

# Department of Justice Criminal Division



Performance Budget  
FY 2021 Congressional Submission

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## 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, 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. The importance of the Division’s centralized expertise has been recognized for decades: former Attorney General Robert H. Jackson noted 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 774 permanent positions (466 attorneys), 771 direct Full-Time Equivalent work years (FTE), and \$195,754,000 in its Salaries and Expenses appropriation for Fiscal Year (FY) 2021.**

### 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.

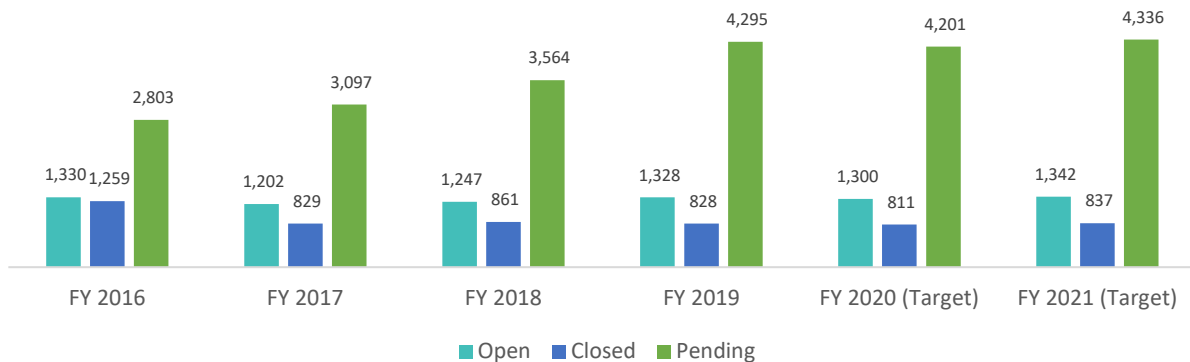
Every day, the Criminal Division performs these functions at the forefront of federal criminal law enforcement.

## 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 2016-FY 2021





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 Cases<sup>1</sup>*

- **Fraud Section (FRD):** In October 2018, FRD's Healthcare Fraud (HCF) Unit announced the formation of the Appalachian Regional Prescription Opioid Strike Force (ARPO Strike Force), a joint law enforcement effort that brings together the resources and expertise of the HCF Unit, the U.S. Attorneys' Offices for nine (now ten) Federal districts in five (now six) states, as well as law enforcement partners at the FBI, U.S. Department of Health and Human Services Office of the Inspector General (HHS-OIG) and U.S. Drug Enforcement Administration (DEA). The mission of the ARPO Strike Force is to identify and investigate health care fraud schemes in the Appalachian region and surrounding areas, and to effectively and efficiently prosecute medical professionals and others involved in the illegal prescription and distribution of opioids. In April 2019, the ARPO Strike Force announced enforcement actions involving 60 charged defendants across 11 Federal districts, including 31 doctors, 7 pharmacists, 8 nurse practitioners, and 7 other licensed medical professionals, for their alleged participation in the illegal prescribing and distributing of opioids and other dangerous narcotics and for health care fraud schemes. In September 2019, the ARPO Strike Force announced a second coordinated Federal law enforcement action of the ARPO Strike Force, resulting in charges against 13 individuals across 5 ARPO districts for alleged offenses relating to the over prescription of controlled substances through "pill mills." Of those charged, 12 were charged for their role in unlawfully distributing opioids and other controlled substances, and 11 were physicians.
- **Narcotic and Dangerous Drug Section (NDDS):** In February 2019, Joaquin "El Chapo" Guzman Loera, the notorious Sinaloa Cartel kingpin, was found guilty of operating as a principal leader or organizer of a Continuing Criminal Enterprise in violation 21 U.S.C. § 848, as well as a variety of other drug trafficking and money laundering charges. On July 17, 2019, Guzman Loera was sentenced to a life term of imprisonment plus 30 years and ordered to pay \$12.6 billion in forfeiture.

### **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

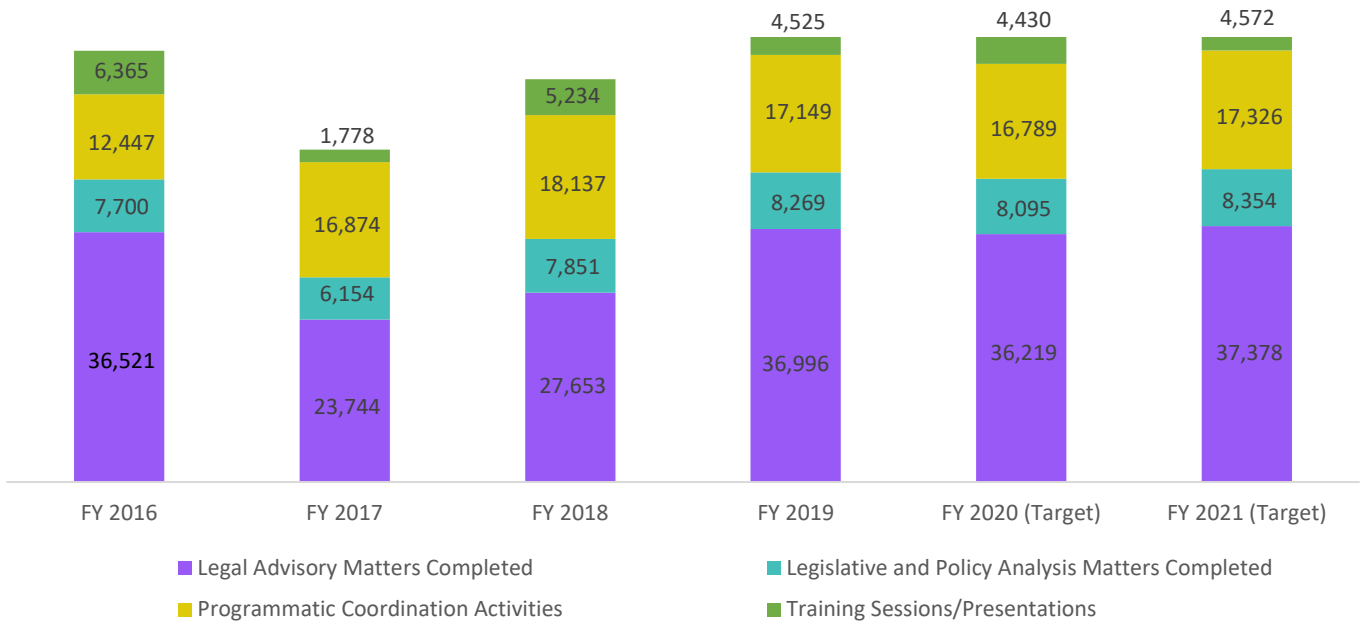
The Criminal Division serves as the strategic hub of legal and enforcement experience, expertise, and strategy in the fight against national and international criminal threats. Consequently, its expert guidance

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

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*

- Child Exploitation and Obscenity Section (CEOS):** “Dark Souls” is an international investigation by CEOS, HSI, IRS Criminal Investigations, and the U.S. Attorney’s Office for the District of Columbia, of a Tor child pornography website called “Welcome to Video.” Dark Souls was the first large-scale nationwide child exploitation investigation whose targets were identified via blockchain analysis. The targets are more than 100 U.S.-based individuals who have paid in Bitcoin to receive and distribute child sexual abuse material on the website. As a result of this investigation, leads were sent to 38 countries and arrests made of 325 subjects around the world, along with approximately 91 searches of residences and businesses in the United States. Of greatest importance, at least 20 minor victims, from the United States, Spain and the United Kingdom, have been rescued from sexual abuse being committed by users of the site.
- FRD and Money Laundering and Asset Recovery Section (MLARS):** In April, the Division released a guidance document for white-collar prosecutors on the evaluation of corporate compliance programs. The document, entitled “The Evaluation of Corporate Compliance Programs,” seeks to better harmonize the guidance with other Department guidance and standards while providing additional context to the multifactor analysis of a company’s compliance



program. This resource is “part of efforts in training, hiring, and enforcement to help promote corporate behaviors that benefit the American public and ensure that prosecutors evaluate the effectiveness of compliance in a rigorous and transparent manner.”<sup>2</sup>

## 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.

<sup>2</sup> Statement from Brian A. Benczkowski, Assistant Attorney General for the Criminal Division.  
<https://www.justice.gov/opa/pr/criminal-division-announces-publication-guidance-evaluating-corporate-compliance-programs>





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

- **Office of International Affairs (OIA):** On May 28, 2019, OIA secured the extradition from Mexico of Jose Antonio Torres Marrufo to stand trial in the Western District of Texas for racketeering, engaging in a continuing criminal enterprise, drug trafficking, murder, money laundering, firearms, and kidnapping offenses. Prosecutors allege that Torres acted as a high-ranking lieutenant in the Sinaloa Cartel, overseeing the Cartel’s drug trafficking, money laundering, and firearms smuggling activities. Torres served Joaquin “El Chapo” Guzman Loera, protecting and expanding the Sinaloa Cartel’s interests through kidnappings and assassinations targeting perceived rivals of the Cartel. Mexico granted Torres’ extradition on October 4, 2017. OIA, in coordination with the DOJ Attaché Office in Mexico City, kept U.S. prosecutors informed throughout multiple appeals that took more than two years to resolve.
- **Office of Enforcement Operations (OEO):** OEO played a key role in the Department’s investigation and successful prosecution of Joaquin “El Chapo” Guzman Loera through the review and guidance on the use of various law enforcement tools.

### **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*

- **ICITAP:** On September 13, 2019, Juarez Cartel Associate “El Karin” was sentenced to 54 years and four months in jail thanks to the assistance and coordination of ICITAP-trained ballistics experts. Nearly two years prior, on September 21, 2017, a shooting at a barbershop in Ciudad Juarez, Chihuahua left three people dead and one injured. Based on eyewitness reports of a



vehicle seen at the crime scene, the police stopped a vehicle and confiscated several firearms from its occupant. Three ICITAP-trained ballistics experts collected several 7.62x39mm caliber caps at the scene of the shooting. They tested the seized firearms and performed a micro-comparison procedure with the caps, as taught in ICITAP training. Based on the micro-comparison, they were able to conclusively link one of the firearms to the crime scene, and the suspect was charged with multiple homicides. According to the Chihuahua Attorney General's Office, the suspect – alias “El Karin” – was a Barrio Azteca Gang hitman, who claimed the victims were rival gang members. During his post-arrest interviews, he confessed to the barbershop murders and at least 25 other murders on behalf of Barrio Azteca, an enforcement arm of the Juarez Cartel. The Ballistics experts presented their micro-comparison findings at trial, which were recognized by the prosecutor as an important element to proving his theory of the crime. ICITAP's current capacity building efforts are targeted to provide critical assistance to the forensic community to help thwart the activities of Mexican transnational criminal organizations, which represent a direct threat to U.S. national security.

- **OPDAT:** During FY 2019, OPDAT's global network of International Computer Hacking and Intellectual Property Advisors (ICHIPs) expanded, enabling greater assistance to foreign counterparts on a broad range of cyber and intellectual property issues, including accessions to the G7 24/7 High Tech Crime Network and increased capacities to investigate and prosecute criminal violations, incorporating the gathering and use of electronic evidence, to combat transnational organized crime, as reflected by the following: In Africa, the ICHIP helped establish a network of officials from a dozen countries to combat counterfeit pharmaceuticals. In Asia, the ICHIP helped Indonesia's anti-corruption agency handle digital evidence. In Europe, ICHIP-mentored counterparts in Romania convicted the leaders of transnational criminal organizations variously involved in marketing counterfeit goods and pharmaceuticals. In the Western Hemisphere, the ICHIP provided case-based mentoring to prosecutors, customs agents, and investigators resulting in the seizure of \$147 million of counterfeit goods.

