade secrets from E.I. du Pont de Nemours & Company regarding their chloride-route titanium dioxide production technology and sold those secrets for large sums of money to state-owned companies of the PRC. This case marked the first federal jury conviction on charges brought under the Economic Espionage Act of 1996.

- In February 2014, prosecutors in the Southern District of New York charged a defendant from the United Kingdom with obtaining unauthorized access to the computer systems of the Federal Reserve Bank of New York. The defendant published the stolen data, including private, personal, and financial information, on the internet. Prosecutors in New York are seeking the defendant's extradition.
- In January 2014, prosecutors in the Northern District of Georgia, together with attorneys from the Criminal Division's CCIPS, Office of International Affairs, and the Department's Fraud section, secured the guilty plea of a Russian defendant who had developed and distributed malicious software known as "SpyEye." The malicious software is estimated to have infected over 1.4 million computers in the United States and around the world. The investigation has also led to the prosecution of a co-conspirator, who was extradited from Thailand, and to the arrest of several other individuals in Bulgaria and the United Kingdom.
- In December 2013, prosecutors in the District of New Jersey secured guilty pleas from nine members of a massive, international counterfeit goods conspiracy. From November 2009 through February 2012, the defendants ran one of the largest counterfeit goods smuggling and distribution rings ever charged by the Department of Justice. The defendants and others conspired to import hundreds of containers of counterfeit goods – primarily handbags, and footwear, and perfume – from China into the United States. These goods, if legitimate, would have had a retail value of more than \$300 million.
- In December 2013, prosecutors in the Northern District of Iowa secured an indictment against six Chinese nationals for conspiracy to steal trade secrets from U.S. seed companies. The indictment alleges that from on or about April of 2011, to on or about December of 2012, the defendants conspired to steal the trade secrets of several U.S. based seed manufacturing companies, and transport those trade secrets to China for the benefit of their China-based seed company. The estimated loss on an inbred line of seed is approximately 5-8 years of research and a minimum of 30-40 million dollars.
- In August, 2013, prosecutors in the Central District of California secured a sentence of imprisonment for a second member of the LulzSec hacking group for his role in an extensive computer attack that compromised the computer systems of Sony Pictures Entertainment and resulted in personal information of more than 138,000 people being posted on the Internet.





- In June 2013, prosecutors in the District of Delaware obtained a sentence of 12 years for a defendant convicted of wire fraud and criminal copyright infringement based on cyber theft and online piracy of over \$100 million worth of sensitive, industrial-grade software and confidential data stolen from the internal server of a cleared defense contractor. Between April 2008 and June 2011, the defendant engaged in over 700 transactions through which he distributed over \$100 million pirated software to over 400 customers located in at least 28 states and over 60 foreign countries. These software products were owned by approximately 200 different American software manufacturers, ranging from large corporations to small businesses. The investigation revealed that the defendant was part of a larger cybercrime organization based in China.



## Cybercrime Prosecutions Funding

### Base Funding

FY 2014 Enacted				FY 2015 President's Budget				FY 2016 Current Services			
Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)
68	49	68	\$11,731,704	68	49	68	\$11,822,568	68	49	68	\$11,940,794

### Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2016 Request (\$000)	FY 2017 Net Annualization (change from 2016) (\$000)	FY 2018 Net Annualization (change from 2017) (\$000)
Attorney	115,672	30	3,470,160	2,608,860	0
Digital Investigative Analyst	95,400	15	1,431,000	1,000,350	0
Paralegal	59,016	15	885,240	676,845	249,795
<b>Total Personnel</b>		<b>60</b>	<b>5,786,400</b>	<b>4,286,055</b>	<b>249,795</b>

### Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2016 Request (\$000)	FY 2017 Net Annualization (Change from 2016) (\$000)	FY 2018 Net Annualization (Change from 2017) (\$000)
Training	N/A	N/A	300,000	0	0
<b>Total Non-Personnel</b>	<b>N/A</b>	<b>N/A</b>	<b>300,000</b>	<b>0</b>	<b>0</b>

### Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2017 Net Annualization (Change from 2016) (\$000)	FY 2018 Net Annualization (Change from 2017) (\$000)
Current Services	68	49	68	11,940,794	0	11,940,794	0	0
Increases	60	30	30	5,786,400	300,000	6,086,400	4,286,055	249,795
<b>Grand Total</b>	<b>128</b>	<b>79</b>	<b>98</b>	<b>17,727,194</b>	<b>300,000</b>	<b>18,027,194</b>	<b>4,286,055</b>	<b>249,795</b>



**Item Name:** Civil Rights Prosecutions

AG Targeted Priority Options: **Protecting the Most Vulnerable Members of Society**

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

Strategic Objective: **Objective 2:2:** Prevent and intervene in crimes against vulnerable populations and uphold the rights of, and improve services to, America’s crime victims.  
**Objective 2:5:** Promote and protect American civil rights by preventing and prosecuting discriminatory practices

Budget Decision Unit(s): Criminal and Civil

Component Ranking of Item: 3

Program Increase: Positions **60** Attorney **60** FTE **30** Dollars **\$6,940,320**

**Description of Item**

The United States Attorneys’ offices (USAOs), in their partnership with the Civil Rights Division, have historically worked to support a core mission of the Department – to protect our most vulnerable populations – without specially-allocated positions. This gap stands in stark contrast to specially-allocated positions for other Department priorities, such as national security, OCDETF, health care fraud, mortgage fraud, southwest border enforcement, and Project Safe Childhood. With specially-allocated attorney positions in the field, the Department’s civil rights enforcement efforts can better serve our local communities in the 21<sup>st</sup> Century.

Within the current budget structure, the USAOs’ significant civil rights enforcement efforts are solely dependent on the personal commitment of each United States Attorney and individual AUSAs who carve out time in their dockets for civil rights enforcement – typically a collateral duty. While several individual offices have directed resources toward increased civil rights investigations and prosecutions, these efforts are not specially-funded and could be discontinued as other initiatives assume prominence.

To create a sustainable level of civil rights enforcement, the United States Attorneys’ request funding for 60 dedicated Assistant United States Attorneys (AUSA) positions nationwide (30 Criminal and 30 Civil) in select USAOs, to increase civil rights enforcement in key districts. This proposal for a first-ever enhancement of AUSA resources for civil rights enforcement (both civil and criminal) would create a sustainable and lasting legacy of civil rights enforcement for the Department. This investment will institutionalize the Department’s civil rights priority and ensure a lasting increase in enforcement levels nationally.



## **Justification**

In recognition of the partnership between the United States Attorneys and the Civil Rights Division, the Division's leadership has emphasized that USAOs add value as force multipliers in civil rights enforcement. Providing a foundational level of FTE allocations for USAOs will serve to recognize and institutionalize this partnership, and send an important message to our local communities emphasizing the Department's commitment to our most vulnerable neighbors. The United States Attorneys have led, supported, and partnered on a broad range of civil rights enforcement issues including, but not limited to:<sup>3</sup>

- Hate crimes;
- Human trafficking;
- Disability rights, including *Olmstead* enforcement;
- Fair housing;
- Employment, particularly representation in USERRA cases;
- Civil rights of institutionalized persons;
- Violent crime control and law enforcement (Section 14141 cases);
- Educational issues involving bullying and the school to prison pipeline; and
- Voting rights and election cases.

To help facilitate the partnership with the Civil Rights Division, and to provide practical guidance to the field, the Division and EOUSA published a tool-kit in 2011 to assist USAOs in establishing a civil rights practice. This toolkit is accessible for Department attorneys and staff at <http://dojnet.doj.gov/crt/>. Furthermore, in 2013, Associate Attorney General Tony West approved a memorandum authorizing the Assistant Attorney General of the Civil Rights Division to delegate authority to United States Attorneys to file civil complaints and settlements in certain civil rights cases. This delegation of authority to United States Attorneys recognizes the importance of the expanded role that USAOs serve in enhancing the Civil Rights Division's civil enforcement efforts. Specially-allocated civil rights attorney positions would enhance the ability of the USAOs to utilize these tools that have been provided by EOUSA and the Civil Rights Division to develop and strengthen civil rights practices in the field.

