

Department of Justice Criminal Division



Performance Budget
FY 2020 Congressional Submission

Contents

I. Overview of the Criminal Division	4
Mission Statement.....	4
Division Priorities	4
Program Activities	5
Providing Expert Guidance and Advice.....	7
Reviewing the Use of Sensitive Law Enforcement Tools	9
Engaging with Domestic Partners and Foreign Counterparts to Enforce the Law, Advance Public Safety, and Achieve Justice	10
Challenges to Achieving Outcomes.....	13
Budget & Performance Integration.....	16
Environmental Accountability	16
II. Summary of Program Changes	17
III. Appropriations Language and Analysis of Appropriations Language	17
IV. Program Activity Justification.....	17
Enforcing Federal Criminal Law	17
Program Description	17
Performance and Resource Tables.....	19
Performance, Resources, and Strategies	22
V. Program Increases by Item.....	26
VI. Program Offsets by Item.....	26
VII. Exhibits.....	26
A. Organizational Chart	
B. Summary of Requirements	
C. FY 2020 Program Changes by Decision Unit	
D. Resources by DOJ Strategic Goal/Objective	
E. Justification for Technical and Base Adjustments	
F. Crosswalk of 2018 Availability	
G. Crosswalk of 2019 Availability	
H. Summary of Reimbursable Resources	
I. Detail of Permanent Positions by Category	
J. Financial Analysis of Program Changes	
K. Summary of Requirements by Object Class	



- L. Status of Congressionally Requested Studies, Reports, and Evaluation – N/A
- M. Senior Executive Service Reporting – N/A
- N. Modular Costs for New Positions – N/A
- O. Overseas Staffing – N/A
- P. IT Investment Questionnaire – N/A



I. Overview of the Criminal Division

Mission Statement

The Criminal Division’s mission is to protect the American people from the most serious criminal activity, including transnational criminal organizations, violent gangs, drugs (including opioids), cybercrime, child exploitation, corruption, fraud, and money laundering. The Criminal Division’s specialized prosecution units develop and enforce federal criminal laws that target complex, international, and multi-district crime. The Division responds to critical and emerging national and international criminal threats and leads a coordinated, nationwide response to reduce those threats.

To accomplish its mission, the Division joins with domestic law enforcement partners to pursue criminal investigations. The Division also partners with U.S. Attorneys’ Offices in investigating and prosecuting criminal matters, particularly in complex multi-jurisdictional or international cases. Former Attorney General Robert H. Jackson noted the importance of the kind of centralized expertise that the Criminal Division provides, saying that it is necessary “to promote uniformity of policy and action, to establish some standards of performance, and to make available specialized help.” AG Jackson emphasized a balance that “avoid[s] any lessening of the prestige and influence of the district attorneys” while proceeding “with that uniformity of policy which is necessary to the prestige of federal law.”

Moreover, the Division plays a critical – and unique – role in fighting transnational crime that endangers the American public. As the “central authority” for U.S. law enforcement interactions with other countries, the Division secures evidence critical to solving crimes against Americans and obtains the extradition of criminals from foreign countries to face justice in U.S. courts. No other organization within the Department or the U.S. Government is authorized or equipped to fulfill this international role – one that is more critical than ever considering the continually increasing globalization and sophistication of crime.

To sustain mission needs, the Criminal Division requests a total of 729 permanent positions (440 attorneys), 729 direct Full-Time Equivalent work years (FTE), and \$189,645,000 in its Salaries and Expenses appropriation for Fiscal Year (FY) 2020.

Division Priorities

In working to achieve the Division’s mission, the Division has identified the following key strategic outcomes to address the country’s most critical justice priorities:

- Disrupting and dismantling domestic and transnational criminal organizations and networks that threaten our country through violence, drug trafficking, human smuggling and immigration offenses, and computer crime;
- Ensuring trust and confidence in government institutions, by reducing public corruption at every level of government;
- Ensuring the stability and security of domestic and global markets, as well as the integrity of government programs, by reducing fraud, money laundering, and other economic crimes, by both corporations and individuals;
- Combating cyber threats and attacks and assuring that agents and prosecutors across the country can obtain digital evidence critical to every sort of investigation;

- Protecting our children from exploitation and defending human rights;
- Securing evidence located abroad that is essential for successful U.S. prosecutions, and seeking international enforcement of U.S. asset-forfeiture orders abroad;
- Assisting foreign law enforcement authorities to obtain evidence in the United States, thereby empowering them to interdict criminal actors on foreign soil before the threat can migrate to the United States;
- Ensuring accountability through extradition for criminals who seek safe haven abroad, while removing violent criminals and other fugitives from our communities to face justice in foreign courts;
- Strengthening justice-sector institutions in countries throughout the globe; and
- Supporting crime-fighting efforts across federal, state, and local governments.

The Criminal Division engages in several program activities to achieve its mission:

- Investigating and prosecuting cases;
- Providing expert guidance and advice to our prosecutorial and law enforcement partners;
- Authorizing the use of sensitive law enforcement tools; and
- Engaging with domestic partners and foreign counterparts to enforce the law, advance public safety, and achieve justice.

Every day, the Criminal Division performs these functions at the forefront of federal criminal law enforcement.

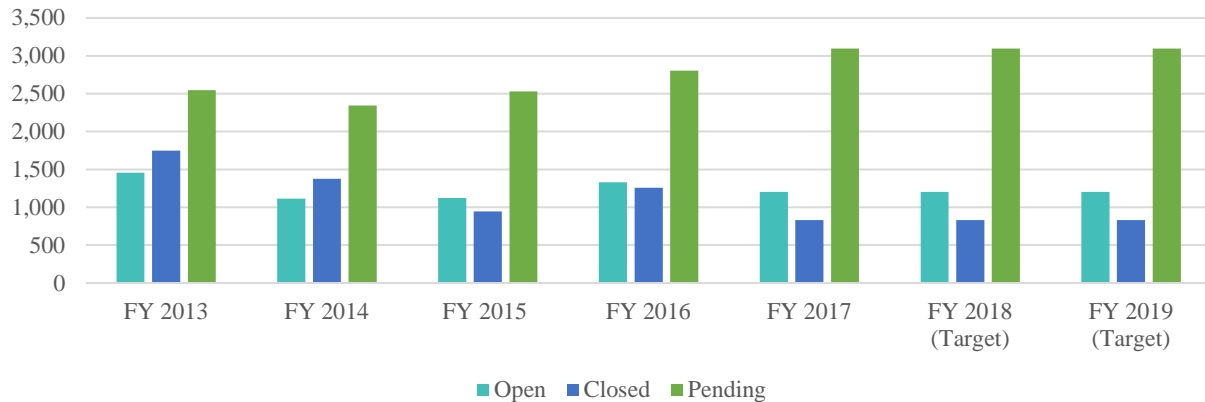


Program Activities

Investigating and Prosecuting Cases

- Investigating and prosecuting the most significant cases and matters
- Coordinating a wide range of criminal investigations and prosecutions that span multiple jurisdictions and involve multiple law enforcement partners

**Criminal Division Prosecutions and Investigations
FY 2013-FY 2019**



The Division strives to support its mission by investigating and prosecuting aggressively and responsibly. The Division undertakes complex cases, especially cases involving multiple jurisdictions or that have an international component. In addition, for certain criminal statutes, the Division approves all federal charging instruments filed throughout the United States to ensure a consistent and coordinated approach to the nation’s law enforcement priorities. The Division has a bird’s-eye view of violent crime, organized crime, narcotics, money laundering, white collar crime, public corruption, cybercrime, and other criminal activities. Consequently, the Division is uniquely able to ensure that crimes that occur, both in the United States and abroad, do not go undetected or ignored.

