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# STRATEGIC GOAL II



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**Prevent Crime, Enforce Federal Laws, and  
Represent the Rights and Interests of  
the American People**

# GOAL 2

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## PREVENT CRIME, ENFORCE FEDERAL LAWS, AND REPRESENT THE RIGHTS AND INTERESTS OF THE AMERICAN PEOPLE

Although the prevention of terrorism is the Department's top priority, it is not the only priority. Goal 2 encompasses what was traditionally viewed as the heart of DOJ's mission: the enforcement of the law. This goal covers a broad range of issues, including violent crime, illegal drugs, vicious gangs, and gun violence. It involves white collar crimes, such as health fraud, corporate fraud, and public corruption. It involves computer crime, including identity theft, IP crime, and other kinds of cybercrime. And it covers the exploitation of the vulnerable, particularly children, in all its various forms: pornography, trafficking, and abuse.

Goal Two also describes the role of the Department as the Nation's chief litigator, representing the United States Government and the people in court, enforcing federal civil and criminal statutes, including those protecting civil rights, safeguarding the environment, preserving a competitive market structure, defending the public fisc against unwarranted claims, and preserving the integrity of the Nation's bankruptcy system.

Among the DOJ components that share responsibility for this strategic goal are the United States Attorneys; ATF; the FBI; the DEA; the United States Trustee Program (USTP); the Office of Justice Programs (OJP); the Office on Violence Against Women (OVW); Community Oriented Policing Services (COPS); the International Criminal Police Organization (INTERPOL); Civil Rights Division; and the Civil, Criminal, Antitrust, Environment, and Tax Divisions.

### STRATEGIC OBJECTIVE 2.1

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**Strengthen partnerships for safer communities and enhance the Nation's**

### **capacity to prevent, solve, and control crime**

Preventing and controlling crime is critical to ensuring the strength and vitality of democratic principles, the rule of law, and the fair administration of justice. Most of the responsibility for crime control and prevention falls to the law enforcement officers found in our states, cities, and neighborhoods. The Federal Government can be effective in these areas only to the extent that it can enter into partnerships with these crimefighters on the streets. DOJ, principally through the efforts of OJP, OVW, and COPS, provides innovative leadership to federal, state, local, and tribal justice systems, disseminating state-of-the-art knowledge and practices across America, and providing grants for their implementation. By promoting these state and local partnerships, DOJ ensures that everyone works together towards a common goal: reducing crime and keeping the dream alive for all Americans.

### **Strategies to Achieve the Objective**

#### ***Improve policing and prosecution effectiveness***

This broad objective will be achieved by improving policing effectiveness with specific types of crime, including drugs, white collar, cyber, and hate crimes. OJP will aid law enforcement with cold cases, human trafficking, gun violence, domestic violence, and child abuse. The office will emphasize innovative, collaborative initiatives such as the community-based Weed and Seed Program. Prosecution effectiveness will be enhanced through implementation of the *Capital Litigation Improvement Initiative* that provides prosecutors

with the tools, knowledge, and resources to try capital cases effectively.

OJP will enhance tribal justice by supporting implementation and continuing operation of tribal judicial systems. Initiatives include establishing core tribal court structures; improving case management; training court personnel; acquiring additional equipment and/or software; enhancing prosecution and indigent defense; supporting probation diversion and alternative sentencing programs; accessing services; focusing on juvenile services and multidisciplinary protocols for child physical and sexual abuse; and structuring intertribal or tribal appellate systems.

### ***Enhance the capabilities of jurisdictions to share information***

DOJ has initiated a comprehensive approach to confront and overcome barriers to information-sharing in the Law Enforcement Information-Sharing Program (LEISP). LEISP is a nationwide law enforcement information-sharing collaboration connecting multiple partners including the FBI, other DOJ components, DHS, the intelligence community, and local law enforcement agencies across America. LEISP focuses on enabling law enforcement agencies to access shareable DOJ information in a timely and secure manner. With less time spent requesting information, law enforcement can focus on transforming intelligence into action. Because guidelines for ensuring security, privacy, and accountability are strictly enforced, LEISP partners can readily share information among each other.

Training and recommendations from OJP and the National Criminal Intelligence Sharing Plan are consistent with and complementary to guidelines contained within the LEISP. Additionally, through the *Global initiative*, OJP addresses the policy, connectivity, and jurisdictional issues that have hampered effective justice information-sharing.

### ***Increase the availability and use of technological resources for combating crime***

OJP is uniquely positioned to spur the adoption of innovative and proven cost-effective crime-fighting equipment across America. The 18,000 law enforcement agencies across the Nation have become more reliant on new and advanced equipment to effectively and efficiently carry out the responsibilities for public safety. This increased reliance is due to improved performance that well-designed and properly-implemented equipment yields and the need to counter criminals who increasingly use advanced technologies themselves. OJP will research, develop, test, and evaluate recommendations spanning the full range of criminal justice requirements, including less-lethal weapons, surveillance technologies, information and communications systems, forensics, and personal protective equipment. This information will help inform thousands of procurement decisions made each year by state, local, and tribal law enforcement that obligate hundreds of million of dollars.

OJP recently initiated the President's five-year, \$1 billion *DNA initiative* to improve the Nation's capacity to use DNA evidence by eliminating casework and convicted offender backlogs; funding research and development; improving crime lab capacity; providing training for all stakeholders in the justice system; and conducting testing to identify the missing. Newer DNA analysis techniques can yield results from biological evidence invisible to the naked eye, even in cases where the evidence is contaminated. Today, police departments throughout the country are reexamining unsolved rape, homicide, and other cases using advanced DNA methods. Newly processed DNA profiles are uploaded into the FBI's Combined DNA Index System (CODIS) so the data can be compared with DNA profiles derived from convicted offenders and evidence samples already in the national system. Matches are confirmed by obtaining and analyzing a second sample from the suspect.

While DNA technology is helping to solve crimes and exonerate the innocent across the country, many public crime laboratories are not fully equipped to handle the increased demand for DNA testing. Some laboratories have large backlogs of unanalyzed DNA samples from convicted offenders and crime scenes, which can significantly delay criminal investigations and the administration of justice. OJP's *DNA*

*Initiative* and other efforts are designed to increase the availability and use of these technological resources for combating crime.

### ***Strengthen the capacity of law enforcement agencies nationwide to implement community policing strategies***

Community policing promotes and supports problem-solving tactics and community-police partnerships to address crime and disorder problems proactively. Community policing stresses the importance of police collaboration with community stakeholders (e.g., school communities, community groups, businesses, and faith-based organizations) to fight crime and disorder problems. Departments that practice community policing work with these community groups and individuals to identify persistent local problems, learn more about why these problems occur, and address the underlying conditions that lead to these problems, so that future crimes can be prevented.

The three primary elements of community policing are: 1) community/law enforcement partnerships; 2) problem solving; and 3) organizational transformation. The COPS Office builds and sustains the capacity of law enforcement agencies to implement community policing strategies to improve crime fighting capability through grant assistance, training and technical assistance, and publications that promote the use of community policing strategies to fight crime and disorders.

In addition to grant resources, the COPS Office assists law enforcement agencies and communities through training, technical assistance, and publications to expand the adoption of community policing strategies nationwide. As law enforcement priorities shift and new concerns emerge, COPS develops and tailors training curricula, technical assistance workshops, and publications to address the emerging needs of the agencies and the communities they serve.

