

# II

## **STRATEGIC GOAL TWO: Enforce Federal Criminal Laws**

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At the heart of the Department of Justice's (DOJ) mission is our responsibility to enforce the Nation's federal laws through the investigation and prosecution of criminal offenses. The array of areas for which we are responsible are diverse and challenging, including: terrorism, drug related crime, violent crimes, firearms offenses, white-collar crime, child exploitation, cybercrime, and public corruption.

Adding to this challenge is the complexity of the American criminal justice system. The law enforcement responsibility in the United States is shared and addressed cooperatively among DOJ organizations, and other federal, tribal, state, and local agencies. Several DOJ component organizations share primary responsibility for enforcing the Nation's criminal laws. In addition, the increased globalization of crime requires the Department to strengthen cooperation with international law enforcement organizations.

The Federal Bureau of Investigation (FBI) has responsibility to investigate over 200 categories of federal crimes, and monitor activities that threaten the Nation's security. The FBI also provides law enforcement assistance and other specialized support when required.

The Drug Enforcement Administration (DEA) has responsibility to enforce the controlled substance laws and regulations of the United States, and to bring to justice those organizations and individuals who are involved in the growth, manufacture, and distribution of those substances destined for illicit traffic in the United States. The DEA focuses on priorities of critical drug related intelligence and other specialized enforcement assistance, and it supports non-enforcement programs aimed at reducing the availability of illicit controlled substances on the domestic and international markets.

The Immigration and Naturalization Service (INS) is charged with enforcing the Nation's immigration laws. Although Strategic Goal Five focuses on DOJ's immigration efforts, the interrelationship between immigration issues and criminal offenses also makes INS an important contributor to the fight against violent crime, drug related crime, and terrorism.

The United States Attorneys (USA) and the Criminal Division (CRM) are also key players in these goals as they prosecute violators of federal criminal law, seek punishment of those guilty of unlawful behavior, and represent the United States in other specialized litigation. Both are committed to dismantle major drug organizations, target terrorist acts and violent crime, and prosecute high priority white-collar crime nationwide. The USA and CRM play key roles in providing leadership and direction to the combined federal, state, tribal, and local law enforcement effort.

In addition, the Antitrust (ATR), Civil (CIV), Civil Rights (CRT), Environment and Natural Resources (ENRD) and Tax (TAX) Divisions perform critical and specialized functions in prosecuting violators of the Nation's antitrust, consumer, civil rights, environmental, wildlife, and tax laws. The priority performance goals of these divisions are split between Strategic Goals Two and Four, as appropriate.

While we continue to focus on violent crime, white-collar crime, and illegal drugs, we must confront the sophistication of criminals that will challenge our ability to prevent and solve crimes, and bring criminals to justice. We will work aggressively to combat gun crimes. We will also face the complexities of fighting cybercrime and international crimes. We will confront these issues recognizing that the Department is a crime-fighting partner with other federal, state, tribal, and local agencies working strategically to define our roles and coordinate our efforts to ensure that our scarce resources provide maximum impact in our crime-fighting efforts.

## **MANAGEMENT CHALLENGES**

There are no existing material weaknesses that will hinder the achievement of goals in this area in FY 2003. However, the management challenges Counterterrorism and Sharing of Intelligence and Law Enforcement Information (see Strategic Goal I), which the DOJ OIG included in its December 2001 list of top ten management challenges facing the Department, include performance measures found under this Strategic Goal. Also, the OIG issue Information Systems Planning and Implementation (see Strategic Goal VIII), includes prominent references to FBI systems.

Performance measures related to these management challenges are noted here and under Strategic Goals I and VIII.

## **PROGRAM EVALUATIONS**

The FBI has in place a three-year schedule for conducting assessments of its programs, through the inspection process. Such assessments are designed to determine the program's overall effectiveness and efficiency. Inspections were conducted of the Office of the General Counsel, Laboratory Division, Training Division, Finance Division and Criminal Justice Information Services Division during FY 2001, as well as numerous field office operations. Detailed and extensive program evaluations of the Domestic Terrorism Program and the Criminal Informant Program-Field Management were concluded in FY 2001. These evaluations reviewed substantive policies and procedures to make a determination of the effectiveness and efficiency of the programs. Studies of Field Office Organizational Structure, Field Office Rapid Deployment Teams, National Infrastructure Protection and Computer Intrusion program, and the Technically Trained Agents program are ongoing and will be completed in FY 2002. In FY 2002, evaluations of the Organized Crime, Legal, Executive Development and Selection programs, Task Force Resources and Time Utilization Record-keeping (TURK) system will begin.

### **STRATEGIC OBJECTIVE 2.1: VIOLENT CRIME**

**Reduce the threat, incidence, and prevalence of violent crime, especially as it stems from illegal use of guns or from organized criminal enterprises.**

**Annual Goal 2.1: Reduce the threat, incidence, and prevalence of violent crime, especially as it stems from illegal use of guns or from organized criminal enterprises.**

#### **STRATEGIES**

- ◆ Reduce violence stemming from the illegal use of guns in each of the 94 federal judicial districts.
- ◆ Target specific organized criminal enterprises to eliminate their power and influence in America.
- ◆ Target, investigate, and prosecute the most violent street gangs in our cities and communities.
- ◆ Provide operational enforcement assistance and training to tribal governments.
- ◆ Promote increased cooperation with foreign law enforcement authorities.

In FY 2002, DOJ's principal law enforcement investigative agencies will counter violent crime by emphasizing targeted enforcement strategies. The ultimate goal of the Department's organized crime program is to dismantle the most significant organized crime enterprises through investigation and prosecution. Our principal enforcement efforts are currently directed against: (1) the 21 most significant Russian/Eastern European/Eurasian criminal enterprises (more commonly referred to as the Russian Organized Crime) operating in the United States and elsewhere; and (2) approximately 25 Asian organized crime groups operating in the United States, including Chinese Triads, criminally influenced Tongs and various gangs. The transnational activities of these groups will

also be addressed to the extent that such activities impact domestically on the United States. A related goal is to undercut the strong financial underpinnings of these large criminal enterprises by placing renewed emphasis on efforts to prevent the laundering of their illegal proceeds and to forfeit their assets, thereby seeking to permanently cripple their operations.

The FY 2002 revised final performance plan also discusses the continued commitment of resources for international liaison and enforcement efforts. This will help counter the foreign-based aspect of emerging threats such as Russian, Eastern European, Asian, Italian, and other organized crime groups. The increasing international nexus of this new breed of criminal organization means that the corruption of key officials in major industries and the operation of large-scale money laundering schemes, through bank stock exchanges and commodities markets, can flourish without regard to national boundaries.

Another key element of DOJ's performance plan involves a stronger focus on the growing threat posed by emerging organized crime enterprises. These so-called "non-traditional" crime organizations have a rapidly expanding membership, flourish in the drug underworld, and often employ violent means to establish themselves. The FBI and the DEA have adopted new technologies to improve analytical support for investigations and have strengthened their intelligence base about these non-traditional groups and their leadership in order to prevent them from gaining a stronger foothold. Another effort will focus on monitoring changes in patterns of drug abuse and shifts in trafficking trends to measure the impact of enforcement initiatives.

Efforts to curtail gang-related violence and the illegal use of firearms are other major features of this plan. In response to a surge in juvenile and gang-related violent crime between 1985 and 1995, the FBI developed its National Gang Strategy. As part of this gang strategy, federal law enforcement agents continue to form multi-agency task forces that include state and local police officers. Collectively, these teams are able to achieve results, which no agency could do on its own.

Similarly, the DEA will deploy its Mobile Enforcement Teams (MET) to help meet emerging drug crises in particular localities and in collaboration with the National Crime Prevention Council and the Bureau of Justice Assistance. DEA will continue to provide anti-drug training to community leaders following their MET deployment where appropriate. The training is a grass-roots effort to help communities plan, organize, implement and evaluate a prevention program. In addition, the National Drug Intelligence Center (NDIC) will update its National Street Gang

Survey Report, a key reference for enforcement agencies. At the district and headquarters levels, the EOUSA and CRM play a leadership role in developing and refining the Department's violent crime reduction strategies and increasing cooperation between state, local, and federal enforcement authorities.

Project Safe Neighborhoods is a comprehensive national strategy that will create local partnerships to effectively enforce existing gun laws. The strategy will provide more options to prosecutors, allowing them to utilize local, state, and federal laws to ensure that criminals who commit gun crime face tough sentences. Project Safe Neighborhoods gives each federal district the flexibility it needs to focus on individual challenges that a specific community faces.

Another on-going initiative will address the rising incidence of crimes against children, including abduction cases, sexual exploitation offenses, and the production of child pornography. DOJ's performance plan calls for multi-agency, multi-disciplinary teams to address these problems, including the growing use of the Internet and commercial on-line subscription services, to pursue related crimes.

The Department's plan for coordinating DOJ law enforcement activities includes strategies to ensure that the objectives of the Department's investigative agencies are fully coordinated and complementary, that intelligence is shared, and that administrative practices are consistent. The Department will develop and implement, under the guidance of each USA, a District Enforcement Strategy that targets both national and local priorities and identifies how all parts of the system can interact more effectively to meet the needs of justice. In addition, the Department will identify and coordinate cases in which a multi-district prosecution effort is needed.

**MEANS – Annual Goal 2.1**

**Dollars/FTE\***

Appropriation	FY 2001 Actual		FY 2002 Enacted		FY 2003 Requested	
	FTE	\$ mill	FTE	\$ mill	FTE	\$ mill
Criminal Division	246	29	273	34	282	36
FBI Construction	0	0	0	15	0	0
Federal Bureau of Investigation	10625	1365	10938	1698	11339	1929
Interpol	61	8	64	8	64	9
U.S. Attorneys	1502	227	1609	243	1625	259
<b>Subtotal</b>	<b>12434</b>	<b>\$1629</b>	<b>12884</b>	<b>\$1998</b>	<b>13310</b>	<b>\$2233</b>

\* FBI resources displayed include resources for 2.3 Espionage to protect dissemination of classified information.

**Skills**

The Department requires skilled agents, attorneys, analysts, and linguists. Linguists are critical to supporting criminal and national security investigations and intelligence success. This goal requires the skills and abilities of experienced attorneys and law enforcement professionals.

**Information Technology**

FBI programs in this area are supported by: the Integrated Statistical Reporting and Analysis Application (ISRAA), a centralized database which tracks statistical case accomplishment from inception to closure; the Automated Case Support System (ACS), a database which captures all information pertaining to the administration of cases; and the Innocent Images National Initiative (IINI), a separate case management system. There are two primary DEA systems supporting efforts in this area: FIREBIRD, the primary office automation infrastructure that supports the full spectrum of DEA's global operations; and MERLIN, an advanced intelligence system designed to support the classified processing needs of Special Agents and Intelligence Research Specialists operating worldwide.

## PERFORMANCE ASSESSMENT – Annual Goal 2.1

### 2.1A Dismantle Targeted Organized Crime Groups

#### Background/ Program Objectives:

The FBI, working closely with DOJ's prosecutors, will continue its intensive efforts against the threats of emerging Asian and Eurasian criminal enterprises. While crimes are combated as individual events by other programs, the Organized Crime Section, through the use of the RICO statute, targets the entire entity responsible for the crime problem, *the organization*. This is accomplished by charging the organization's members as a group with a wide range of crimes committed by its members, in violation of local, state, and federal laws.

Organized Criminal Enterprises are structured to ensure that their leadership is far removed from the criminal activity, making it very difficult to link overt crimes to the leaders of the organization. Moreover, even if key individuals are removed, the strength of these organizations often allows the enterprise to be sustained. This requires the FBI to develop strategies targeted primarily at dismantling the organization, as opposed to merely removing key individuals.

#### Performance:

**Performance Measure:** Dismantled Asian Criminal Enterprises (ACE) NOTE: Prior year actuals have been updated to reflect the most current and accurate data available.

**FY 2001 Target:** 12

**FY 2001 Actual:** 13

**Discussion:** The FBI's Asian Criminal Enterprise (ACE) subprogram aims to reduce the threat to society posed by ACEs through the use of sustained coordinated investigations utilizing innovative and sophisticated investigative techniques. FBI Special Agents utilize the Enterprise Theory of Investigation and the Racketeer Influenced and Corrupt Organizations statute from the U.S. Criminal Code to disrupt and dismantle these criminal enterprises in accordance with the FBI's Organized Crime Program strategic plan.

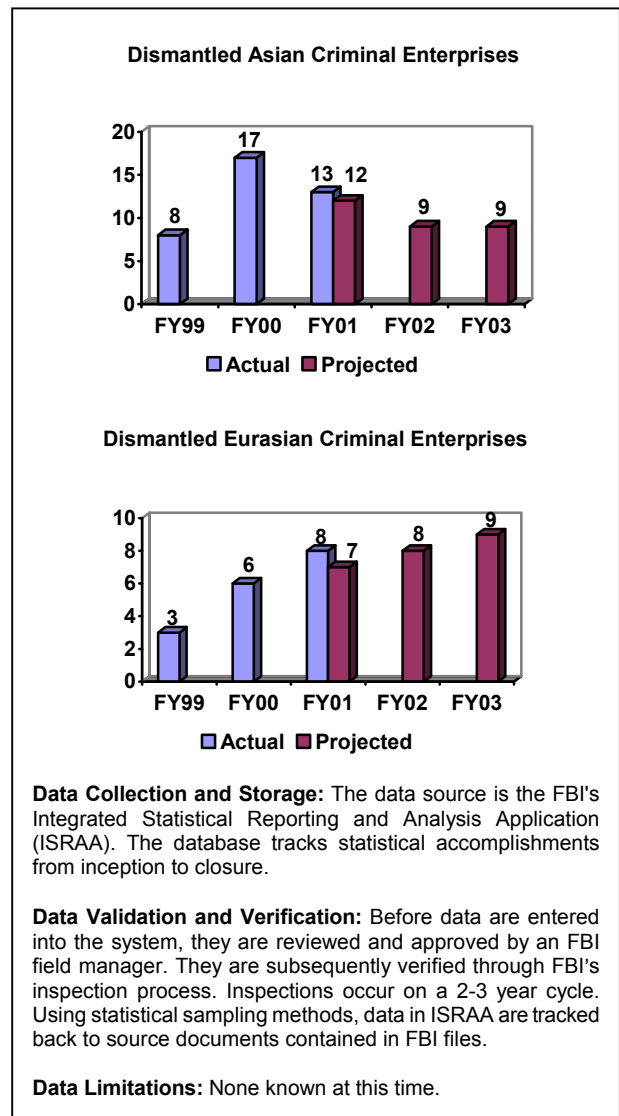
**FY 2002 Performance Plan Evaluation:** Based on resource constraints in FY 2001, we are decreasing the corresponding 2002 target from 12 to 9 Dismantled Asian Criminal Enterprises.

**FY 2003 Performance Target:** 9 Dismantled Asian Criminal Enterprises.

**Public Benefit:** ACEs impacting the U.S. are primarily ethnically organized groups from East and Southeast Asia. This includes criminal enterprises of Chinese, Korean, Japanese, Thai, Filipino, Cambodian, Laotian, and Vietnamese decent. Also, other ACEs are emerging as domestic and international threats to include groups from the South Pacific Island nations as well as groups from Southwest Asia such as Pakistan, India, Afghanistan, Nepal, and Iran. In the U.S., ACEs have been identified in more than 50 metropolitan areas.

**Performance Measure:** Dismantled Eurasian Criminal Enterprises (ECE)

**FY 2001 Target:** 7



***FY 2001 Actual: 8***

***Discussion:*** Over the past decade, Eurasian Criminal Enterprise (ECE) groups in the U.S have maintained a high level of contact with criminal elements in their source regions of the former Soviet Union, Central and Eastern Europe, and the Middle East. Not only are ECE groups involved with traditional offenses commonly associated with organized crime, such as extortion, murder, prostitution, and drugs, they are also becoming increasingly more sophisticated in their domestic U.S. and worldwide criminal operations.

***FY 2002 Performance Plan Evaluation:*** Based on program performance in FY 2001, we expect to meet the FY 2002 target of 8 Dismantled Eurasian Criminal Enterprises.

***FY 2003 Performance Target:*** 9 Dismantled Eurasian Criminal Enterprises.

***Public Benefit:*** The U.S. and world-wide economic impact of Eurasian organized crime is estimated to be in the multi-billions. These economic factors combined with the potential political and national security implications, which have sprung from the destabilizing influence of Eurasian organized crime upon the former Soviet Union, pose a serious global threat. Collaborative efforts between agencies in the U.S. and with foreign countries have enabled the FBI to realize several major accomplishments towards dismantling ECE criminal activity within the U.S.