## 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 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 and received an enhancement in FY 2019 to bolster our efforts, challenges still 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 fugitive and evidence across borders, is an essential element in prosecutors and law enforcement's efforts to combat transnational organized crime both in the United States and abroad.

OIA has seen a dramatic growth in mutual legal assistance requests in general, and for cases involving Internet Service Provider (ISP) records in particular, resulting in a large backlog of requests and significant delays in response time. 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.

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, Computer Crime and Intellectual Property Section (CCIPS) and the Department have continued to take action against botnets, including the disruption of the Kelihos botnet 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 2008 to 2018, there was a 160% increase in federal prosecutions for the production of child pornography. 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. **Keeping Pace with Department Workload:** Two of the Division’s Sections – OIA and OEO – 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.

Likewise, U.S. Attorneys’ Offices and investigative agencies rely on the Office of Enforcement Operations (OEO) to approve Title III applications in a timely manner so they can conduct electronic surveillance and gather evidence that will be admissible in court. OEO has similarly 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. This role is vital to the mission of upholding the rule of law.

### *Internal Challenges*

**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. 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 requires most of the available resources, thus leaving precious little to pursue new systems. The Division will continue to manage its resources to address these challenges.

**Gaps in Human Capital:** Human capital is the Division’s most valuable asset. Security clearance investigations can delay the onboarding process of Division’s mission critical positions such as attorneys, criminal investigators, and IT specialists. 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.

### **Environmental Accountability**

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

- The Division is currently renovating our buildings at 1301 New York Avenue and 1400 New York Avenue. 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

Item Name	Description				Page
		Pos	Estimated FTE	Dollars (\$000)	
International Law Enforcement Program Funding	Funds vital support and management of two of the Division’s international programs and the overhead funding that the programs receive for this purpose. The requested \$2 million would begin to provide stability for headquarters functions.	12	12	\$2,000	34
Providing Prosecutorial and Law Enforcement Support	The Criminal Division’s Office of Enforcement Operations (OEO) oversees the use by federal prosecutors and investigators of the most sensitive, sophisticated, and effective investigative tools in criminal cases, assists prosecutors and agents through individual case consultation and reviews as well as training and outreach, and ensures that these tools are used in an appropriate manner. This request allows OEO to support additional investigations and prosecutions.	7	4	\$629	40
Protecting Children from Online Sexual Exploitation	The enhancement furthers the Criminal Division’s Child Exploitation and Obscenity Section’s (CEOS) prosecution of online-facilitated child sex trafficking, production of child pornography, and extraterritorial child exploitation.	3	3	\$353	45

## III. Appropriations Language and Analysis of Appropriations Language

General Legal Activities language is displayed in the GLA rollup budget submission.

## IV. Performance Budget by Strategic Goal

This budget demonstrates how the Criminal Division’s resources directly support the achievement of the Department’s priorities – both nationally and internationally. It is intended to meet the requirements of the Office of Management and Budget (OMB) Circular A-11, Part 6, Section 240 *Annual Performance Planning*. The Division reports all resources under its only decision unit, “Enforcing Federal Criminal Law.” Total costs represent both direct and indirect costs, including administrative functions and systems. The performance/resources tables in this section provide further detail on the Division’s performance-based budget.

<i><b>Enforcing Federal Criminal Law</b></i>	<i><b>Direct Pos.</b></i>	<i><b>Estimate FTE</b></i>	<i><b>Amount (\$000)</b></i>
2019 Enacted	752	565	\$193,715
2020 Enacted	752	752	\$195,617
Adjustments to Base and Technical Adjustments	0	0	-\$2,845
2021 Current Services	752	752	\$198,772
2021 Program Increases	22	19	\$2,982
2021 Request	774	771	\$195,754
<b>Total Change 2020-2021</b>	<b>22</b>	<b>19</b>	<b>\$137</b>

### 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
- 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.

**Goal 1: Enhance National Security and Counter the Threat of Terrorism**

Protecting national security and combating terrorism are priorities of the Department of Justice (DOJ). CRM participates in all three strategic objectives that are a part of Goal 1. This includes disrupting and defeating terrorist operations through ICITAP and OPDAT’s technical assistance to foreign governments and CCIPS’ investigation and prosecution of cyber threats and crimes.

*Goal 1 Resources*

Dollars in Thousands	FY 2019 Enacted	FY 2020 Enacted	FY 2021 Total Request
Enhance National Security and Counter the Threat of Terrorism	\$42,527	\$42,935	\$43,425

*Program Changes Affecting This Goal*

- International Law Enforcement Program Funding
- Providing Prosecutorial and Law Enforcement Support

**Objective 1.1 – Disrupt and defeat terrorist operations**

*Strategies to Achieve Objective*

- Strategy 1: Identify, disrupt, and prosecute terrorist suspects for plots and acts, which threaten our national security
- Strategy 2: Share intelligence with national security partners

*Objective 1.1 Resources*

Dollars in Thousands	FY 2019 Enacted	FY 2020 Enacted	FY 2021 Total Request
Disrupt and defeat terrorist operations	\$12,258	\$12,378	\$14,252

*Objective 1.1 Key Performance Indicator*

Responsible Section(s) – ICITAP and OPDAT

Performance 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				
FY 2017 Result	FY 2018 Result	FY 2019 Result	FY 2019 Target	FY 2020 Target	FY 2021 Target
N/A	958	952	947	850	850

**Objective 1.2 – Combat cyber-based threats and attacks**

Combatting cyber-based threats and attacks is one of the two Department’s FY 2018 – FY 2019 [Agency Priority Goals](#) to which the Criminal Division contributes. The Computer Crime and Intellectual Property





Section (CCIPS) will work with the Federal Bureau of Investigation (FBI), National Security Division (NSD), and United States Attorneys’ Offices (USAO) to identify, disrupt, and prosecute cyber threat actors. CCIPS will 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 90 percent of cyber defendant cases by September 30, 2019.

*Strategies to Achieve Objective*

- Strategy 1: Identify, disrupt, and prosecute cyber threat actors
- Strategy 2: Develop and use all appropriate tools to identify and disrupt cyber threats
- Strategy 3: Strengthen public-private partnerships

*Objective 1.2 Resources*

Dollars in Thousands	FY 2019 Enacted	FY 2020 Enacted	FY 2021 Total Request
Combat cyber-based threats and attacks	\$23,744	\$23,972	\$23,872

*Objective 1.2 Key Performance Indicator*

Responsible Section(s) – CCIPS

Performance Measure	Percentage of sole and shared cyber defendants cases favorably resolved <sup>3</sup>				
FY 2017 Result	FY 2018 Result	FY 2019 Result	FY 2019 Target	FY 2020 Target	FY 2021 Target
N/A	94%	100%	90%	90%	90%

*Objective 1.2 Accomplishment*

**OPDAT:** During FY 2019, OPDAT’s global network of International Computer Hacking and Intellectual Property Advisors (ICHIPs) expanded, enabling greater assistance to foreign counterparts on a broad range of cyber and intellectual property issues, including accessions to the G7 24/7 High Tech Crime Network and increased capacities to investigate and prosecute criminal violations, incorporating the gathering and use of electronic evidence, to combat transnational organized crime, as reflected by the following: In Africa, the ICHIP helped establish a network of officials from a dozen countries to combat counterfeit pharmaceuticals. In Asia, the ICHIP helped Indonesia’s anti-corruption agency handle digital evidence. In Europe, ICHIP-mentored counterparts in Romania convicted the leaders of transnational criminal organizations variously involved in marketing counterfeit goods and pharmaceuticals. In the Western Hemisphere, the ICHIP provided case-based mentoring to prosecutors, customs agents, and investigators resulting in the seizure of \$147 million of counterfeit goods.

<sup>3</sup> While the percentage of cyber defendants whose cases were favorably resolved reflects the combined result of CRM, NSD, and USAO when reported as an Agency Priority Goal, only CRM's percentage for sole and shared cases is shown in this table.



**Objective 1.3 – Combat unauthorized disclosures, insider threats, and hostile intelligence activities**

*Strategies to Achieve Objective*

- Strategy 1: Strengthen systems and educate the workforce against internal and external threats
- Strategy 2: Prevent and disrupt espionage and theft of U.S. assets
- Strategy 3: Investigate and prosecute those responsible for espionage and theft of U.S. assets
- Strategy 4: Investigate and prosecute those responsible for disclosing classified information without authorization

*Objective 1.3 Resources*

Dollars in Thousands	FY 2019 Enacted	FY 2020 Enacted	FY 2021 Total Request
Combat unauthorized disclosures, insider threats, and hostile intelligence activities	\$6,525	\$6,585	\$5,301

*Objective 1.3 Accomplishment*

**CCIPS:** After a nine-day jury trial, Shan Shi, of Houston, Texas, was convicted of one count of conspiracy to commit theft of trade secrets. Trial evidence established that Shi conspired with others to steal trade secrets from Trelleborg, a Houston-based company, relating to syntactic foam, a specialized material with commercial and military uses that is essential for deep-sea oil and gas drilling. In public statements of its national priorities, China has made clear its desire to develop this technology. Shi sought to obtain information about syntactic foam for the benefit of CBM-Future New Material Science and Technology Co. Ltd. (CBMF), a Chinese company based in Taizhou, and for the ultimate benefit of the People’s Republic of China. Four of Shi’s codefendants—some of whom worked at Trelleborg—had pleaded guilty to conspiring to steal trade secrets, and two testified as cooperating witnesses at trial. From 2014 to 2017, CBMF sent Shi’s company in Houston approximately \$3.1 million from China in order to promote Shi’s activity in the United States. Sentencing is set for January 14, 2020, and Shi faces a maximum sentence of ten years’ imprisonment.

## Goal 2: Secure the Borders and Enhance Immigration Enforcement and Adjudication

Border security, immigration enforcement, and immigration adjudication are priorities cutting across multiple government agencies. CRM participates in all of the strategic objectives under Goal 2. This includes the Human Rights and Special Prosecutions Section’s (HRSP) investigation and prosecution of immigration violations and denaturalization of individuals who unlawfully obtained citizenship, and OPL’s work on policy and legislation.

### *Goal 2 Resources*

Dollars in Thousands	FY 2019 Enacted	FY 2020 Enacted	FY 2021 Total Request
Secure the Borders and Enhance Immigration Enforcement and Adjudication	\$12,822	\$12,969	\$12,458

### *Program Changes Affecting This Goal*

- Providing Prosecutorial and Law Enforcement Support

## Objective 2.1 – Prioritize criminal immigration enforcement

### *Strategies to Achieve Objective*

- Strategy 1: Prosecute identified illegal immigration violations
- Strategy 2: Denaturalize individuals who unlawfully obtained citizenship
- Strategy 3: Strengthen information sharing platforms with other Federal Agencies, Border States and bordering countries

### *Objective 2.1 Resources*

Dollars in Thousands	FY 2019 Enacted	FY 2020 Enacted	FY 2021 Total Request
Prioritize criminal immigration enforcement	\$8,380	\$8,475	\$8,372

### *Objective 2.1 Accomplishment*

**HRSP:** In FY 2019, HRSP obtained 50, 45, and 15 year sentences against three Colombian human smugglers who facilitated the smuggling venture of three Cuban migrants across Colombia en route to the U.S. During a portion of the journey, two defendants were transporting the migrants on a boat through the Colombian jungle when they pulled a knife and a gun on the three victims, tied the wrists of the two men and threw them overboard, then raped the woman before cutting her throat and killing her. The two defendants then cut the second victim’s throat, killing him as well. The surviving victim managed to free himself and escape by swimming away. The U.S. charged four individuals with smuggling resulting in death. After the boat defendants pleaded guilty to Colombian charges, they were extradited to the U.S. A third defendant, an organizer of the smuggling event, was also arrested and extradited from Colombia to the U.S. All three Colombian defendants ultimately pleaded guilty in the Southern District of Florida. U.S. v. Rivera Weir, et al. stands as a stark reminder of the dangerousness of smuggling ventures, how

vulnerable migrants are at the hands of their smugglers, and the lengths to which American law enforcement will go to seek justice for victims and enforce our human smuggling laws.