### ***Provide federal leadership***

DOJ will provide federal leadership in its capacity as the primary implementer of the

Violence Against Women Act (VAWA). Under the direction of the Attorney General, OVW will work closely with components within DOJ, as well as with other federal agencies and the public, to provide effective policy intended to end violence against women and hold perpetrators accountable.

### ***Develop capacity of new coordinated community responses***

OVW understands that the most effective way to combat violence against women is to establish a strong coordinated community response (CCR). This method of creating working relationships among the community to quickly and safely serve victims of domestic violence, sexual assault, and stalking has proven time and time again to be effective. Pilot programs, such as the *President's Family Justice Center Initiative*, which support the CCR method by creating a one-stop shop for domestic violence victim resources, are improving the way victims are served. Under this method, victims are more likely to stay engaged with the legal system to restore their lives and bring perpetrators to justice.

### ***Enhance collaboration***

The spirit of the VAWA is often referred to as the CCR. That is, in order to be effective in responding to intimate partner violence, sexual assault, and/or stalking, a community needs to work together, each member doing his or her job knowing and depending on the strengths of the other community members. Law enforcement officers, prosecutors, judges, and advocates cannot respond adequately to violence against women without one another's support, as well as the support of the community as a whole. By working together, these individuals can create a system that will keep victims safe and hold offenders accountable.

OVW has embraced this philosophy at all levels. Applicants for federal grant funding need to demonstrate how their community is working together and have community partners sign a memorandum of understanding (MOU) outlining how that collaboration will operate under the grant. OVW program specialists are assigned to monitor the grant recipients and work closely

with the grantee, as well as with components within OJP, such as the National Institute of Justice (NIJ), the Bureau of Justice Statistics, and the Office for Victims of Crime (OVC). Additionally, OVW works closely with other DOJ components including ATF, FBI, and the Executive Office of the United States Attorneys (EOUSA). The Secretary of the Department of Health and Human Services (HHS) co-chairs an Advisory Committee on Violence Against Women with the Attorney General.

### ***Support the progress of existing coordinated community responses***

A CCR is intended to bring about a philosophical change in the community that encourages various stakeholders to work together to help victims and bring perpetrators to justice. This change happens gradually and may not be reflected in measurable terms. Applications that exemplify the philosophy of the CCR will continually score better during the competitive process than those which do not.

### ***Measure effectiveness of funded projects***

OVW has undertaken a significant effort to implement a system for measuring the effectiveness of projects supported by VAWA grant monies. To assist in this work, the Office entered into a cooperative agreement with the University of Southern Maine, Muskie School of Public Service, and Institute for Child and Family Policy ("the Muskie School") to develop tools for grantee self-reporting, analysis of grantee data, and draft reports to Congress. As a result, OVW and the Muskie School have developed 12 new progress reporting forms that gather information on OVW's grant programs. Each form is individualized to allow grantees to report on the types of activities – for example, training, criminal justice activities, victim services – supported by their grant funding. Through an agreement with OJP's Office of the Chief Information Officer, OVW also has developed computerized "smart" versions of the forms that grantees submit online through the Grants Management System (GMS). By the end of FY 2005, all progress report forms for OVW's grant programs were available on GMS for grantee reporting.

### ***Fund community programs that are sustainable***

OVW has put several procedures in place to improve the sustainability of community programs beyond Federal funding:

- Each applicant for competitive funding must develop a sustainability plan as part of their grant application;
- Formula programs require a 25% match;
- All program awards have been extended from a 12- or 18-month to a 24-month period;
- OVW has contracted with technical assistance providers that specialize in program sustainability;
- All technical assistance providers are instructed to emphasize the long-term benefits of the CCR when working with grantees; and
- All solicitations have been revised for clarity so that applicants understand the application requirements and scoring method.

### **Key Crosscutting Programs and Activities**

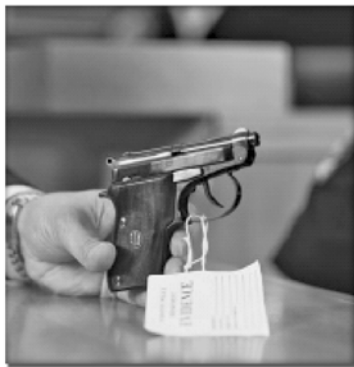
The following is a representative sample of programs and activities related to this objective involving DOJ components and organizations outside the Department:

- ❖ **Interagency efforts.** OVW collaborates on a regular basis with other federal, state, local, and private entities to share promising practices, co-sponsor conferences on common issues, and discuss policy questions that impact shared constituent groups. OVW works closely with HHS and DoD, to address such issues as the co-occurrence of domestic violence and child

maltreatment and sexual assault in the military. OVW and the Office for Women's Health in HHS share the joint responsibility for managing the National Advisory Committee on Violence Against Women that provides advice and guidance to the Attorney General and Secretary of HHS on implementation of the VAWA.

## STRATEGIC OBJECTIVE 2.2

### Reduce the threat, incidence, and prevalence of violent crime



Gun violence and gang violence continue to inflict a heavy toll on communities across America. Indiscriminate gun fire and the presence of armed gang members are

factors that reduce the quality of life for our citizens. Major violent crime incidents, such as sniper murders, serial killings, and criminal gangs can paralyze whole communities and stretch state and local law enforcement resources to their limits. Significant instances of bank/armored car robberies, extortions, kidnappings, and product tampering have a dramatic effect on the welfare of citizens and the economy of the United States. The reduction of the threat and incidence of violent crime is a priority issue for DOJ.



## Strategies to Achieve the Objective

### Combat gun violence through Project Safe Neighborhoods

*Project Safe Neighborhoods (PSN)* is a nationwide commitment to reduce gun crime in America. The effectiveness of PSN is based on the ability of local, state, and

*"Every American deserves to live free from the fear of violent crime."*

*Attorney General, February 2006*

federal agencies to cooperate in a unified offensive led by the United States Attorney in each of the 94 federal judicial districts across the United States. Through collaboration with federal, state, and local law enforcement, each United States Attorney will implement the five core elements of PSN -- partnerships, strategic planning, training, outreach, and accountability - in a manner that is contoured to fit the specific gun crime problems in that district. The goal is to create safer neighborhoods by reducing gun violence and sustaining that reduction.

PSN reduces gun crime in America by networking existing local programs that target gun crime and providing these programs with additional tools necessary to be successful. Funding for the initiative is used to hire new federal and state prosecutors, support investigators, provide training, distribute gun lock safety kits, deter juvenile gun crime, and develop and promote community outreach efforts, as well as to support other gun violence reduction strategies.

The initiative requires every United States Attorney to coordinate all gun-related programs at the federal, state, and local law level within the district. Each United States Attorney has established a task force consisting of federal and local officials to review and prepare gun cases for prosecution in the most appropriate forum. The strategic plans for PSN, like the specific gun violence problems, vary from one community to another. In order to maintain an edge in the attack on gun violence, this initiative mandates more expansive and comprehensive training for federal, state, and local law enforcement officers and prosecutors.

Community outreach and public awareness are essential components of the initiative. By conveying the priorities, message, and results of this enhanced enforcement effort to the media and community members, the United States Attorney can help shape the attitudes of law abiding citizens and those who would otherwise believe they can violate gun laws with impunity.

### **Implement a comprehensive anti-gang strategy**

*"Gangs shatter the dreams of those who succumb to their false promises and wreak havoc on nearly everyone in their path."*

*Attorney General,  
February 2006*

This program will incorporate (1) prevention, (2) enforcement, and (3) reentry efforts to address gang membership and gang violence at every stage. The Department will make grant funding available (1) to support

comprehensive prevention efforts such as the Gang Reduction Program, which focuses on reducing youth-gang crime and violence by addressing the full range of personal, family, and community factors that contribute to juvenile delinquency and gang activity; (2) to help support enforcement programs that will focus law enforcement efforts on the most significant violent gang offenders; and (3) to create mentor-based reentry assistance programs that will provide transitional housing, job readiness and placement assistance, substance abuse treatment, and mental health treatment to prisoners re-entering society.