**Strategies to Achieve the FY 2003 Goal:**

Operation "Button Down" was initiated on 3/6/96 to provide a five-year, sustained and coordinated attack on the number one organized crime problem confronting American society, the La Cosa Nostra (LCN). At the outset of Operation "Button Down," the FBI identified active LCN families in more than 20 cities. After five years, criminally active LCN families operate in less than half of these cities. LCN influence on industries and within unions has also been significantly diminished. The momentum attained during the Button Down Initiative will continue under the umbrella of the Organized Crime Program Plan (OCP). This program will target not only the LCN, but also Italian Organized Crime, Eurasian Organized Crime, Asian Criminal Enterprises and African Criminal Enterprises. The OCP will focus on the most significant international Organized Criminal Enterprises affecting the United States through the development of an Organized Crime Target List.

ACE groups have a propensity for violence and are fluid and highly mobile in nature. These factors, coupled with language and cultural barriers, render local law enforcement officials efforts generally ineffective in addressing the ACE threat. ACE groups exhibit a range of criminal diversity, including robbery, extortion, sophisticated fraud schemes, home invasions, and drug trafficking. The transience of ACE members, and the inability to fully overcome language and cultural impediments have made the identification of the ACE members and criminal extensiveness difficult to discern. Into FY 2003, investigative efforts will concentrate on identifying the most significant groups, their leadership, full scope, and territory of their criminal activity. Additionally, efforts will focus on building confidence in the Asian-American community by establishing permanent presence, using agents that share language and cultural affinity, and successfully prosecuting violent offenders.

Eurasian Criminal Enterprise (ECE) groups are becoming increasingly more sophisticated in their domestic U.S. and worldwide criminal operations. This has become especially apparent in their international money laundering and bank fraud activity. ECE groups have purchased controlling interests in banks and other financial institutions and have skillfully utilized these assets to hide or transfer the proceeds of their various criminal enterprises. These factors, combined with their characteristic transnational mobility, have enabled ECE groups to expand and diversify their criminal enterprises at a pace which exceeds that of traditional LCN groups. As such, FBI strategy must rely upon an integrative investigative approach, which utilizes the entire range of investigative techniques and programs that are presently available.

**Crosscutting Activities:**

The FBI, U.S. Attorneys and the Criminal Division continue to work together in dismantling traditional organized crime groups and to ensure that a new generation of criminal enterprises do not emerge utilizing more advanced technology and new crime schemes. Law enforcement personnel from DOJ and other federal agencies including: the Bureau of Alcohol, Tobacco and Firearms (ATF); DEA; FBI; the Internal Revenue Service (IRS); the United States Coast Guard (USCG), the United States Customs Service (USCS); and the United States Marshals Service (USMS), combine their expertise and resources with state and local investigators to meet these objectives.

## 2.1 B Reduce the Number of Targeted Gangs

### Background/ Program Objectives:

The mission of the FBI's Violent Crimes and Major Offenders Program is to reduce the incidence and impact of crimes of violence and of crimes against property that affect individuals, organizations, and communities. Consistent with the FBI's Strategic Plan, the Program's mission involves the proactive identification, disruption and dismantlement of criminal enterprises, as well as the swift, efficient and measured response to serious violent criminal acts, which implicate core FBI jurisdiction, responsibilities, and competencies.

Research shows that victimization costs \$105 billion annually in property and productivity losses and for medical expenses. This amounts to an annual "crime tax" of roughly \$425 for each United States citizen. From the business owner who must pay "protection" money to neighborhood gangs; to families who live like hostages within their own homes, afraid to venture out; to the residents of Indian Country - the harmful impact of violent crime on actual victims and on society collectively is both psychologically and physically debilitating.

### Performance:

**Performance Measure:** # Dismantled of the 30 Gangs Targeted by the FBI as the Most Dangerous NOTE:

Prior year actuals have been updated to reflect the most current and accurate data available.

**FY 2001 Target:** 3

**FY 2001 Actual:** 4

**Discussion:** The FBI strives to reduce the level of violent crime by dismantling gangs identified as being the most dangerous. The FBI maintains a "Top 30" list of these gangs each year, selected based upon the extent to which each gang's activity is multi-jurisdictional, violent, having a deleterious effect on the community, and affiliated with a group identified in the FBI's National Gang Strategy. The FBI's objective is to dismantle 15 gangs that appear on this list over a five-year period (an average of 3 per year). Thus far, the FBI has been successful in meeting this objective.

**FY 2002 Performance Plan Evaluation:** Based on program performance in FY 2001 we expect to meet FY 2002 target of 3 gangs dismantled.

**FY 2003 Performance Target:** 3

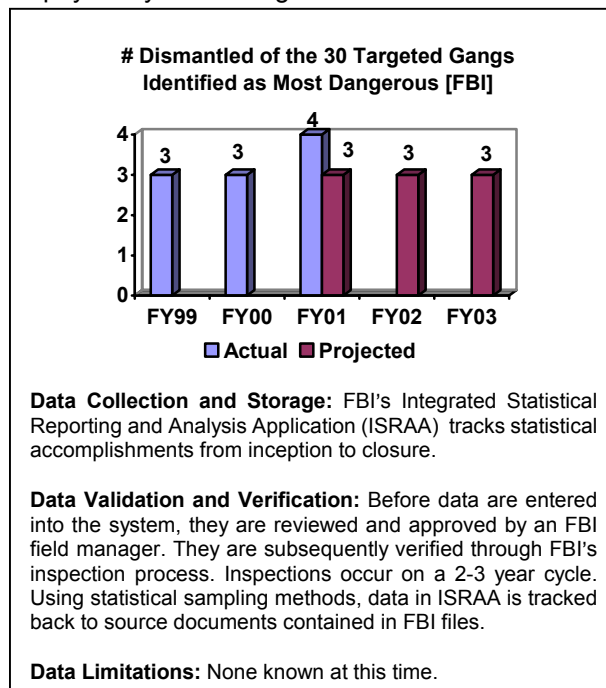
**Public Benefit:** Despite the general decline in violent criminal activity, gangs are still a threat to the Nation. The gangs that are emerging are older, more experienced, hardened criminals that engage in a myriad of violent activities as well as thefts of cargo, motor vehicles, and high tech goods.

### Strategies to Achieve the FY 2003 Goal:

In FY 2003, DOJ will target and respond to particular local crime problems involving violence and gang activity, including drug-related crimes. To achieve this, DOJ will strive to reduce the level of violent crime by taking violent criminals and gangs off our streets through cooperative enforcement efforts with state and local law enforcement programs such as FBI's Safe Streets Task Forces and DEA's Mobile Enforcement Teams (MET). We will do this by dismantling 15 of the most dangerous gangs over a five-year period. Cases will be selected based upon the multi-jurisdictional nature, violent activity, affiliation with a group identified in the National Gang Strategy, and /or degree of deleterious effect on the community. These cases are identified at the beginning of each fiscal year and always consist of the 30 most dangerous gangs fitting the criteria above. As cases and investigations are closed, new gangs meeting the established criteria are rotated in to maintain a base of 30.

### Crosscutting Activities:

The FBI, USNCB, DEA, USMS, U.S. Attorneys and the Criminal Division work with state and local law enforcement agencies through the department's Anti-Violent Crime Initiative to reduce the level of violent crime associated with these targeted gangs.



## 2.1C Implement Gun Violence Reduction Strategies

### Background/ Program Objectives:

The Brady Handgun Violence Protection Act requires Federal Firearm Licensees (FFL) to request background checks on individuals attempting to purchase a firearm or transfer ownership. The Act also required the establishment of a National Instant Criminal Background Check System (NICS) that any FFL may contact by telephone, or other electronic means, for information to be supplied immediately, on whether the receipt of a firearm by a perspective transferee would violate federal or state law.

Project Safe Neighborhoods is a comprehensive national strategy that will create local partnerships to effectively enforce existing gun laws. The strategy will provide more options to prosecutors, allowing them to utilize local, state, and federal laws to ensure that criminals who commit gun crime face tough sentences. Project Safe Neighborhoods gives each federal district the flexibility it needs to focus on individual challenges that a specific community faces. Currently each district is developing a strategic plan using crime data to target reduction in local gun crime and will report on their effectiveness in reaching their targets every six months.

### Performance:

**Performance Measure:** Persons with Criminal Backgrounds Prevented From Purchasing Firearms

**FY 2001 Target:** 81,652

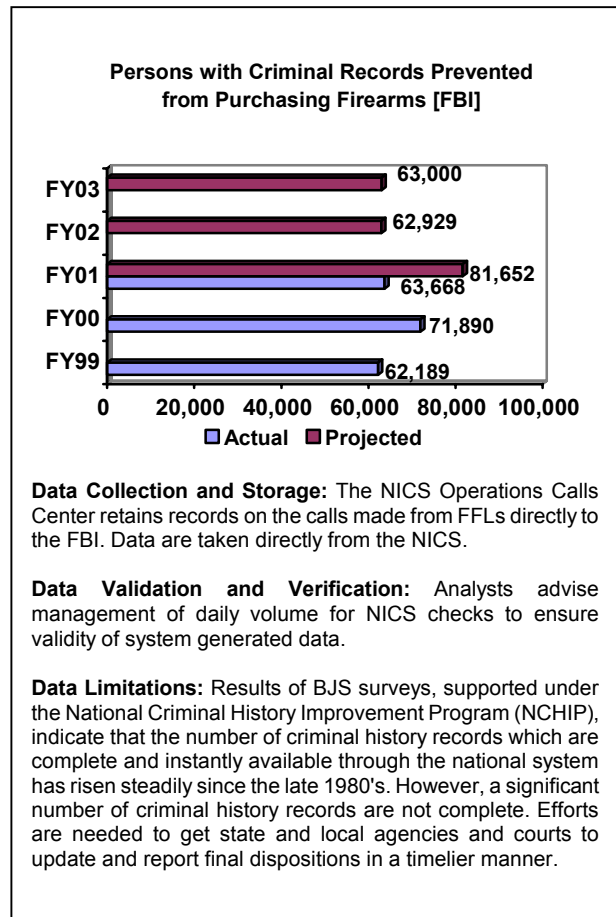
**FY 2001 Actual:** 63,668

**Discussion:** The FY 2001 target was not met due to the fact that the projections were too high. The number of NICS checks is driven by market demand for firearms. The number of denied persons depends upon whether prohibited persons, who have records accessible to NICS, attempt to purchase a firearm.

**FY 2002 Performance Plan Evaluation:** Based on FY 2001 performance, we are adjusting our original FY 2002 projection of 82,510 to 62,929 persons with criminal background prevented from purchasing firearms. Previously reported targets were based on the assumption that all states and territories would be full participants in the program. The FBI NICS processes all of the checks for 29 states/territories.

**FY 2003 Performance Target:** 63,000

**Public Benefit:** NICS is an important tool that allows DOJ to prevent firearms from falling into the wrong hands. NICS goal is to "Reduce criminal activity by providing data on individuals who are prohibited from purchasing a firearm to FFLs in a timely manner". Potential firearms purchasers who have a criminal history or other background rendering them ineligible are blocked at the point of sale. Since its inception in November 1998, NICS has completed 13,596,770 inquiries and blocked 221,144 gun sales to ineligible persons.



### Strategies to Achieve the FY 2003 Goal:

The FBI's Interstate Identification Index facilitates interstate exchange of criminal history records for law enforcement and related purposes. This includes pre-sale firearm checks, as well as the collection and flagging of records of persons convicted of stalking and domestic violence, including persons subject to and/or convicted of violations of protective orders. In FY 2002, we will focus our efforts to reduce NICS transactions not complete within three business days and to implement a system to enable FFLs to conduct NICS background checks electronically.

Individual cities and states have begun to respond effectively to this epidemic of gun violence. Model firearm programs such as Project Exile in Richmond, VA, and Operation Ceasefire in Boston, MA have achieved success



and are currently being duplicated around the country. It is this Administration's task to expand upon these successes by giving all new USAs a mandate and a framework for creating an effective gun violence reduction program. Through this framework, we will build a lasting coalition with our citizens—one that empowers them to be agents of change in their own communities. Under Project Safe Neighborhoods, U.S. Attorneys appointed by President Bush will implement a gun violence reduction strategy based on five key elements:

- 1) Partnership: U.S. Attorneys will partner with federal, state, and local law enforcement agencies within their district to coordinate community programs that are already underway and review and prepare gun cases for prosecution in the most appropriate forum.
- 2) Strategic Planning: U.S. Attorneys will develop a plan to prosecute violent gun offenders and intensify federal gun law enforcement using state-of-the-art technology and intelligence gathering techniques such as crime mapping, tracing of seized guns, and ballistic technology to help connect bullets and casings to the guns that fired them.
- 3) Training: U.S. Attorneys will emphasize training on current trends, effective gun violence reduction efforts and firearms laws. Federal prosecutors and agents will be trained with local prosecutors and law enforcement in order to promote better collaboration.
- 4) Effective Outreach: U.S. Attorneys will work with local communities to increase awareness of Project Safe Neighborhoods, promote community involvement and send a deterrent message.
- 5) Accountability: Project Safe Neighborhoods will measure the impact that this renewed effort is having on reducing crime and the long-term effect that this program is having rather than arrests, prosecutions and convictions.

**Crosscutting Activities:**

The NICS is a partnership between the FBI, ATF, and other federal, state, and local agencies. Federal and state agencies contribute records for inclusion in the system. The Office of Justice Program's National Criminal History Improvement Program also involves interaction between the FBI and state and local law enforcement officials.

## 2.1D Increase Cooperation with Foreign Law Enforcement

### Background/ Program Objectives:

International law enforcement cooperation is critical to addressing the dramatic growth in the scope of transnational crime such as terrorism, narcotics trafficking, money laundering, fraud, and cybercrime and the immediate threat it poses to the United States and the global community. The Department is increasing its emphasis on cooperation with foreign law enforcement and criminal justice officials to make it easier to obtain and provide information and evidence needed to pursue cases against transnational criminals. Working jointly with foreign counterparts is a realistic way to achieve the goals of dismantling international criminal organizations, locating fugitives, and establishing mutually recognized processes for ensuring criminals are brought to justice primarily through the extradition process coordinated and supervised by Criminal Division's Office of International Affairs (OIA).

OIA is the Central Authority for the United States under 40 Mutual Legal Assistance Treaties (MLATs) in force and a number of multilateral conventions. As such, OIA makes and receives all MLAT requests, and is responsible for the drafting by federal, state, or local prosecutors, of requests for bank records or other evidence abroad. OIA insures that the requests are presented to the proper foreign Central Authority, and presses for the execution of the request in a timely manner. OIA also coordinates the execution in the U.S. of requests from foreign countries under the MLATs.

### Performance:

**Performance Measure:** Number of New Treaties with Other Countries Entering Into Force

**FY 2001 Target:**

8 (4 extradition treaties and 4 MLATs)

**FY 2001 Actual:**

11 (5 extradition treaties and 6 MLATs)

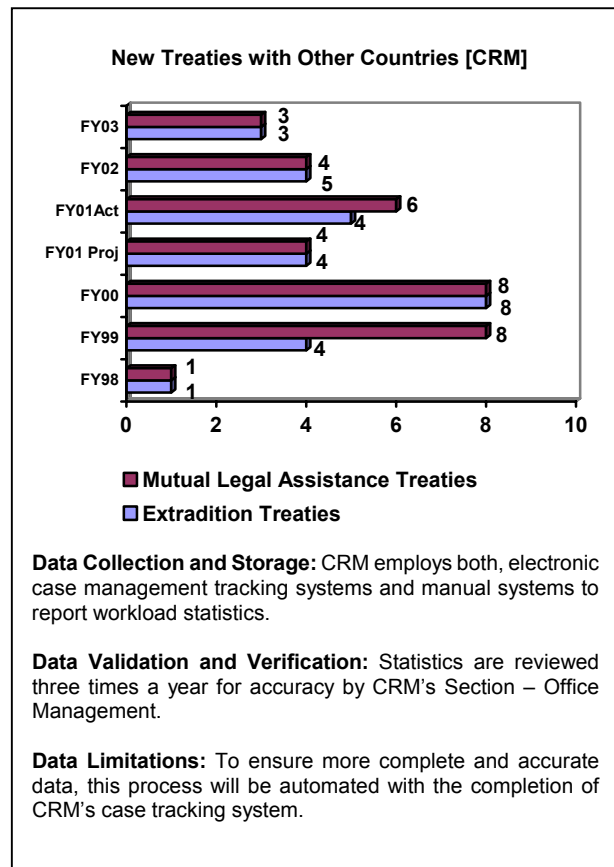
**Discussion:** Using an expanded network of law enforcement treaties and conventions, the Department was able to make notable progress in the international arena. For instance, almost 100 fugitives were returned by the U.S. to other countries; and over 175 individuals were surrendered to the U.S. through the extradition process; including accused murderer Ira Einhorn and Mexican narcotics trafficker Arturo "Kitti" Paez.