Select Recent Criminal Division Accomplishments in Investigating and Prosecuting Cases¹

- Fraud Section (FRD):** During FY 2018, the Healthcare Fraud (HCF) Unit Strike Force program set numerous records—charging 326 individuals involving losses of over \$1.8 billion, obtaining 214 convictions, with a trial conviction rate close to 90%. Day in and out, HCF Unit prosecutors across the country are recovering monies stolen from the public fisc and taking dirty doctors and health care providers off the streets and out of the system. Numerous city-based Strike Force prosecutions involve sophisticated health care fraud, money laundering, and financial fraud schemes involving the use of shell companies and intermediaries to conceal ownership interests, kickback payments and assets, as well as the illegal distribution of opioids. For example, in *United States v. Rashid*, a health care CEO, eight doctors, and seven other defendants have pleaded guilty as part of an investigation into a \$300 million health care fraud scheme in Michigan and Ohio that involved the distribution of over 6.6 million dosage units of controlled substances and the administration of medically unnecessary injections that resulted in patient harm.
- Human Rights and Special Prosecutions Section (HRSP):** HRSP’s multi-year investigation into an international network of fraudsters and money launderers perpetrating various telephone impersonation schemes based out of India, which commenced in October 2016, culminated in an indictment and coordinated takedown operation in October 2016, with arrests, search warrants,

¹ CRM completed these cases in conjunction with other Department components and law enforcement agencies.



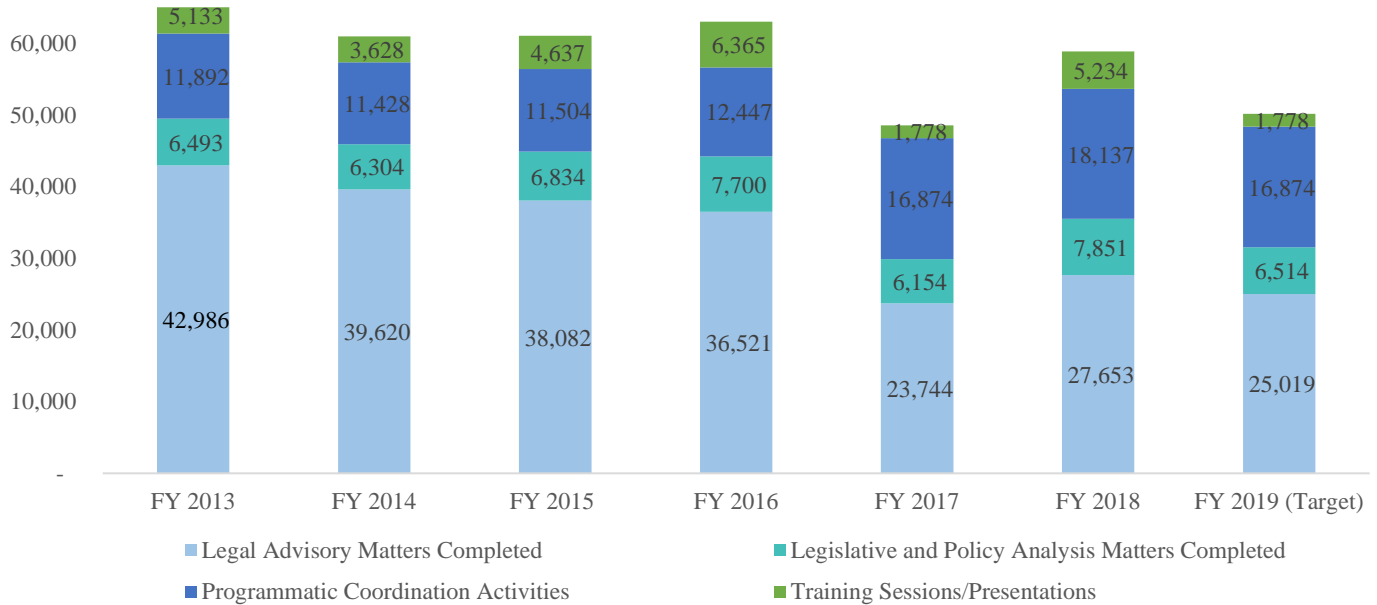
and related activities spanning 12 judicial districts across the country. The 24 convicted defendants, many of whom are Indian citizens living here illegally, as well as 32 additional indicted defendants still in India, defrauded the American public on a massive scale, victimizing thousands of people out of upwards of \$230,000,000. Additionally, tens of thousands of victims in the U.S. had their identities misappropriated. Using a variety of schemes, including the impersonation of officials from the Internal Revenue Service or U.S. Citizenship and Immigration Services, the perpetrators threatened individuals with arrest, imprisonment, fines or deportation if they did not immediately pay “taxes” or “penalties” to the “government.” All 24 of the domestic defendants ultimately pled guilty and were sentenced this year, receiving sentences of up to 20 years on charges of wire fraud, money laundering, related conspiracy and identity fraud and in one instance, with naturalization fraud, with several defendants being ordered removed. There was an immediate reduction in reported scam phone calls after the indictment and arrest operation went public, and some of the scam call centers in India shut down.

Providing Expert Guidance and Advice

- Developing and supporting effective crime reduction strategies and programs
- Driving policy, legislative, and regulatory reforms
- Providing expert counsel and training in criminal enforcement matters to state, local, and federal and foreign enforcement partners

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

Expert Guidance and Legal Advice



Select Recent Criminal Division Accomplishments in Providing Expert Guidance and Advice

- Computer Crime and Intellectual Property Section (CCIPS):** In large part due to successful litigation and legislative development led by CCIPS, stakeholders came together in support of the Clarifying Lawful Overseas Use of Data (CLOUD) Act passed by Congress in March 2018. The legislation provides that authorities can require the disclosure of information from providers of electronic communications and remote computing services no matter where the provider stores such information. The legislation also creates authority for bilateral agreements between the United States and other countries to remove legal barriers to effective and efficient access to data pursuant to domestic authority. CCIPS was a significant contributor to the development of the legislation and the development of the first proposed bilateral agreement with the United Kingdom.
- Child Exploitation and Obscenity Section (CEOS):** The Allow States and Victims to Fight Online Sex Trafficking Act of 2017 (“FOSTA”) was enacted in April 2018. This landmark legislation amends the Communications Decency Act to permit civil suits and state criminal action against websites that facilitate sex trafficking or prostitution. CEOS made significant contributions to this legislation, including extensive technical advice that was shared with Congress.