### **Target, investigate, and prosecute the most violent street gangs in our cities and communities**

The FBI will continue to focus its *National Gang Strategy* (NGS) on major violent domestic street gangs and drug enterprises that pose significant threats to the integrity of American society. Historically, NGS groups have displayed the ability to be well-organized, innovative, and extremely violent in protecting and securing the organizations' criminal goals. Coupled with the ability to quickly expand nationally, NGS groups are formidable opponents of law enforcement.

These organizations have a strong foothold in many rural and urban cities across the country, and therefore need to be targeted and/or monitored proactively through joint federal, state, and local investigative initiatives to neutralize future growth.

ATF will continue to infiltrate, investigate and seek prosecution for violent gang members who use firearms in furtherance of their criminal activity. ATF has a history of successful investigation and prosecution, often in partnership with state and local law enforcement, of outlaw motorcycle organizations, street gangs, and violent anti-Government groups. With respect to organized gun trafficking, ATF will identify trafficking patterns from its crime gun trace data and will target and investigate the traffickers as part of its *Integrated Violence Reduction Strategy*. The FBI, through its Safe Streets Task Forces, targets the organized acquisition, transportation, and distribution of firearms by violent street gang enterprises. This is designed to supplement the arsenal of investigative tools used by task force investigators to target criminal enterprises.

Certain criminal enterprises pose a significant threat to American society because of their multidivisional or multijurisdictional nature, their propensity for violence, and their rapid proliferation. These enterprises, nearly all of which have numerous factions, include the Bloods, Crips, Folk Nation, People Nation, Mara Salvatrucha, 18th Street Gang, La Raza, Border Brothers, Outlaw Motorcycle Gangs, and Prison Gangs. The ATF and FBI have concentrated resources to counter their expansion and violent criminal activity by identifying and neutralizing emerging national trends. In responding to the national priorities, the two agencies will identify, prioritize, and target violent street gangs whose activities pose a significant multijurisdictional threat.

### **Deploy the National Gang Targeting, Enforcement, and Coordination Center to disrupt and dismantle violent gangs in the United States that threaten national security, border protection, and public safety**

Established to serve as a critical catalyst in a unified federal effort to combat violent gangs,



the National Gang Targeting, Enforcement, and Coordination Center (GangTECC) will create law enforcement strategies and facilitate operations across agency lines aimed at dismantling national and transnational violent gangs. The center will coordinate overlapping investigations, ensure that tactical and strategic intelligence is shared among law enforcement agencies, and serve as a central coordinating center for multijurisdictional gang investigations involving federal law enforcement agencies. This will also allow participating agencies to access and exploit each respective agency's gang intelligence, allow immediate access to operational information in a co-located environment, and provide a strong, national deconfliction center for gang operations.

GangTECC will accomplish its mission by:

- Assisting the initiation of gang-related investigations and enhancing existing investigations and prosecutions;
- Aiding in coordination, deconfliction, and effectiveness of gang-related initiatives, investigations, and prosecutions;
- Developing an enhanced understanding of the national gang problem and proposing strategies to neutralize the most violent and significant threats; and
- Coordinating with and supporting the National Gang Intelligence Center (NGIC), led by the FBI.

### ***Deploy Violent Crime Impact Teams to combat violent crime***

ATF and the Department established the *Violent Crime Impact Team (VCIT) Initiative*, a focused component of PSN, in 15 cities. Under VCIT, ATF partners with DEA, the USMS, ICE, the FBI, EOUSA, state and local law enforcement, and others to aggressively pursue the most violent offenders in targeted high crime areas within selected cities to reduce homicides and firearms-related violent crime. These multi-agency enforcement teams identify, target, disrupt, arrest, and prosecute the "worst of the worst" criminals. These efforts are designed to produce long-term reductions in firearms violence rather than a mere shift of the violence to adjacent neighborhoods.

Ten best practices guide the VCIT initiative: (1) setting clear goals and measuring performance, (2) developing collaborative partnerships with local police, (3) targeting the "worst of the worst" criminals, (4) using the full array of intelligence assets, (5) maintaining a fluid and dynamic approach when targeting offenders and hot spots, (6) conducting proactive street enforcement with local police in targeted hot spots, (7) deploying resources during peak hours of criminal activity, (8) investigating the sources of firearms linked to violent crime, (9) prioritizing prosecution of defendants linked to targeted hot spots, and (10) publicizing success stories.

The VCITs, along with the FBI's Safe Streets Task Forces, target the most violent gangs and arrest their leadership and enforcers. Through programs that include the provision of transitional housing, job placement, and substance abuse and mental health treatment, VCIT ensures that offenders returning to society do not revert to violence.

### ***Vigorously prosecute organized crime and racketeering***

The OCRS supervises the investigation and prosecution of cases handled by specialized Organized Crime Strike Force Units within United States Attorneys' offices in 21 federal districts. These cases directly relate to the strategic objective of reducing the threat,



incidence, and prevalence of violent crime, as they include some of the largest and most complex cases dealing with terrorism, public corruption, and violent gangs.

The strategies of OCRS in meeting the strategic objective are to maintain a cadre of experienced prosecutors in its Litigation Section to assist the United States Attorneys' Offices' Organized Crime Strike Force Units in organized crime cases; target specific organized criminal enterprises to eliminate their power and influence; and target, investigate, and prosecute the most violent street gangs.

### ***Provide operational enforcement assistance and training to tribal governments***

The Department will continue to provide both training and direct investigative and prosecutorial assistance to tribal governments. Accordingly, the U. S. Attorneys have designated Assistant United States Attorneys as tribal liaisons to work cooperatively with tribal police, prosecutors, and judges. The FBI, which has primary jurisdiction over major crimes committed by or upon Indians within Indian Country, funds training, operational expenses, and equipment purchases for Indian Country law enforcement efforts.

Through its Office of Indian Country Investigations, the FBI assists tribes in the investigation of violent crimes committed in Indian Country. In addition, the Bureau provides a large share of the forensic exams for FBI Indian Country investigations, either directly through its own laboratory or by funding non-FBI labs. The Indian Country Evidence Task Force, created on June 1, 2000, is composed of FBI Laboratory experts in the disciplines of DNA, trace evidence, latent fingerprints, and firearms.

### ***Enforce regulatory requirements for firearms and explosives***

ATF enforces the import provisions of the Arms Control Export Act, the Gun Control Act, and the National Firearms Act. ATF works closely with DHS to monitor imports and exports of firearms to ensure that their international movement is consistent with law. ATF's Industry Operations



Investigators (IOIs) and examiners regulate the firearms industry to prevent prohibited persons, or those acting for them, from obtaining entry into the legitimate firearms industry. ATF IOIs conduct onsite inspections at applicant premises and examiners conduct thorough background checks on applicants.

ATF's regulation and criminal enforcement of explosives laws and regulations (part of the agency's integrated *Explosives Threat Assessment and Prevention Strategy*) prevent thefts and the acquisition and use of explosives for criminal or terrorist purposes. ATF IOIs and specialists inspect explosives facilities to ensure that federally mandated safety and security standards are met; conduct background checks on all license/permit applicants and employees of explosives facilities; and issue licenses and permits to non-prohibited persons. ATF special agents investigate the criminal use of explosives, working with IOIs to respond to explosives thefts; investigate bombings; and conduct proactive explosives enforcement activities.