Likewise, an enhancement of criminal AUSAs for civil rights enforcement will also cement current partnerships between USAOs and the Civil Rights Division. As indicated in our original proposal, the number of human trafficking cases the Department has prosecuted has grown exponentially over the past four years. While federal agents and local law enforcement are readily confronted with sex trafficking cases, investigating and prosecuting labor trafficking cases typically requires enhanced resources, including prosecutor involvement in the investigation. EOUSA and the Civil Rights Division's Human Trafficking Prosecution Unit (HTPU) have been working together for the last two years to support six pilot Anti-Trafficking Coordination Teams (ACTeams) that place special emphasis on the labor trafficking threat. These teams are headed by an AUSA and comprised of prosecutors and agents from multiple federal enforcement agencies who have developed strategic action plans to combat human

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<sup>3</sup> An overview of just some of the enforcements efforts by USAOs in the civil rights arena is located on the Department's website: [http://www.justice.gov/usao/briefing\\_room/crt/](http://www.justice.gov/usao/briefing_room/crt/).



trafficking. Providing for specially-allocated positions for civil rights prosecutors in the USAOs will assist in the development of more complicated and time-consuming sex and labor trafficking cases. Prosecutors will be able to focus their dockets and time with agents on these efforts, rather than splitting their time with other dockets such as white collar, gang, or drug enforcement cases. Such local assistance will enhance, not detract from, the efforts of the Civil Rights Division.

Our enhancement proposal is intended to complement, and not supplant, the role and importance of the Civil Rights Division. The Civil Rights Division has 10 distinct, specialized sections in which trial attorneys are the experts and leaders on their specific federal civil rights statutes. USAOs and their AUSAs, on the other hand, are subject matter generalists and litigation specialists, and have the training to jump in and out of hot and pressing issues across the various sections of the Civil Rights Division. In addition to litigation experience, United States Attorneys have the critical ability to be the eyes and ears on the ground, to respond to issues as they arise, to take on cases that address a significant local concern, and to be present for what may be lengthy monitoring and enforcement of civil settlements. Because our components bring different skill sets and strengths to any investigation, mediation, litigation, and/or monitoring of civil rights matters and cases, we are well-suited to a successful enforcement partnership.

### **Balancing Investigative Support for USAO Civil Rights Position Allocations**

On the criminal side, an allocation of positions for AUSAs to assist in the enforcement of civil rights will better align USAO efforts with the FBI's. Between 2010 and 2014, the FBI has had on average 176 agents specifically assigned to work on civil rights matters, while the United States Attorneys have had no specially-allocated AUSA positions for such efforts.<sup>4</sup>

At the same time, AUSAs and USAO support staff typically conduct their own investigations in civil rights enforcement actions. Having dedicated staff trained to conduct interviews and other investigative activities is key to success of the USAOs' work. The established model most closely aligned with this proposal for civil rights investigators and outreach/ intake specialists may be found in the Affirmative Civil Enforcement (ACE) program. However, not all offices will be able to utilize their ACE investigators for civil rights cases. In many circumstances, affirmative civil rights cases require a distinct skill set, requiring outreach with individual stakeholders, ongoing consensus building with non-profit organizations and legal aid organizations, and excellent communication skills in working with vulnerable citizens. Therefore, a holistic proposal could include providing selected districts with a community outreach or intake specialist and/or investigator to support the work of the civil AUSAs.