Reviewing the Use of Sensitive Law Enforcement Tools



Approving and overseeing the use of the most sophisticated investigative tools in the federal arsenal.

The Division serves as the Department’s “nerve center” for many critical operational matters. It is the Division’s responsibility to ensure that investigators are effectively and appropriately using available sensitive law enforcement tools. These tools include Title III wiretaps, electronic evidence-gathering authorities, correspondent banking subpoenas, and the Witness Security Program. In the international arena, the Division manages the Department’s relations with foreign counterparts and coordinates all prisoner transfers, extraditions, and mutual legal assistance requests. Lastly, the Division handles numerous requests for approval from U.S. Attorneys’ Offices to use sensitive law enforcement techniques, in conjunction with particular criminal statutes. For example, the Division reviews every racketeering indictment that is brought across the nation, and supervises every Foreign Corrupt Practices Act case. In these ways, the Division serves a critical and unique role in ensuring consistency across districts and continuity over time, and the even-handed application of those statutes.

Select Recent Criminal Division Accomplishments in Reviewing the Use of Sensitive Law Enforcement Tools

- **Office of Enforcement Operations (OEO):** During FY 2018, the Special Operations Unit (SOU) nearly tripled prior years’ efforts by conducting approximately 20 training and outreach sessions for nearly 400 Assistant U.S. Attorneys (AUSAs), agents, trial attorneys, law clerks and administrative support personnel who submit applications to the Federal Witness Security Program, S Visa Program, Special Administrative Measures Program, Federal Prisoner Program, and Sensitive Consensual Monitoring Program. SOU also joined the Electronic Surveillance



Unit's (ESU) Title III program at the National Advocacy Center (NAC) to conduct training on the Federal Prisoner Program and the Sensitive Consensual Monitoring Program.

ESU nearly doubled its outreach in FY 2018, conducting approximately 57 trainings throughout the United States, reaching approximately 3,000 AUSAs, Criminal Division attorneys, and agents. Trainings focused on statutory and Department requirements for electronic surveillance, current issues and case law related to the suppression of Title III wiretaps and trends in emerging technologies. ESU visited 18 districts, presented at the NAC and held the first ever NAC 9th Circuit Title III Seminar on the West Coast. Additionally, in FY 2018, ESU created a very successful webinar program aimed at busy prosecutors and agents covering basic to advanced electronic surveillance topics.

- **Office of International Affairs (OIA):** In February 2018, OIA obtained the extradition of Edison Washington Prado Alava, the largest Consolidated Priority Target (CPOT) in Colombia in recent history and known as the "Pablo Escobar of Ecuador." Prado Alava allegedly belonged to a drug trafficking organization which transported multi-kilogram quantities of cocaine from Colombia to Costa Rica, Guatemala, and Honduras, and ultimately to the United States. OIA prepared the provisional arrest and treaty-deadline based extradition request on an urgent basis and worked with the U.S. Marshals Service for his removal from Colombia to the U.S.

On May 23, 2018, OIA successfully returned the *Galactica Star*, an \$80 million yacht, from Cancun, Mexico, to the United States, where it was seized pursuant to a U.S. federal warrant. In July 2017, the Money Laundering and Asset Recovery Section (MLARS) filed a civil forfeiture complaint in federal district court in Houston seeking the forfeiture and recovery of approximately \$144 million in assets alleged to be the proceeds of a Nigerian corruption scheme laundered in and through the U.S. One of the assets named was the *Galactica Star*, which was docked in Cancun. Immediately prior to the filing of the civil forfeiture complaint, the yacht became the subject of a civil proceeding in Mexico, which was believed to be a ruse to prevent the yacht's seizure by U.S. authorities. As a result of the Mexican civil proceeding, a lien was placed on the yacht, preventing its departure from Mexican territory. For almost a year, OIA's Attaché Office in Mexico City coordinated with MLARS, the Federal Bureau of Investigation (FBI), the Mexican Attorney General's Office and the local courts to monitor the status of the civil proceedings in Mexico and lay the groundwork for the yacht's eventual transportation to the U.S.

Engaging with Domestic Partners and Foreign Counterparts to Enforce the Law, Advance Public Safety, and Achieve Justice

- Helping international law enforcement partners build capacity to prosecute and investigate crime within their borders by providing training and assistance
- Coordinating with international criminal enforcement authorities to foster operational cooperation

The Division's lawyers and other personnel are located in countries around the world. Posts in ten countries are maintained to foster relationships and participate in operations with international law enforcement and prosecutors. The Division also has personnel who provide assistance to foreign governments in developing and maintaining viable criminal justice institutions. Two of the Division's sections, the International Criminal Investigative, Training and Assistance Program (ICITAP) and the Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) promote cooperation



in transnational criminal matters and build the capacity in partner nations to provide modern professional law enforcement services based on democratic principles and respect for human rights.

OIA also plays a critical role in strengthening U.S. partnerships with foreign countries, which is essential to ensuring justice in individual criminal cases and protecting our national security. In the past few years, OIA has given increased attention to requests from foreign counterparts seeking electronic records, which have exploded consistent with the rapid rise in worldwide access to the internet. Attorneys from OIA's specialized Cyber Unit provide critical support to partner countries seeking electronic records from the U.S. by training prosecutors and investigators on applicable U.S. legal standards.

Select Recent Criminal Division Accomplishments in Engaging with Domestic Partners and Foreign Counterparts to Enforce the Law, Advance Public Safety, and Achieve Justice

- **International Criminal Investigative Training Assistance Program (ICITAP):** On December 1, 2017, the largest synthetic drug lab in Southeast Europe was discovered in Mala Recica, Macedonia. The raid, which was a result of a joint operation of Macedonian and Serbian Narcotics Units, and supported by DEA, confiscated over 125kg of synthetic drugs (valued at approximately \$2.5 million euros) headed to Turkey. ICITAP-Macedonia and ICITAP-Serbia have jointly trained the narcotics units of both nations in Bilateral and Advanced Narcotics Investigations with DEA instructors. This successful drug seizure is an example of how ICITAP's efforts to bring police services from the region together enhance operational success, and strengthen their collaboration with U.S. law enforcement agencies.
- **Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT):** OPDAT's global capacity building to combat transnational criminal activities led to arrests, convictions, and forfeitures and helped disrupt organized criminal groups. For example, following sustained OPDAT assistance in Central America, El Salvador, Guatemala and Honduras worked together to combat gang violence by coordinating joint operations in the region against MS-13 and the 18th Street Gang, resulting in the arrest of more than 4,000 gang members and the seizure of significant amounts of firearms and money.