### ***Provide technical assistance and support to law enforcement partners to fight violent crime***

ATF's EEOs provide technical assistance and support in explosives matters. These bomb technicians each have between 12 and 35 years of experience in explosives and bomb disposal. EEOs render explosive devices safe, disassemble explosive and incendiary devices, prepare destructive device determinations, and render expert testimony in support of such determinations in state and federal criminal court proceedings. EEOs also provide expert analysis and onsite investigative technical

assistance at bombing and arson scenes and scenes where explosions of an undetermined nature have occurred. They provide assistance and training in all aspects of explosives handling, usage, and destruction; threat vulnerability assessments; and all other explosives-related matters for ATF and state and local law enforcement agencies.

The FBI conducts fingerprint checks through its Integrated Automated Fingerprint Identification System (IAFIS), criminal history based checks through its National Crime Information Center (NCIC), and background checks on prospective firearm purchasers using the National Instant Criminal Background Check System (NICS). The Bureau also provides DNA profile-matching services through CODIS, including the Mitochondrial DNA database being created within CODIS.

### ***Prevent violent crime in the United States by reducing international violent crime***

The ICITAP strategy for reducing the threat of violent crime is to increase the understanding of international norms, best practices, and policies through comprehensive foreign assistance programs that address gangs, paramilitaries, and other violent groups. ICITAP is currently working with other federal law enforcement agencies, police, and prosecutors from Honduras, Guatemala, El Salvador, and Mexico to assemble a Gang Enforcement course that will be presented at the ILEAs in San Salvador.

One of OPDAT's strategic goals is to assist partner countries to control their domestic violent crime problems, including organized crime, before they are exported to the United States. OPDAT supports this strategy by providing comprehensive technical assistance and training to law enforcement officials across the Americas on the prevention and combating of international gangs. OPDAT is working with other federal law enforcement agencies, police, prosecutors, and corrections officials to develop this curriculum addressing gang-related violence in Central America and how to deter its spread to the United States.

As the central point of contact for all INTERPOL related business for the United States and its

various law enforcement authorities, the United States National Central Bureau (USNCB) will ensure that all investigative information received from foreign sources about suspected criminals who may attempt to enter or operate in the United States is shared with appropriate United States law enforcement and border protection personnel. USNCB posts information on foreign wanted criminals, including violent criminals, into United States databases expeditiously and accurately; enables direct query access to INTERPOL databases to United States federal, state and local law enforcement entities; and makes biometric records such as fingerprints and photographs of known international criminals available to DHS Custom and Border Protection so that violent offenders are denied entry into the United States.

## **Key Crosscutting Programs and Activities**

The following is a representative sample of programs and activities related to this objective involving DOJ components and organizations outside the Department:

- ❖ **Advisory Committee on the Criminal Rules.** The Criminal Division's Office of Policy Legislation works closely with the United States Sentencing Commission on the Advisory Committee on the Criminal Rules.
- ❖ **Women's Justice Empowerment Initiative.** ICITAP is working very closely with the United States Agency for International Development (USAID), the National Security Council, the DoS Bureau for International Narcotics and Law Enforcement Affairs (INL), United States embassies, and USAID missions in Kenya, South Africa, Benin, and Zambia to design and implement the *Women's Justice Empowerment Initiative*, which aims to combat gender-based violence in these four African countries by raising awareness, improving the host countries' ability to investigate and prosecute the violent crimes, and reintegrating victims into society.

- ❖ **Civilian Police Assistance Training Team.** ICITAP is leading the Civilian Police Assistance Training Team within the Internal Affairs directorate of the Iraqi Ministry of Interior, which has successfully trained more than 15,000 Iraqi police to date in specialized and advanced courses in kidnapping investigations, violent crimes, and organized crimes investigations.
- ❖ **Interagency partnerships.** ATF works closely with other departmental agencies as well as federal, state, local, tribal, and foreign law enforcement partners. ATF also has key relationships with firearms and explosives industry associations to fully leverage available resources to keep firearms and explosives out of the hands of criminals.

### **STRATEGIC OBJECTIVE 2.3**

#### **Prevent, suppress, and intervene in crimes against children**

Children are the most vulnerable and most exploited members of our society. The criminal victimization of children impacts not only the victims but also their families, community, and society at large. Children, because of their legal and social vulnerabilities, may be victimized in a variety of ways involving physical and sexual abuse. Most recently, the route to this kind of abuse has been through the Internet. The Internet has provided sexual predators with anonymity, speed of communication, and global access to potential victims.

#### **Strategies to Achieve the Objective**

##### ***Implement Project Safe Childhood to protect the Nation's children***

On May 17, 2006, the Attorney General launched *Project Safe Childhood* (PSC) to combat the online exploitation and victimization of children. Implementation of PSC by the United States Attorneys and their designated PSC Coordinators will be achieved through three major steps: building partnerships, strategic planning, and implementing accountability measures. The project comprises

Internet Crimes Against Children (ICAC) Task Forces and other federal, state, and local law enforcement organizations that will investigate and prosecute crimes against children facilitated through the Internet or other electronic media and communications devices.

The key to successful implementation of PSC will be to develop and foster meaningful partnerships among federal, state, and local law enforcement, as well as with nonprofit and private entities, within every district. Each United States Attorney is responsible for completing a local strategic plan and for ensuring that it facilitates effective implementation of PSC within his or her district. The project will 1) integrate the efforts of PSC partners to investigate and prosecute child exploitation cases and to identify and rescue child victims; 2) provide for local PSC participation in national initiatives; 3) increase federal investigations and prosecutions in child exploitation cases; 4) assess appropriate training needs of law enforcement officials; and 5) coordinate local public awareness and education campaigns. Accountability will be ensured through semi-annual reports to EOUSA updating the progress of the district's partnership in achieving the goals of PSC.

##### ***Protect the welfare of America's children by enforcing federal criminal statutes relating to the exploitation of children and obscenity***

The mission of the Criminal Division Child Exploitation and Obscenity Section (CEOS) is to protect the welfare of America's children and communities by enforcing federal criminal statutes relating to the exploitation of children and obscenity. To that end, CEOS will work through PSC to identify the vulnerabilities of the child pornography industry in order to attack them at every angle, both domestically and overseas. Through the *Innocence Lost Initiative*, a partnership established to help identify victims and get them the services they need while effectively investigating and prosecuting the offenders, CEOS will also address the growing problem of children forced into prostitution. Finally, CEOS will address sex tourism by increasing the number of child sex tourism cases investigated and prosecuted and by identifying deficiencies in existing legislation and proposing appropriate amendments.

The protection of our Nation's children has been, and will continue to be, one of the Department's highest priorities. Guided by the leadership of the Attorney General, PSC aims to combat the proliferation of technology-facilitated sexual exploitation crimes against children. The threat of sexual predators soliciting children for physical sexual contact is well-known and serious; the danger of the production, distribution, and possession of child pornography is equally dramatic and disturbing. The response to these growing problems must be coordinated, comprehensive, and robust. It must aim to vigorously investigate and prosecute and to protect and assist victimized children. The recent passage of the Adam Walsh Child Protection and Safety Act considerably expands the Department's legal arsenal to protect our children from sexual

*"{When the Adam Walsh Act} . . . is fully implemented, unregistered sex offenders will be considered federal fugitives, and they will be a priority for Deputy U.S. Marshals across this country."*

*Director, U.S. Marshals Service, July 2006*

predators. The Department will be: creating an office to set standards and administer grant programs related to sex offender registration and notification; working to locate and apprehend sex offenders who violate registration requirements; and expanding the resources to ICAC Task Forces and the National Center for Missing and

Exploited Children (NCMEC).