During FY 2001, four new extradition treaties with Paraguay, South Africa, Belize, and Sri Lanka, entered into force, as well as a temporary surrender protocol to the U.S.-Mexico treaty. During the same time period, five new MLATs (with Brazil, Estonia, Luxembourg, Ukraine, and South Africa) became operational, and the U.S. became a party to OAS MLAT. Moreover, an extradition treaty with Peru, a temporary surrender protocol to the U.S.-Canada treaty, and an MLAT with Ireland were signed in FY 2001, as were the COE Corruption Convention, and the U.N. Organized Crime Convention. Finally, negotiations on bilateral law enforcement treaties or protocols with twelve other countries under a number of multilateral conventions were underway or scheduled at the beginning of FY 2002.

**FY 2002 Performance Plan Evaluation:** The Department has negotiated as many new treaties as are currently needed and are increasing the number of consultations and implementations talks with existing treaties partners. Based on this, the FY 2002 targets of 8 MLATs and 5 Extradition Treaties has been decreased to 4 extradition treaties and 4 MLATs.

**FY 2003 Performance Target:** 3 extradition and 3 MLATs

**Public Benefit:** Office of International Affairs serves as the law enforcement community's sole coordinator for all requests for international extradition. OIA has been able to use the MLATs to secure critical evidence in major fraud, terrorism, and computer crime cases. Also OIA, working with the Asset Forfeiture and Money Laundering Section, has employed the MLATs to freeze hundreds of millions of dollars in narcotics proceeds in a



variety of foreign countries, and to arrange for a large portion of that money to be returned to the United States for forfeiture.

**Strategies to Achieve the FY 2003 Goal:**

The Department, in conjunction with the State Department, will pursue bilateral and multilateral agreements to modernize international procedures in the area of extradition and mutual legal assistance, and will work to implement existing and new agreements/arrangements, including international terrorism conventions. DOJ will enlist the active cooperation of foreign law enforcement authorities active in the prosecution of international crime, including investigations and prosecutions of those responsible for fraud, computer, and intellectual property crime, and will move forward with the implementation of Plan Colombia and the Joint Case initiative. The Department's Criminal Division will also work with its counterparts in other countries to pursue investigations and prosecutions of terrorists, to dismantle the financial underpinnings of terrorism, and to achieve the adoption and implementation of the full range of international terrorism conventions.

The Department will also continue to move forward in its efforts to stop the flow of illicit profits to the criminal community through its international, litigation, litigation support and training efforts.

**Crosscutting Activities:**

DOJ works closely with the State Department in negotiating law enforcement related treaties and agreements and pursuing the extradition process. DOJ also deals with Treasury in international money laundering matters and with the Office of National Drug Control Policy in the development of strategies for domestic and transnational drug trafficking.

**STRATEGIC OBJECTIVE 2.2: DRUGS**

**Reduce the threat, trafficking, and related violence of illegal drugs by identifying, disrupting and dismantling drug trafficking organizations**

**Annual Goal 2.2: Reduce the threat, trafficking, and related violence of illegal drugs by identifying, disrupting and dismantling drug trafficking organizations**

**STRATEGIES**

- ◆ Coordinate domestic and foreign strategic intelligence information from all sources, including the law enforcement agencies, intelligence community, and financial databases.
- ◆ Target drug traffickers and their organizations through OCDETF or equally complex investigations, using asset forfeiture as well as other tools when appropriate, and investigate and prosecute the movement of drug proceeds into, within, and out of the United States.
- ◆ Develop and implement district enforcement strategy under the guidance of each U.S. Attorney.
- ◆ Reduce the domestic production of illegal drugs and the illegal diversion of precursor and essential chemicals.
- ◆ Support international cooperative efforts to investigate and prosecute major drug trafficking organizations and bilateral and multilateral initiatives to mobilize international efforts against illegal drug activities.

America faces many challenges today from drug trafficking. Illegal drug use weakens our society; violent drug trafficking groups erode the quality of life in our communities; and drug trafficking provides some terrorist groups a steady source of income to finance their operations. The ultimate goal of law enforcement efforts is reducing the availability of illicit drugs in the U.S. in order to be effective.

The DOJ FY 2002 Performance Plan supports the President's Anti-Drug Abuse Policy and is consistent with the general guidance of the Office of National Drug Control Policy (ONDCP) and the Department's Drug Control Strategic Plan. These plans articulate that our primary investigative and prosecutorial objective is to curtail the availability of illegal drugs through the disruption and dismantlement of drug trafficking organizations, forfeiting illegal proceeds and their economic

foundations at the national and international levels.

The Department will continue its leadership role in supporting the intelligence needs of the law enforcement agencies. In FY 2002, the Department will strengthen its efforts to disrupt and dismantle drug trafficking organizations by continuing to strengthen the analytical capacity of each investigative agency and the Special Operations Division (SOD). The Department, working with ONDCP and the Intelligence Community, will continue to actively support the work of the National Drug Intelligence Center (NDIC), the El Paso Intelligence Center (EPIC), and the Financial Crimes Intelligence Center (FinCen).

The Department will strengthen its programs to target drug smuggling organizations which traffic across the southern borders, and from Europe and Asia. Since September 11, 2001, the Department has also strengthened its programs, that focus on targeting drug organizations that use the northern border as their transit zone for drugs and drug proceeds. All of these programs link federal, state and local investigations domestically and mobilize multilateral enforcement efforts abroad.

**MEANS – Annual Goal 2.2**

**Dollars/FTE**

Appropriation	FY 2001 Actual		FY 2002 Enacted		FY 2002 Requested	
	FTE	\$ mill	FTE	\$ mill	FTE	\$ mill
Asset Forfeiture Fund	0	21	0	23	0	23
Criminal Division	212	29	226	30	231	31
DEA	8092	1412	8567	1482	8708	1546
Diversion Control Fee	595	77	656	86	722	114
FBI Construction	0	0	0	5	0	0
FBI	3379	328	3293	389	3299	390
Interagency Crime & Drug Enforcement	[2919]	329	[2919]	339	[2952]	362
National Drug Intelligence Center	206	34	322	43	322	34
U.S. Attorneys	2757	281	2923	296	2942	316
<b>Subtotal</b>	<b>15241</b>	<b>\$2513</b>	<b>15987</b>	<b>\$2692</b>	<b>16224</b>	<b>\$2816</b>

**Skills**

Experienced prosecutors, agents, investigators, intelligence analysts, and linguists are critical to supporting Major Drug Trafficking Organization investigations. In addition, DEA must have skilled Special Agents, Diversion Investigators, and forensic chemists. The majority of positions require analysis and writing skills.

**Information Technology**

There are two primary DEA systems supporting efforts in this area. FIREBIRD, the primary office automation infrastructure that supports the full spectrum of DEA's global operations and MERLIN, an advanced intelligence system designed to support the classified processing needs of Special Agents and Intelligence Research specialists operating worldwide. In addition, DEA has developed the Priority Target Activity and Resource Reporting System (PTARRS), a subordinate automated system specifically to link the resources applied and the results achieved against priority targeted organizations. The Criminal Division's Executive Office for the Organized Crime Drug Enforcement Task Forces (OCDETF) maintains a management information database system that captures information on investigations and prosecutions. FBI programs in this area are supported by ISRAA, a centralized database which tracks statistical cases accomplishment from inception to closure; and ACS, a database that captures all information pertaining to administration of cases.

## PERFORMANCE ASSESSMENT – Annual Goal 2.2

### 2.2A Reduction in the Supply and Use of Drugs within in the U.S

#### Background/ Program Objectives:

To reduce the availability of drugs and thereby reduce drug usage, the Department of Justice relies on targeting our largest drug supply networks and dismantling their entire infrastructure, from international supply, through national transportation cells, to regional and local distribution organizations. The OCDETF program, with its coordinated, multi-agency, multi-district investigations, will be the primary mechanism for implementing this strategy. The Attorney General directed the nine OCDETF regions across the country to formulate strategic plans targeting the most serious drug threat in each region. These plans will be implemented with field-driven investigations coordinated by the United States Attorneys. The goal of each investigation will be to make linkages to other related investigations nationwide in order to identify and dismantle the entire structure of the drug trafficking operation.

A major emphasis in these OCDETF investigations will be on dismantling the business side of drug trafficking organizations. As the Attorney General noted during a national conference in December 2001, “Sophisticated drug trafficking organizations mirror the Fortune 500. They have similar business structures, distribution systems, and profitability—laundering an estimated \$300 to \$500 billion dollars a year. Just as the Department seeks to dismantle terrorist operations by cutting off their access to money, so too must we combat the sophisticated financial infrastructure of drug trafficking operations.”

The Drug Enforcement Agency (DEA), in conjunction with Office of National Drug Control Policy (ONDCP) and an interagency group, is developing national estimates for the amount of cocaine, heroin, methamphetamine and marijuana available for consumption in the U.S. on a yearly basis. This is a very complex endeavor, largely due to data limitations. Although there are broad information gaps due to lack of pertinent data, and concerns regarding the validity of much of the data that are available, DEA will develop a baseline measurement for FY 2002 for each of these drugs. A baseline estimate will be developed for the amount of drugs available in the U.S. from other countries as well as those drugs produced domestically. Intelligence data from several sources, including but not limited to, the United Nations Office for Drug Control and Crime Prevention, ONDCP, National Drug Intelligence Center, and the Federal Wide Drug Seizure System will be considered. Second, a baseline estimate for the amount of illicit drugs consumed in the U.S. will be developed based on data from the Substance Abuse and Mental Health Services Administration; National Institute of Justice’s Arrestee Drug Abuse Monitoring Program; the ONDCP; and the National Institute for Drug Abuse Monitoring the Future Survey. As demand reduction efforts increase, consumption is expected to decrease, which will eventually result in a reduction in the availability of drugs in the U.S.

#### Performance:

**Performance Measure:** NEW MEASURE: Reduction in the Supply of Drugs Entering the U.S.

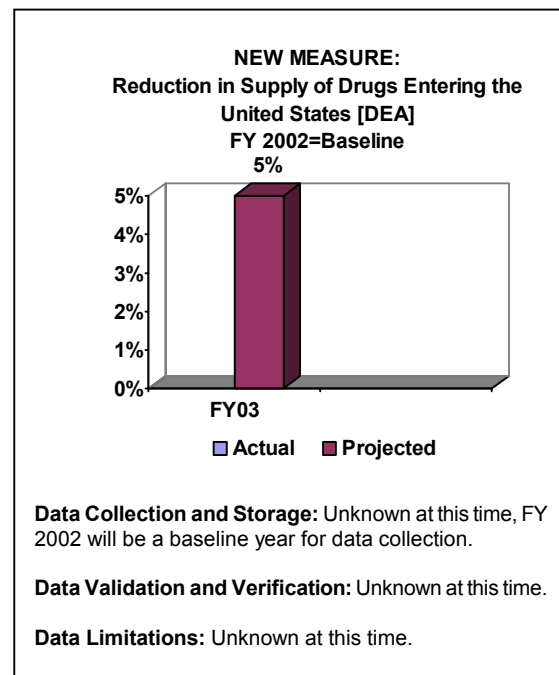
**FY 2001 Target:** N/A

**FY 2001 Actual:** N/A

**FY 2002 Performance Plan Evaluation:** During the FY 2002 baseline year, we will develop national baseline estimates for the amount of cocaine, heroin, methamphetamine, and marijuana is available for consumption in the U.S.

**FY 2003 Performance Target:** Reduce the supply of drugs entering the U.S. by 5%. (NOTE: This target may be modified subsequent to the development of a baseline in FY 2002.)

**Public Benefit:** A reduction in the availability of drugs entering the U.S. will strengthen our communities,



improve our economy, reduce violent crime and the profits of terrorist organizations

**Strategies to Achieve the FY 2003 Goal:**

All nine OCDETF geographic regions have completed their Strategic Plans. The Plans identify and target the most significant drug and money laundering organizations in each region. Regional priority target lists will become the focus of OCDETF work in the coming year, together with investigations focused on a joint national priority target list, encompassing the national priority targets of the FBI, DEA and others, which will be established by the OCDETF Executive Committee. Each region will then monitor their progress and modify their target list as some groups are dismantled and as intelligence identifies additional groups that should be the focus of OCDETF resources.

**Crosscutting Activities:**

Interagency cooperation is key to successful drug enforcement. Given the sophisticated, multi-jurisdictional nature of drug trafficking operations, controlled largely by criminal organizations in Colombia, Mexico and the Dominican Republic, the Department has developed a number of programs through which the investigators can coordinate the counter-narcotics investigations with international, federal, state and local counterparts. Among these are the following:

- SOD, a combined DEA, FBI, Criminal Division, IRS, USCS, and Department of Defense effort that supports ongoing investigations by producing detailed and comprehensive data analyses of the activities of PDTOs.
- OCDETF, is a long standing model of multi-agency, multi-jurisdictional drug enforcement cooperation. The OCDETF program joins federal, state and local law enforcement in coordination with the United States Attorneys, in a comprehensive attack against the most significant transnational and multi-district drug trafficking organizations.
- The Executive Office for OCDETF and HIDTA Director's Office work collaboratively towards the goal that HIDTA task forces are generating OCDETF quality investigations.
- DOJ and the Department of Transportation/U.S. Coast Guard work together to develop evidence to prosecute the maritime drug smuggling cases where U.S. forces have participated in the apprehension of the perpetrators.
- The NDIC assembles and synthesizes intelligence from federal, state, regional, and local law enforcement from the Intelligence Community to prepare a "National Drug Threat Assessment."
- EPIC, a national multi-agency intelligence center, acts as a clearinghouse for tactical drug related intelligence to support law enforcement at the federal, state, local and international levels.

Additionally, DEA is working with the following sources to gather data on the availability of drugs in the U.S.: United Nations Office for Drug Control and Crime Prevention, ONDCP, State Department's International Narcotics Control Strategy Report, National Drug Intelligence Center, El Paso Intelligence Center, CIA's Crime and Narcotics Center, Defense Intelligence Agency, DEA's Intelligence Division, Federal Wide Drug Seizure System, Domestic Cannabis Eradication Program, and State and local law enforcement agencies.

## 2.2B Disrupt and Dismantle Major Drug Trafficking Criminal Enterprises

Each DEA field division nominates drug trafficking organizations that are operating in its area of responsibility for priority targeted drug trafficking organizations (PDTO) status, through each annual Field Management Plan. Using its PRIDE system, DEA approves and categorizes the nominated targets as priority International, National/Regional, and Local Targets, and the DEA Special Agents in Charge (SACs) work as members of their OCDETF Regional Advisory Councils in formulating strategic objectives and targets for their Regions. The ultimate goal at the national and local levels is to dismantle the criminal organization by putting it out of existence or breaking it up to the extent that reconstruction of the same criminal organization is impossible. The U.S. Attorneys, Criminal Division, FBI, USMS, INS, and other federal, state, and local law enforcement entities also participate by using a wide range of capabilities in partnership with DEA to disrupt and dismantle the highest level of drug trafficking organizations and those with an identified local impact.

Through intelligence-driven investigations, DEA will: identify and target the national/regional organization most responsible for the domestic distribution and manufacture of drugs; and systematically dismantle the targeted organization by arresting/convicting the leaders and facilitators, seizing and forfeiting their assets and destroying their command and control, transportation, distribution, and financial networks. Measurements of effectiveness/outcomes will be: (1) the number/percentage of disrupted national/regional target organizations; (2) the number/percentage of dismantled domestic target affiliates; (3) the collapse or disruption of identified drug organizations that threaten the Nation as signaled by changes in organization leadership, trafficking patterns, drug production methods or violence within and between organizations; (4) the number and percentage of dismantled local organizations resulting from joint DEA/state and local efforts; and (5) the number of significant money laundering organizations disrupted or dismantled.

Information will be collected including, but not limited to, the following evaluative factors, which will allow DEA to assess the qualitative impact of each disruption or dismantlement. Examples of such factors include: complexity of the targeted PDTO (e.g., length of existence of the PDTO, and/or inability of other agencies to disrupt or dismantle; linkage between this PDTO and other PDTOs; violence, particularly murders, involved); PDTO scope of influence (e.g., degree of control or influence the PDTO has in the area and/or degree of control the PDTO has over various aspects of drug trafficking); and impact of disruption or dismantlement (e.g., percentages of total members or leaders and cell heads on the organizational profile arrested/incarcerated; value of assets seized from asset profile; disruption or dismantlement of this PDTO led to further activity against other higher level PDTOs, or led to identification of additional PDTOs).