**Objective 2.2 – Ensure an immigration system that respects the rule of law, protects the safety of U.S. Citizens and serves the national interest**

*Strategies to Achieve Objective*

- Strategy 1: End sanctuary jurisdictions
- Strategy 2: Increase investigations and prosecutions of immigration-related benefits fraud including visa violations
- Strategy 3: Increase investigations, prosecutions, and adjudication of discriminatory or unlawful hiring practices against U.S. workers
- Strategy 4: Improve fair and timely adjudication of immigration cases in the administrative immigration courts
- Strategy 5: Expand immigration-related information sharing with other federal agencies

*Objective 2.2 Resources*

Dollars in Thousands	FY 2019 Enacted	FY 2020 Enacted	FY 2021 Total Request
Ensure an immigration system that respects the rule of law, protects the safety of U.S. Citizens and serves the national interest	\$4,442	\$4,494	\$4,086

**Goal 3: Reduce Violent Crime and Promote Public Safety**

Reducing violent crime and promoting public safety remains a DOJ priority. CRM participates in all of the strategic objectives under Goal 3, and almost every CRM section works towards these objectives. The Narcotic and Dangerous Drug Section (NDDS) contributes by investigating and prosecuting national and international drug trafficking groups and providing legal, strategic, and policy guidance on counternarcotics matters. CCS evaluates potential death penalty cases involving violent criminals. OEO reviews Title III applications which are an essential evidence tool for cases involving violent criminals and drug trafficking. The Organized Crime and Gangs Section (OCGS) investigates and prosecutes violent organized crime groups such as MS-13. OIA handles the exchange of evidence between countries, enabling the effective prosecution of violent criminals across the globe.

*Goal 3 Resources*

Dollars in Thousands	FY 2019 Enacted	FY 2020 Enacted	FY 2021 Total Request
Reduce Violent Crime and Promote Public Safety	\$87,694	\$88,553	\$90,969

*Program Changes Affecting This Goal*

- International Law Enforcement Program Funding
- Providing Prosecutorial and Law Enforcement Support
- Protecting Children from Online Sexual Exploitation

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

Combatting violent crime is one of the two Department’s FY 2018 – FY 2019 [Agency Priority Goals](#) to which the Criminal Division contributes. 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.

*Strategies to Achieve Objective*

- Strategy 1: Disrupt and dismantle violent transnational criminal organizations and gangs, such as MS-13
- Strategy 2: Support our State, local and tribal partners in making our communities safe
- Strategy 3: Protect victims of crime from exploitation and re-victimization
- Strategy 4: Identify, arrest, and prosecute violent criminals for gun violence and other violent crimes



*Objective 3.1 Resources*

Dollars in Thousands	FY 2019 Enacted	FY 2020 Enacted	FY 2021 Total Request
Combat violent crime, promote safe communities, and uphold the rights of victims of crime	\$42,930	\$43,344	\$42,996

*Objective 3.1 Key Performance Indicator*

Responsible Section(s) – CCS, CEOS, HRSP, & OCGS

Performance Measure	Percentage of federal violent crime defendants whose sole and shared cases were favorably resolved <sup>4</sup>				
FY 2017 Result	FY 2018 Result	FY 2019 Result	FY 2019 Target	FY 2020 Target	FY 2021 Target
N/A	100%	100%	90%	90%	90%

Responsible Section(s) – OIA

Performance Measure	Percentage of extraditions received related to violent criminals				
FY 2017 Result	FY 2018 Result	FY 2019 Result	FY 2019 Target	FY 2020 Target	FY 2021 Target
N/A	18.4%	21.2%	20%	20%	20%

*Objective 3.1 Accomplishment*

**CEOS:** CEOS successfully concluded an operation in FY 2019 that targeted two emerging threats: the use of gaming platforms to sexually exploit children, and the growing phenomenon of production of child pornography via crowdsourcing, where conspirators leverage their numbers and collaborate to sexually exploit children. This combined threat is of grave concern because the number of children victimized pursuant to these schemes can be staggering. Discord is a publicly-available voice, video and text chat service that is primarily marketed to online gamers, and that has been co-opted by child pornography offenders to target children. CEOS successfully prosecuted a number of defendants who used Discord, including one who was sentenced to 25 years in prison following his guilty plea in the Western District of Washington to engaging in a child exploitation enterprise. This defendant surreptitiously produced child pornography of approximately 2,000 victims varying in ages from approximately 10- to 17-years- old. Thus far, 150 victims of that criminal enterprise have been identified. Recently, seven members of the conspiracy were sentenced to prison for periods of 15 to 30 years after six pleaded guilty and one was convicted by a jury. Three others are pending trial.

<sup>4</sup> While the percentage of illicit market defendants whose cases were favorably resolved reflects the combined result of CRM and USAO when reported in the Annual Performance Report, only CRM's percentage for sole and shared cases is shown in this table.

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

*Strategies to Achieve Objective*

- Strategy 1: Identify and disrupt organized crime and drug networks
- Strategy 2: Enforce drug trafficking laws including opioid-related health care fraud to reduce opioid addictions and deaths
- Strategy 3: Engage the community to raise awareness and reduce demand for opioids and illicit drugs

*Objective 3.2 Resources*

Dollars in Thousands	FY 2019 Enacted	FY 2020 Enacted	FY 2021 Total Request
Disrupt and dismantle drug trafficking organizations to curb opioid and other illicit drug use in our nation	\$44,764	\$45,209	\$47,973

*Objective 3.2 Accomplishment*

**OCGS:** In FY 2019, OCGS and the U.S. Attorneys’ Offices in Atlanta, Memphis and Nashville secured convictions against many of the national and state leaders of the Gangster Disciples, a gang that operates in at least 16 states. This multi-district, coordinated investigation and prosecution succeeded in dismantling most of the Gangster Disciples’ organization. More than 130 convictions against Gangster Disciples members were secured in total, including against “board members,” the national treasurer, and state-level “governors” and enforcers. Jury verdicts and plea agreements proved that members of the gang committed murders and attempted murders; distributed vast quantities of heroin, cocaine, methamphetamine and other drugs; intimidated witnesses; engaged in sophisticated fraud schemes that netted the gang millions of dollars; extorted music artists; and committed robberies.

**Goal 4: Promote Rule of Law, Integrity, and Good Government**

As the chief law enforcement agency of the United States government, the Department of Justice’s most fundamental mission is to protect people by enforcing the rule of law. The Department also seeks to ensure accountability, transparency, and stewardship of the public fisc in the exercise of its statutory authorities. CRM participates in two of the strategic objectives under Goal 4. This includes PIN’s investigation and prosecution of abuses of the public trust by government officials. It is also the Office of Administration’s (ADM) work to ensure the ethical conduct of CRM’s workforce, to protect the federal fisc and promote transparency, and to generate technologies designed to support CRM’s mission.

*Goal 4 Resources*

Dollars in Thousands	FY 2019 Enacted	FY 2020 Enacted	FY 2021 Total Request
Promote Rule of Law, Integrity, and Good Government	\$50,672	\$51,160	\$48,902

*Program Changes Affecting This Goal*

- International Law Enforcement Program Funding
- Protecting Children from Online Sexual Exploitation

**Objective 4.1 – Uphold the rule of law and integrity in the proper administration of justice**

*Strategies to Achieve Objective*

- Strategy 1: Enhance responsible litigation practices, including when pursuing claims, settling claims by or against the government, and entering consent decrees
- Strategy 2: Strengthen the capacity to investigate, deter and prevent illicit markets
- Strategy 3: Enhance deterrence and ensure appropriate investigation and prosecution of fraud, waste and abuse affecting government programs
- Strategy 4: Reinforce responsible conduct throughout all aspects of administration of justice and enforcement of law and regulation, by adherence to and enforcement of applicable standards of professional conduct and consistent with the public trust

*Objective 4.1 Resources*

Dollars in Thousands	FY 2019 Enacted	FY 2020 Enacted	FY 2021 Total Request
Uphold the rule of law and integrity in the proper administration of justice	\$43,967	\$44,406	\$43,936



*Objective 4.1 Key Performance Indicator*

Responsible Section(s) – CCIPS, CEOS, MLARS, NDDS, & OCGS

Performance Measure	Percentage of federal illicit market defendants whose sole and shared cases were favorably resolved				
FY 2017 Result	FY 2018 Result	FY 2019 Result	FY 2019 Target	FY 2020 Target	FY 2021 Target
N/A	100%	100%	85%	85%	85%

**Objective 4.2 – Defend First Amendment rights to exercise religion and free speech**

*Strategies to Achieve Objective*

- Strategy 1: Minimize instances in which successful speech or religious exercise claims or defenses are raised against the Department in litigation
- Strategy 2: Work with federal agencies to train key civil rights, legal, and/or compliance personnel on Attorney General’s guidance on freedom of religion
- Strategy 3: Educate Title IX recipients about their obligations to respect student expressions of religion and speech

*Objective 4.2 Resources*

Dollars in Thousands	FY 2019 Enacted	FY 2020 Enacted	FY 2021 Total Request
Defend First Amendment rights to exercise religion and free speech	\$2,429	\$2,450	\$2,464

*Objective 4.2 Accomplishment*

**OIA:** From FY 2019 through the end of the calendar year, OIA’s Cyber and Incoming Mutual Legal Assistance teams participated in discussions with foreign authorities regarding protections under the First Amendment during case consultations with Armenia, Belgium, Brazil, Colombia, Cyprus, Germany, the Netherlands, Pakistan, Poland, Portugal, and South Africa. OIA attorneys also conducted formal training on First Amendment protections for foreign judges, prosecutors, and law enforcement officials in seven bilateral and multilateral forums throughout the year.