Criminal Division Overseas Presence – All Sources



*Includes direct and program funded in-country federal positions or active programs.

Challenges to Achieving Outcomes

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

External Challenges

1. **Globalization of Crime**: Although the Department continues to prosecute criminals from around the globe with the help of local, state, and international law enforcement, the global nature of the internet and electronic communications highlight the challenges of coordinating with multinational partners—each operating within a different legal system with diverse laws governing the collection of electronic evidence. While the Department has mechanisms to assist in this effort, challenges exist. The United States has mutual legal assistance treaties (MLATs) with less than half of the countries in the world, and some of these partner countries are limited by the type of assistance they can provide and the timeline in which they can respond. In addition to the increasing complexity of MLAT requests, the number of requests has been growing in recent years. As the central authority for responding to and sending MLAT requests abroad, the Division's OIA bears the brunt of this challenge. Timely execution of MLAT requests, which allows OIA to efficiently move evidence across borders, is an essential element in prosecutors and law enforcement' efforts to combat transnational organized crime both in the United States and abroad.

Delays in responding to requests for electronic evidence in the custody or control of U.S.-based providers threaten the competitiveness of Providers and our model of internet governance, which in turn presents a direct threat to our law enforcement's ability to successfully investigate crime. Such delays prompt calls by foreign governments for data localization, trigger foreign demands that U.S. Providers produce information directly in response to foreign orders or face criminal penalties, and encourage foreign proposals that U.S. Providers be subject to foreign or global data protection regimes.

2. **Rapidly Evolving Technologies**: New technologies often create gaps in existing legal authorities that present challenges for prosecuting cybercrimes. The Department, for instance, has attempted to obtain access to electronic evidence from U.S. companies that store such data overseas by serving federal search warrants on them, with inconsistent results. For example, the Second Circuit Court of Appeals ruled in 2016 that Microsoft did not have to produce data stored on servers located in Ireland in response to a search warrant issued pursuant to the Stored Communications Act of 1986 (SCA). However, federal district courts in Pennsylvania and the District of Columbia ruled that a search warrant issued pursuant to the SCA did require Google to disclose all records accessible from its headquarters, even if those records were stored on servers located outside the United States. The CLOUD Act is an important step towards addressing this issue.

Federal courts also disagree on how to interpret key definitions in the Computer Fraud and Abuse Act (CFAA), which has led to difficulties in prosecuting individuals who misuse computer



networks to which they have access. Botnets, which are networks of computers created by malware and controlled remotely, become increasingly sophisticated faster than the law can adapt. Despite gaps in the law, CCIPS and the Department have continued to take action against botnets, including the disruption of the Kelihos botnet, a global network of tens of thousands of infected computers under the control of a cybercriminal that was used to facilitate malicious activities including harvesting login credentials, distributing hundreds of millions of spam e-mails, and installing ransomware and other malicious software, in April 2017.

In addition, new technologies present criminals with the opportunity to utilize new strategies and venues that allow them to effectively target a much larger section of the population. From 2011 to 2016, federal prosecutions for the production of child pornography increased by 60%. In the past six years, CyberTips to the National Center for Missing and Exploited Children have risen ten-fold, now exceeding 10 million reports per year. According to a Carnegie Mellon study cited in the President's Commission on Combating Drug Addiction and the Opioid Crisis 2017 report, revenues from online illicit drug sales have grown 1,000% - to an estimated \$150-180 million – since 2012. Anonymizing technologies like The Onion Router (Tor), virtual private networks or proxies, and Freenet provide secure, anonymous systems that allow websites and their users to operate with little fear of identification, as tracing IP addresses is nearly impossible and intercepting the communications is totally unfeasible. As a result, sites remain online for years while hundreds of thousands of offenders migrate to them to commit offenses in plain sight.

The Division's methods of addressing cybercrimes are not only prosecutorial; the Sections provide valuable policy and legislative solutions to address gaps in legal authority, training events to increase the capacity of other agencies to investigate and prosecute cybercrimes, and interagency coordination for national and international operations. The demand for these functions continues to grow as technology continues to evolve.

- 3. International Program Reimbursable Funding:** Through the Criminal Division's ICITAP and OPDAT programs, the Division works with its foreign counterparts to establish effective policies, laws, and judicial systems. Both programs receive reimbursable funding from the State Department in the form of Interagency Agreements. These programs require support from a headquarters unit, for which the majority of funding comes from overhead provided in these Interagency Agreements. However, overhead funding has proven to be unpredictable, and supporting headquarters functions in this manner has become increasingly difficult. The Division has at times allocated some of its direct appropriations to support these operations when sufficient funding is unavailable through the Interagency Agreements. The Division is currently working on developing a permanent solution to the volatility of the present funding structure.

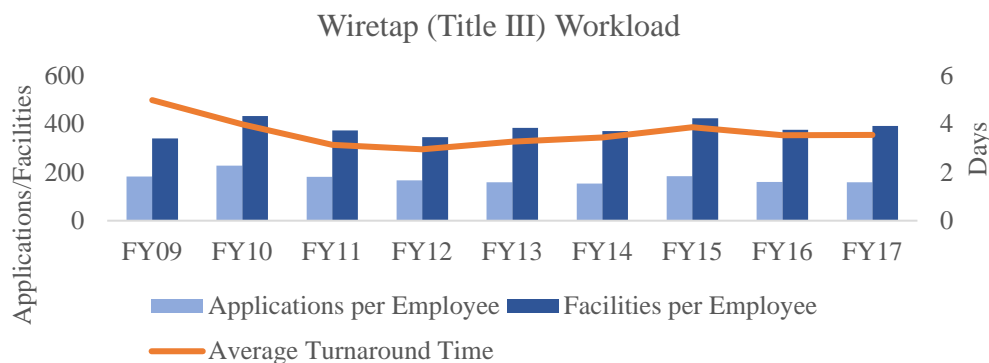
Headquarters operations are vital to the funding, origination, development, oversight, management, and implementation of DOJ's foreign assistance programs. Headquarters personnel participate in interagency initiatives, develop program plans and proposals, ensure institutional knowledge of justice sector standards and development assistance best practices, and advocate on behalf of the Attorney General. They also have a unique role in coordinating the Department's Security Sector Assistance (SSA) programs. This importance is evidenced by a report issued by the Special Inspector General for Afghanistan Reconstruction that examines the U.S. effort to develop and execute SSA programs in Afghanistan and acknowledges the pivotal role played by

ICITAP in the program’s foreign police development efforts. As the report points out, despite being “staffed with law enforcement professionals experienced in the design, delivery, and management of foreign police development programs,” ICITAP is dependent on the State Department and other agencies for the funding to carry this work.