The principal objective of the FBI's Drug Program Plan is to focus limited counter-drug resources to target and dismantle the most significant Drug Trafficking Organizations (DTOs). The complete and permanent dismantlement of an organization is a very difficult, and in some cases, an improbable objective to achieve due to the national and international scope of the organizations and outside factors. Although the ultimate objective of FBI investigations is dismantlement; FBI acknowledges that the disruption of an organization is also a significant accomplishment. A key element of the FBI's Drug Program Plan is the identification of a National Priority Target List (NPTL) of international drug trafficking criminal enterprises that have the most adverse impact on U.S. national interests. The FY 2002 NPTL is composed of 11 drug trafficking criminal enterprises (CEs) (a combination of Mexican, Colombian, and Caribbean-based DTOs). Annual update of the NPTL incorporates input from the field divisions, Special Operations Division, DEA, U.S. Customs Service, Office of National Drug Control Policy, and other drug policy, intelligence and investigative organizations to ensure that DTOs have the greatest influence on drug trafficking in the U.S. are included on the NPTL. If an FBI investigation reveals that a DTO is linked to a criminal enterprise on the NPTL, the information concerning the linkage is submitted for review and validation.

*Although the following performance measurement displays target out-year performance for both DEA and FBI, in FY 2002 and FY 2003 the Department will be transitioning to a single OCDETF list of drug trafficking organizations noting Departmental-crosscutting efforts in National Priority OCDETF cases.*



**Performance:**

**Performance Measure:** MEASURE REFINED:  
Dismantled/Disrupted Priority Drug Trafficking Organizations (PDTOs)

**FY 2001 Target:**

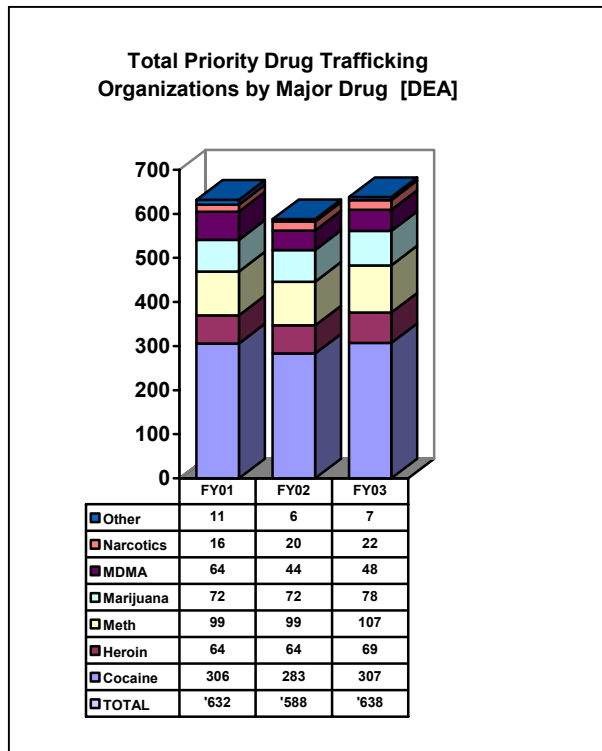
538 Targeted, 27 Disrupted/Dismantled (5% reduction)

**FY 2001 Actual:**

632 Targeted, 66 Disrupted/Dismantled (10% reduction)

**Discussion:** FY 2001 is the first year of data collection for this performance measure. During this baseline year, DEA exceeded its performance targets.

**FY 2002 Performance Plan Evaluation:** Based on program performance in FY 2001, we are increasing the corresponding FY 2002 target of 5% (29 PDTOs) to 6% (35 PDTOs) Disrupted or Dismantled.

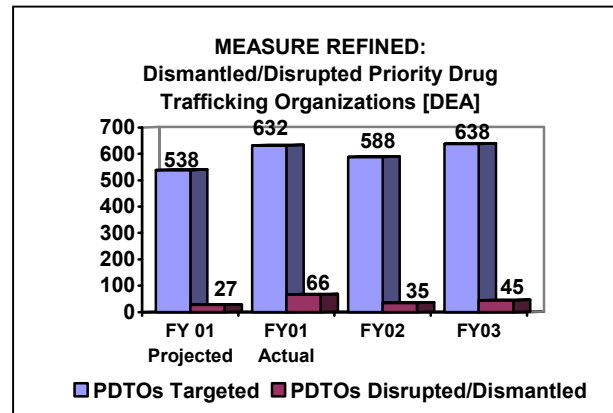


**FY 2003 Performance Target:** 7% (45 PDTOs)

**Public Benefit:** As these PDTOs are disrupted and dismantled, America's communities will become safer, due to less drug related violent crime. The expected long term benefit is that, as those arrested cooperate and identify their sources of supply, DEA will be able to identify, target, disrupt, and dismantle higher-level PDTOs (e.g., those operating out of Colombia and Mexico) that supply the drugs to the violent street trafficking organizations.

**Performance Measure (left):** Total Priority Drug Trafficking Organizations by Major Drug **NOTE: This graph displays the same data by major drug as displayed in the graph on the right by PDTO. FY 2001 Actual:** see previous chart

**Discussion/ Public Benefit:** see previous chart



PDTOs Targeted	FY 2001	FY2002	FY2003
International	234	240	260
National/Regional	264	234	254
Local	134	114	124
<b>TOTAL</b>	<b>632</b>	<b>588</b>	<b>638</b>
PDTOs Disrupted/ Dismantled	FY 2001	FY2002	FY2003
International	30	14	18
National/Regional	24	14	18
Local	12	7	9
<b>TOTAL</b>	<b>66</b>	<b>35</b>	<b>45</b>

**Data Definition:** Disruption occurs when the normal and effective operation of a specific enterprise of the targeted criminal organizations is impacted as a result of an affirmative law enforcement action. Indicators of disruption include changes in organizational leadership, trafficking patterns, drug production methods and violence within and between organizations. Dismantlement occurs when an identified organization is eviscerated and no longer capable of operating as a coordinated criminal enterprise. The organizations must be impacted to the extent that it is incapable of reforming.

**Data Collection and Storage:** Each Special Agent in Charge (SAC) nominates priority targets (based on intelligence information). Headquarters staff ensure targets are tracked and nominations are supported by data and information stored in the Priority Target Activity and Resource Reporting System (PTARRS).

**Data Validation and Verification:** Targets are validated by the Chief, Operations Division at DEA. Headquarters staff ensure the disruptions and dismantlements are supported.

**Data Limitations:** DEA is currently improving reporting systems that capture investigative work hours and cost data. DEA also recently initiated a Managerial Cost Accounting Study that will eventually allow the agency to capture actual full costs of investigating, disrupting, and dismantling PDTOs.

**Performance Measure:** Measure Refined: Dismantled Drug Trafficking Organizations [FBI] (Formerly U.S.-Based Drug Organizations Affiliated with the 13 National Priority Targets [NPTs])

**FY 2001 Target:**

DTOs linked to NPT CEs Identified: 225  
 DTOs linked to NPT CEs Dismantled: 18  
 Other DTOs not linked to NPT CEs Dismantled: N/A

**FY 2001 Actual:**

DTOs linked to NPT CEs Identified: 265  
 DTOs linked to NPT CEs Dismantled: 14  
 Other DTOs not linked to NPT CEs Dismantled: 166

**Discussion:** In FY 2001, the FBI exceeded its target of DTOs linked to National Priority Target Drug Trafficking Organizations. FBI was also successful in dismantling 166 other DTOs not linked to NPT CEs. FBI did not meet its target of dismantling 18 NPT DTOs due to other priorities. The FBI counter drug resources realized a reduction of 91 Special Agent positions, contributing to this performance result.

**FY 2002 Performance Plan Evaluation:** Based on program performance in FY 2001, we expect to investigate 250 DTOs linked to NPT Criminal Enterprises. The FBI also anticipates dismantling 13 DTOs linked to NPT Criminal Enterprises and 160 other significant drug trafficking Criminal Enterprises.

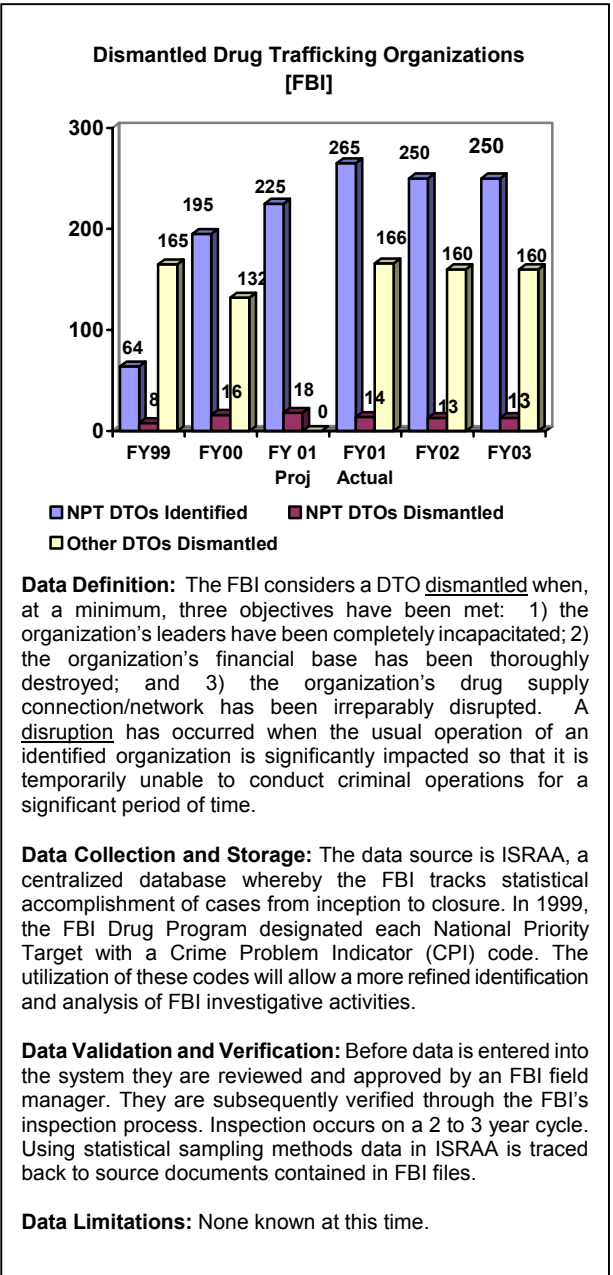
**FY 2003 Performance Target:** 250 DTOs linked to NPT Criminal Enterprises and the dismantlement of 13 DTOs linked to NPT criminal enterprises and 160 other significant drug trafficking organization Criminal Enterprises.

**Public Benefit:** In order to make the most progress with the resources available, the FBI concentrates counter-narcotics resources against Drug Trafficking Organizations (DTOs) with the most extensive drug networks in the United States. The FBI's focus on major national drug targets is characterized by long-term, comprehensive investigations that probe the full scope of these organizations and seek the dismantlement of their distribution networks.

**Strategies to Achieve the FY 2003 Goal:**

DEA has developed a strategy for identifying, targeting, and disrupting or dismantling the PDTOs that impact the United States. In this regard, DEA will identify and attack the command, control, and communications elements of PDTOs located internationally, along the border, and in major metropolitan areas. In furtherance of this objective, we have solicited the participation of other federal, State and Local agencies in DEA Task Forces to facilitate the exchange and analysis of drug-related intelligence. Task Force personnel also enhance our enforcement efforts by participating in Title III intercepts, surveillance, and the utilization of highly placed confidential sources and cooperating defendants.

The South American and Mexican organizations, often working in tandem, control the southern trafficking corridors. Most PDTOs import/distribute drugs and launder proceeds through associated trafficking groups. Higher level brokers, sources of supply, and facilitators may not touch their drugs, but can access the proceeds. In order to



**Data Definition:** The FBI considers a DTO dismantled when, at a minimum, three objectives have been met: 1) the organization's leaders have been completely incapacitated; 2) the organization's financial base has been thoroughly destroyed; and 3) the organization's drug supply connection/network has been irreparably disrupted. A disruption has occurred when the usual operation of an identified organization is significantly impacted so that it is temporarily unable to conduct criminal operations for a significant period of time.

**Data Collection and Storage:** The data source is ISRAA, a centralized database whereby the FBI tracks statistical accomplishment of cases from inception to closure. In 1999, the FBI Drug Program designated each National Priority Target with a Crime Problem Indicator (CPI) code. The utilization of these codes will allow a more refined identification and analysis of FBI investigative activities.

**Data Validation and Verification:** Before data is entered into the system they are reviewed and approved by an FBI manager. They are subsequently verified through the FBI's inspection process. Inspection occurs on a 2 to 3 year cycle. Using statistical sampling methods data in ISRAA is traced back to source documents contained in FBI files.

**Data Limitations:** None known at this time.

dismantle PDTOs, all elements of the organizations must be targeted, including the transporters, the distributors, and the facilitators, and their financial networks.

- *Transportation* organizations are responsible for moving multi-ton quantities of cocaine and marijuana, and kilogram quantities of heroin and methamphetamine, from the Southwest border and the Caribbean corridor to cities throughout the United States. Although they are basically independent, they are associated with the major cartels and sources of supply in Mexico and Colombia. Major sources of supply rely on these transportation groups, which control all drug smuggling through their established corridors.
- Two types of *distribution* organizations are associated with the PDTOs that operate within the United States. Local distribution groups generally distribute varying amounts of drugs to consumers in local communities. Other groups receive large quantities of drugs that have been smuggled across the Southwest border; a portion of these shipments is distributed to local clients and the remainder is shipped to associate distributors in cities throughout the U.S.
- *Facilitators* provide various services, including *protection* (e.g., corrupt foreign government officials often provide these services to ensure the safe passage of drug loads through their areas of operation). *Owners of businesses or storage facilities* help conceal the illicit drugs/proceeds, and assist with a variety of trafficking activities. Groups or individuals provide *money-laundering services* or arrange for bulk shipments of cash from distributors to transporters and sources of supply, and *financiers* provide front money to PDTOs for the purchase and transportation of drugs.

The FBI directs its counter drug resources to investigate and prosecute illegal drug manufacturers and distributors, reduce drug related crime and violence, provide assistance to other law enforcement agencies, and strengthen international cooperation. FBI's principal targets are the National Priority Target Organizations (NPTO); however, if a link to the NPTO cannot be established, FBI Special Agents focus their efforts on the most significant drug trafficking criminal enterprises operating in the field office's territory.

**Crosscutting Activities:**

Please see Crosscutting Activities under 2.2A.

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**STRATEGIC OBJECTIVE 2.3: ESPIONAGE**

**Combat espionage against the United States by strengthening counterintelligence capabilities**

**Annual Goal 2.3: Combat espionage against the United States by strengthening counterintelligence**

**STRATEGIES**

- ◆ Strengthen the Department's intelligence base and analytical capability to assess and respond to intelligence threats.

DOJ's FY 2002 Performance Plan gives strong emphasis to programs designed to address U.S. national security. To combat foreign intelligence operations against U.S. interests, DOJ, through the FBI, will emphasize effective intelligence gathering and analytical capability to evaluate foreign intelligence threats. The FBI's counterintelligence program conducts, manages, and supports investigations which collect, analyze, and exploit intelligence in order to identify and neutralize the intelligence

activities of foreign powers and their agents that adversely affect U.S. national security or have a substantial economic impact on the nation.

The 1990's saw great changes in the global intelligence environment, patterned after the changes in the geopolitical environment. There has been an increase in the number of intelligence actors, both at the state and individual levels. To achieve their goals, foreign countries are engaged in long-term efforts designed to gain critical intelligence relating to sensitive U.S. information. Our adversaries will continuously strive to impede investigative operations, obtain sensitive information, initiate and implement reprisal actions against DOJ personnel or facilities, and take illegal advantage of any opportunity presented to them.

**MEANS – Annual Goal 2.3**

**Dollars/FTE\***

Appropriation	FY 2001 Actual		FY 2002 Enacted		FY 2003 Requested	
	FTE	\$ mill	FTE	\$ mill	FTE	\$ mill
General Administration	31	8	56	9	66	11
Criminal Division	17	3	19	3	19	3
<b>Subtotal</b>	<b>48</b>	<b>\$11</b>	<b>75</b>	<b>\$12</b>	<b>85</b>	<b>\$14</b>

\* FBI resources for this goal are reported under 2.1 Violent Crime to protect dissemination of classified information.

**Skills**

The accomplishment of this goal requires the skills of agents, attorneys, analysts and linguists.

**Information Technology**

FBI programs in this area are supported by: ACS, a database that captures all information pertaining to administration of cases; IIIA, a centralized database that tracks foreign activity; data collected through FBI's Foreign Intelligence Surveillance Act (FISA); and internal databases that support the National Infrastructure Protection Center (NIPC) which maintains key assets.