**Objective 4.4 – Achieve management excellence**

*Strategies to Achieve Objective*

- Strategy 1: Provide ethics training and oversee the financial disclosure program for Department employees and in compliance with government-wide regulations, statutes, Department policies, and procedures
- Strategy 2: Employ, develop, and foster a collaborative, qualified, high-performing, and diverse workforce
- Strategy 3: Produce accurate and timely Quarterly Financial Reports and Annual Financial Reports

- Strategy 4: Pursue cost savings in technology such as moving systems to the cloud
- Section reporting in 4.4: ADM

*Objective 4.4 Resources*

Dollars in Thousands	FY 2019 Enacted	FY 2020 Enacted	FY 2021 Total Request
Achieve management excellence	\$4,276	\$4,304	\$2,502

**Performance and Resource Tables by Strategic Objective**

Strategic Objective	PERFORMANCE MEASURE TABLE									
	Decision Unit: Enforcing Federal Criminal Laws									
	Performance Report and Performance Plan Targets		FY 2015	FY 2016	FY 2017	FY 2018	FY 2019		FY 2020	FY 2021
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	<b>OUTPUT Measure</b>	Number of Legislative and Policy Analysis Matters Completed	6,834	7,700	6,154	7,851	5,692	8,269	8,350	8,704
	<b>OUTPUT Measure</b>	Number of Programmatic Coordination Activities	11,504	12,447	16,874	18,137	16,013	17,149	17,317	18,052
	<b>OUTPUT Measure</b>	Number of Legal Advisory Matters	38,082	36,521	23,744	27,653	26,731	36,996	37,359	38,943
	<b>OUTPUT Measure</b>	Number of Training Sessions/Presentations	4,637	6,365	1,778	5,234	3,408	4,525	4,569	4,763
	<b>OUTPUT Measure</b>	Number of Mandatory Reviews Completed	26,713	24,928	23,312	28,060	27,032	29,227	29,514	30,035
	<b>OUTCOME Measure</b>	Favorably Resolved Criminal Cases	99%	96%	98%	99%	90%	99%	90%	90%
	<b>OUTCOME Measure</b>	Favorable Resolved Civil Cases	100%	100%	100%	100%	80%	100%	80%	80%

PERFORMANCE AND RESOURCES TABLE BY STRATEGIC OBJECTIVE											
Strategic Objective	Decision Unit: Enforcing Federal Criminal Laws										
	Performance Report, Performance Plan Targets, and Resources		FY 2015	FY 2016	FY 2017	FY 2018	FY 2019		FY 2020	FY 2021	
1.1	\$	Objective 1.1 Resources					Enacted		Enacted	Total Request	
							\$12,258		\$12,378	\$14,252	
	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	Actual	Actual	Actual	Actual	Target	Actual	Target	Target	
			N/A	N/A	N/A	958	947	952	850	850	
1.2	\$	Objective 1.2 Resources					Enacted		President's Budget	Total Request	
							\$23,744		\$23,972	\$23,872	
	OUTCOME Measure	Percentage of cyber defendants w hose cases were favorably resolved <sup>1</sup>	Actual	Actual	Actual	Actual	Target	Actual	Target	Target	
			100%	100%	98%	94%	90%	100%	90%	90%	
1.3	\$	Objective 1.3 Resources					Enacted		President's Budget	Total Request	
							\$6,525		\$6,585	\$5,301	
2.1	\$	Objective 2.1 Resources					Enacted		President's Budget	Total Request	
							\$8,380		\$8,475	\$8,372	
2.2	\$	Objective 2.2 Resources					Enacted		President's Budget	Total Request	
							\$4,442		\$4,494	\$4,086	

PERFORMANCE AND RESOURCES TABLE BY STRATEGIC OBJECTIVE										
Strategic Objective	Decision Unit: Enforcing Federal Criminal Laws									
	Performance Report, Performance Plan Targets, and Resources		FY 2015	FY 2016	FY 2017	FY 2018	FY 2019		FY 2020	FY 2021
3.1	\$	Objective 3.1 Resources					Enacted		President's Budget	Total Request
							\$42,930		\$43,344	\$42,996
	OUTCOME Measure	Percentage of federal violent crime defendants whose cases were favorably resolved	N/A	N/A	N/A	100%	90%	100%	90%	90%
	OUTCOME Measure	Percentage of extraditions received related to violent criminals	N/A	N/A	N/A	18.4%	20%	21.2%	20%	20%
3.2	\$	Objective 3.2 Resources					Enacted		President's Budget	Total Request
							\$44,764		\$45,209	\$47,973
4.1	\$	Objective 4.1 Resources					Enacted		President's Budget	Total Request
							\$43,967		\$44,406	\$43,936
	OUTCOME Measure	Percentage of illicit market defendants whose cases are favorably resolved <sup>2</sup>	N/A	N/A	N/A	100%	85%	100%	85%	85%
4.2	\$	Objective 4.2 Resources					Enacted		President's Budget	Total Request
							\$2,429		\$2,450	\$2,464
4.4	\$	Objective 4.2 Resources					Enacted		President's Budget	Total Request
							\$4,276		\$4,304	\$2,502

<sup>1</sup>While the percentage of cyber defendants whose cases were favorably resolved reflects the combined result of CRM, NSD, and USAO when reported as an Agency Priority Goal, only CRM's percentage for sole and shared cases is shown in this table.

<sup>2</sup>While the percentage of illicit market defendants whose cases were favorably resolved reflects the combined result of CRM and USAO when reported in the Annual Performance Report, only CRM's percentage for sole and shared cases is shown in this table.

## 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

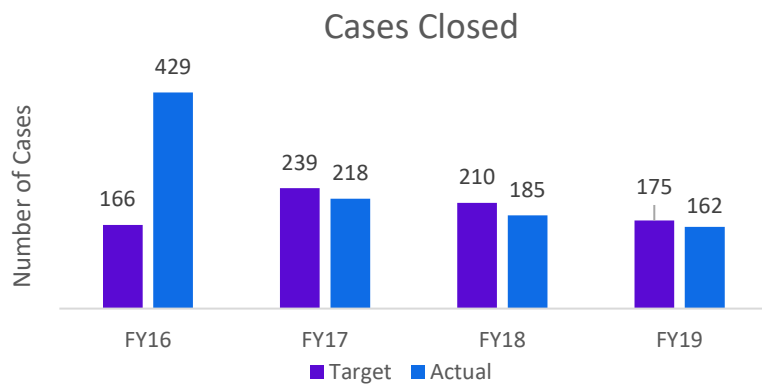
#### *Prosecutions and Investigations*

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**

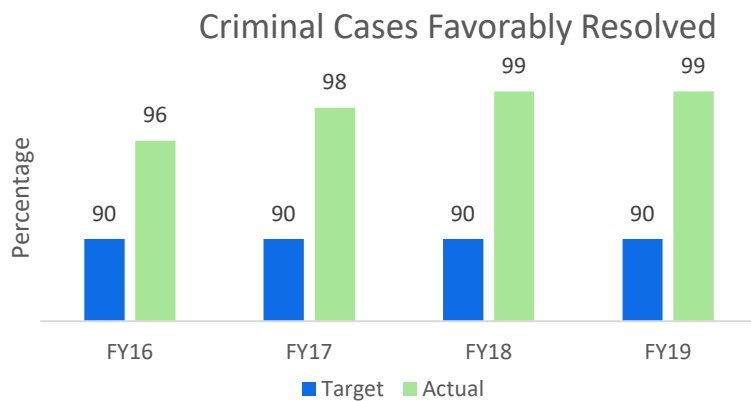
The Division prioritizes resolving cases efficiently and favorably. This metric illustrates the number of open prosecutions that are closed during each fiscal year and provides a snapshot of the Division’s workload. While the Division has experienced a growing attrition rate in recent years, its prosecutors have handled increasingly complex cases that often involve multiple

jurisdictions and international crimes. In FY 2019, the target number of cases was 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 resolved<sup>5</sup> 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 these goals. In FY 2019, the Division exceeded both outcome goals (99% criminal, 100% civil).



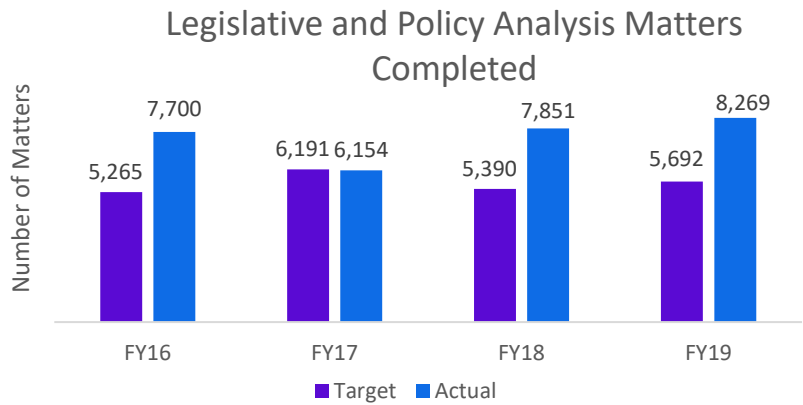
<sup>5</sup> Favorable resolution is measured at the defendant level and reported at the conviction stage of the case.

*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 2016 and FY 2019 the Division exceeded its target each year.

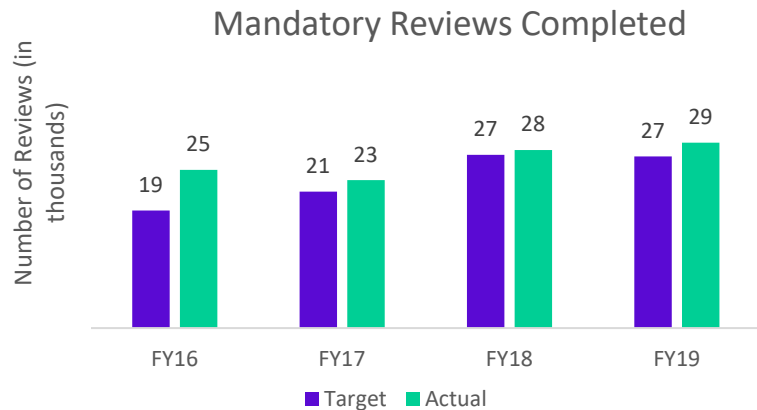


*Law Enforcement Tools*

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 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. From FY 2016 to FY 2019, 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 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 48% of the Division’s work in FY 2019, expert advising and law enforcement activities made up 40% 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 OEO’s 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.



Performance and Resource Tables by Program Activities

PERFORMANCE AND RESOURCES TABLE												
Decision Unit: Enforcing Federal Criminal Law												
RESOURCES			Target		Actual		Projected		Changes		Requested (Total)	
			FY 2019		FY 2019		FY 2020		Current Services Adjustments and FY 2021 Program Changes		FY 2021 Request	
Total Costs and FTE			FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
			1,183	\$193,715	970	\$193,316	1,175	\$195,617	-12	\$137	1,163	\$195,754
TYPE	Strategic Objective	PERFORMANCE	FY 2019		FY 2019		FY 2019		Current Services Adjustments and FY		FY 2021 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
Workload		Cases Opened	397		474		479		0		479	
Workload		Cases Closed	175		162		164		0		164	
Workload		Cases Pending	1,954		2,124		2,145		1		2,146	
Workload		Appellate Work - Opened	1,124		2,713		2,740		2		2,742	
Workload		Appellate Work - Closed	942		2,680		2,706		2		2,708	
Workload		Appellate Work Pending	7,094		542		547		0		548	
Workload		Matters Opened	784		854		862		1		863	
Workload		Matters Closed	639		666		673		0		673	
Workload		Matters Pending	1,095		2,168		2,189		1		2,191	

**PERFORMANCE AND RESOURCES TABLE**

**Decision Unit: Enforcing Federal Criminal Law**

RESOURCES			Target		Actual		Projected		Changes		Requested (Total)	
			FY 2019		FY 2019		FY 2020		Current Services Adjustments and FY 2021 Program Changes		FY 2021 Request	
Program Activity	1.1, 1.2, 1.3, 2.1, 2.2, 3.1, 3.2, 4.1, 4.2	2. Expert Guidance and Legal Advice	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
			457	\$74,774	374	\$74,620	454	\$75,508	-5	\$55	465	\$78,302
<b>Workload</b>		Number of Legislative and Policy Analysis Matters Completed	5,692		8,269		8,350		6		8,356	
<b>Workload</b>		Number of Programmatic Coordination Activities	16,013		17,149		17,317		13		17,330	
<b>Workload</b>		Number of Legal Advisory Matters Completed	26,731		36,996		37,359		27		37,386	
<b>Workload</b>		Number of Training Sessions/Presentations	3,408		4,525		4,569		3		4,573	
Program Activity	1.1, 1.2, 1.3, 2.1, 2.2, 3.1, 3.2, 4.1, 4.2	3. Law Enforcement Tools	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
			142	\$23,246	116	\$23,198	141	\$23,474	-1	\$17	141	\$23,765
<b>Workload</b>		Number of Mandatory Reviews Completed	27,032		29,227		29,514		21		29,535	
<b>Workload</b>		Favorably Resolved Criminal Cases	90%		99%		90%		0%		90%	
<b>Workload</b>		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.