### ***Combat the proliferation of child pornography/child sexual exploitation facilitated by online computers***

The *Innocent Images National Initiative* (IINI), a component of the FBI's Cyber Crimes Program, is a proactive, intelligence-driven, multiagency investigative initiative designed to identify, investigate, and prosecute sexual predators who use the Internet and other online services to sexually exploit children. IINI identifies and rescues witting and unwitting child victims and establishes a law enforcement presence on the Internet as a deterrent to subjects who exploit children.

The International Task Force includes international officers from more than 20 countries. IINI officers investigate cases involving peer to peer file-sharing, newsgroups, and E-groups. The IINI also targets thousands of subscribers to child pornography web sites. The Innocent Images Unit has a strong analytical component which specifically addresses Internet child exploitation on a daily basis. Employees are also assigned full time at the NCMEC.

### ***Combat child abduction and prostitution***

The FBI plays a critical role in the law enforcement community's response to child abductions through its Child Abduction Rapid Deployment (CARD) Teams. CARD Teams are designed to rapidly deploy experienced crimes-against-children investigators to assist state and local law enforcement during the most critical time period following a child abduction. Research has shown that the majority of children abducted are killed within several hours of the actual abduction. The teams are regionally located throughout the United States to allow for a rapid response to those areas where a child was last seen.

The FBI has acquired a technology-enabled solution to enhance its response to child abductions. The solution integrates several data and analytical capabilities into one system which will provide critical investigative lead information in the 2-3 hour window immediately after a child has gone missing. Child abductions sometimes involve sex offenders; this solution enables the FBI to identify all sex offenders who have or had a presence within the vicinity of a child abduction, as well as identify key locations where an abducted child may be taken.

### ***Implement the "Innocence Lost" initiative***

In June of 2003, the FBI Criminal Investigative Division/Violent Crimes Section/Crimes Against Children Unit, together with the CEOS and the NCMEC, introduced the national initiative known as *Innocence Lost*. This initiative addresses the domestic trafficking of children for the purposes of prostitution. Task forces and/or working groups have been established in 26 cities throughout the United States.

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*"...the Internet has drawn a large and growing audience of child sexual predators."*

*Assistant Attorney General, Office of Justice Programs, June 2006*

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### **Participate in Internet Crimes Against Children -- America's Missing: Broadcast Emergency Response Alert**

This program is the primary vehicle for building an infrastructure to support the national effort to prevent the abduction and exploitation of our Nation's children, including support for the NCMEC. A key component of NCMEC is the ICAC Regional Task Force Program. This program is specifically designed to encourage communities to adopt a multidisciplinary, multijurisdictional response to technology-facilitated child sexual victimization, including online enticement and the proliferation of child pornography. This program is a network of 45 multiagency, multijurisdictional Regional Task Forces providing nationwide coverage in the investigation and prosecution of ICAC cases.

The America's Missing: Broadcast Emergency Response (AMBER) Alert network provides for the broadcast of emergency messages when a law enforcement agency determines that a child has been abducted and is in imminent danger. The broadcasts include information about the child and the abductor, such as physical descriptions and information about the abductor's vehicle, which could lead to the child's recovery.

### **Combat international and domestic organizations that prey on children**

The Department will target, prosecute, and seize the assets of international and domestic commercial child sexual exploitation rings, sex tourism operations, and organizations that facilitate the travel of individuals for the purposes of exploitation. By dismantling these organizations, the Department eliminates ways for criminals to traffic or smuggle children across borders. The Department is able to do that because of its expertise in targeting trafficking organizations, identifying and seizing the assets of criminal organizations through financial

analysis, and conducting prosecutions under the Racketeering Influenced Crime Organization (RICO) statutes.

### **Increase the capacity of foreign law enforcement to effectively prevent, suppress, and intervene in crimes against children**

ICITAP has successfully collaborated with OPDAT and host-country governments throughout the world to develop Trafficking In Persons programs in more than 20 nations (e.g., Albania, Azerbaijan, Bosnia-Herzegovina, Bulgaria, Costa Rica, Georgia, Indonesia, Kosovo, Macedonia, Moldova, Nigeria, Romania, Serbia-Montenegro). These programs provide law enforcement and legislative tools needed to investigate and prosecute traffickers, as well as protect victims and witnesses. The division's goal is to design programs dedicated to successfully investigating and dissolving criminal networks responsible for illegal migration and human trafficking. Working with ICITAP, OPDAT assists countries with inadequate laws to address international trafficking in women and children.

### **Develop intelligence and leads to combat child exploitation**

The USNCB – INTERPOL's Child Exploitation and Obscenities Program cooperates with domestic and foreign law enforcement agencies to develop criminal intelligence and investigative leads for rescuing children from sexual abuse, prosecuting obscenity cases, and dismantling international websites containing child pornography images. The program utilizes the INTERPOL Green Notices, bulletins shared among INTERPOL organizations to alert law enforcement about the global migratory movements of career criminals, such as convicted child molesters, between countries.

### **Key Crosscutting Programs and Activities**

The following is a representative sample of programs and activities related to this objective

involving DOJ components and organizations outside the Department:

- ❖ **Interagency partnerships.** United States Attorneys partner with: state and local prosecutors; federal law enforcement agencies with a local presence; ICAC task forces, chiefs of police, sheriffs, and other state law enforcement officers in the district; local child advocacy centers, victim advocacy groups, victim service organizations, parental groups, school administrators, educators and leaders of extracurricular activities.
- ❖ **International Law Enforcement Cooperation and Training.** CEOS participates in a number of international partnerships to increase the Department's ability to work across borders to address child exploitation and sex violations. These partnerships include bilateral meetings with British law enforcement and Russian law enforcement; participation in the Virtual Global Task Force; and the involvement of CEOS attorneys in INTERPOL's Specialist Group on Crimes Against Children, and the G8 Law Enforcement Projects Sub Group.
- ❖ **Federal Agency Task Force on Missing and Exploited Children.** The Department is a key member of this interagency task force that helps ensure interagency coordination among DOJ, DHS, the United States Postal Inspection Service, NCMEC, and others.
- ❖ **Operation Predator.** Headed by ICE, *Operation Predator* seeks to identify, investigate, and arrest child predators such as child molesters, child sex tourists, human smugglers and child traffickers, in addition to traders, producers, and distributors of Internet child pornography. More than half of the *Operation Predator* arrests are foreign national sex offenders whose crimes justify their removal from the United States. As part of this effort, ICE works with USNCB – INTERPOL to enhance foreign government intelligence on these deported sex offenders.

## STRATEGIC OBJECTIVE 2.4

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### **Reduce the threat, trafficking, use, and related violence of illegal drugs**

The Department's drug strategy utilizes the collective talent and expertise of several federal law enforcement agencies to identify and target the most significant drug supply organizations and components nationwide, and to attack the financial infrastructure supporting those enterprises, thereby disrupting and ultimately dismantling them. The cycle of illegal drugs begins with their cultivation or manufacture, carries through their distribution, and ends with the laundering of their profits. The Department also focuses enforcement resources on identifying and eliminating the individual retail-level traffickers who sell drugs on the streets. Over the years, the Department has mounted, and will continue to mount, a comprehensive, multilevel, organizational attack on the drug trafficking and money laundering organizations that pose the greatest threat.