## PERFORMANCE ASSESSMENT – Annual Goal 2.3

### 2.3A Identify, Prevent, and Defeat Foreign Intelligence Operations

#### Background/ Program Objectives:

Foreign intelligence operations directed against the United States reflect the complexity and fluidity of the new world order. While the national goals of any traditional rivals have changed, their capabilities and willingness to target traditional objectives, such as national defense information, plans and personnel, have not. At the same time, many of these rivals have increased their activities in other sectors affecting our national interests, such as in economic competitiveness, and now target U.S. interests in these areas. They join a formidable array of other foreign powers jockeying for economic or political preeminence whose success in these areas is dependent upon effective intelligence operations directed against the United States.

Foreign intelligence threats can never be eliminated given that their origin and impetus lie primarily with sovereign states. They are planned, authorized, and financed by government entities beyond our boundaries and the reach of our laws. Measures of success in these areas will gauge the FBI's capacity to detect potential hostile activities by foreign powers against the United States. In addition, the FBI will analyze its record at preventing and defeating these hostile activities in comparison to the best available estimates of the magnitude of foreign intelligence operations.

#### Performance:

**Performance Measure:** MEASURE REFINED: Defeat Intelligence Operations – Foreign Counterintelligence Convictions [FBI] NOTE: Prior year actuals have been updated to reflect the most current and accurate data available.

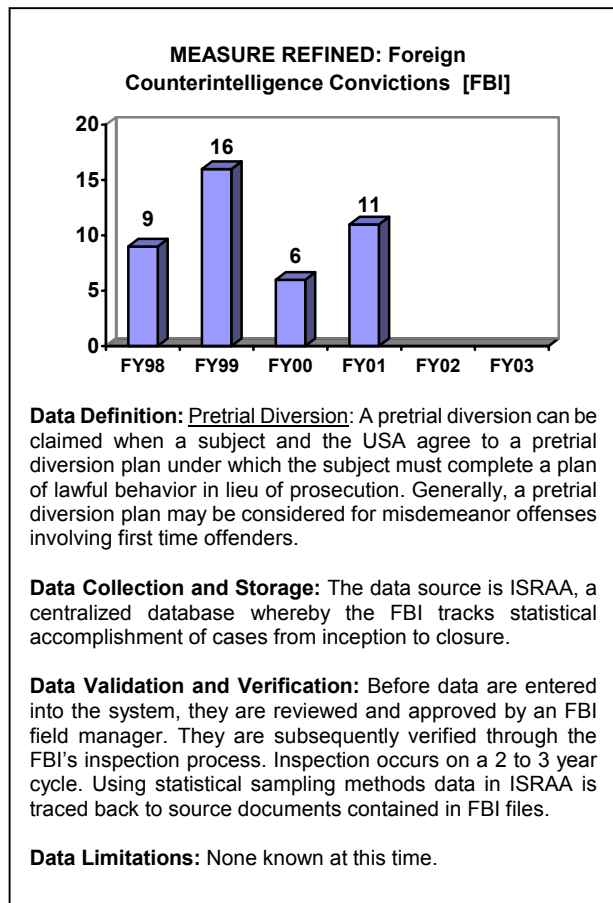
**FY 2001 Target:** N/A

**FY 2001 Actual:** 11

**Discussion:** The strategies in place regarding the FBI's Foreign Counterintelligence Program are well established and remain unchanged. However, the FBI's Security Countermeasures Program is conducting an in-depth assessment regarding the practices, procedures, and policies used by the FBI to ensure the trustworthiness of its personnel, contractors, information system, and facilities. In May 2001, a Federal Grand Jury returned an indictment charging former FBI agent Robert Philip Hanssen with one count of conspiracy to commit espionage, 20 counts of espionage, one count of attempted espionage, and seeking forfeiture of \$1.43 million that his handlers allegedly paid him. Hanssen engaged in espionage on behalf of the Soviet Union and Russia from October 1985 until February 2001. Hanssen pleaded guilty to 15 counts of espionage and conspiracy and agreed to provide full disclosure of his activities.

**FY 2002/2003 Performance Plan Evaluation:** In accordance with Department guidance, targeted levels of performance are not projected for this indicator.

**Public Benefit:** Foreign entities frequently attempt to collect sensitive economic intelligence to enhance their military capabilities, as well as their economic stability and competitiveness. Advanced critical or restricted US technologies, defense-related industries, and critical business trade secret information, remain the primary targets of the foreign economic espionage activities. Through the identification and neutralization of such activities,



the FBI has deterred foreign efforts to wrongfully obtain critical U.S. Government and private sector data, information and technologies that are critical to maintaining U.S. national security, and economic prosperity.

**Strategies to Achieve the FY 2003 Goal:**

In FY 2003, DOJ will continue to emphasize intelligence gathering of foreign power activities that pose a national security threat. The Department will also improve its analytical capability to evaluate both traditional and nontraditional threats and produce operational and strategic intelligence in support of the counterintelligence program. Intelligence information about the intentions, methods of operation and capabilities of many nontraditional threats will be developed, particularly those foreign powers conducting activities in areas that have not typically targeted.

The number of convictions indicates the number of individuals that DOJ has prevented from continuing hostile intelligence activities. This may serve as a deterrent to other individuals who may be susceptible to participating in foreign intelligence operations.

**Crosscutting Activities:**

Within the Department, the FBI, USA, Criminal Division and Office of Intelligence Policy and Review work together during the investigation phase and prosecution phases. In addition, DOJ continues to work with the intelligence community and with selected foreign governments to develop the internal and external relationships necessary to support investigations and prevention of intelligence threats and to generate information upon which analysis can be made. Coordination will facilitate long-range analysis of emerging threats.

**STRATEGIC OBJECTIVE 2.4: WHITE COLLAR CRIME**  
**Combat white collar and economic crime, especially cybercrime**

**Annual Goal 2.4: Combat white collar and economic crime, especially cybercrime**

**STRATEGIES**

- ◆ Bolster the effectiveness of white collar crime investigations and prosecutions by strengthening coordination among domestic and international law enforcement agencies.
- ◆ Investigate and prosecute high-technology crimes.
- ◆ Increase the investigation and prosecution of public corruption as a means of deterring such behavior.
- ◆ Investigate, challenge, and prosecute international price fixing cartels.
- ◆ Investigate and prosecute environmental crimes.
- ◆ Identify, investigate, and prosecute tax fraud.

DOJ's FY 2003 plan for reducing white collar crime is based on the premise that a strong deterrent capability is required to prevent criminals from defrauding and thus weakening the Nation's industries and institutions. In monetary terms, the annual loss to American citizens and businesses is conservatively estimated in the billions of dollars.

The criminal threat originates from several sources and may have a variety of purposes and targets including: the health care field; public officials open to corruption; communications facilities; critical infrastructure; computers storing sensitive proprietary, financial and personal data; valuable intellectual properties; international commerce; and telemarketing, insurance, commodities, retirement system, and other businesses susceptible to fraud.

During FY 2003, the Department will devote considerable resources to countering white collar crime matters involving: health care fraud; financial institutions, telemarketing and other fraud; public corruption and government fraud; high technology crime; computer crime and the theft of intellectual property; and international price fixing cartels. Environmental and wildlife crime issues focus on the endangerment of the environment and public health, fraud in the environmental testing industry, smuggling and poaching of protected species, exploitation and abuse of marine resources through illegal commercial fishing, and related criminal activity.

Violations of the Internal Revenue Code drain the federal fisc and undermine public trust in the voluntary tax system. The Tax Division utilizes criminal prosecutions to ensure that the Nation's internal revenue laws are fairly and uniformly applied and the public complies with the Nation's tax laws. In this way our accomplishments contribute significantly and directly to efforts by the administration and the Congress to protect the federal fisc from intentional false tax returns and evasion schemes. For all stages of case investigation, review, litigation and appeals the Division's attorneys are guided by the principles of fair and uniform treatment for all categories of taxpayers.



**MEANS – Annual Goal 2.4**

**Dollars/FTE**

Appropriation	FY 2001 Actual		FY 2002 Enacted		FY 2003 Requested	
	FTE	\$ mill	FTE	\$ mill	FTE	\$ mill
Antitrust Division	234	33	258	39	258	41
Criminal Division	228	38	248	40	258	42
Environment & Natural Resources Div.	56	5	61	5	61	5
FBI Construction	0	0	0	7	0	0
FBI Health Care Fraud	752	88	793	101	844	114
Federal Bureau of Investigation	4778	635	4942	703	4945	704
Tax Division	157	20	152	20	148	20
U.S. Attorneys	2710	392	2791	416	2816	445
<b>Subtotal</b>	<b>8915</b>	<b>\$1210</b>	<b>9245</b>	<b>\$1331</b>	<b>9330</b>	<b>\$1370</b>

**Skills**

Successful accomplishment of this goal requires highly skilled agents, analysts and engineers with sophisticated knowledge of computer technology and computer systems, as well as an array of highly complex software and hardware systems. The Antitrust Division requires experienced attorneys, economists, paralegals and support staff. Attorneys experienced in complex, international investigations are particularly valued. The Tax Division requires experienced trial and appellate attorneys and support staff. That Division also requires some specialized experience to include substantive tax issues and tax procedures; search warrants of computer stored financial data; sentencing guidelines in financial crimes; obtaining foreign evidence and information and knowledge about international agreements to achieve international tax compliance, such as tax treaties, mutual legal assistance treaties and extradition treaties. The Environment and Natural Resources Division (ENRD) requires attorneys, particularly litigators experienced in criminal and appellate law, in addition to experienced support staff.

**Information Technology**

FBI programs in this area are supported by: ISRAA, a centralized database which tracks statistical case accomplishment from inception to closure; and a centralized repository for internet fraud complaint data and analysis. The Antitrust Division relies upon its Matter Tracking System and companion user interfaces; office systems, including networks and infrastructure; litigation support tools and applications, including those for courtroom presentations; and data storage capacity related to all of these technologies. The Tax Division relies upon the Justice Consolidated Office Network system and recently implemented TaxDoc Case Management System. ENRD relies upon its Case Management System.

**PERFORMANCE ASSESSMENT – Annual Goal 2.4**

**2.4A Reduce Fraudulent Practices in the Health Care Industry**

**Background/ Program Objectives:**

The General Accounting Office (GAO), as well as industry experts, have generally estimated that more than \$100 million of annual health care costs may be attributable to fraud. According to the Centers for Medicare & Medicaid Services (CMS), formerly the Health Care Financing Administration (HCFA), spending for health care topped \$1.2 trillion in 1999. Public spending for health care services through the Medicare, Medicaid and all other government funded health care programs accounted for 45 percent of total health care spending in 1999. Annual growth in Medicare spending remains low, only 0.1 percent in 1998 and 1.0 percent in 1999, well below the average recorded for the 1993-1997 period of 9.2 percent. The dramatic two-year slowdown is attributed primarily to the effects of changing payment systems for home health care services and nursing homes, and continuing federal government efforts to detect and reduce fraud and abuse.

Fraudulent billing submitted to health care insurers and medically unnecessary services performed simply to generate billings are prevalent in every geographical area in the country. An increasing number of cases demonstrate that fraud exists on a national scale, through either corporate driven schemes to defraud or systemic abuse by certain provider types. Those that have shown to be particularly susceptible to fraud are home health care agencies, transport companies, suppliers of durable medical equipment and clinical laboratories. As the FBI has conducted one successful investigation after another, we have come to realize that the magnitude of the health care fraud problem may have been underestimated. An opportunity exists to become more proactive in our analysis of the health care fraud problem through analysis of health care billing data and the use of technology to combat fraud and abuse. Ideally, law enforcement and health care program agencies will then be able to not only identify systemic weaknesses in the system, but also to recommend changes to close loopholes before criminals take further advantage of them.

**Performance:**

**Performance Measure:** NEW MEASURE: Medicare Billings for Durable Medical Equipment Targeted for Fraud through FBI Investigations (in millions)

**FY 2001 Target:** N/A

**FY 2001 Actual:**

Diabetic Footwear \$73.1

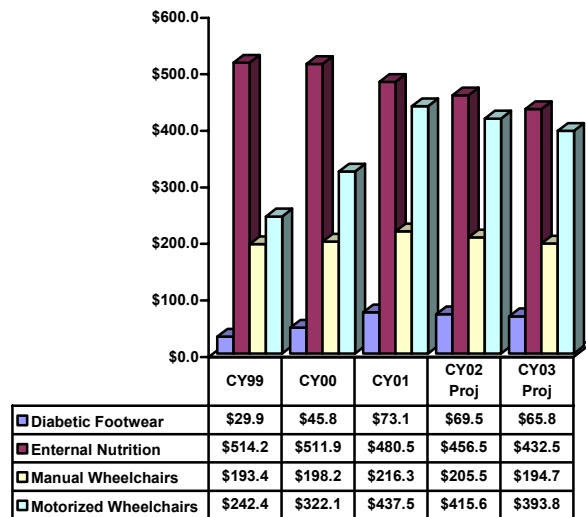
Enternal Nutrition \$480.5

Manual Wheelchairs \$216.3

Motorized Wheelchairs \$437.5

**Discussion:** In FY 2001, FBI health care fraud investigations focused on a high volume of egregiously fraudulent billings made to Medicare for specific durable medical equipment. As a result, FBI expects to see significant reductions in billings to Medicare for these goods over the next few years.

**NEW MEASURE: Medicare Billings Targeted for Fraud (mil) [FBI]**



**Data Definition:** Enternal Nutrition is defined as the provision of nutritional requirements through a tube into the stomach or small intestine.

**Data Collection and Storage:** Data are collected from databases maintained by regional carriers and stored by the Centers for Medicare and Medicaid Services (CMS). HCFA Customer Information System (HCIS) is the database for home health agency data. Durable medical equipment information is collected from the Part B Extract Summary System (BESS).

**Data Validation and Verification:** Validation and verification of the data are performed by regional carriers and by CMS.

**Data Limitations:** Claims data from CMS are proved on a calendar year basis. HCIS data are reported directly as extracted from the database. BESS data are adjusted and reflect 95% reporting of claims for 1999 and 2000, and 56% reporting of claims for FY 2001. The figures are adjusted based upon the estimate of claims received for the reporting period. Changes in Medicare payment system due to legislative or regulatory action are taken into account so that comparisons of data from previous years are reliable.

**FY 2002 Performance Plan Evaluation:** Based on information collected during FY 2001, FBI anticipates achieving the following targets Diabetic Footwear \$69.5; External Nutrition \$456.5; Manual Wheelchairs \$205.5; Motorized Wheelchairs \$415.6

**FY 2003 Performance Plan Evaluation:** Diabetic Footwear \$65.8; External Nutrition \$432.5; Manual Wheelchairs \$194.7; Motorized Wheelchairs \$393.8

**Public Benefit:** The FBI's Health Care Fraud initiative protects the nation's health care system in multiple ways. First, it directly impacts the current operating budget of the Medicare system by preventing criminals from cheating taxpayers for hundreds of millions of dollars. Second, well-publicized and high-impact cases act as a deterrent for future crimes by those sectors of the health care industry that previously believed their activities would go unnoticed. For example, in December 2000, DOJ announced that the Nation's largest health care company, HCA-The Health Care Company, had entered into a civil settlement agreement requiring it to pay \$745 million plus interest for its alleged false billing practices, and \$95 million in criminal fines. Over 35 Qui Tams were filed with allegations against HCA including: false cost reporting, kickbacks for patient referrals, upcoding and unbundling by HCA's laboratories, laboratory billings for services not doctor-ordered or medically necessary, and upcoding of certain diagnostic related groups. In addition to its fine, HCA pled guilty to criminal charges and closed two hospitals.

**Strategies to Achieve the FY 2003 Goal:**

In FY 2003, DOJ will continue to investigate, prosecute and obtain judgments, forfeitures and settlements against providers that defraud health care programs. The key summary indicators illustrate projected reductions in discrete Centers for Medicare & Medicaid Services' Medicare expenditures based on recent and ongoing enforcement initiatives. The relationship between law enforcement efforts targeting health care fraud and the resulting effect on identifiable areas of Medicare billings are implied by significant reductions in health care costs. The Department will focus resources on early indicators of potential fraud that are anticipated to lead to high-impact investigations of nationwide health care schemes, such as systemic abuse from large scale medical corporations and nursing home chains. Industries and markets that have been identified as potential targets will be monitored for reductions in the economic loss and frequency of fraud as a result of the interventions targeted Department programs.

**Crosscutting Activities:**

The FBI works in conjunction CMS to procure the FBI performance data. Thus far, CMS has seen considerable decreases in its amounts of expenditures.