## V. Program Increases

**Item Name:** International Law Enforcement Program Funding

Strategic Goals: 1, 3, and 4

Strategic Objectives: 1.1, 3.1, and 4.1

Budget Decision Unit: Enforcing Federal Criminal Law

Organizational Program: Criminal Division

Program Increase: Positions 12 Atty 3 FTE 12 Dollars \$2,000,000

### Description of Item

The Criminal Division requests an increase of **12 positions (3 attorneys), 12 FTE, and \$2,000,000** to fund the cost of supporting and managing the Division’s two international programs. This enhancement would support the **priority goals of enhancing national security, combatting cyber threats, and disrupting violent transnational criminal organizations.**

### Justification

The International Criminal Investigative Training Assistance Program (ICITAP) and the Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) program are the Criminal Division’s international capacity building programs. These programs provide international development assistance and offer technical expertise that supports law enforcement, national security, and foreign policy objectives important to both the Department of Justice and the Department of State. These programs could not function without the headquarters staff that provide leadership, management, and administrative support, and in some instances directly implement overseas programs. While the headquarters unit is crucial to the success of ICITAP and OPDAT programs, the funding is differentiated between the two. ICITAP and OPDAT are funded through interagency agreements (IAAs) with the U.S. Department of State, the U.S. Agency for International Development, and the U.S. Department of Defense, but the headquarters staff is funded by overhead charged against these IAAs.

### Headquarters Funding Challenges

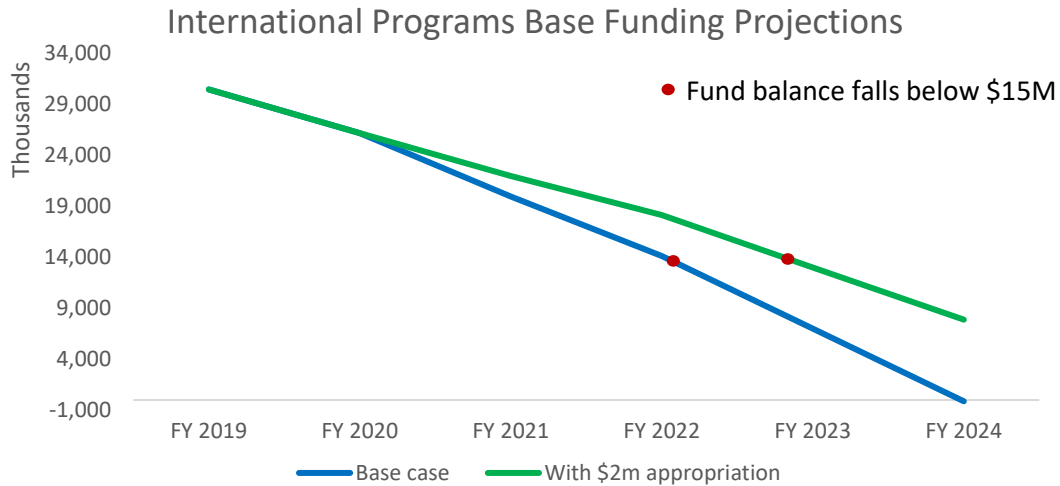
There is currently not enough overhead funding through these IAAs to maintain headquarters financial stability. The Division has made significant effort to operate headquarters staff efficiently and minimally to ensure overhead funds meet funding needs as much as possible; however, costs almost always outpace the overhead received. This trend is anticipated to continue in FY 2021.

Annual funding for ICITAP and OPDAT fluctuates each year, with a large percentage of IAAs received from the State Department in the last quarter of the fiscal year based on policy and budget decisions made by State. Therefore, headquarters funding can fluctuate. This makes headquarters’ financial management, staff retention, and strategic planning difficult in both the short and long term.

### Impact of the Funding Request

Annual funding shortfalls have forced the Division at times to allocate some of its direct appropriation to support ICITAP and OPDAT headquarters. This funding in FY 2021 will provide stability for ICITAP

and OPDAT to meet the Department’s responsibility under Executive Order 13773<sup>6</sup> to enhance cooperation with foreign counterparts against transnational criminal organizations. While headquarters is currently projected to become insolvent in 2022, the request would extend this timeframe to 2023. This would be the point at which the fund balance would fall to \$15 million and the shutdown decision would have to be made.



The requested funding would allow the Division to free up resources for investigations and prosecutions, potentially improving response times for critical wiretap and MLAT requests, and providing more subject matter expertise to other components to ensure their success.

This request does not change the funding structure of the international programs nor does it affect the currently agreed upon overhead percentage that the Division receives from the State Department. The Division continues to work with the Department, OMB, the State Department, and Congress to develop a sustainable future for the programs. The requested \$2 million would significantly improve the financial health of headquarters and the Criminal Division alike, strengthening the ability of the Department of Justice to build strong foreign partners who can work with the United States to enhance cooperation in cross-border cases and to help fight transnational crime and terrorism at the source.

### Headquarters Staff Role and Responsibilities

Headquarters staff handle an array of often complex responsibilities. This ranges from program management, design, and development, IAA negotiations, and logistical arrangements (including travel both for U.S. experts and foreign delegations), to more big-picture work such as strategic planning, setting priorities based on Departmental goals, partnering with the State Department, and participating in key interagency working groups, including those led by the National Security Council. In addition, within the Division’s Office of Administration, the International Training Financial Management unit (ITFM) solely supports the financial management of ICITAP’s and OPDAT’s programs. ITFM, sharing the same overhead funding for its operations, has the monumental task of managing hundreds of IAAs at

<sup>6</sup> Issued February 9, 2017, E.O. 13773, Enforcing Federal Law with Respect to Transnational Criminal Organizations and Preventing International Trafficking, directs the Executive Branch to “enhance cooperation with foreign counterparts against transnational criminal organizations ... through increased security sector assistance to foreign partners”.



any given time, which it also achieves with a lean staff. Each IAA must be managed, accounted, and reported as a separate fund in order to comply with funding agency requirements. ITFM is currently managing over 230 active IAAs worth approximately \$250 million.

As a testament to headquarters' important work supporting international programs, staff oversee programs at 17 ICITAP field offices and manage ICITAP funding in 31 countries as of FY 2019. They also manage OPDAT programs in 128 countries – 50 of which have an active OPDAT presence as of FY 2019. As an example of this program support, following the Nepal earthquake in 2015, ICITAP, OPDAT, ITFM, and JMD PSS mobilized to procure a large number of semi-permanent tentage to re-establish police stations throughout the affected areas. This allowed the police to restore order and counter looting and trafficking in the wake of the disaster. The headquarters staff was crucial to procuring these tents in a timely manner.

### Importance of ICITAP and OPDAT Programs

ICITAP and OPDAT are crucial to the Department's achievement of its law enforcement objectives and fulfillment of its mission to advance U.S. national security. These programs help foreign partners combat terrorism, foreign terrorist fighters, terrorism financing, money laundering and economic crimes, organized crime (including gangs), corruption, cybercrime, intellectual property crimes, trafficking in persons, trafficking in narcotics, and other transnational criminal activities. As illustrated above, the funding of ICITAP and OPDAT headquarters is essential to the continuation of these DOJ programs that partner with foreign justice systems in strategic locations around the world to address priority threats to our national security as mandated by Executive Order 13773.<sup>7</sup>

### Impact on Performance

This enhancement request will contribute to accomplishing many of the Department's Strategic Objectives found in the Department's 2018-2022 Strategic Plan.

- *Goal One:* Enhance National Security and Counter the Threat of Terrorism
  - 1.1 Disrupt and defeat terrorist operations
- *Goal Three:* Reduce Violent Crime and Promote Public Safety
  - 3.1 Combat violent crime, promote safe communities, and uphold the rights of victims of crime
- *Goal Four:* Promote Rule of Law, Integrity, and Good Government
  - 4.1 Uphold the rule of law and integrity in the proper administration of justice

For the Criminal Division, the ICITAP and OPDAT programs and the headquarters staff that keep these programs running contribute significantly to the Department's priority areas of national security and counterterrorism, counter-transnational organized crime, counter-cybercrime, and counter-narcotics, and rule of law, integrity, and good government.

ICITAP strengthens national security by advancing U.S. law enforcement operations abroad through mentorship, technical assistance, and training to foreign police, criminal and anticorruption investigative entities, forensic laboratories, and correctional systems.

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<sup>7</sup> Ibid.



OPDAT develops strong sustainable foreign justice institutions, including prosecution services, task forces, and courts, through case-based mentoring, expert advice, and legislative drafting assistance consistent with international standards that are designed to enable partner countries not only to combat criminal activity at its source, but also to be strong allies in the fight against transnational crime.

#### Objective 1.1

Jointly, ICITAP and OPDAT strengthen the capacities of foreign criminal justice institutions to work with the U.S. to disrupt and defeat terrorist operations, as well as to counter the financing of terrorism and to counter violent extremism. Counterterrorism collaboration and coordination between ICITAP and OPDAT (including, in large part, headquarters staff) and the State Department on programs and plans enable DOJ priorities in combatting terrorism overseas to be supported by the State Department. Their global assistance has resulted in significant impacts throughout the world. As the representative examples below reflect, ICITAP's and OPDAT's counterterrorism efforts are strategic and productive.

For example, ICITAP delivers intelligence training to Indonesia's Directorate General of Corrections personnel, which equip new Special Intelligence Unit supervisors to ensure timely and actionable intelligence to preempt nefarious activities in Indonesia's new specialized terrorist prison. In the Balkans, OPDAT-supported counterterrorism prosecutors secured 16 guilty dispositions in foreign terrorist fighter (FTF) and terrorism cases in 2019, including against seven repatriated FTFs in North Macedonia and, in Kosovo, the first-ever conviction of a female FTF (bringing the cumulative number of guilty dispositions in FTF and terrorism cases to 208 since 2015).

#### Objective 3.1

ICITAP and OPDAT also help foreign partners combat violent transnational criminal organizations, including gangs. They promote evidence-based investigations and prosecutions, the safeguarding of human rights, and adherence to international norms and best practices. Ultimately, they help to establish interoperability and cooperation between the U.S. and foreign criminal justice systems, an invaluable asset to the entire Department. For example, following sustained OPDAT assistance in Central America, counterparts in El Salvador, Guatemala, and Honduras coordinated joint operations in the region against the MS-13 and 18<sup>th</sup> Street Gangs resulting in indictments against more than 3,000 gang members during FY 2019 (7,000 as of December 2019) and the seizure of significant amounts of firearms and money. In Mexico, ICITAP-trained ballistics experts contributed to the arrest and prosecution of a Juarez Cartel hitman, who was found guilty of over 25 gang-related murders. ICITAP's targeted capacity-building efforts provide critical assistance to the forensic community to help thwart the activities of Mexican transnational criminal organizations, which represent a direct threat to U.S. national security.