### **Strategies to Achieve the Objective**

***Target drug traffickers and their organizations through the Organized Crime Drug Enforcement Task Forces 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 outside of the United States.***

The Department's counternarcotics strategy is built around the recognition that the best way to attack sophisticated narcotics trafficking and money laundering organizations and their attendant criminal activity (e.g. corruption, violent crime, and tax evasion) is through the use of a coordinated, interagency task force. The Department implements this strategy in several ways. The Department's long-standing OCDETF Program, with its seven participating federal law enforcement agencies, is the centerpiece of the Department's drug strategy. The OCDETF Program uses its wide range of agency expertise, experience, and capabilities to disrupt and dismantle the highest level drug trafficking organizations. The multi-agency, DEA-led Special Operations Division (SOD)

coordinates the largest national and international drug trafficking investigations.

The Department, in cooperation with the Departments of Treasury and Homeland



Security, is committed to identifying and attacking money laundering through a coordinated national approach targeting specific sectors of the financial system. Coordinating the use of asset forfeiture in our efforts to combat drug trafficking is also critical. Through the appropriate use of asset forfeiture, the Department attacks the economic infrastructure of criminal organizations to take the profit out of drug trafficking and deprive the criminals of the illegally-gotten gains which are used to operate and expand their enterprises. DEA's *Anti-Money Laundering Strategy* targets the flow of drug money back to sources of drug supply to prevent these funds from financing the next cycle of illegal drugs destined for the United States consumer market. In addition, given the nature and scope of DEA's operations and its global presence, evidence and intelligence gleaned from investigations often provide critical information on terrorist financing, which is immediately shared with agencies charged primarily with counterterrorism responsibilities.

### ***Disrupt and dismantle Consolidated Priority Organization Targets***

The OCDETF Program creates and maintains the Administration's Consolidated Priority Organization Targets (CPOT) list – the "Most Wanted" drug trafficking and money laundering organizations believed to be primarily responsible for the Nation's illicit drug supply. The objective is to dismantle these organizations so that reestablishment of the same criminal organization is impossible and the

sources of the drugs are eliminated. DEA is a leading participant in the multi-agency investigations that result in the disruption or dismantlement of CPOT organizations. These investigations are intelligence-driven operations that identify and target international drug trafficking organizations that play significant roles in the production, transportation, distribution, financing, or other support of large scale drug trafficking.



### ***Target major international drug trafficking organizations***

Working through the Criminal Division's NDDS, the Department will continue aggressively to expand and pursue the prosecution of *Bilateral Case Initiative* cases and to target those individuals and criminal organizations posing the most significant threat to the United States. NDDS, working with DEA Special Agents, will make a concerted effort to identify and target CPOTs and other major drug traffickers around the world. To this end, NDDS will apply the full range of its multifaceted expertise; the Litigation Section will target drug organizations in Latin America and other regions, and conduct

investigations involving the Internet-based distribution of dangerous drugs, steroids, and pseudoephedrine (used in methamphetamine); SOD will coordinate nationwide, multijurisdictional cases involving electronic surveillance to dismantle drug trafficking organizations; the Wiretap Unit, created through OCDETF funding, will write wiretap affidavits and manage electronic surveillance cases in large-scale SOD-coordinated multijurisdictional narcotics investigations; and the Policy Unit will coordinate a bilateral working group that addresses a range of persistent, long-standing, and interlocking challenges related to United States-Colombian law enforcement cooperation.

***Combat major drug trafficking organizations through the Organized Crime Drug Enforcement Task Force Fusion Center.***

To achieve the maximum impact against the organizations primarily responsible for the flow of illicit drugs into America, intelligence must drive enforcement efforts and law enforcement must collaborate across regions and agencies to strategically attack these organizations. Intelligence-driven investigations and coordinated, strategic enforcement initiatives are essential components of the Department's drug strategy. To enhance DOJ's overall capacity to engage in intelligence-driven enforcement, OCDETF created the OCDETF Fusion Center (OFC) – a comprehensive data center containing all drug and related financial intelligence information from OCDETF's investigative agencies, the National Drug Intelligence Center (NDIC), the FinCEN, and others.

The OFC is designed to conduct cross-agency integration and analysis of drug and related financial data, to create comprehensive intelligence pictures of targeted organizations, including those identified as CPOTs and Regional Priority Organization Targets (RPOTs), and to pass actionable leads through the multi-agency Special Operations Division (SOD) to OCDETF participants in the field. The work of the OFC ultimately results in the development of coordinated, multi-jurisdictional OCDETF investigations and prosecutions of the most significant drug trafficking and money laundering networks. Moreover, the OFC's synthesis of investigative drug data with financial data has significantly improved the Department's ability to

simultaneously attack the financial base of these organizations and thereby disgorge these drug trafficking organizations of their profits.

The OFC is an integrated, co-managed Center overseen by the OCDETF Executive Office, and includes agents and/or analysts from ATF, DEA, FBI, FinCEN, IRS, NDIC, USMS, and the U.S. Coast Guard (USCG). Attorneys from the Criminal Division's NDDS and Asset Forfeiture and Money Laundering Section (AFMLS) assigned to SOD provide the legal oversight for the OFC, and coordinate the multinational investigations and prosecutions supported by the OFC and by SOD. The OCDETF Executive Office continues to seek the participation of additional relevant agencies in the OFC, and to develop governing memorandums of understanding.

***Reduce the flow of illicit drugs, money, and chemicals between the source zones and the United States***

The Department will meet this objective through its *International Drug Flow Prevention Strategy*, which involves multiple agencies in numerous countries. This bilateral strategy is specifically designed to disrupt the flow of illicit drugs, money, and chemicals between source zones and the United States by attacking drug organizations' vulnerabilities in their supply, transportation systems, and financial infrastructures. The DEA will continue its focus through institution building with host nation governments, developing personal liaisons with host nation law enforcement authorities, conducting bilateral investigations, and by attacking the command and control structures of major drug trafficking organizations. These efforts are based on gathering, compiling, and analyzing intelligence from multiple participating agencies, including DoD, the USCG, DHS' Bureau of Customs and Border Protection, the National Security Agency, the CIA, the Defense Intelligence Agency, the FBI, and host national law enforcement and military counterparts from Colombia, Ecuador, Panama, Costa Rica, Nicaragua, El Salvador, Honduras, Guatemala, Belize, and Mexico.



*Those who suffer the "second hand" effects of methamphetamine include the victims of methamphetamine-related crimes, innocent children whose homes have been turned into clandestine lab sites, law enforcement officers that work with the hazardous materials found at lab sites, and the environment from the five to six pounds of toxic waste produced for every pound of methamphetamine cooked.*

*Administrator, DEA, May 2006*

### **Strengthen counternarcotics efforts to combat illicit drug trafficking along the Southwest Border**

Drug smuggling and money laundering along the U.S.-Mexico border poses a significant national security issue for the United States. The Southwest Border provides hundreds of miles of open areas, an ideal environment for cross-border drug trafficking and money laundering activities. The Department's efforts along the Southwest Border are designed to enhance the collection of intelligence on cross-border trafficking activities, improve information-sharing among United States and Mexican agencies, disrupt and dismantle trafficking organizations, interdict illegal bulk currency movements, and enhance Mexico's counterdrug capabilities. In the past, DEA has successfully implemented law enforcement and intelligence collection operations and initiatives such as the *International Drug Flow Prevention Strategy*, the *Methamphetamine Strategy*, and *Operations United Eagles, Gear Grinder, Falling Star, Noble Hero, and White Fang* in support of Southwest Border counternarcotics efforts.