The Executive Level Health Care Fraud and Policy Group is chaired by the Deputy Attorney General and includes the Department of Health and Human Services' Inspector General HHS-016 and CMS Deputy Administrator. Senior staff from DOJ, HHS/OIG, CMS, and the FBI historically have met on a quarterly basis. DOJ has increased participation on multi-agency and inter-agency task forces formed to address health care fraud and abuse issues. In addition to federal law enforcement and health care program agency representatives from the Departments of Justice, HHS, Defense, Labor, Veterans Affairs, and Office of Personnel Management, such task forces may also include state and/or local law enforcement representatives from the National District Attorneys Association, National Association of Medicaid Fraud Control Units, and National Association of Attorneys General. To illustrate, the National Health Care and Managed Care Fraud Working Group was formed in the early 1990s and meets on a quarterly basis. The DOJ and HHS formed an interagency Nursing Home Fraud and Abuse steering committee comprised CMS, HHS-OIG and the FBI.

DOJ and CMS have established a National Technology Group to enhance technology use, plan training conferences, and implement regional technology users groups. Federal, state and local task forces comprised of law enforcement and health care program agency representatives exist and meet regularly in many federal judicial districts. Department officials serve on an advisory board for the National Health Care Anti-Fraud Association (NHCAA) and maintain liaisons with private insurers through participation in the NHCAA.

## 2.4B Combat Fraud

### Background/ Program Objectives:

Private industry in the U.S. controls trillions of dollars in assets, an inviting target for criminal schemes ranging from technological attacks on a corporation's intellectual property to more traditional attempts to defraud. The primary challenge facing the FBI in this area is to create and maintain a strong deterrent capability that will prevent criminal organizations from defrauding, and thereby weakening U.S. industries. To prevent significant levels of fraud, the FBI must be able to identify emerging trends and industry vulnerabilities and enlist the cooperation of the private sector.

The overwhelming number of frauds committed each year far exceeds the FBI's capacity to investigate and prosecute each individually. Accordingly, the FBI will concentrate on the most significant crime problems, leverage limited resources through cooperative efforts with affected industries and other law enforcement agencies, and implement a preventive strategy that will rely heavily on improved intelligence, rather than investigating fraud once it has occurred.

### Performance:

**Performance Measure:** Recoveries/Restitutions; Fines  
(NOTE: Prior year data has been updated to reflect the most current and accurate data available.)

**FY 2001 Target:** N/A

**FY 2001 Actual:**

Recoveries/Restitutions: \$5.15 Billion  
Fines: \$0.55 Billion

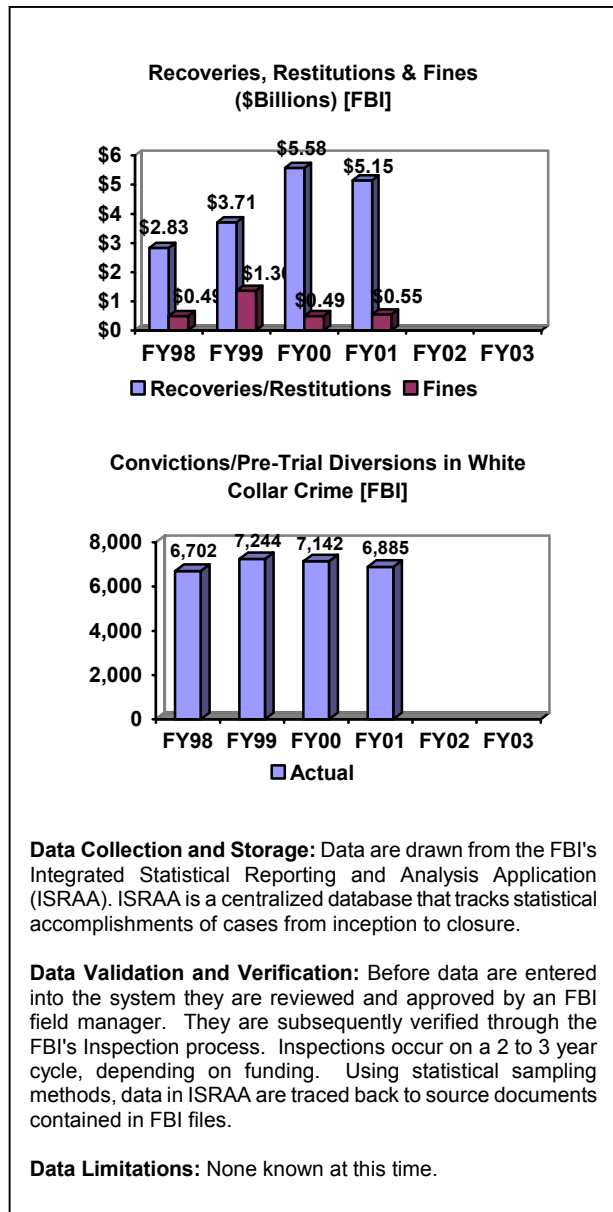
**FY 2002/2003 Performance Plan Evaluation:** In accordance with Department guidance, targeted levels of performance are not projected for this indicator.

**Performance Measure:** Convictions/Pre-Trial Diversions in White Collar Crime  
(NOTE: Prior year data has been updated to reflect the most current and accurate data available.)

**FY 2001 Target:** N/A

**FY 2001 Actual:** 6,885 (6,627 Convictions; 258 Pre-trial Diversions)

**Discussion:** The FBI is still developing performance measures that will reflect its ability to prevent and deter significant fraud in the U.S. At this time, the FBI believes that its strategic emphasis in fighting fraud will continue to yield greater statistical accomplishments in the future. In FY 2001, Operation Cyber Loss was initiated by the FBI's Internet Fraud Complaint Center (IFCC) and involved 28 FBI Field Offices, 4 other Federal agencies and over 15 State and local law enforcement agencies. The Internet fraud schemes exposed as part of this operation represent over 56,000 victims nationwide who suffered cumulative losses in excess of \$117 million. There were 31 searches/seizures, 67 arrests, 7 guilty pleas, 10 complaints filed, and 91 informations/indictments unsealed. Among the Internet fraud schemes highlighted by Operation Cyber Loss were those involving on-line auction fraud, systemic non-delivery of merchandise purchased over the Internet, credit/debit card fraud, identity theft, various investment and securities frauds, multi-level marketing and Ponzi/Pyramid schemes.



***FY 2002/2003 Performance Plan Evaluation:*** In accordance with Department guidance, targeted levels of performance are not projected for this indicator.

***Public Benefit:*** The FBI targets the most notorious cases of fraud using joint investigations and task forces with other federal, state, and local law enforcement agencies.

**Strategies to Achieve the FY 2003 Goal:**

In FY 2003, DOJ will continue to identify, target and combat fraud schemes, such as financial institution fraud, insurance fraud, and securities/commodities fraud that threaten to undermine our Nation's financial institutions. DOJ will aggressively utilize the money laundering and asset forfeiture statutes to ensure that fraudulently obtained funds are located and proper restitution is made to the victims of fraud. DOJ's enforcement strategy is a coordinated approach whereby the Department will continue to work with other Federal agencies to identify and target fraud schemes by successfully investigating, prosecuting, and obtaining judgments and settlements. The FBI, through its White Collar Crime (WCC) program, addresses a myriad of fraud crimes, selectively targeting the most significant problems as national WCC priorities. These priorities are based on the analysis of information such as historical crime data. With regard to Internet crime, the WCC program addresses crimes that are primarily frauds; these are typically Internet scams that involve credit card fraud, false business or investment opportunities; ponzi/pyramid schemes; piracy; and stock manipulation schemes.

**Crosscutting Activities:**

DOJ coordinates with the Department of Treasury (on coordination of SARs data and the implementation of the Financial Crimes Strategy Act of 1998) and other federal agencies to identify and target fraud schemes. DOJ coordinates with State Attorneys General throughout the country to prosecute victim venue cases involving subjects of telemarketing fraud schemes. Furthermore, the Attorney General's Council on White Collar Crime serves as an advisory body to coordinate the focus of federal law enforcement efforts to combat fraud and White Collar Crime. The Council periodically brings together senior level representatives of all federal law enforcement and regulatory agencies that investigate or prosecute economic crime to ensure appropriate enforcement and prevention efforts. The Council consists of representatives from the Department, including the Assistant Attorneys General from the Antitrust, Civil, Criminal, Environment and Natural Resources and Tax Divisions, and the FBI; the Treasury Department, including the Internal Revenue Service, United States Customs Service, United States Secret Service, Environmental Protection Agency (EPA), the Securities Exchange Commission; the U.S. Postal Inspection Service; a representative of the Inspectors General community; the Federal Trade Commission; and the National Association of Attorneys General. The Council has endorsed and added its support to various law enforcement initiatives to fight WCC that involve multiple federal agencies, including: Internet Fraud Initiative; Intellectual Property Initiative; Counterfeit Aircraft Parts Initiative; Counterfeit Software Initiative and Identity Theft Initiative.

## 2.4C Combat Public Corruption

### Background/ Program Objectives:

Public corruption is a serious crime against both the individual and society as a whole. All public corruption offenses, regardless of the type, share a common objective: to pervert our representative system of government and replace it with a government of special interests. Furthermore, the higher the office or level of government tainted by the corruption, the broader are its invidious effects. The Department, therefore, places a high priority on attacking public corruption by senior government officials. The Public Corruption Unit of the FBI believes a significant amount of corruption is untouched. The FBI addresses this problem, both domestically and internationally, by determining likely points of corruption, and then cultivating an intelligence base within government and/or the business entity and monitoring activity.

Over the past five years, there have been over 600 subjects in law enforcement corruption cases. There is a growing trend of law enforcement corruption cases involving the active participation of law enforcement officers in criminal acts, rather than merely protecting such actions. The single greatest obstacle to a law enforcement corruption investigation is the fact that police departments throughout the country regard their own corruption issues as their own "dirty laundry," not to be taken outside the agency.

### Performance:

**Performance Measure:** Convictions/Pre-trial Diversions; Recoveries/Restitutions; Fines (NOTE: Prior year actuals have been updated to provide the most recent and accurate data available.)

**FY 2001 Target:** N/A

**FY 2001 Actual:** 475 (462 Convictions; 13 Pre-trial diversions)

**Performance Measure:** Recoveries, Restitutions and Fines (NOTE: Prior year actuals have been updated to provide the most recent and accurate data available.)

**FY 2001 Target:** N/A

**FY 2001 Actual:**

Recoveries/Restitutions: \$20 Million

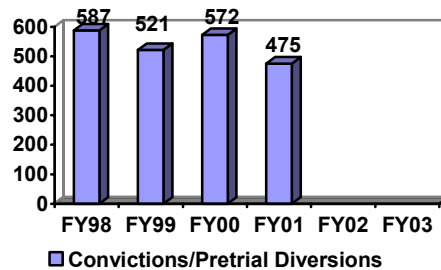
Fines: \$11 Million

**Discussion:** The FBI continues to develop performance measures that will reflect its ability to reduce public corruption in the U.S. At this time the FBI believes the strategic emphasis in fighting public corruption will yield greater statistical accomplishments in the future.

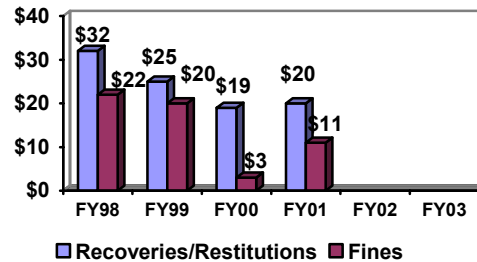
**FY 2002/2003 Performance Plan Evaluation:** In accordance with Department guidance, targeted levels of performance are not projected for these indicators.

**Public Benefit:** The FBI vigorously pursues public corruption cases at all levels of public life, with more than 1,600 corruption probes pending at the end of FY 2001. Approximately 30 percent of Public Corruption convictions are associated with law enforcement corruption. These investigations are crucial to ceasing high-impact criminal conduct by the public servants entrusted with the safety and protection of American citizens and public property.

Convictions/Pre-trial Diversions in Public Corruption [FBI]



Recoveries, Restitutions & Fines (\$ Millions) [FBI]



**Data Collection and Storage:** The Department's measurements for this goal include data from the FBI's Integrated Statistical Reporting and Analysis Applications (ISRAA). The ISRAA is a centralized database whereby the FBI tracks statistical accomplishment of cases from inception to closure.

**Data Validation and Verification:** Before data are entered into the system they are reviewed and approved by an FBI field manager. They are subsequently verified through the FBI's inspection process. Inspection occurs on a 2 to 3 year cycle. Using statistical sampling methods data in ISRAA is traced back to source documents contained in FBI files.

**Data Limitations:** None known at this time.

**Strategies to Achieve the FY 2003 Goal:**

The Department will increase its efforts to address public corruption by (1) increasing Department-wide awareness of the significant harm caused by public corruption and the Department's interest in combating it; (2) making public corruption investigations and prosecutions a top priority throughout the Department; and (3) increasing the number and scope of training events for federal prosecutors and investigators focused on corruption cases.

One of the key strategic goals in the FBI regarding public corruption is the increased awareness and pursuit of international matters. The current caseload of investigations is not indicative of the true extent of the problem, but is an indication of the difficulty of pursuing these inquiries. Unfortunately, the U.S. is virtually alone in outlawing corrupt practices by its citizens abroad. As it stands, other nations do not criminalize bribery of foreign public officials, which makes it very difficult for the U.S. to successfully investigate such allegations against its own citizens. However, the FBI is making an effort to gain intelligence into such activities to support its own investigations.

**Crosscutting Activities:**

The Department also will continue its participation in training events sponsored by other federal department and agencies and will continue to instruct the Offices of Inspector General of the federal agencies on the investigations of conflicts of interest and other corruption allegations. At the international level, the Department will continue to assist in a number of anti-corruption efforts including those of the Council of Europe, the United Nations Crime Prevention and Criminal Justice Commission and the Organization for Security and Cooperation in Europe. The FBI is working with state and local police executives and law enforcement officers in Eastern Europe, the former Soviet Union and Asia, on recognizing and responding to emerging trends in law enforcement corruption.



## 2.4D Investigate and Prosecute High Technology Crimes

### Background/ Program Objectives:

With the continuing expansion of the Internet as a global medium for electronic commerce and communications, the type of cybercrime most likely to cause significant harm to consumer and businesses here and abroad, and to undermine consumer confidence, is Internet fraud. There are substantial increases in various fraud schemes involving the Internet, such as securities manipulation, online auctions and online retail sales of high value goods, pyramid schemes and credit card schemes. One estimate is that online payment-card fraud will increase from \$1.6 billion in 2000 to \$15.5 billion by 2005.

### Performance:

**Performance Measure:** High Technology Crime (Fraud) Criminal Case Success Rate

**FY 2001 Target:** 80%

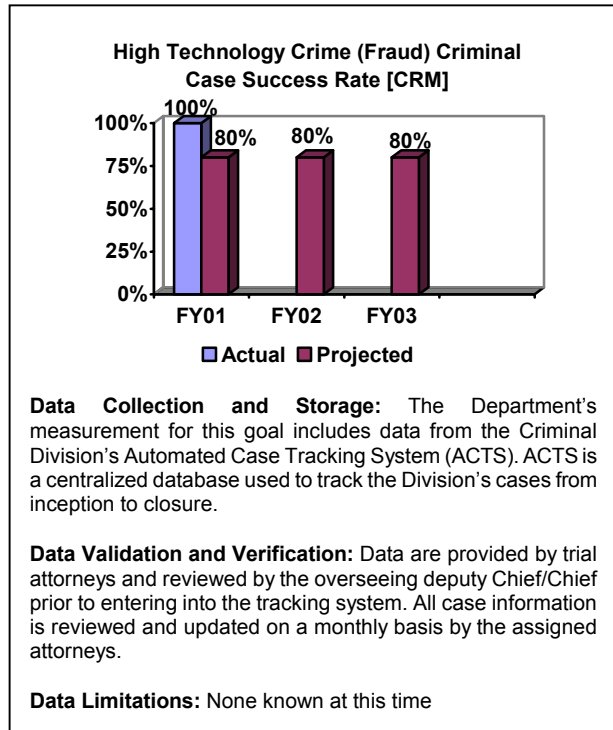
**FY 2001 Actual:** 100%

**Discussion:** During FY 2001, the Fraud Section, together with the USA for the Northern District of Ohio were jointly responsible for the convictions of four individuals on multiple counts of conspiracy, mail and wire fraud, and tax evasion arising from a prime bank scheme that was detected through routine internet monitoring. Fraud losses in that case totaled \$20 million. The defendants' sentences ranged from 360 to 121 months of incarceration and restitution ordered totaling in excess of \$12.9 million.