4. **Keeping Pace with Department Workload:** Two of the Division’s Sections provide critical examples of how the Division’s work is directly affected by the work of other components. The work of OIA is closely connected with that of the U.S. Attorneys’ Offices. 73% of OIA’s pending U.S. requests for evidence and extraditions are from the U.S. Attorneys’ Offices. Increases in U.S. Attorneys’ Offices prosecutions have resulted in increased requests for evidence and extraditions, an increase in workload that affects OIA and its ability to address the level of requests.

U.S. Attorneys’ Offices and investigative agencies rely on OEO to approve wiretap (Title III) applications in a timely manner so they can conduct electronic surveillance and gather evidence that will be admissible in court. OEO has experienced an increase in the number of facilities included in these applications in recent years, with no additional personnel to review them. The average turnaround time, which USAOs and investigators require to be as quick as possible due to the nature of the work, is closely tied to the number of facilities each OEO employee is required to review.

The Division will continue to address the challenges that come with being intricately and mandatorily involved in multiple aspects of Department processes, while existing in an austere budget climate. This role is vital to the mission of upholding the rule of law.



Internal Challenges

1. **Information and Network Modernization and Security:** The demands on the Division’s information technology staff continue to increase. These include: attaining secure information technology, modernizing legacy systems, enhancing and expanding service capabilities, and maintaining existing systems. Legacy infrastructure, complicated designs, and a dearth in dedicated investment funding have led to IT systems that require fixing and upgrading. The Division deals with challenges of complex data management, excessive problem resolution times, delays in service provisioning, and insufficient ability to modernize and respond quickly to



mission and business requirements. Maintaining and securing existing outdated systems constrains limited resources available for IT modernization efforts. The Division will continue to manage its resources to address these challenges, and will work with the Department to access budget authorities that allow for the capture of IT savings centrally, so that proper IT investment and modernization can be made.

2. **Gaps in Human Capital:** Human capital is the Division’s most valuable asset. As noted in the 2018 OIG Top Management and Performance Challenges reports, the onboarding process of Division’s mission critical positions such as attorneys, criminal investigators, and IT specialists can be unduly delayed if a security clearance is necessary. Qualified candidates for these positions have opportunities outside of the Division that offer higher salaries and faster onboarding times, so to meet this challenge the Division must devote resources towards innovative recruitment strategies, efficient onboarding processes, and maintaining work-life balance for existing employees.

Budget & Performance Integration

This budget demonstrates how the Criminal Division’s resources directly support the achievement of the Department’s priorities – both nationally and internationally. The Division reports as a single decision unit; therefore, its resources are presented in this budget, as a whole. Total costs represent both direct and indirect costs, including administrative functions and systems. The performance/resources tables in Section IV of this budget provide further detail on the Division’s performance-based budget.

Environmental Accountability

The Criminal Division has taken significant steps to integrate environmental accountability into its daily operations:

- The Division is currently in the design phase of renovation projects in our buildings at 1301 New York Avenue and 1400 New York Avenue, with construction anticipated to begin in 2019. The Division will be making several updates that will increase energy efficiency, including more efficient use of space that will improve ambient conditions, balance thermal temperatures, improve air quality, and increase natural light, replace outdated/inefficient HVAC units, add new state of the art electronic controls, correct current plumbing issues, and add energy star appliances. The Division continues to work with the building property managers to install electronic dampeners in the building ventilation systems that will allow greater control over air flow to specific areas and decrease energy usage and costs.
- The Division continues to improve its recycling and environmental awareness programs. The Division has a comprehensive recycling program that includes the distribution of individual recycling containers to every federal and contract employee, recycling flyers in all new employee orientation packages, and recycling program information on the Division’s intranet site.

II. Summary of Program Changes

Not applicable

III. Appropriations Language and Analysis of Appropriations Language

No changes to appropriations language.²

IV. Program Activity Justification

<i>Enforcing Federal Criminal Law</i>	<i>Direct Pos.</i>	<i>Estimate FTE</i>	<i>Amount (\$000)</i>
2018 Enacted	680	680	\$181,745
2019 President’s Budget	729	729	\$187,378
Adjustments to Base and Technical Adjustments	0	0	\$2,267
2020 Current Services	729	729	\$189,645
2020 Request	729	729	\$189,645
Total Change 2019-2020	0	0	\$0

Enforcing Federal Criminal Law

Program Description

The Criminal Division’s mission is to protect the American people from the most serious forms of criminal activity, including transnational criminal organizations, cybercrime, child exploitation, fraud, gangs, corruption, and money laundering. The Criminal Division’s specialized prosecution units develop and enforce federal criminal laws that target complex, international, and multi-district crime. The Division responds to critical and emerging national and international criminal threats and leads a coordinated, nationwide response to reduce those threats. The Criminal Division is situated at headquarters to work in partnership with both domestic and international law enforcement. While U.S. Attorneys and state and local prosecutors serve a specific jurisdiction, the Criminal Division addresses the need for centralized coordination, prosecution, and oversight.

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

- Office of the Assistant Attorney General

² A full-year 2019 appropriation for this account was not enacted at the time the budget was prepared; therefore, the budget assumes this account is operating under the Continuing Appropriations Act, 2019 (Division C of P.L. 115–245, as amended). The amounts included for 2019 reflect the annualized level provided by the continuing resolution.



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

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

Performance and Resource Tables

PERFORMANCE AND RESOURCES TABLE												
Decision Unit: Enforcing Federal Criminal Law												
RESOURCES			Target		Actual		Projected		Changes		Requested (Total)	
			FY 2018		FY 2018		FY 2019		Current Services Adjustments and FY 2020 Program Changes		FY 2020 Request	
Total Costs and FTE			FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
			1,030	\$181,745	954	\$181,322	1,077	\$187,378	62	\$2,267	879	\$189,645
TYPE	Strategic Objective	PERFORMANCE	FY 2018		FY 2018		FY 2019		Current Services Adjustments and FY 2020 Program Changes		FY 2020 Request	
Program Activity	1.1, 1.2, 1.3, 2.1, 2.2, 3.1, 3.2, 4.1, 4.2	1. Prosecutions and Investigations	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
			509	\$89,782	471	\$89,573	532	\$92,565	30	\$1,112	431	\$93,040
Workload		Cases Opened	381		463		397		2		399	
Workload		Cases Closed	210		185		175		1		176	
Workload		Cases Pending	893		1,790		1,954		10		1,964	
Workload		Appellate Work - Opened	2,815		2,759		1,124		6		1,130	
Workload		Appellate Work - Closed	1,940		2,405		942		5		947	
Workload		Appellate Work Pending	7,863		6,912		0		0		0	
Workload		Matters Opened	783		866		784		4		788	
Workload		Matters Closed	740		753		639		3		642	
Workload		Matters Pending	1,005		1,940		1,095		6		1,101	