The United States counterdrug, CT, and immigration enforcement missions are interrelated due to criminal activities involving drug trafficking, alien smuggling, and terrorism. Implementation of the Department's Southwest Border initiatives and operations, which are coordinated with federal, state, local, tribal, and the Government of Mexico, addresses joint issues and enforcement efforts, specifically the illicit narcotics threat, and significantly improves overall interdiction efforts at the Southwest Border.

### **Reduce the threat, trafficking, and use of methamphetamine**

Methamphetamine is a growing problem in the United States. Once confined primarily to the west and midwest, it is now spreading across the eastern half of the United States. Because of the unique characteristics of methamphetamine, fighting the drug demands

aggressive, collaborative efforts. The Administration is focused on the following six methods to combat methamphetamine: increase DEA's enforcement operations and arrests; make methamphetamine prosecutions a priority for United States Attorneys; work with state and local law enforcement; provide information and awareness training; strengthen international partnerships, specifically between the United States and Mexico; and use additional tools to target methamphetamine traffickers, such as the Combat Methamphetamine provisions contained in the USA Patriot Act. DEA's enforcement efforts to



date include the following significant and successful interagency initiatives, which will serve as a blueprint for future efforts:

- disruption and dismantlement of major methamphetamine trafficking organizations;
- participation in *Project Prism*, an international initiative aimed at assisting governments in developing and implementing operating procedures to control and monitor trade in amphetamine-type stimulant precursors to prevent their diversion;
- the assignment of Diversion Investigators to our foreign offices to work on preventing the diversion of List I chemicals used in the manufacture of

methamphetamine and pharmaceutical controlled substances;

- the establishment of a Methamphetamine Task Force within DEA dedicated to improve the Federal Government's response to and policies for methamphetamine production, trafficking, and use; and
- the agency's continued work to ensure that only legitimate businesses with adequate chemical controls are licensed to handle bulk pseudoephedrine and ephedrine in the United States.

***Detect pharmaceutical diversion and reduce the threat posed by the illicit sale of pharmaceuticals via the Internet***

The diversion and abuse of pharmaceuticals poses a serious threat to the health and safety of Americans. The availability of these substances via the Internet has become a significant challenge for law enforcement. Internet-based drug traffickers selling pharmaceutical substances mask their activities as legitimate online pharmacies. These products are sold illegally without face-to-face medical examinations or proper tests, without follow-up care, and with no guarantee of safety or effectiveness. To combat the spread of rogue pharmacies responsible for the illegal sale of pharmaceuticals over the Internet, DEA developed the *Online Pharmacy Strategy*. This strategy counters emerging on-line pharmacy trafficking trends by targeting foreign and domestic command and control communications and financial operations. The strategy utilizes a combination of enforcement, legislation, and demand reduction efforts with enhanced technology to address the illicit sale of controlled substance pharmaceuticals by on-line "pharmacies."

***Disrupt and dismantle violent gangs involved in drug trafficking***

Major violent street gangs have become an increasing threat to the security and the safety of our domestic communities. Law Enforcement authorities throughout the country report that

gangs responsible for most of the serious violent crime in the major cities of the United States commonly use drug trafficking as a means to finance their criminal activities. These drug-trafficking gangs are often well organized, have an identifiable hierarchy with clear levels of command and control, and utilize sophisticated techniques and organizational processes to further their drug trafficking efforts. To combat gangs involved in drug trafficking, DEA participates in multi-agency law enforcement task forces that focus on gangs and violent crime, including GangTECC and the NGIC. Also, DEA participates in the Office of National Drug Control Policy's (ONDCP) High Intensity Drug Trafficking Area (HIDTA) Program, which is active in several areas nationwide and targets gang members due to their involvement in drug trafficking.

***Develop international assistance programs that effectively reduce the threat, trafficking, use, and related violence of illegal drugs***

The mission of ICITAP is to improve host nation law enforcement agencies in an effort to control indigenous crime, which will ultimately reduce the proliferation of related transnational crime. ICITAP's assistance programs play an integral part in global efforts to combat drug trafficking by introducing complex, comprehensive strategies that deliver training, resources, and investigative capabilities to law enforcement agencies around the world. ICITAP's strategy is to deliver programs and products that focus on developing sustainable law enforcement institutions to reduce the threat, trafficking, use, and related violence of illegal drugs.

OPDAT supports the strategic objective by preparing foreign counterparts to cooperate more fully and effectively with the United States in combating narcotics trafficking. OPDAT provides technical assistance to develop and strengthen legislative regimes needed to combat narcotics trafficking. It also provides training and skills workshops for prosecutors, judges, and investigators to implement the regimes once they are enacted.

## Key Crosscutting Programs and Activities

The following is a representative sample of programs and activities related to this objective involving DOJ components and organizations outside the Department:

- ❖ **Organized Crime Drug Enforcement Task Force.** The Department of Justice is responsible for the administration of the OCDETF Program, which includes organizations within DOJ (DEA, FBI, ATF, USMS, U.S. Attorneys' Offices, Criminal Division, Tax Division), DHS (ICE, USCG), and the Department of Treasury (IRS Criminal Investigations), as well as state and local law enforcement agencies. Its purpose is to coordinate investigations of those national and international drug trafficking and money laundering organizations most responsible for the supply of illegal drugs in this country.
  
- ❖ **Synthetic Drug Control Strategy.** DOJ and the ONDCP have joined other high-ranking U.S. anti-drug officials and the Deputy Chief of Mission of the Embassy of Mexico to release the Synthetic Drug Control Strategy. The Strategy, a companion document to the President's National Drug Control Strategy, details plans for unprecedented cooperation with Mexico and other international partners to drastically reduce the flow into the United States of both methamphetamine and the precursor chemicals used to produce the drug. The Synthetics Strategy outlines a three-tiered approach to the United States' international efforts: improving intelligence and information on the global market for precursor chemicals; effective implementation of the Combat Meth Act, which sets a national standard for restricting the retail sale of precursor chemicals within the United States; and strengthening law enforcement and border control activities, particularly with Mexico.
  
- ❖ **Anti-Money Laundering Strategy.** In addressing the drug money laundering threat, DEA works closely with the

Department of Treasury and FinCEN. DEA also deals with the banking industry, both on the local level through its Financial Investigative Teams and at the headquarters level with the Anti-Money Laundering Compliance Units; with the Bank Secrecy Act Advisory Group; and with host country banking associations through their law enforcement counterparts and with host country Financial Intelligence Units.

- ❖ **Interagency Pharmaceutical Task Force.** The Department participates on this task force, which looks at all aspects of the issue of rogue Internet pharmacies, with DEA, NDDS, the Food and Drug Administration, ICE, FBI, DEA, and Postal Inspection.

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### STRATEGIC OBJECTIVE 2.5

#### **Combat public and corporate corruption, fraud, economic crime, and cybercrime**

Public corruption cases continue to be one of the Attorney General's top six enforcement priorities. Integrity in government and business are essential for a strong America. Citizens rely on the honesty and integrity of government officials, corporate executives, and others charged with the public's trust. At every level – federal, state, and local – it is imperative that we enforce the laws that protect the integrity of our economic and political systems. No one is above the law – not a city councilperson, a chief executive officer, or a United States Senator.

Corruption, whether public or corporate, is a form of white collar crime. White Collar Crime encompasses illegal acts characterized by deceit, concealment, or violations of trust. These acts are generally not dependent on the application or threat of physical force or violence. They are committed by individuals and organizations in order to obtain money, property, and services, or to secure personal or business advantage.