**FY 2002 Performance Plan Evaluation:** Based on program performance in FY 2001, we are uncertain whether the pending investigations subsequently will yield criminal indictments, however, the target remains unchanged at 80%.

**FY 2003 Performance Target:** 80%

**Public Benefit:** High Technology has become a weapon used to commit major fraud schemes that traditionally had been committed with the use of the mails and wires. Criminals use computers to solicit, communicate with and receive payments from substantial numbers of victims in a span of a few days by taking advantage of cutting-edge technology to commit identity theft and related crimes, as well as large-scale investment schemes over far greater distances than ever before. Included is the unregulated sale of health care products including prescription drugs over the Internet to unwitting consumers here and abroad. The Department's objective in combating High Technology crime includes education, coordination and cooperation at the federal, state, local and international law enforcement levels; public education and prevention; detection; prosecution; and deterrence.



### Strategies to Achieve the FY 2003 Goal:

The Criminal Division's Fraud Section is responsible for the implementation of the Internet Fraud Initiative that began in May 1999. During FY 2002, DOJ will increase the quality and variety of Internet fraud related training, to ensure that prosecutors and agents are fully conversant with changing trends. In FY 2001, the Criminal Division's Computer Crime and Intellectual Property Section (CCIPS), in coordination with the Division's Fraud Section, the Office of Legal Education, and the American Prosecutors Research Institute, held the first Internet fraud training course at the National Advocacy Center (NAC) for 100 federal, state, local and foreign prosecutors. The NAC's first advanced Internet fraud course (for more than 60 federal and foreign prosecutors and FBI agents) was held on January 25, 2001, and a second is scheduled for May 2002. In addition, the Fraud Section expects to prosecute a higher number of Internet fraud and Internet related fraud cases, such as securities fraud, consumer fraud and identify theft that exploit the Internet. To make major inroads against such schemes, which may operate in multiple jurisdictions and use sophisticated techniques for concealing and laundering criminal proceeds, it must plan for appropriate investigative prosecutorial, financial and technical support. International coordination will occur through



direct bilateral consultation and discussion with G-8 and other countries during FY 2002.

To address the increased number of expected referrals, the Fraud Section plans to redeploy resources from other subject areas. The Section has identified four distinct areas of High Technology fraud that need immediate attention in FY 2003 in order to maintain a level playing field with the criminals who use available technology to defraud and harm consumers. These areas include: Internet fraud, identity theft, investment schemes, e-health care fraud and internationally based fraud schemes. In addition to solely handling select high-tech investigations and prosecutions, the Fraud Section will provide essential support for its coordination responsibilities including operational oversight, support to the field, and policy development and implementation.

During FY 2002, the Criminal Division's Computer Crime and Intellectual Property Section (CCIPS) and the Computer-Telecommunications Coordinators in the U.S. Attorneys Offices expect to prosecute a higher number of intrusion cases. CCIPS has a dedicated team of prosecutors building relations with various computer crime squads. CCIPS prosecutors are increasingly requested to train, provide advice, comment upon and propose legislation, and coordinate international efforts (such as investigation of the denial of service attack and Love Bug virus). In addition, CCIPS will increase assistance with wiretaps over computer networks, as well as taps and traces that require agents to segregate Internet headers.

CCIPS will also assist in the prosecution of crimes involving unlawful conduct on the Internet to include Internet gambling, online drug sales, child pornography and fraud; and will maintain primary responsibility for the prosecution of criminal intellectual property violations. As part of the Department's Intellectual Property Initiative CCIPS will continue to work with USCS, EOUSA and the FBI on prosecuting intellectual property cases. In addition, CCIPS will continue to coordinate approval for, as well as, prosecute, all the charges under the theft of trade secret provision of the Economic Espionage Act.

**Crosscutting Activities:**

The Criminal Division provides coordination in relevant areas of high technology crimes by chairing the Telemarketing and Internet Fraud Working Group, the Securities and Commodities Fraud Working Group, the Bank Fraud Working Group, and the Identity Theft Subcommittee of the Attorney General's Council on white collar crime. The Council was established to serve as an advisory body to coordinate the focus of federal law enforcement efforts to combat white collar crime. The Council consists of representatives from DOJ, the Department of the Treasury, EPA, the Securities and Exchange Commission, the U.S. Postal Inspection Service, the Inspectors General, the Federal Trade Commission and the National Associations of Attorneys General.

## 2.4E Prosecute International Price Fixing Cartels

### Background/Program Objectives:

The Antitrust Division (ATR) decreases and deters anticompetitive behavior affecting U.S. businesses and consumers by investigating and prosecuting violations of our Nation's antitrust laws. While DOJ remains vigilant in the face of all criminal antitrust activity, DOJ has placed a priority on the successful prosecution of international price fixing cartels. These cartels pose a number of challenges. They are highly sophisticated; significant for the large volumes of commerce involved; and extremely broad in terms of the number of businesses and consumers affected. ATR is committed to meeting these challenges in order to ensure the arrest of unlawful conduct, wherever it occurs, that causes injury in the United States. Successful enforcement of these laws – which both decreases and deters anticompetitive behavior – saves U.S. consumers millions of dollars, allows them to receive goods and services of the highest quality at the lowest price and enables U.S. businesses to compete on a level playing field nationally and internationally.

### Performance:

**Performance Measure:** Antitrust Criminal Success Rate

**FY 2001 Target:** 90%

**FY 2001 Actual:** 94%

**Discussion:** It is the Division's goal to achieve a positive outcome in every case it brings. The Division has been aggressive in its pursuit of criminal anticompetitive behavior, exceeding its targeted 90% success rate in FY 2001.

**FY 2002 Performance Plan Evaluation:** Based on program performance in FY 2001, ATR expects to meet the FY 2002 target of 90%.

**FY 2003 Performance Target:** 95%

**Public Benefit:** In recent years, the Division has enjoyed remarkable success in terms of cracking international cartels, securing the convictions of major conspirators, and obtaining record-breaking fines. The benefits that accrue to U.S. consumers and businesses as the result of these efforts are considerable. Since the criminal enterprises encountered by the Division are increasingly large and global in scope, their impact on international commerce is significant, raising prices and thwarting innovation around the globe. Since the beginning of FY 1997, the Division has prosecuted international cartels affecting well over \$10 billion in U.S. commerce and collected fines exceeding \$2 billion. It is clear that the cessation of cartel activity in these cases will save U.S. businesses and consumers many hundreds of millions of dollars annually.

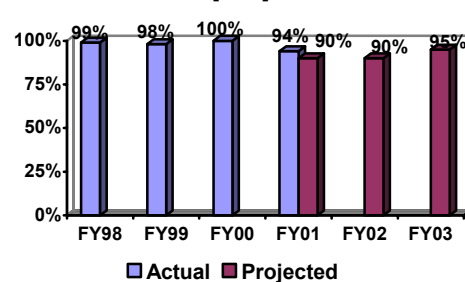
**Performance Measure:** Savings to U.S. Consumers (as a result of the Antitrust Division's Criminal enforcement efforts).

**FY 2001 Target:** N/A

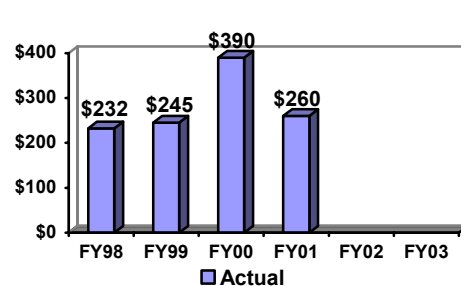
**FY 2001 Actual:** \$260 million

**Discussion:** By dismantling international private cartels and halting other criminal anticompetitive activity, the Antitrust Division has brought real, financial benefits to U.S. consumers and businesses in the form of lower prices and enhanced product choice. The estimated value of consumer savings generated by our efforts in any given

Success Rate for Antitrust Criminal Cases [ATR]



Savings to U.S. Consumers (\$Mil) [ATR]



**Data Collection and Storage:** Data is collected and stored in ATR management information systems, primarily in the Matter Tracking System and its companion user interfaces.

**Data Validation and Verification:** User training and software guides encourage accurate data entry. Instantaneous online data validations include inter-element cross-checks, numeric range checks, single element list-of-values checks and mandatory data element checks. In addition, batch data analysis and ad hoc reviews are conducted periodically. Finally, programmatic review of data helps assure the quality.

**Data Limitations:** Savings to U.S. consumers uses the volume of commerce affected by the conspiracy and the estimated price effect of the conspiracy. Volume of commerce is based on the best available information from investigative and public sources. We are limited in our ability to estimate the price effect, and thus in most cases rely on the 10 percent figure cited in the U.S. Sentencing Guidelines Manual as the average gain from price fixing. A one-year estimate of savings may be significantly underestimated as many conspiracies exceed one year.

year depends upon the size and scope of the matters encountered and, thus, varies considerably.

**FY 2002/2003 Performance Plan Evaluation:** In accordance with Department guidance, levels of performance are not projected for certain indicator types within this goal.

**Public Benefit:** The Antitrust Division has moved forcefully against price-fixing, bid-rigging, and market- and customer-allocation conspiracies in both international and domestic markets. In some matters, the volume of commerce impacted by the suspected conspiracy exceeds \$1 billion per year per matter; and in over half of the Division's investigations, the volume of commerce affected exceeds \$100 million. Through its successful criminal enforcement efforts, the Division estimates it saved U.S. consumers \$260 million in Fiscal Year 2001.

**Strategies to Achieve the FY 2003 Goal:**

When businesses are found to be actively engaged in price fixing, bid rigging and other market allocation schemes that negatively affect U.S. consumers and businesses (no matter where the illegal activity may be taking place), ATR pursues criminal investigations and prosecutions. ATR's Individual and Corporate Leniency Programs, somewhat revamped in recent years for greater effectiveness, have recently proven critical in uncovering criminal antitrust violations. More and more, ATR is relying on formal international cooperation agreements or informal consultations with foreign antitrust authorities in pursuit of the companies and individuals involved, whether those companies come to our attention via the Leniency Programs, or through other channels. More time and resources are devoted to investigation-related travel and translation, given the increasingly international operating environment of the criminal conspiracies being encountered. In all instances, if ATR ultimately detects market collusion and successfully prosecutes, ATR may obtain criminal fines or injunctive relief.

**Crosscutting Activities:**

The Antitrust Division maintains relationships with the FBI and the U.S. Attorneys, largely in support of the criminal enforcement strategy. Activities in this area are typically coordinated on a case-by-case basis, and program performance is assessed in terms of successful prosecutions of unlawful conduct.

## 2.4F Prosecute Environmental and Wildlife Crimes

### Background/ Program Objectives:

Vigorous prosecution remains the cornerstone of the Department's integrated approach to ensuring broad-based environmental compliance. It is the goal of investigators and prosecutors to discover and prosecute criminals before they have done substantial damage to the environment (including protected species), seriously affected public health, or inflicted economic damage on consumers or law-abiding competitors. The Department's environmental protection efforts depend on a strong and credible criminal program to prosecute and deter future wrongdoing. Highly publicized prosecutions and tougher sentencing for environmental criminals are spurring improvements in industry practice and greater environmental compliance. Working together with federal, state and local law enforcers, DOJ is meeting the challenges of increased referrals and more complex criminal cases through training of agents, officers and prosecutors; outreach programs; and domestic and international cooperation.

### Performance:

**Performance Measure:** Percent of Defendants Convicted in Criminal and Wildlife Environmental Cases

**FY 2001 Target:** N/A

**FY 2001 Actual:** 85%

**Discussion:** FY 2001 successes include a guilty plea and \$20 million in fines from a petroleum group that was covering up environmental violations at its oil refinery in Texas. The company must also complete a five year term of probation. A Malaysian wildlife dealer pled guilty to multiple felony counts of smuggling and selling endangered reptiles and was sentenced to 7 months in prison and \$60,000 in fines and assessments.

**FY 2002/2003 Performance Plan Evaluation:** In accordance with internal policy, targeted levels of performance are not projected for this indicator.

**Public Benefit:** Successful environmental prosecutions alert individuals and companies to the importance of complying with the law and lead to specific improvements in the quality of the environment of the United States, and the health and safety of its citizens.

**Performance Measure:** \$ Awarded in Criminal Environmental and Wildlife Cases (ENRD Only)

**FY 2001 Target:** N/A

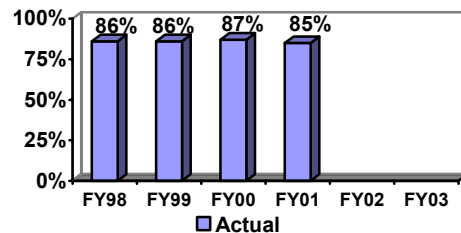
**FY 2001 Actual:** \$71 million

**Discussion:** FY 2001 successes include a guilty plea and \$10.4 million fine from a Maryland company and its corporate officers who were smuggling caviar from protected sturgeon into the U.S. Additionally, a chicken by-products rendering company, located in Mississippi, pled guilty and paid \$13 million in criminal fines and \$1 million in criminal restitution to the Mississippi Department of Environmental Quality.

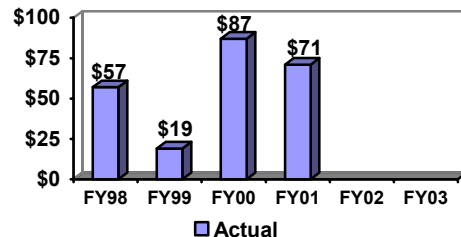
**FY 2002/2003 Performance Plan Evaluation:** In accordance with Departmental guidance, targeted levels of performance are not projected for this indicator.

**Public Benefit:** Criminal fines in environmental cases remove any economic benefits of non-compliance and level the playing field with companies that comply with environmental laws. They also deter others from committing such crimes. The environment, and public health and safety are improved by greater voluntary compliance with environmental and natural resource laws.

**% of Defendants Convicted in Criminal Environmental and Wildlife Cases [ENRD, EOUSA]**



**\$ Awarded in Criminal Environmental and Wildlife Cases (\$Mil) [ENRD]**



**Data Collection and Storage:** A majority of the performance data submitted by ENRD are generated from the division's Case Management System (CMS). Similarly, EOUSA data are extracted from their CMS.

**Data Validation and Verification:** The division has instituted a formal data quality assurance program to ensure a quarterly review of the division's docket. The case systems data are monitored by the division to maintain accuracy.

**Data Limitations:** Timeliness of notification by the courts.

**Strategies to Achieve the FY 2003 Goal:**

In FY 2003, the Department will continue its efforts to convict and deter environmental crimes through initiatives focused on laboratory fraud, chlorofluorocarbons (CFCs) smuggling, water pollution, and leaking underground storage tanks. For example, the Laboratory Fraud Initiative centers on ensuring that businesses and environmental enforcement agencies at the federal, state and local levels can rely on the accuracy of analyses performed by commercial laboratories. Investigations will examine fraudulent practices, target companies suspected of committing laboratory fraud, and identify common investigative and prosecutorial issues in these cases. The CFC Smuggling Initiative has led to a dramatic decline in CFC trafficking, although the Department expects that smuggling may rise as the shortage of CFC-12, a type of ozone depleting chemical, becomes more acute. The Water Pollution Initiative is aimed at investigating and prosecuting cases involving the discharge of illegal pollutants into the nation's sewers and public wastewater treatment facilities. More than 100 million pounds of toxic industrial compounds annually pass untreated through the nation's publicly owned treatment works, only to be discharged into rivers and lakes. The focus of the Leaking Underground Storage Tanks initiative is uncovering widespread fraud by firms that fail to lawfully test and analyze underground tank systems. Such testing is critical to the protection of the nation's drinking water. The Department will work to identify the companies involved in these schemes and to develop criminal investigations and prosecute them.

In addition, the Department will continue to battle international trafficking of protected species of fish, wildlife, and plants with a host of international treaty partners. International trade in wildlife is second in size only to the illegal drug trade, and our criminal prosecutors work on these cases, assist the U.S. Attorneys Offices, and share their expertise nationwide with state and federal prosecutors and investigators. DOJ will also focus on both interstate trafficking and poaching cases on federal lands, and seek to insure that our wildlife laws are uniformly applied and enforced across the country, seeking a consistent and vigorous enforcement program that is an international role model.

**Crosscutting Activities:**

ENRD, the FBI and the U.S. Attorneys Offices are working collectively with other federal agencies (including EPA and the Department of the Interior (DOI)), and state and local governments to strengthen enforcement of environmental criminal cases. The Department is involved in the U.S./Canadian CFC Enforcement Work Group; eradicating clandestine drug labs; supporting enforcement of the lead-based paint disclosure rule in collaboration with DEA, DOI, state and local prosecutors, Housing and Urban Development (HUD) and EPA; and improving the quality of our costal waters through multi-agency efforts. In addition, the Department is focusing increased attention on training federal, state and local investigators and prosecutors, as well as their counterparts in neighboring Canada and Mexico.