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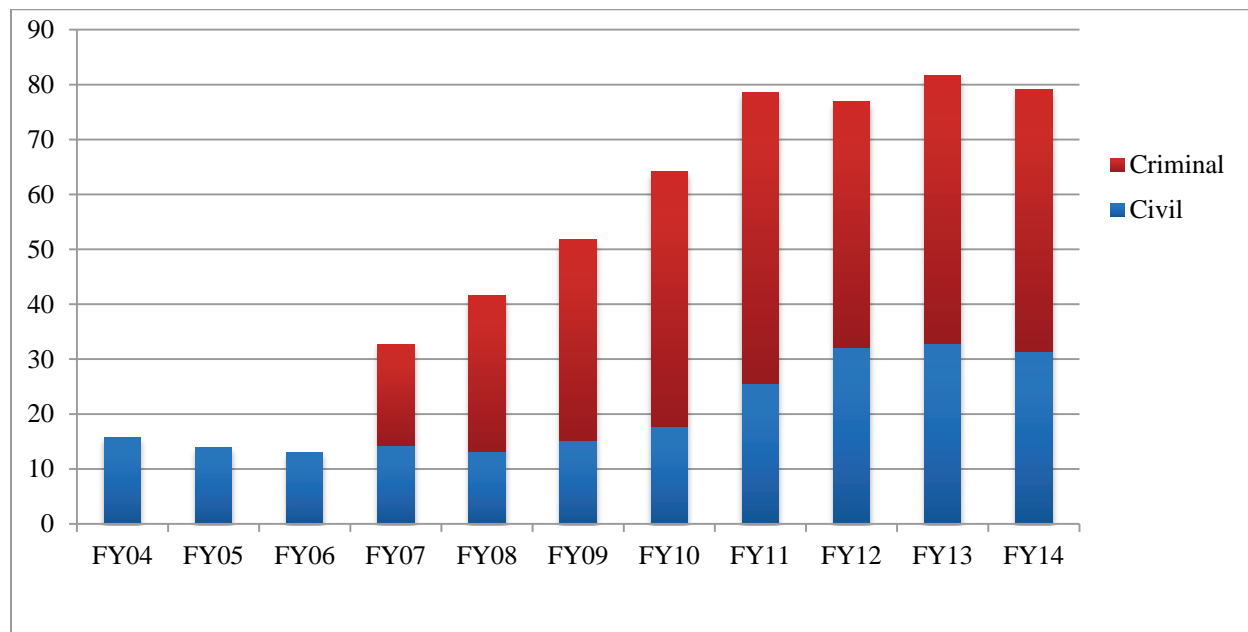
<sup>4</sup> Data received from FBI Headquarters civil rights unit. Civil rights matters handled by the FBI include hate crimes, color of law, FACE Act, and Human Trafficking.



## Current Litigation Efforts by USAOs

Although the amount of time that USAOs have devoted to promoting civil rights enforcement—typically a collateral duty for civil AUSAs—has grown over the last 10 years, the stagnating impacts of sequestration and the Department’s hiring freeze may be seen in the following chart:

### Attorney Workyears –Civil Rights\*

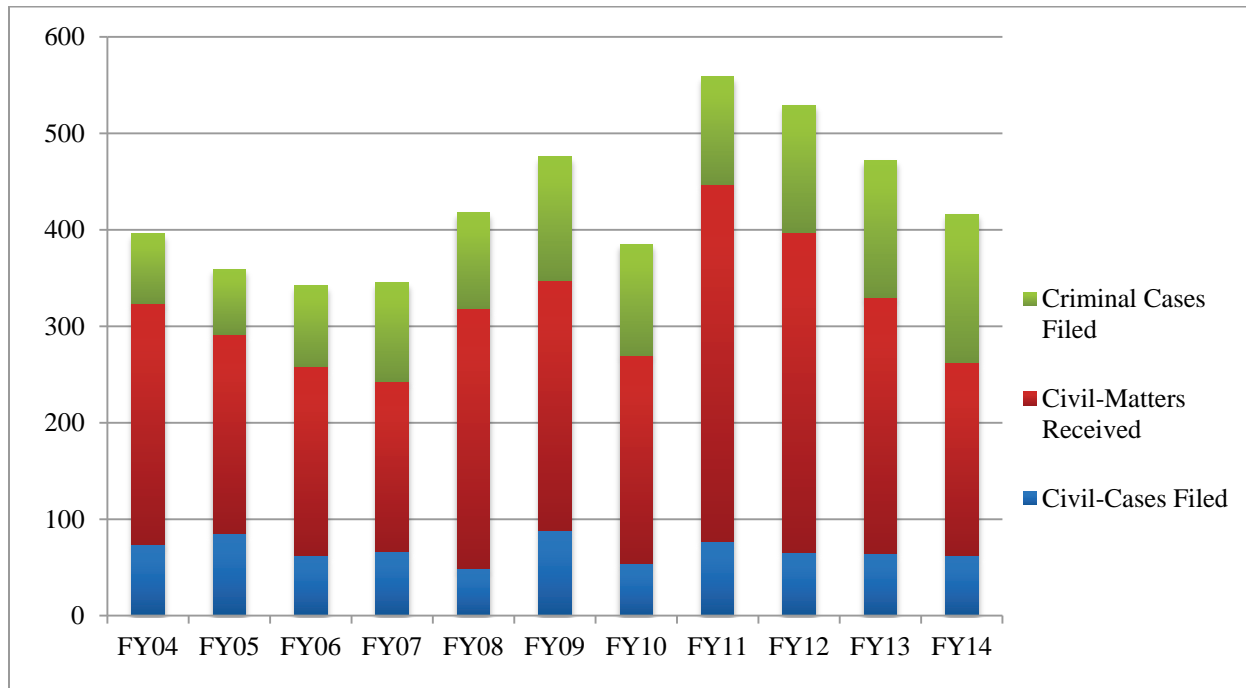


\*AUSA workyears are extracted from the USA-5 Program for Criminal Civil Rights Prosecutions and Affirmative Civil Rights. A “workyear” is equivalent to one attorney working full-time for one year.

Furthermore, the increasing civil rights caseloads in USAOs nationally over the past 10 years, as shown in the following chart, provides a snapshot of the fact that civil rights enforcement (both civil and criminal) is a persistent issue, not a short-term issue defined by a crisis. The chart below also shows the ongoing efforts of USAOs to work civil rights matters and cases, as well as the limits of USAOs to meet the needs of a civil rights docket without a specifically designated civil rights AUSA. As budget cuts impacted offices, the numbers of civil rights cases, especially civil rights cases, has declined. The chart also shows that civil rights matters received have declined in recent years. This is due to the USAOs’ need to utilize civil attorney resources for civil defensive work, over which USAOs have no control. Limited attorney resources and the requirements of civil defensive work leave little resources remaining for affirmative civil rights.



## National USAO Caseload Statistics\*: Civil Rights Cases Filed and Civil Matters Received



\*AUSA workyears are extracted from the USA-5 Program for Criminal Civil Rights Prosecutions and Affirmative Civil Rights. A “workyear” is equivalent to one attorney working full-time for one year.

### United States Attorneys’ Non-Litigation Support of Civil Rights Programs

While litigation of civil rights issues specific to their individual districts supports the Civil Rights Division’s mission to protect the most vulnerable, USAOs also have the skill and ability to conduct ongoing local outreach, and to assist the Department by having a local representative present to address issues that need immediate attention. USAOs are knowledgeable regarding their local communities and can assist in effective outreach and engagement in coordination with the Civil Rights Division and Community Relations Service. While some USAOs have partnered with other federal agencies, community leaders, law enforcement officials, educators, and other stakeholders to educate the community in an effort to prevent civil rights violations, many offices are unable to devote resources to such initiatives. Further, even more so than litigation, these programs rely on the personal commitment of each United States Attorney to a civil rights program. With additional resources, USAOs could increase their civil rights outreach initiatives as indicated below:

- Leading outreach concerning building community resiliency against ideologically based extremist violence.
- Conducting hate crime forums designed to educate the public about the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act.



- Pursuing civil rights training for state and local law enforcement officers.
- Engaging with local schools on anti-bullying presentations, specifically geared at preventing harassment in the schools on the basis of race, religion, sexual orientation, etc.
- U.S. Attorneys may also participate in the voting rights litigation conducted by CRT, particularly as the Department navigates regional issues in the post-*Shelby* context.