PERFORMANCE AND RESOURCES TABLE

Decision Unit: Enforcing Federal Criminal Law

RESOURCES			Target		Actual		Projected		Changes		Requested (Total)	
			FY 2018		FY 2018		FY 2019		Current Services Adjustments and FY 2020 Program Changes		FY 2020 Request	
Program Activity	1.1, 1.2, 1.3, 2.1, 2.2, 3.1, 3.2, 4.1, 4.2		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		2. Expert Guidance and Legal Advice	398	\$70,154	368	\$69,990	416	\$72,328	24	\$880	341	\$73,582
Workload		Number of Legislative and Policy Analysis Matters Completed	5,390		7,851		5,672		97		5,769	
Workload		Number of Programmatic Coordination Activities	14,613		18,137		15,969		273		16,242	
Workload		Number of Legal Advisory Matters Completed	26,110		27,653		25,019		427		25,446	
Workload		Number of Training Sessions/Presentations	3,117		5,234		5,020		86		5,106	
Program Activity	1.1, 1.2, 1.3, 2.1, 2.2, 3.1, 3.2, 4.1, 4.2		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		3. Law Enforcement Tools	124	\$21,809	114	\$21,759	129	\$22,485	8	\$275	107	\$23,023
Workload		Number of Mandatory Reviews Completed	27,314		28,060		27,030		637		27,667	
Workload		Favorably Resolved Criminal Cases	90%		99%		90%		0%		90%	
Workload		Favorable Resolved Civil Cases	80%		100%		80%		0%		80%	

Data Definition, Validation, Verification, and Limitations: Definitions: Prosecutions and Investigations: This program activity includes cases or investigatory matters in which the Criminal Division has sole or shared responsibility. The case breakouts include cases from the following Sections/Offices: Fraud Section, Public Integrity Section, Computer Crime and Intellectual Property Section, Child Exploitation and Obscenity Section, Organized Crime and Gang Section, Narcotic and Dangerous Drug Section, Money Laundering and Asset Recovery Section, Human Rights and Special Prosecutions Section, and Capital Case Section. Appeals: Appellate Section. Expert Guidance & Legal Advice: This program activity includes oral and written advice and training to federal, state, local, and foreign law enforcement officials; coordination and support of investigations, prosecutions, and programs at the national, international and multi-district levels; and oral and written analysis of legislation and policy issues, development of legislative proposals, advice and briefing to Departmental and external policy makers, and participation in inter-agency policy coordination and discussions. Law Enforcement Tools: This program activity includes the work the Division does in specific areas of criminal law in reviewing and approving the use of law enforcement tools throughout the law enforcement community. Validation: The Division's management quarterly validates performance information to ensure data integrity.

PERFORMANCE MEASURE TABLE										
Strategic Objective	Decision Unit: Enforcing Federal Criminal Laws									
	Performance Report and Performance Plan Targets		FY 2014	FY 2015	FY 2016	FY 2017	FY 2018		FY 2019	FY 2020
			Actual	Actual	Actual	Actual	Target	Actual	Target	Target
1.1, 1.2, 1.3, 2.1, 2.2, 3.1, 3.2, 4.1, 4.2	OUTPUT Measure	Number of Legislative and Policy Analysis Matters Completed	6,304	6,834	7,700	6,154	5,390	7,851	5,672	5,769
	OUTPUT Measure	Number of Programmatic Coordination Activities	11,428	11,504	12,447	16,874	14,613	18,137	15,969	16,242
	OUTPUT Measure	Number of Legal Advisory Matters	39,620	38,082	36,521	23,744	26,110	27,653	25,019	25,446
	OUTPUT Measure	Number of Training Sessions/Presentations	3,628	4,637	6,365	1,778	3,117	5,234	5,020	5,106
	OUTPUT Measure	Number of Mandatory Reviews Completed	21,477	26,713	24,928	23,312	27,314	28,060	27,030	27,667
1.1	OUTPUT Measure	Number of activities conducted with the goal of building the capacity of foreign law enforcement, prosecutors, and judicial systems to disrupt and dismantle terrorist actions and organizations	N/A	N/A	N/A	N/A	Baseline	958	970	1,010
1.1, 1.2, 1.3, 2.1, 2.2, 3.1, 3.2, 4.1, 4.2	OUTCOME Measure	Favorably Resolved Criminal Cases	98%	99%	96%	98%	90%	99%	90%	90%
	OUTCOME Measure	Favorable Resolved Civil Cases	N/A	100%	100%	100%	80%	100%	80%	80%
1.2	OUTCOME Measure	Percentage of cyber defendants whose cases were favorably resolved ¹	90%	90%	90%	100%	90%	98%	90%	90%
3.1	OUTCOME Measure	Percentage of federal violent crime defendants whose cases were favorably resolved	90%	90%	90%	93%	90%	100%	90%	90%
3.1	OUTCOME Measure	Percentage of extraditions received related to violent criminals	N/A	N/A	N/A	N/A	Baseline	18%	20%	20%
4.1	OUTCOME Measure	Percentage of illicit market defendants whose cases are favorably resolved	N/A	N/A	N/A	N/A	85%	100%	85%	85%

¹The FY 2018 actual for the percentage of cyber defendants whose cases were favorably resolved reflects the combined result of CRM, NSD, and USAO.

Performance, Resources, and Strategies

The Criminal Division utilizes a number of strategies and resources to achieve its mission of enforcing federal criminal laws. To evaluate the Division’s progress toward achieving this goal, it utilizes output and workload measures across its three primary activity areas - prosecutions and investigations, expert guidance and legal advice, and law enforcement tools. These metrics track performance in categories such as criminal and civil litigation, appellate work, legal and policy advising, training events, and mandatory reviews.