#### Objective 4.1

Lastly, the Division's international programs uphold the rule of law and ensure the fair, effective, and impartial administration of justice. ICITAP and OPDAT strengthen the capacity of foreign counterparts to deter, investigate, and impose accountability for those who undermine the ethical and equitable application of the law. They deploy experienced federal prosecutors, cyber forensic analysts, and federal law enforcement to protect Americans from foreign criminal threats by providing technical assistance to partners around the world to counter cybercrime, intellectual property crime, and transnational organized crime. For example, ICITAP global capacity building efforts prioritize the development of fair and effective foreign criminal justice systems that serve and protect all citizens, adhere to the rule of law, and are recognized and respected partners in the international community. ICITAP carries these efforts out,



for example, by helping Albania crack down on drug trafficking enterprises, strengthening Colombia’s capacity to combat corruption in the criminal justice system, building capacity in the criminal investigative agencies in Bangladesh, and other strategic activities in over 100 countries over the past 30 years.

During FY 2019, OPDAT’s global network of International Computer Hacking and Intellectual Property Advisors (ICHIPs) expanded, enabling greater assistance to foreign counterparts on a broad range of cyber and intellectual property issues, including accessions to the G7 24/7 High Tech Crime Network and increased capacities to investigate and prosecute criminal violations, incorporating the gathering and use of electronic evidence. In Africa, the ICHIP helped establish a network of officials from a dozen countries to combat counterfeit pharmaceuticals. In Asia, the ICHIP helped Indonesia’s anti-corruption agency handle digital evidence. In Europe, ICHIP-mentored counterparts in Romania convicted the leaders of transnational criminal organizations involved in marketing counterfeit goods and pharmaceuticals. In the Western Hemisphere, the ICHIP provided case-based mentoring to prosecutors, customs agents, and investigators resulting in the seizure of \$147 million of counterfeit goods.

### Funding

#### Base Funding<sup>8</sup>

FY 2019 Enacted				FY 2020 President’s Budget				FY 2021 Current Services			
Pos	Agt/Atty	FTE	\$(000)	Pos	Agt/Atty	FTE	\$(000)	Pos	Agt/Atty	FTE	\$(000)
0	0	0	\$0	0	0	0	\$0	0	0	0	\$0

#### Personnel Increase Cost Summary

Type of Position/Series	Full-year Modular Cost per Position (\$000)	1st Year Adjustments	Number of Positions Requested	FY 2021 Request (\$000)	2nd Year Annual-ization	FY 2022 Net Annualization (change from 2021) (\$000)	FY 2023 Net Annualization (change from 2022) (\$000)
Attorneys (0905)	\$254	\$0	3	\$762	\$0	\$0	\$0
Clerical and Office Services (0300-0399) – Professionals	\$114	\$0	4	\$455	\$0	\$0	\$0
Clerical and Office Services (0300-0399) – Expert Professionals	\$196	\$0	2	\$392	\$0	\$0	\$0
Clerical and Office Services (0300-0399) – Domestic Clericals	\$90	\$0	3	\$270	\$0	\$0	\$0
Investigation (1800-1899)	\$196	\$0	3	\$588	\$0	\$0	\$0
<b>Total Personnel</b>	<b>\$850</b>	<b>\$0</b>	<b>12</b>	<b>\$1,879</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<sup>8</sup> At times, the Criminal Division invests \$5.5 million of its direct resources into the ICITAP and OPDAT programs annually to fund salaries and expenses, administrative functions that support the programs, and rent in order to prolong the solvency of the programs.

Non-Personnel Increase/Reduction Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2021 Request (\$000)	FY 2022 Net Annualization (change from 2021) (\$000)	FY 2023 Net Annualization (change from 2022) (\$000)
Contract Support	N/A	N/A	\$121	\$0	\$0
<b>Total Non-Personnel</b>	<b>N/A</b>	<b>N/A</b>	<b>\$121</b>	<b>\$0</b>	<b>\$0</b>

Total Request for this Item

	Pos	Agt/Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2022 Net Annualization (change from 2021) (\$000)	FY 2023 Net Annualization (change from 2022) (\$000)
Current Services	0	0	0	\$0	\$0	\$0	\$0	\$0
Increases	12	3	12	\$1,879	\$121	\$2,000	\$0	\$0
<b>Grand Total</b>	<b>12</b>	<b>3</b>	<b>12</b>	<b>\$1,879</b>	<b>\$121</b>	<b>\$2,000</b>	<b>\$0</b>	<b>\$0</b>





**Item Name:** **Providing Prosecutorial and Law Enforcement Support**

Strategic Goals: 1, 2 and 3  
Strategic Objectives: 1.1, 1.2, 1.3, 2.1, 2.2, 3.1, and 3.2  
Budget Decision Unit: Enforcing Federal Criminal Law

Organizational Program: Criminal Division

Program Increase: Positions 7 Atty 3 FTE 4 Dollars \$629,000

Description of Item

The Department has identified **combatting the opioid crisis, reducing violent crime, combatting transnational organized criminal organizations, and enforcing our nation’s immigration laws** as top priorities and has directed federal prosecutors to use all of the tools at their disposal to ensure that the perpetrators of these crimes are identified and aggressively prosecuted. As the United States Attorney community aligns itself with these priorities by increasing the ranks of federal prosecutors and shifting resources from other areas, the Office of Enforcement Operations (OEO) must be positioned to support an increasing number of investigations and prosecutions. OEO will need additional resources in order to respond quickly and effectively to the requests of our law enforcement partners and to provide valuable advice and support for their cases. Robust staffing and resources are essential to enable OEO to move nimbly to analyze and address cutting-edge issues, to alert the field to new challenges and legal changes, and to maintain efficient turn-around times for processing law enforcement requests in these fast-moving, critical investigations. In order to keep pace, the Division is requesting an increase of **7 positions (3 attorneys), 4 FTE, and \$629,000.**

Justification

OEO oversees the use by federal prosecutors and investigators of the most sensitive, sophisticated, and effective investigative tools in criminal cases, including those targeting violent gangs, drug and gun trafficking, and alien smuggling. OEO serves a multifaceted role, assisting prosecutors and agents through individual case consultations and reviews as well as training and outreach, while also ensuring that these sensitive investigative tools are used in an appropriate manner that will support successful prosecutions. Similarly, OEO advises Department decision-makers as they consider requests to use these sensitive law enforcement techniques. In addition to providing expert review and guidance in individual cases, OEO advises Department leadership regarding the implementation of, and potential changes to, Department policies concerning the use of these tools. OEO’s behind-the-scenes position and its role as the liaison between the field and Department leadership give it a unique perspective, allowing OEO to assist the field with some of the most critical challenges facing law enforcement today, including the use by criminals of new technologies in an effort to thwart law enforcement detection.

United States Attorneys’ Offices (USAO) staffing has increased to meet the Department’s priorities. This increased staffing in the USAOs will lead to an increased workload for OEO, as the Assistant U.S. Attorneys (AUSAs) in the field generate new investigations and cases that require the use of the authorities and tools that OEO oversees. OEO does not control the volume or complexity of the requests it receives. OEO’s mission is to serve and advise the field in its use of certain investigative tools, and as the field does more and more of the kinds of cases in which those tools are utilized, OEO will need to respond to the increased demand for its services and advice. Indeed, OEO is already seeing an increase in requests that may be attributed, at least in part, to increased USAO staffing.



For example, over the last several months, OEO’s Policy and Statutory Enforcement Unit (PSEU) has seen a dramatic increase in the number of requests for consultation or authorization. Specifically, in the first two quarters of FY 2019 compared with the first two quarters of FY 2018, PSEU has seen an overall 41% increase in the number of consultations and authorization requests. Broken down by subject matter, these increases constitute a 56% increase in news media matters; a 27% increase in attorney search warrants and attorney subpoenas; an 18% increase in witness immunity matters; and a 21% increase in court closure requests. Based on this trend and the expected increase in drug and violent crime investigations and prosecutions as a result of key Department initiatives, PSEU will need additional resources to ensure that requests are handled as efficiently as possible. PSEU, which handles some of the most high-profile cases in the Department, is also engaging in measures to increase its visibility with the field, including by implementing a training program to provide increased support to the USAO community. While PSEU intends to utilize technology to efficiently assist prosecutors in understanding the policy requirements for matters within PSEU’s purview, these efforts will require additional resources, particularly as additional AUSAs are being on-boarded.

OEO’s Electronic Surveillance Unit (ESU) was designed and staffed with the singular goal of ensuring timely reviews of Title III wiretap applications submitted for Department authorization by the field. While this is a critical function, today’s legal and technological landscape and the challenges it presents to effective electronic surveillance, coupled with the Attorney General’s commitment to prioritizing the prosecution of individuals involved in drug trafficking, violent crime, and alien smuggling, have required OEO to provide even greater support to the field. In FY 2018, ESU attorneys reviewed over 3,100 Title III applications comprising in excess of 8,000 facilities. As the United States Attorney community grows in size with significant AUSA hiring and federal law enforcement agencies engage in more focused efforts to combat the opioid crisis and violent crime, ESU must be ready to efficiently and effectively handle an increase in requests from the field while continuing to engage and advise on the myriad legal, policy, legislative, and practical issues involved in the use of electronic surveillance. As PSEU has already seen an increase in requests that may be attributable to the significant increase in AUSA hiring, ESU expects to see a similar increase in Title III applications as well.

Since 2010, ESU has traveled extensively in the field to provide training and outreach to USAOs and law enforcement agencies. ESU’s outreach and training efforts have been extremely beneficial to the field, OEO, and the Criminal Division. In FY 2018, ESU conducted a total of 57 trainings. These trainings included full day seminars for particular USAOs or agencies, brown-bag sessions targeted to specific issues in a location, a two-and-a-half-day Title III course at the National Advocacy Center, participation in agency technology programs, and a new webinar series aimed at busy prosecutors. USAOs and agencies often request training when they are onboarding new attorneys or are working with a new group of agents. The trainings allow ESU to educate the USAOs and agencies on the requirements for and use of wiretaps in complex investigations, as wiretaps often provide much-needed evidence against high-level criminals and organizations where other investigative tools have failed. As the Attorney General has directed federal prosecutors to use all tools at their disposal to fight the opioid crisis and violent crime, it is critical that the field fully understands OEO’s role in using these tools and how we can help them strengthen their investigations for successful prosecutions.

Vast changes in technology and communication methods have created significant challenges in applying Title III in modern federal criminal investigations. ESU provides critical guidance to the field in these areas, and helps lead the Department’s efforts to respond to these challenges. In recent years, ESU has greatly expanded its outreach to the field in providing assistance in responding to suppression motions and appeals raising novel or difficult issues, including working closely with the Office of the Solicitor



General and Criminal Appellate Section on the first Title III case heard by the Supreme Court in over 28 years, which resulted in an 8-0 victory for the government. ESU is continually updating its policy guidance, go-bys, and reference materials. ESU also maintains close relationships with agency counsel and technical personnel to address proactively technological issues that arise. Additional resources are required to ensure that OEO can continue to efficiently process its growing caseload of Title III applications while working with its partners to ensure that federal law enforcement may continue to utilize interceptions of communications to their fullest extent to combat violent crime, gangs, transnational criminal organizations, major drug trafficking organizations, serious fraud and corruption, child sexual exploitation, and human trafficking.

The Special Operations Unit (SOU) within OEO oversees the use of several sensitive law enforcement investigative techniques. SOU's daily responsibilities include the management and oversight of the Federal Witness Security Program (WitSec); the S-visa Program, which helps prosecutors keep foreign national cooperators in the United States to further its criminal investigations and prosecutions; the Special Administrative Measures Program (SAMs), which restricts outside contacts and communications with dangerous prisoners; the Sensitive Consensual Monitoring Program (SCM), which oversees law enforcement's undercover recording of conversations with certain persons in high-level positions within federal and state government; and the Federal Prisoner Program (FedPris), which oversees the field's use or targeting of federal prisoners in the physical and/or constructive custody of the Attorney General.