### **Impact on Performance**

This proposal specifically advances the Department’s strategic goals and objectives related to the protection of vulnerable persons, and to promote and protect American civil rights by preventing and prosecuting discriminatory practices. The support provided by USAOs in this effort was identified in the **Strategic Objective Review** Process for **Priority Goal 2.5**. Furthermore, resource constraints and training to the field are identified as challenges in meeting this priority goal. The increase in resources allocated to USAOs will allow the Department to fill any existing performance gaps related to protecting vulnerable persons, and result in successfully achieving our performance goals in both criminal and civil enforcement of our civil rights laws. Currently, we do not track any performance measures/milestones associated with Civil Rights enforcement by the USAOs in the budget; however, in the current Strategic Objective Review, the Department is considering developing civil rights measures going forward.

Until now, civil rights enforcement has been left out of a highly effective enforcement strategy – dedicated resources for USAOs to support the Department’s goals and protect the rights of vulnerable individuals. Enhancing this resource will create a lasting impact for the Department and the protection of vulnerable citizens. A position allocation for civil rights enforcement at USAOs is consistent with Department precedent for such resource allocation to USAOs in other priority areas, such as Indian Country, National Security, and Mortgage Fraud. The United States Attorneys’ community is committed to serving as partners with the Civil Rights Division to protect the most vulnerable in our communities. The requested resources will address **Strategic Goal II: Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law**, including **Objective 2.2, *Prevent and intervene in crimes against vulnerable populations and uphold the rights of, and improve services to, America’s crime victims.*** **Objective 2.5 *Promote and protect American civil rights by preventing and prosecuting discriminatory practices.***

This targeted critical investment will further address the **Attorney General’s targeted Priority Goal 4: Protecting the most vulnerable members of society, by dedicating efforts to successfully enforce civil rights laws, and achieve its objective of protecting that nation’s most vulnerable populations.** In addition, the United States Attorneys will be involved in developing the Department’s **Strategic Objective Review** of upholding the civil and constitutional rights of all Americans.





## Civil Rights Prosecutions Funding

### Base Funding

FY 2014 Enacted				FY 2015 President's Budget				FY 2016 Current Services			
Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)
118	90	118	20,983,330	118	90	118	21,145,632	118	90	118	21,357,088

### Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2016 Request (\$000)	FY 2017 Net Annualization (change from 2016) (\$000)	FY 2018 Net Annualization (change from 2017) (\$000)
Attorney	115,672	60	6,940,320	5,217,720	0
<b>Total Personnel</b>	<b>0</b>	<b>60</b>	<b>6,940,320</b>	<b>5,217,720</b>	<b>0</b>

### Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2016 Request (\$000)	FY 2017 Net Annualization (Change from 2016) (\$000)	FY 2018 Net Annualization (Change from 2017) (\$000)
<b>Total Non-Personnel</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>

### Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2017 Net Annualization (Change from 2016) (\$000)	FY 2018 Net Annualization (Change from 2017) (\$000)
Current Services	118	90	118	21,357,088	0	21,357,088	0	0
Increases	60	60	30	6,940,320	0	6,940,320	5,217,720	0
<b>Grand Total</b>	<b>178</b>	<b>150</b>	<b>148</b>	<b>28,297,408</b>	<b>0</b>	<b>28,297,408</b>	<b>5,217,720</b>	<b>0</b>



## VI. Program Decrease by Item

### Item Name: Program and/or Administrative Savings

Strategic Goal(s):     **Goals I, II and III:**  
Prevent terrorism, and Promote the Nation's Security Consistent with the Rule of Law;  
Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law  
Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal and International Levels.

Strategic Objective(s): All

Budget Decision Unit(s): Criminal, Civil and Legal Education

Program Decrease: Positions 0 Agt/Atty 0 FTE 0 Dollars **\$4,673,000**

### Description of Item

Program and/or administrative savings to be identified once funds are appropriated.

### Justification

Examples of savings to be realized in FY 2016 include, but are not limited to reductions to GSA rent, leveraging and extending the useful life of existing technology, bulk purchases and bundling technology procurements.

### Impact on Performance

Performance impact information is not yet available for this offset.



## VII. EXHIBITS