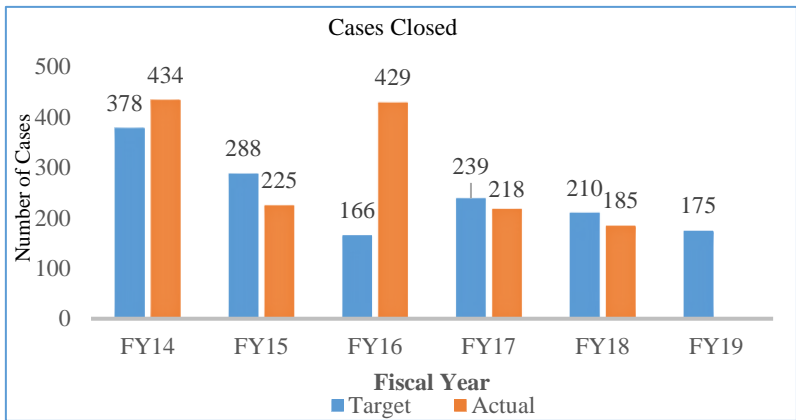
Performance Plan and Report for Outcomes

Prosecutions and Investigations

The Division leads complex investigations and tries significant prosecutions. Many of these cases are of national significance, require international coordination, have precedent-setting implications, and involve the coordination of cross-jurisdictional investigations.

Workload Measure: Number of Cases Closed

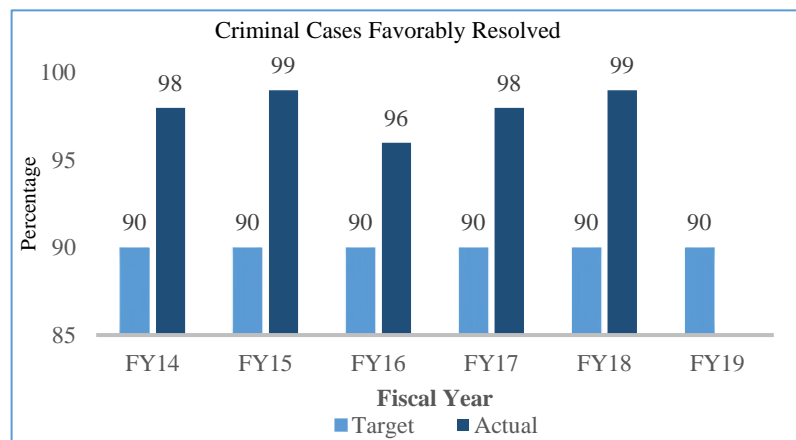
The Division prioritizes resolving cases efficiently and favorably. This metric illustrates the number of open prosecutions that are closed during each fiscal year and provides a snapshot of the Division’s workload. During FY 2017 and FY 2018, the Division met 91% and 88% of its target, respectively. While the Division has experienced a growing attrition rate over the last two years,



its prosecutors have handled increasingly complex cases that often involve multiple jurisdictions and international crimes. In FY 2019, the target number of cases is set at 175, which takes into account both the historical trend and the Division’s available litigation resources.

Outcome Measure: Criminal Cases Favorably Resolved

The Department’s long-term outcome goal for its litigating divisions, including the Criminal Division, is the percentage of criminal and civil cases favorably resolved³ during the Fiscal Year. This measures the effectiveness of the Division’s law enforcement efforts. The goals are 90 percent for criminal cases and 80 percent for civil cases. The Division has consistently met or exceeded



³ Favorable resolution is measured at the defendant level and reported at the conviction stage of the case.



these goals. In FY 2018, the Division exceeded both outcome goals (99% criminal, 100% civil). The successes below exemplifies the Division's work in this area during FY 2018:

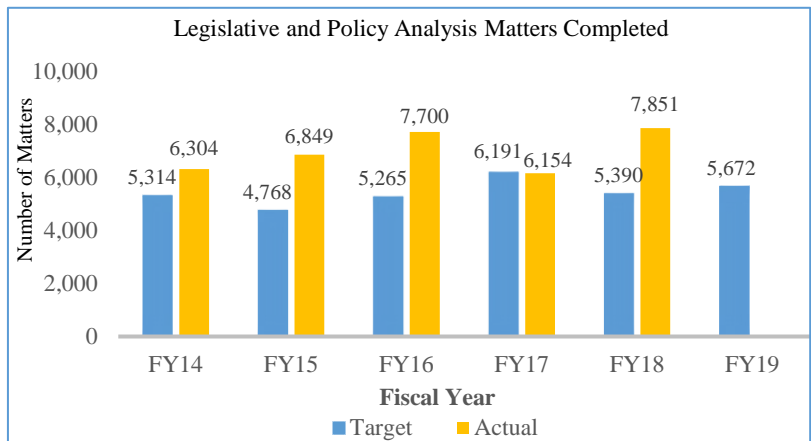
- **Computer Crime and Intellectual Property Section (CCIPS):** A top achievement was the successful prosecution of Sinovel Wind Group, a Chinese maker of wind turbines used to generate electricity. By stealing source code created by an American company, the Chinese company caused over \$800 million in losses, and half of the victim company's global workforce lost their jobs. At sentencing, the court imposed the maximum fine and ordered hundreds of millions of dollars in fines and restitution to the victim. The case was prosecuted jointly by CCIPS and the U.S. Attorney's Office for the Western District of Wisconsin, and investigated by the FBI.
- **Child Exploitation and Obscenity Section (CEOS):** Backpage.com was the Internet's leading forum for prostitution ads, including ads depicting the prostitution of children, which amassed hundreds of millions of dollars in illicit profits over the course of many years. On March 28, 2018, CEOS, in conjunction with the U.S. Attorneys' Offices for the District of Arizona and Central District of California, the FBI, the Postal Inspection Service, and the IRS, obtained a 93-count indictment charging seven individuals with facilitating prostitution and money laundering; a 100-count superseding indictment was obtained on July 25, 2018. On April 5, 2018, several Backpage-related corporate entities, including Backpage.com, and Backpage's Co-founder and CEO Carl Ferrer pleaded guilty to federal charges and state charges in California and Texas for conspiring to facilitate prostitution and money laundering. On August 17, 2018, former Sales and Marketing Director Dan Hyer also pleaded guilty to conspiracy to facilitate prostitution. On April 6, 2018, DOJ seized and shutdown Backpage.com in the United States and the 90+ other countries in which it operated. Substantial assets associated with violations of federal law have also been identified and seized in this case.
- **Organized Crime and Gang Section (OCGS):** On January 19, 2018, a federal grand jury in Knoxville, Tennessee, returned a 14-count superseding indictment presented by OCGS and the U.S. Attorney's Office for the Eastern District of Tennessee which charged seven individuals for their roles in a Racketeer Influenced and Corrupt Organizations Act (RICO) conspiracy and drug trafficking conspiracy to distribute and dispense oxycodone, oxymorphone, and morphine outside the scope of professional practice and not for a legitimate medical purpose and resulting in deaths, among other crimes. The lead defendants provided the funding and management of the Urgent Care & Surgery Center Enterprise (UCSC), which operated opioid-based pain management clinics, or "pill mills," in Florida and Tennessee, where powerful narcotics were prescribed and/or dispensed. The defendants are alleged to have hired medical providers with DEA registration numbers, which would allow the providers to prescribe controlled substances. The prescriptions were primarily large doses of highly addictive and potentially deadly controlled substances. As alleged in the indictment, individuals seeking prescriptions would often travel long distances purporting to suffer from severe chronic pain. Well over 700 UCSC Enterprise patients are now deceased and a significant percentage of those deaths, directly or indirectly, were the result of overdosing on narcotics prescribed by the UCSC Enterprise.