The number of S-visa submissions are expected to increase when the United States Commission on Transnational Organized Crime (USCTOC) issues its recommendation(s) to client-agencies to increase the number of sponsorships of foreign national cooperators, in response to Executive Order 13773: *Enforcing Federal Law With Respect to Transnational Criminal Organization and Preventing International Trafficking*. SOU has also increased its training and outreach efforts to educate the field on the benefits of the WitSec and S-visa Programs as tools to ensure foreign national and other cooperators' assistance in significant investigations and prosecutions, especially in cases involving serious and violent crimes. With increased messaging to the field about these prosecutorial tools, the number of inbound WitSec and S-visa applications is expected to increase. As with all Units of OEO, SOU strives to increase efficiency in the processing of cases, and provide more robust coordination of support to the field as it, pursuant to Department initiatives, engages in a more focused effort to combat violent crimes, including those committed by transnational organized crime groups.

### Impact on Performance

This enhancement request will contribute to accomplishing many of the Department's Strategic Objectives found in the Department's 2018-2022 Strategic Plan.

- *Goal One: Enhance National Security and Counter the Threat of Terrorism*
  - 1.1 Disrupt and defeat terrorist operations
  - 1.2 Combat cyber-based threats and attacks
- *Goal Two: Secure the Borders and Enhance Immigration Enforcement and Adjudication*
  - 2.1 Prioritize criminal immigration enforcement
  - 2.2 Ensure an immigration system that respects the rule of law, protects the safety of U.S. Citizens and serves the national interest
- *Goal Three: Reduce Violent Crime and Promote Public Safety*
  - 3.1 Combat violent crime, promote safe communities, and uphold the rights of victims of crime



- 3.2 Disrupt and dismantle drug trafficking organizations to curb opioid and other illicit drug use in our nation

Each additional Criminal Division attorney and professional position dedicated to OEO will serve as a force-multiplier, providing far-reaching contributions to the Department’s efforts to successfully address the growing opioid crisis, prosecute violent criminals, including transnational organizations and those involved in immigration crime. The sensitive investigative tools that OEO oversees are often integral to the success of complex investigations and prosecutions. As the Department increases its resources in support of those initiatives, OEO must be poised to respond to the increase in requests to ensure that the investigations can lead to successful prosecutions and to ensure that investigations can be adequately supported.

An example of OEO’s support to investigations and prosecutions occurred in February 2019, when the former leader of the Sinaloa Cartel, Joaquin “El Chapo” Guzman Loera was convicted of functioning as a principal leader and/or organizer of a Continuing Criminal Enterprise as well as numerous other crimes. In July, Guzman was sentenced to life in prison plus thirty years. The successful prosecution of Guzman could not have happened without the investigatory and prosecutorial support of OEO. OEO reviewed and provided guidance on the use of various law enforcement tools in this case, including wiretaps, SAMs, and the secure production and handling of prosecution witnesses before, during and after trial.

Another example of OEO’s support to investigations and prosecutions is its handling of numerous requests to use sensitive investigative tools, including news media consultations, attorney search warrants and subpoenas, and wiretap applications, related to the targeting of individuals involved in immigration, visa, and naturalization fraud. OEO has also reviewed requests to use wiretaps to target doctors and pharmacies in “pill mill” cases, where professionals were distributing opioids without a medical need.

### Funding

#### Base Funding

FY 2019 Enacted				FY 2020 President’s Budget				FY 2021 Current Services			
Pos	Agt/Atty	FTE	\$(000)	Pos	Agt/Atty	FTE	\$(000)	Pos	Agt/Atty	FTE	\$(000)
71	37	71	\$18,251	69	3a6	69	\$19,053	71	37	71	\$18,767

#### Personnel Increase Cost Summary

Type of Position/Series	Full-year Modular Cost per Position (\$000)	1 <sup>st</sup> Year Adjustments	Number of Positions Requested	FY 2021 Request (\$000)	2 <sup>nd</sup> Year Annualization	FY 2022 Net Annualization (change from 2021) (\$000)	FY 2023 Net Annualization (change from 2022) (\$000)
Attorneys (0905)	\$233	\$140	3	\$380	\$0	\$420	\$0
Paralegals / Other Law (0900-0999)	\$108	\$63	3	\$192	\$56	\$188	\$167
Clerical and Office Services (0300-0399)	\$93	\$46	1	\$57	\$17	\$46	\$17
<b>Total Personnel</b>	<b>\$433</b>	<b>\$249</b>	<b>7</b>	<b>\$629</b>	<b>\$73</b>	<b>\$654</b>	<b>\$184</b>



Non-Personnel Increase/Reduction Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2021 Request (\$000)	FY 2022 Net Annualization (change from 2021) (\$000)	FY 2023 Net Annualization (change from 2022) (\$000)
<b>Total Non-Personnel</b>	N/A	N/A	\$0	\$0	\$0

Total Request for this Item

	Pos	Agt/ Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2022 Net Annualization (change from 2021) (\$000)	FY 2023 Net Annualization (change from 2022) (\$000)
Current Services	72	38	72	\$20,158	\$0	\$20,158	\$0	\$0
Increases	7	3	7	\$629	\$0	\$629	\$654	\$184
<b>Grand Total</b>	<b>79</b>	<b>41</b>	<b>79</b>	<b>\$20,787</b>	<b>\$0</b>	<b>\$20,787</b>	<b>\$654</b>	<b>\$184</b>



**Item Name:** **Violent Crime – Protecting Children from Online Sexual Exploitation**

Strategic Goals: 3 and 4  
Strategic Objectives: 3.1 and 4.1  
Budget Decision Unit: Enforcing Federal Criminal Law

Organizational Program: Criminal Division

Program Increase: Positions 3 Atty 2 FTE 3 Dollars \$353,000

Description of Item

The Criminal Division requests **3 positions (2 attorneys), 3 FTE, and \$353,000** for the Child Exploitation and Obscenity Section (CEOS) to further the **Attorney General’s priority of reducing violent crime** – specifically, the online threat that emerging technology poses and the prosecution of online-facilitated child sex trafficking, production of child pornography, and extraterritorial child exploitation.

The rapid advancement of online technologies and platforms have caused online crimes against children to flourish and create dangerous new threats for children, and more training and analytical and prosecutorial support is needed to promote the Department’s efforts to combat child sex trafficking.

Justification

*Introduction*

CEOS’s Trial Attorneys and Digital Investigative Analysts in its High Technology Investigative Unit (HTIU) serve as the nation’s leading experts on identifying and prosecuting child sexual predators; develop and implement innovative enforcement strategies to prevent the victimization of children; identify and address critical policy and legislative concerns; and improve the law enforcement response to crimes against children through training and outreach. CEOS partners with all United States Attorneys’ Offices (USAOs), all federal law enforcement agencies, and foreign law enforcement entities to operate nationally and transnationally, targeting the worst of the worst offenders who almost invariably are unburdened by geographical boundaries.

CEOS’s HTIU provides critical and innovative case support, working both to achieve a favorable outcome in an individual case, but also to systematically improve law enforcement’s response to vexing technological challenges. HTIU’s Digital Investigative Analysts often discover key evidence that leads to the identification and rescue of children being abused, the identification and arrest of online, anonymized offenders, the conviction of a dangerous sex offender, or the conviction of an offender for a more serious offense. A significant percentage of CEOS’s cases and investigations are generated by HTIU’s forensic investigations and the resulting national operations. HTIU’s work also develops countless leads for the field and for our international partners. Examples of HTIU’s cutting edge work include the development of a protocol to proactively mitigate the use of encryption; the design of an efficient working model to handle cases with exceptionally large volumes of media; the development of forensic approaches to identify offenders who use mobile applications; and methods of conducting investigations on anonymous networks. As just one metric of the results CEOS achieves, from 2013 to 2018, CEOS spearheaded 21



national and international operations, leading to the investigation of over 3,500 individuals in the United States and the distribution of more than 10,000 leads concerning suspects operating abroad.

### Evolution of Technology and Impact on Child Safety

CEOS and HTIU expertise is needed now more than ever as technology has changed the production and sharing of child sexual abuse material (known in federal law as child pornography) and how child sex trafficking is facilitated and committed.

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 encrypted communications is totally impossible. As a result, sites remain online for years while hundreds of thousands of offenders migrate to them to commit offenses in plain sight. At the same time, mobile devices have become ubiquitous and are fully encrypted by default – serving as the perfect mechanism to produce, store, share, and access child pornography, and to target, chat with, and groom children for sexual exploitation. Offenders have been emboldened by the protection of technology. Offenders have also increasingly turned to pre-verbal victims (infants and toddlers), spurred by online meeting places that normalize their sexual interest and by the knowledge that such young victims cannot disclose the abuse.

As child abusers adopt chat programs, gaming platforms, social media applications, webcams, and even virtual business meeting technology for illegal means, new forms of child sexual exploitation have abounded. CEOS has seen a rise in cases involving “cyber sex dens,” or “virtual child sex trafficking,” where offenders in America pay to view via webcam the sexual abuse of children in foreign countries. CEOS has seen more “live audience” cases where offenders use virtual business meeting technology to congregate online and watch one offender abuse a child, while commenting on the abuse and requesting that the offender perform specific acts. CEOS has also seen a surge in “sextortion” cases, where offenders use social media to target countless children – often across the world – and coerce them to create and send sexually explicit photographs and videos of themselves. And CEOS has seen an increase in “crowdsourcing” cases, in which a group of offenders lure hundreds of children to a website, trick them into believing they are engaging in online sexual activity with same-age peers, then record and share the footage amongst themselves without the victims realizing that they have been victimized.

From 2008 to 2018, there was a 160% increase in federal prosecutions for the production of child pornography. In the past six years, CyberTips to the National Center for Missing and Exploited Children have risen almost twenty-fold, now exceeding 18 million reports per year. For these victims, the impact of these crimes are profound. One survey of child exploitation survivors found that 83% had suicidal thoughts, and 60% had attempted suicide. Rescuing these children and helping them obtain the services they need to begin their recovery is an urgent priority.

The rise of online advertising of sexual services has greatly facilitated the sex trafficking of children. For example, Backpage was the Internet’s leading forum for prostitution ads, including ads related to child sex trafficking. In FY 2016 and 2017, upwards of 80% of federal child sex trafficking cases involved Backpage advertisements.

A recent case prosecuted by CEOS with the Eastern District of Pennsylvania illustrates the danger created by Backpage. Dkyle Jamal Bridges, 33, Kristian Jones, 25, and Anthony Jones, 35, were convicted at trial for conspiracy to engage in sex trafficking by force, fraud or coercion, and of minors, as well as sex trafficking three minors by force, fraud or coercion. Bridges was also convicted of sex trafficking two



adults by force, fraud or coercion. According to evidence presented at trial, from 2012 through September 2017, Bridges, Kristian Jones and Anthony Jones ran a prostitution enterprise in which adult and minor females were sex trafficked throughout the mid-Atlantic region, including Pennsylvania and Delaware. Bridges frequently used violence and threats to cause the victims to engage in commercial sex acts. Kristian and Anthony Jones helped Bridges run the enterprise by providing security and reserving hotel rooms. The investigation began when a local police officer rescued two minors who had been advertised for prostitution on Backpage.com. Additional victims were identified by local law enforcement after being advertised for prostitution on Backpage.com.