## 2.4G Prosecute Tax Fraud

### Background/ Program Objectives:

The Tax Division's (TAX) criminal enforcement objective is to deter taxpayers from illegal conduct that drains the Treasury through the consistent and uniform enforcement of the criminal tax laws. TAX accomplishes this goal through the nationwide review of requests to prosecute criminal tax violations and, upon specific request, through litigation assistance in the investigation and prosecution of criminal tax cases. In addition, TAX provides assistance in treaty negotiations and foreign evidence gathering in criminal tax matters.

TAX reviews approximately 800 cases annually to ensure that these prosecutions meet national federal criminal tax enforcement standards. The matters reviewed during each year cover the full range of criminal charges found in the IRS code as well as associated offenses found in Titles 18, 21, and 31 of the United States Code. The case review process is essential to the success of the Tax Division's supervisory oversight of criminal tax matters as it enables TAX to provide critical guidance to Executive Office for United States Attorneys (EOUSA) on complex federal substantive and procedural tax issues, difficult requirements encountered in indirect methods of proof, and unique evidentiary and sentencing problems found in criminal tax cases. As a result, the national average of convictions in indicted criminal tax trials continues to exceed 90 percent and thereby advances one of the TAX goals of establishing overall general deterrence through carefully selected prosecutions.

Each year TAX also successfully handles a substantial number of criminal tax investigations and prosecutions. These are primarily undertaken at the request of various EOUSAs who either lack resources or do not have the expertise specific to the case. Cases having significant regional or national scope are undertaken as part of TAX's priority initiatives. The nature of cases range from illegal tax protest to complex white collar fraud cases involving illegal international business transactions, complex tax issues, and foreign evidence gathering problems. TAX also focuses on the prosecution of legal source income cases, defined as those cases where the source of the proposed criminal tax charges is income that is legally produced as distinguished from income earned as a result of illegal conduct. As the vast majority of the taxpaying public earns its income from legal sources, legal source income prosecutions have a significant deterrent effect.

### Performance:

**Performance Measure:** Number of Requests for Litigation Honored (NOTE: This data includes previously reported data for Number of Requests for Litigation Honored in Legal Source Income Cases)

**FY 2001 Target:** 300

**FY 2001 Actual:** 289

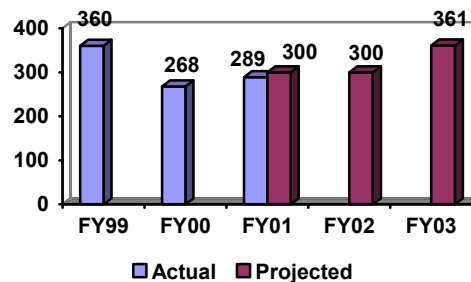
**Discussion:** As a result of TAX's litigation efforts, the government succeeded in securing 110 guilty pleas and returning 134 indictments; however, the FY 2001 target of 300 cases was not met.

**FY 2002 Performance Plan Evaluation:** Based on program performance in FY 2001, we expect to meet the FY 2002 target of 300 requests honored.

**FY 2003 Performance Target:** 361

**Public Benefit:** The ability of TAX to meet its projected targets depends on the number and types of cases recommended for prosecution, staffing levels, expertise, and fluctuating case loads of the USAs and TAX. The impact of TAX's work is significant for two reasons: (1) Funds are returned to the Federal Treasury for use in other important government programs as well as to reduce the deficit; (2) TAX litigation acts as a significant deterrent, especially in legal source income cases. When

# of Requests for Litigation Honored [TAX]



**Data Definition:** Legal assistance requests are those requests that require TAX expertise at the grand jury, trial, and appellate levels.

**Data Collection and Storage:** TAX utilizes a case management system known as TaxDoc. The Division recently revised the complement of indicators that are tracked.

**Data Validation and Verification:** There are new procedures to collect and record pertinent data on activities related to specific issues enabling Section Chiefs to make projections and set goals based on complete, accurate and relevant statistics. On a quarterly basis, the Performance Management Committee reviews all the statistics.

**Data Limitations:** The Division lacks historical data on some activities that are now tracked in the new case management system. The new information system may cause variations in the way some statistics are presented.

the American public sees that individuals or businesses are unsuccessful in their attempts to “cheat” or defraud the government, the inclination for others to illegally attempt to avoid their tax liabilities are lessened. The work of TAX maintains the public’s confidence in the tax system, thereby maintaining the ability of the federal government to fund its lawful and necessary operations.

**Strategies to Achieve the FY 2003 Goal:**

The Tax Division coordinates nationwide criminal investigations and prosecutions of illegal tax protest groups using new and emerging schemes and combats abusive international tax evasion schemes before they cause significant damage to the tax system. TAX efforts stop the proliferation of regional and nationwide tax evasion schemes using illegal trusts. TAX prosecutes legal source income cases and prosecutes drug cases involving tax crimes. In addition, TAX conducts training and provides expert technical assistance to EOUSA. Assistance is also provided in treaty negotiations and foreign evidence gathering in criminal tax matters. Initiatives concerning legislative and policy matters involving the sentencing guidelines, the federal rules of evidence and criminal procedure, and substantive criminal law are also provided by TAX.

**Crosscutting Activities:**

Criminal tax enforcement requires the cooperation of the IRS, USAs, and other federal government agencies. Recently, the Tax Division has worked closely with the IRS in its on-going reorganization of its criminal investigation function and to develop plans for an enhanced working relationship between the IRS and DOJ.

Representatives of the Tax Division are also liaison attorneys with the various regions of the Organized Crime Drug Enforcement Task Force (OCDETF) and are formal members of its policy formation body. In addition, the Tax Division is represented on the Domestic Terrorism Task Force chaired by the Terrorism Violent Crimes Section of the Criminal Division. Participation in these and other joint task forces enables the Tax Division to help formulate national programs, strategy and procedures in cooperation with other law enforcement components in a coordinated attack on financial crime.

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**STRATEGIC OBJECTIVE 2.5 CRIMES AGAINST CHILDREN AND THE EXPLOITABLE**  
**Combat crimes against children and other vulnerable victims of violence and exploitation**

**Annual Goal 2.5: Combat crimes against children and other vulnerable victims of violence and exploitation**

**STRATEGIES**

- Strengthen our nationwide capability to respond quickly and effectively to crimes against children.
- Combat the criminal trafficking of children and other vulnerable victims.
- Deploy task forces against trafficking in persons and worker exploitation.

The Criminal Section of the Civil Rights Division works closely with the Federal Bureau of Investigation, Immigration and Naturalization Service, Department of Labor, the Criminal Division, the U.S. Attorneys Offices, and Non-Government Organizations to identify victims, many of whom are women and children of illegal trafficking. The Victims of Trafficking and Violence Protection Act, enacted into law in 2000, expanding the scope of federal enforcement authority over slavery offenses.

**MEANS – Annual Goal 2.5**

**Dollars/FTE**

Appropriation	FY 2001 Actual		FY 2002 Enacted		FY 2003 Requested	
	FTE	\$ mill	FTE	\$ mill	FTE	\$ mill
Civil Rights Division	9	1	15	2	21	2
Criminal Division	27	5	31	5	35	6
FBI Construction	0	0	0	1	0	0
Federal Bureau of Investigation	530	72	555	83	558	92
<b>Subtotal</b>	<b>566</b>	<b>\$78</b>	<b>601</b>	<b>\$91</b>	<b>614</b>	<b>\$99</b>

**Skills**

The accomplishment of this goal requires the skills of agents, attorneys, analysts and linguists.

**Information Technology**

FBI programs in this area are supported by: ACS, a database that captures all information pertaining to administration of cases; IIIA, a centralized database that tracks foreign activity; data collected through FBI's Foreign Intelligence Surveillance Act (FISA); and internal databases that support the National Infrastructure Protection Center (NIPC) which maintains key assets.

**PERFORMANCE ASSESSMENT – Annual Goal 2.5**

**2.5A Identify and Apprehend Child Predators and Locate Children**

**Background/ Program Objectives:**

The FBI's Crimes Against Children (CAC) and the Criminal Division's Child Exploitation and Obscenity Section (CEOS) work to reduce the vulnerability of children to acts of sexual exploitation and abuse; develop a nationwide capacity to provide a rapid, effective investigative response to reported crimes involving the victimization of children; and to strengthen the capabilities of state and local law enforcement investigators through training programs and investigative assistance.

CAC impacts not only the victims but also their families, communities and law enforcement. Although the impact cannot be quantified, it clearly raises safety concerns for our citizens within their communities. Subjects who prey on children typically are not first time offenders, but rather, are serial offenders who may have traveled interstate during the commission of multiple offenses targeting children. Most importantly, a rapid, effective response to CAC incidents could literally mean life or death for a victim.

**Performance:**

**Performance Measure:** Convictions/Pre-Trial Diversions for Crimes Against Children Via online Computer Usage (NOTE: Prior year actuals have been updated to reflect the most current and accurate data available.)

**FY 2001 Target:** N/A

**FY 2001 Actual:** 540

**Performance Measure:** Number of Missing Children Located

**FY 2001 Target:** N/A

**FY 2001 Actual:** 91

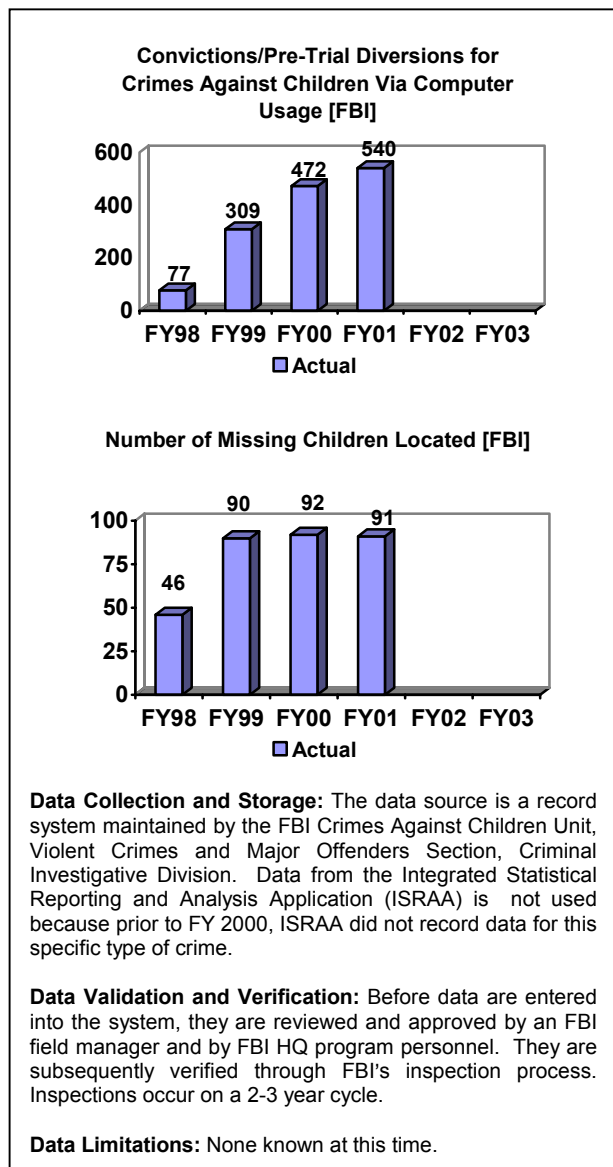
**Discussion:** The strategy for combating crimes against children committed through the medium of the internet is still valid. The FBI has remained consistent in its role as primarily assisting municipalities in the location of missing children.

**FY 2002/2003 Performance Plan Evaluation:** In accordance with Department guidance, targeted levels of performance are not projected for these indicators.

**Public Benefit:** The FBI is the primary investigative agency for on-line child pornography. Its Innocent Images National Initiative is responsible for a growing number of arrests and convictions in this crime area. Any reported child abduction or mysterious disappearance of a child receives an immediate and aggressive response from the FBI. This immediate response may be in the form of a full investigation based on a reasonable indication that a violation of the federal kidnapping statute has occurred, or it may take the form of a preliminary inquiry in order to determine if the federal kidnapping statute has been violated.

**Strategies to Achieve the FY 2003 Goal:**

In FY 2003, DOJ will increase efforts against those who commit sexual exploitation offenses against children, including those who traffic in child pornography. The



objective of the strategy is to increase the percentage of victimized children safely as well as an increase in the identification and apprehension of child pornographers. CAC facilitated by the use of an online computer is a national crime problem that is growing exponentially. Statistics in this area have doubled each year since 1996. The indicator tracks crimes against children conducted via computer and investigated by the FBI's undercover operations that are located in 23 field offices. FBI field offices are committing increased resources to this crime problem, which has resulted in a dramatic increase in the number of arrests (awareness has increased through specialized training). The FBI targets individuals involved in sexual exploitation of children by focusing its investigative efforts towards travelers/enticers (i.e., those who entice minors to meet them in order to engage in sexual acts), and enterprises involved in the manufacture and distribution of child pornography.

**Crosscutting Activities:**

The Criminal Division works closely with the 18 FBI regional Innocent Images Task Forces. Task forces are comprised of representatives from the FBI, U.S. Customs Service, and USAs, as well as state and local law enforcement offices. In addition, the USCS and the U.S. Postal Service manage their own national initiatives to combat child pornography. The Department coordinates with the respective agencies on these programs.

## 2.5B Enforce the Victims of Trafficking and Violence Protection Act

### Background/ Program Objectives:

The Civil Rights Division's Criminal Section works closely with the FBI and the INS to identify victims, many of whom are women and children, of illegal trafficking and to investigate and prosecute incidents involving criminal violations of federal civil rights crimes. The Victims of Trafficking and Violence Protection Act, enacted into law in 2000, expanded the scope of the federal enforcement authority over slavery offenses. This new law strengthened our ability to investigate and prosecute slavery offenses. We are continuing our outreach programs in this area in an effort to coordinate slavery and trafficking enforcement efforts throughout the nation.

### Performance:

**Performance Measure:** NEW MEASURE: Victims protected from Involuntary Servitude and Human Trafficking (as a result of federal prosecutions)

**FY 2001 Target:** N/A

**FY 2001 Actual:** 275 Victims Protected

**Discussion:** 275 victims were protected as a result of the federal charges filed last year against 34 defendants who were conducting illegal trafficking and holding persons in involuntary servitude and slavery. Additionally, the program maintained a 100% success rate in prosecuting involuntary servitude and trafficking in persons cases.

**FY 2002 Performance Plan Evaluation:** FY 2001 was a baseline year because this statute was enacted in FY 2000. In FY 2001, 275 victims were protected, 200 of which were protected from one case filing (data are based on victims protected). Based on trends thus far in FY 2002, we are currently establishing 43 victims protected from Involuntary Servitude and Human Trafficking as the FY 2002 target. Actual FY 2002 data may vary significantly because trend data are not available.

**FY 2003 Performance Target:** 43 victims protected

**Public Benefit:** DOJ's efforts in this area protect women, children, migrant workers and other victims of human trafficking from this violent criminal conduct. For example, in FY 2001, prosecutors handled three guilty pleas in Alaska by defendants who lured seven young Russian folk dancers to Anchorage to dance at adult clubs; in American Samoa five defendants were charged with recruiting close to 200 victims from Vietnam and China who were force to work in a garment factory; in California a wealthy landlord and two of his associates plead guilty to trafficking women and girls into the U.S. to place them in sexual servitude.

### Strategies and Initiatives to Achieve the FY2003 Goal:

DOJ will continue to enforce the Trafficking Victims Protection Act and vigorously investigate and prosecute acts of illegal trafficking and worker exploitation. Increased outreach efforts including continuation of a public complaint line and a full-time outreach coordinator will advance the mission of the Section in the trafficking area. Indicators of successful implementation of the strategy will be determined by an increase in the number of defendants charged and the number of victims protected as a result of the prosecutions.

**Crosscutting Activities:** The Worker Exploitation Task Force brings together DOJ, the Department of Labor (DOL), FBI and INS, to address involuntary servitude, slavery, trafficking and other criminal violations involving undocumented workers. The Criminal Section works closely with the FBI, INS, DOL, the Criminal Division, the Non-Governmental Organization community, and the USAs, to identify, investigate and prosecute incidents of slavery and trafficking. We have spearheaded formal training of local and federal investigators and prosecutors in the techniques of investigating and prosecuting slavery cases and provided expert guidance on the newly enacted Trafficking Victims Act. Training efforts continue in this area, as the Section spearheads the development of regional task forces throughout the country.