Expert Guidance and Legal Advice

The Division also provides expert guidance and legal advice on significant legislative proposals, analyzes Department-wide and government-wide law enforcement policy, conducts training for the field, and engages in programmatic coordination.

Workload Measure: Legislative and Policy Analysis Matters Completed

This measure includes legislative reviews, policy and data analysis projects, policy guidance provided, and other activities completed by the Division on behalf of partners such as the U.S. Attorneys’ Offices. The target is determined annually based on the number of external requests for assistance expected and consideration of Division resources. With the exception of FY 2017,



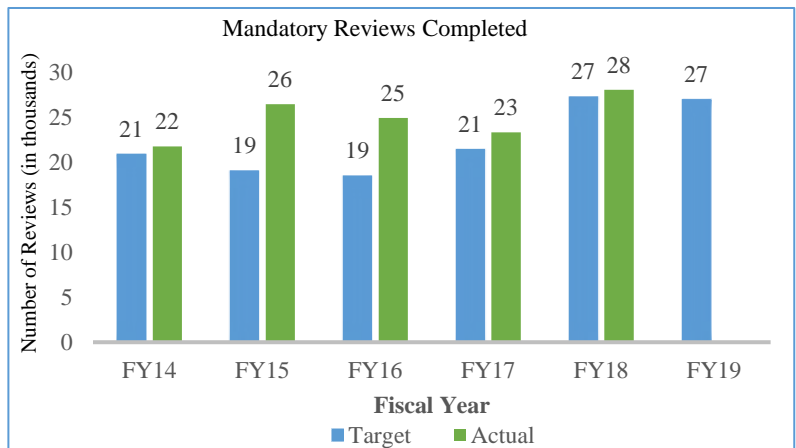
between FY 2014 and FY 2018 the Division exceeded its target each year. In FY 2018, the Division exceeded its target by 46%.

Law Enforcement Tools

The Division plays a central role in the Department’s mission by approving and overseeing the use of the most sophisticated and critical law enforcement tools. This includes the approval of all requests for electronic surveillance, securing the return of fugitives from abroad, and obtaining evidence from other countries integral to criminal prosecutions and investigations.

Workload Measure: Mandatory Reviews of Law Enforcement Tools Completed

The Division serves as the Department’s “nerve center” for many critical operational matters. It is the Division’s responsibility to ensure that investigators are effectively and appropriately using available sensitive law enforcement tools. This is done by overseeing and reviewing the use of tens of thousands of mandatory reviews of law enforcement tools on behalf of



the Department each year. This measure includes the Division’s review of a wide range of materials relevant to Department priorities each year. The Division completed 28,060 mandatory reviews in FY 2018, exceeding its target by 3%. This included 116 witness security applications, 1,555 requests for evidence through mutual legal assistance treaties (MLATs), 3,123 wiretap (Title III) applications for electronic surveillance, and 149 requests to use the RICO statutes. From FY 2014 to FY 2018, the Division exceeded its target number of mandatory reviews each year.

Strategies to Accomplish Mission

The Criminal Division’s mission is to protect the American people from the most serious forms of criminal activity, including transnational criminal organizations, cybercrime, child exploitation, fraud,



gangs, corruption, and money laundering. In order to meet the performance goals described above, the Division plans to leverage its resources strategically to meet this mission and maximize the impact of its investigative, prosecutorial, advising, and law enforcement activities.

In order to meet these goals, the Division will employ several strategies:

- Utilize centralized headquarters to promote favorable case resolutions and ensure cost savings: The Division’s role as a centralized hub for critical law enforcement functions allows it to support local law enforcement partners in field offices throughout the U.S. and foreign counterparts across the world. This structure allows the Division the flexibility necessary to quickly mobilize staff and provide guidance to address criminal threats as they develop. As its workload shifts in response to the changing nature and globalization of crime, the Division plans to leverage this structure to continue resolving these complex prosecutions and investigations favorably and efficiently.
- Directing resources toward law enforcement priorities and expert guidance areas: While prosecuting and investigating cases comprised an estimated 49% of the Division’s work in FY 2018, expert advising and law enforcement activities made up 39% and 12% respectively. Several of the Division’s pressing internal and external challenges and the backlog of MLAT requests inhibit the Division’s effectiveness in these important activity areas. Maintaining OIA’s capacity to continue reducing the MLAT request backlog and OEOs’ resources for reviewing Title III applications for electronic surveillance in a timely manner will assist the Division in meeting its FY 2020 mandatory reviews of law enforcement tools performance targets.

Priority Goals

The Criminal Division contributes to two of the Department’s FY 2018 – FY 2019 Priority Goals:

Cybercrime (identified in Strategic Plan Objective 1.2): By September 30, 2019, the Department of Justice will combat cyber-enabled threats and attacks by conducting computer intrusion program deterrences, detections, disruptions and dismantlements, and by favorably resolving cyber defendants’ cases.

- The Computer Crimes and Intellectual Property Section (CCIPS) will continue to work with the FBI, National Security Division (NSD), and U.S. Attorneys’ Offices to identify, disrupt, and prosecute cyber threat actors. CCIPS will continue to coordinate and communicate with partners to provide training, further develop, and more effectively utilize tools necessary for the successful prosecution of cybercrime cases. CCIPS will contribute to the Department’s goal of favorably resolving cyber defendant cases by September 30, 2019.

Violent Crime (identified in Strategic Plan Objective 3.1): By September 30, 2019, the Department of Justice will combat violent crime by increasing the percent of gang/violent crime enterprise dismantlements (non-CPOT); favorably resolving federal violent crime cases; and increasing the percent of National Integrated Ballistic Information Network (NIBIN) “hits/leads,” that is, the linkage between two or more separate crime scene investigations. As part of the enhanced Project Safe Neighborhoods program, the U.S. Attorneys’ Offices will develop and implement district-specific violent crime strategies.



- Nearly all Division sections contribute to the Department’s efforts to dismantle violent/gang criminal enterprises and will continue to do so. All litigating sections will strive to continue to meet the Division’s performance goal of favorably resolving 90% of criminal cases each year, while OIA will continue its work with domestic and foreign partners to enable prosecutors to extradite fugitives from countries around the world. Through these key activities, the Division will contribute to the Department’s goal of favorably resolving violent crime cases and receiving extraditions related to violent criminals by September 30, 2019.

V. Program Increases by Item

Not applicable

VI. Program Offsets by Item

Not applicable

VII. Exhibits