Aside from individual prosecutions like that of Bridges and the Joneses, CEOS responded to the Backpage.com threat in two ways. First, it brought a criminal prosecution against Backpage.com and its founders, taking the site offline and seizing over \$150 million in assets. Backpage and related corporate entities, Backpage’s CEO, and its Marketing Director have all pleaded guilty to various federal offenses. Trial for the remaining defendants will take place in 2020. Simultaneously, it championed legislation that will allow state and local prosecutions of similar sites in the future. In 2017, Congress passed the Fight Online Sex Trafficking Act (FOSTA), which provides greater tools to federal, state, and local prosecutors and victims to hold accountable websites that facilitate sex trafficking and prostitution. CEOS is now promoting the use of those new tools to our state and local partners to tackle the shattered marketplace for commercial sexual services that facilitates child sex trafficking. Backpage’s demise has ushered in a new era for the online commercial sex marketplace where numerous companies, which have migrated their hosting services to Europe, vie for marketplace dominance. For this reason, it is critical that additional investigations and prosecutions strike again at the wounded marketplace to effectuate its collective downfall. CEOS is well-positioned to lead this charge, as each of these investigations and prosecutions require resource-intensive teams that include computer forensic expertise.

Under the leadership of the Office of the Deputy Attorney General (ODAG), the Department is taking a close look at its prosecutorial efforts to address human trafficking. ODAG indicated it will be calling on the U.S. Attorneys’ Offices in all 94 federal districts to determine what support they need to bring sex trafficking prosecutions, as appropriate. This call for the identification of resource needs took place amid a surge in demand from the field, both U.S. Attorneys’ Offices and the FBI, for more training on the investigation and prosecution of sex trafficking. With the funding that CEOS is requesting, it can work with the FBI to deploy “jump teams” in districts seeking to increase their child sex trafficking prosecutions.

#### CEOS’s Current Ability to Respond to Emerging Threats

Because CEOS is not bound within the confines of an individual district, it has a unique view of the global child sexual exploitation threat. This provides a firm basis of knowledge with which to develop and guide a focused and coordinated response. This geographical flexibility and unparalleled technical expertise allows CEOS to bring cutting edge cases against monstrous offenders.

For example, “The Giftbox Exchange” (GBE) was a child-pornography bulletin board operating on Tor that had approximately 70,000 registered users. Users posted links to child sexual abuse material available for download on various sub-forums of the website, which included sections for “Pre-teen Hardcore” and “Babies and toddlers.” GBE’s VIP section was accessible only to users who uploaded new or originally-produced child sexual abuse material. CEOS’s HTIU and Homeland Security Investigations (HSI) identified hundreds of individuals who downloaded child exploitation materials advertised on the website, resulting in the dissemination of at least 248 domestic leads, the execution of 117 search warrants, and the identification of 17 victims. Two of the three administrators of GBE were





sentenced to life in prison following guilty pleas in the Eastern District of Virginia. A third defendant pleaded guilty and was sentenced to 60 years' imprisonment in the Middle District of Florida. These three were charged along with a fourth defendant in the Middle District of Tennessee on additional child exploitation charges; all four pleaded guilty in that case and received sentences of 20 to 35 years in prison. A fifth defendant was sentenced to 60 years in prison in the Commonwealth of Virginia. These defendants also prove that online conduct often results in real world harm, as they all were sexually abusing children aged four and under. This operation was recognized recently with an Assistant Attorney General's Award for Exceptional Service.

"Dark Souls" is an international investigation by CEOS, HSI, IRS Criminal Investigations, and the U.S. Attorney's Office for the District of Columbia, of a Tor child pornography website called "Welcome to Video." Dark Souls was the first large-scale nationwide child exploitation investigation whose targets were identified via blockchain analysis. The targets are more than 100 U.S.-based individuals who have paid in Bitcoin to receive and distribute child sexual abuse material on the website. As a result of this investigation, leads were sent to 38 countries and arrests made of 325 subjects around the world, along with approximately 91 searches of residences and businesses in the United States. Of greatest importance, at least 20 minor victims, from the United States, Spain and the United Kingdom, have been rescued from sexual abuse being committed by users of the site.

CEOS successfully concluded an operation in FY 2019 targeting two pernicious and growing phenomena: the use of gaming platforms to commit child sexual exploitation crimes, and the production of child sexual abuse material via crowdsourcing, where conspirators leveraged their numbers and collaborated to sexually exploit large numbers of children. Discord is a publicly-available voice, video and text chat service that is primarily marketed to online gamers. Child sex offenders have co-opted this service to target children. Offenders create members-only chat rooms on Discord which are used as a hub for their collective action. They then work together to identify and entice underage girls into engaging in sexually explicit conduct via webcam, and the conduct is surreptitiously recorded, stored, and shared among offenders within Discord chat rooms. The number of children victimized pursuant to these schemes can be staggering. For example, one such defendant surreptitiously produced child sexual abuse material of approximately 2,000 victims varying in ages from approximately 10- to 17-years-old. As a result of CEOS's efforts, he was sentenced to 25 years in prison following his guilty plea in the Western District of Washington to engaging in a child exploitation enterprise. Thus far, 150 victims of that criminal enterprise have been identified. Recently, seven members of the conspiracy were sentenced to prison for periods of 15 to 30 years after six pleaded guilty and one was convicted by a jury in EDPA. Three others are pending trial.

### Extraterritorial Child Sexual Exploitation

In addition to the emerging technology threat, CEOS continues to prosecute American offenders who prey on impoverished children in countries with limited capacity to protect them. Americans who accompany military personnel deployed abroad are also subject to prosecution in the United States if they commit a child sexual exploitation offense. Because CEOS can try cases in any district, it is uniquely situated to devote resources to the investigations in the pre-indictment phase before the venue has yet to be determined. These cases pose serious challenges including obtaining foreign evidence and witnesses, as well as resolving complex, first-of-a-kind legal and practical challenges. As such, the cases are incredibly resource-intensive. While success is not guaranteed in such cases (and often can take years to obtain) due to these factors, CEOS pursues them because the United States bears an undeniable responsibility to ensure that these U.S. offenders preying on children abroad do not escape justice. CEOS can also provide the subject matter expertise to address the unique constitutional issues posed by these



cases. For example, in *United States v. Reed* and *United States v. Park*, CEOS brought the first two cases under a novel criminal provision which prohibits U.S. citizens from residing abroad and sexually abusing children. In *Park*, the Court of Appeals for the District of Columbia affirmed the constitutionality of this statute.

Training and Capacity Building

To the extent possible with existing resources, CEOS acts as a force multiplier by supporting vital, cutting-edge training events, including the annual National Law Enforcement Training on Child Exploitation, which in the last five years alone reached a total of almost 7,300 law enforcement personnel, prosecutors, and other professionals working in this field. Each agenda is carefully designed to provide instruction on cutting edge technological and legal issues concerning online child sexual exploitation and abuse. CEOS designs and offers extensive nationwide in-person training at the National Advocacy Center, the International Law Enforcement Academy, and other venues. CEOS builds international capacity by regularly traveling abroad to present to investigators, prosecutors, judges, and non-governmental organizations. CEOS publishes a newsletter distributed to AUSAs and federal agents that provides updates on changes to legislation, tips for trial and forensic examinations, guidance on recurring legal issues and defense motions, recent developments in the law, and other useful topics. CEOS also maintains a case digest that summarizes the significant federal cases addressing child exploitation topics, and maintains and updates an intranet site that provides comprehensive child exploitation-related resources. Agents and AUSAs who need immediate assistance can also call the CEOS duty line to obtain on-the-spot guidance.

Additional Resources Needed to Combat Child Exploitation and the Use of New Technology

The more sophisticated offenders become, and the more complex the cases become, the more resources we must devote to the investigation and prosecution of each case and to the amount of training and guidance we provide to the field to enable U.S. Attorneys’ Offices to continue their efforts in the face of these challenges. In particular, more complex and intense analytical work, computer forensic data mining, and prosecutions will be needed to maintain the Department’s commitment to combating online child exploitation. Further, the technological and legal solutions to access evidence on encrypted devices, especially smartphones, is rapidly evolving and requires constant vigilance. Simply put, the offenders are out there, and with more trial attorneys and digital investigative analysts, CEOS could develop and lead more operations, prosecutions, and trainings to bring more of them to justice.

Impact on Performance

This enhancement request will allow CEOS to continue to accomplish many of the Department’s Strategic Goals and Objectives identified in the Department’s 2018-2022 Strategic Plan, and particularly the following:

- *Goal Three: Reduce Violent Crime and Promote Public Safety*
  - 3.1 Combat violent crime, promote safe communities, and uphold the rights of victims of crime
- *Goal Four: Promote Rule of Law, Integrity, and Good Government*
  - 4.1 Uphold the rule of law and integrity in the proper administration of justice



Protecting the American people from violent crime, including increasing the Department’s efforts to address sex trafficking, was also recently identified by the Attorney General as “a top priority for the Department.”

The requested resources will prevent CEOS from losing ground to child sex offenders in the wake of substantial changes in the scale, technological complexity, and dangerousness of the crimes. This will support the Department’s strategic goals by reducing violent crime and promoting public safety, rule of law, integrity, and good government. The addition of two trial attorneys and one digital investigative analyst will position CEOS to effectively address and expand its efforts in its three priority areas. In particular, the new resources will allow CEOS to continue to lead the Department of Justice’s efforts to continuously improve the enforcement of federal child exploitation laws and prevent the exploitation of children, as well as continue to assist law enforcement agents and prosecutors in the investigation and prosecution of computer facilitated child exploitation offenses, national operations involving child exploitation over the Internet, and special investigative initiatives.

**Funding**

Base Funding

FY 2019 Enacted				FY 2020 President’s Budget				FY 2021 Current Services			
Pos	Agt/Atty	FTE	\$(000)	Pos	Agt/Atty	FTE	\$(000)	Pos	Agt/Atty	FTE	\$(000)
30	19	30	\$7,732	29	19	29	\$7,811	30	19	30	\$7,951

Personnel Increase Cost Summary

Type of Position/Series	Full-year Modular Cost per Position (\$000)	1 <sup>st</sup> Year Adjustments	Number of Positions Requested	FY 2021 Request (\$000)	2 <sup>nd</sup> Year Annual-ization	FY 2022 Net Annualization (change from 2021) (\$000)	FY 2023 Net Annualization (change from 2022) (\$000)
Attorneys (0905)	\$233	\$140	2	\$253	\$0	\$280	\$0
General Investigative (1800-1899)	\$179	\$109	1	\$100	\$30	\$109	\$30
<b>Total Personnel</b>	<b>\$412</b>	<b>\$249</b>	<b>3</b>	<b>\$353</b>	<b>\$30</b>	<b>\$389</b>	<b>\$30</b>

Non-Personnel Increase/Reduction Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2021 Request (\$000)	FY 2022 Net Annualization (change from 2021) (\$000)	FY 2023 Net Annualization (change from 2022) (\$000)
<b>Total Non-Personnel</b>	N/A	N/A	\$0	\$0	\$0

Total Request for this Item

	Pos	Agt/ Atty	FTE	Personnel (\$000)	Non- Personnel (\$000)	Total (\$000)	FY 2022 Net Annualization (change from 2021) (\$000)	FY 2023 Net Annualization (change from 2022) (\$000)
Current Services	30	19	30	\$7,951	\$0	\$7,951	\$0	\$0
Increases	3	2	3	\$353	\$0	\$353	\$389	\$30
<b>Grand Total</b>	<b>33</b>	<b>21</b>	<b>33</b>	<b>\$8,304</b>	<b>\$0</b>	<b>\$8,304</b>	<b>\$389</b>	<b>\$30</b>