The true cost of white collar crime is not always measurable in dollars. The corruption of public officials undermines trust in government. Corporate fraud and some Internet fraud schemes, such as market manipulation of certain stocks, can cause massive losses for

unwary investors. Other schemes, such as fraudulent online sales can create a risk of economic loss, if not physical harm. Unchecked, white collar crime can have a devastating impact on the Nation's public welfare and economic well-being.

Just as the Internet and other global network computer systems have transformed the way we conduct business, run governments, educate, and communicate, such networks have also provided a powerful new medium in which to commit unlawful acts. The Internet provides con artists, extortionists, vandals, and other criminals with formidable tools to commit traditional and new crimes. Because end users are spread across the world, a single scheme through the Internet can reach a vastly larger pool of potential victims than was possible a decade ago, at a far lower cost and unprecedented speed. The Internet also can provide a veil of anonymity that is difficult or impossible to achieve except in cyberspace.

## **Strategies to Achieve the Objective**

### ***Deter public corruption by increasing its investigation and prosecution***

One way to reduce future corruption is to vigorously investigate and prosecute current corruption and to seek substantial prison terms for persons convicted of these crimes. Aggressive and effective prosecutions, followed by long sentences, send a clear message that these crimes will not be tolerated and that those engaging in them do so at their peril. The Department intends to increase its efforts against corruption in three ways: first, it will increase awareness of public corruption, of the significant harm it causes, and the interest the Department has in combating it at all levels of government; second, it will make public corruption investigations and prosecutions a top priority; and third, it will increase the number and scope of training events for federal prosecutors and investigators that focus on the handling of corruption investigations and prosecutions.

### ***Combat corporate corruption***

The Criminal Fraud Section will combat corporate corruption by providing policy support to the Corporate Fraud Task Force and tracking major corporate fraud casework developments and outcomes; ensuring the forfeiture of criminal proceeds assets and securing recovery of assets for the victims of corporate frauds; providing support to United States Attorneys' offices on major corporate fraud investigations; developing and supporting training programs for investigators and prosecutors with the National Advocacy Center; and evaluating, interpreting, and proposing legislation dealing with corporate fraud.

### ***Increase the investigation and prosecution of corporate fraud to restore confidence in the securities economy***



The Department has adopted the position that the efficiency and effectiveness of securities markets is substantially enhanced by consistent and successful prosecution of criminal offenses. Working closely with the Securities Exchange Commission, the Commodity Futures Trading Commission, and state regulatory entities, the Department has placed an emphasis on investigating allegations of corporate and securities fraud. The Department intends to continue addressing this problem by aggressively pursuing prosecution of corporate executives, employees, or their associates who deceive public shareholders and/or illegally enrich themselves at the expense of the public. The Sarbanes-Oxley Act, a recently enacted law which imposes significant new corporate governance and financial statement reporting obligations on public companies, will significantly deter corporate executives from engaging in corporate fraud in the future.

**Support the national effort to combat foreign official corruption and deny safe haven to corrupt foreign officials and their criminal proceeds**

AFMLS will perform operational work and develop policy initiatives to trace, forfeit, recover, and return proceeds of foreign official corruption. Often referred to as "kleptocracy," large-scale foreign corruption matters involve extraordinary sums of money and typically entail complicated financial transaction and multijurisdictional litigation. The division will assist by promoting investigation and prosecution of foreign corruption and related money laundering cases and asset forfeiture actions to recover the proceeds of foreign corruption; developing United States policy and international best practices in this area; providing technical assistance to enhance legal systems that combat corruption and seek to recover the proceeds of corruption; and negotiating international agreements regarding the disposition of forfeited corruption proceeds.

**Bolster the effectiveness of white collar crime investigations and prosecutions by strengthening coordination among domestic and international law enforcement agencies**

Key Department strategies for addressing white collar crime are developing partnerships with, and fostering coordination among, domestic and international law enforcement and regulatory agencies. The growth of electronic evidence and records, electronic commerce, and globalization magnify impediments that must be overcome in combating white collar crime and make such coordination indispensable. Because the Department's prosecutorial efforts are reliant upon effective detection and investigation, DOJ components have increased their participation on multi-agency task forces and collaborative initiatives to maximize opportunities to coordinate detection, investigation, and prosecution efforts. Additionally, the DOJ and FBI currently operate the Internet Fraud Complaint Center, which

*"No one is above the law... not a city councilperson, a CEO, a member of Congress or an Administration official."*

*Attorney General,  
February 2006*

coordinates domestic and international Internet investigations. Moreover, the Corporate Fraud Task Force, formed under Presidential directive and chaired by the Deputy Attorney General, was formed to address the barrage of corporate fraud cases.

**Investigate and prosecute high-technology crimes**

Given the wide array of cyber threats, a multipronged strategy has been developed to target the most significant of them. Computer intrusions that are driven by terrorist activities are the first priority of the Department and the FBI, followed by foreign government-sponsored operations and criminal operations.

*"With the advent of the Information Age . . . the threats we face have become more dangerous and more diverse."*

*FBI Director, February 2006*

The United States is facing an increasing threat from high-technology crime. Therefore, the Department will increase its efforts to investigate and prosecute such crime and to work with other government agencies

to ensure a coordinated response. The Department will develop and support the development of tools, legal approaches, and operational strategies to assist law enforcement in investigating criminal activity that increasingly abuses the power of global networks and computers. The Department's Computer Crime and Telecommunications Coordinator (CTC) program, created to address high-technology crimes, has proven to be one of the most effective prosecutive networks in the country. Designated prosecutors in each of the United States Attorney's offices are specially trained to handle computer crime and IP cases. In addition, the Department recently created Computer Hacking and Intellectual Property (CHIP) units in 25 United States Attorney's offices to supplement the CTC program.

With the increasing globalization of crime, DOJ will work with its international partners to develop the global infrastructure - legal, technical, and operational - necessary to combat criminal activity involving computers, networks,

and IP. The Department also continues to provide training and assistance to federal, state, and local law enforcement. Such assistance has included building virtual and personal networks among law enforcement personnel to facilitate cooperation in the investigation of complex cases. Recognizing that technologies affect public safety, the Department will work with the computer and telecommunications industry to ensure that industry understands the public safety implications of the technology it develops. At the same time, DOJ will strive to ensure that law enforcement understands the new technologies that may present threats to public safety.

### ***Focus on asset forfeiture and money laundering***

All white collar crimes are conducted for profit, and the single largest deterrent to and punishment for such activity is the forfeiture of the ill-gotten assets. Even though prosecutors only recently have had the legal tools to directly forfeit the proceeds of white collar crime, about half of the deposits to the Assets Forfeiture Fund are non-drug related, showing significant efforts toward using this tool in non-drug related crimes for profit. Likewise, money laundering cuts across all white collar crimes, and the need for these criminals to disguise the source of their ill-gotten proceeds, is a vulnerability to be exploited.

### ***Combat computer and intellectual property crime***

The Department of Justice's Task Force on Intellectual Property will continue to coordinate the Department's overall strategy to combat intellectual property theft. Through this effort, CCIPS will continue to coordinate investigative and prosecution resources for maximum efficiency in the battle against computer and IP crime. CCIPS will pursue the following strategies as it attempts to meet this objective:

- Identify, investigate, and prosecute individuals and groups stealing and trafficking in personal identifying information online, through participation in the Identity Theft Task Force;

- Target and prosecute organizations that commit large-scale IP theft by providing training and legal expertise to organized crime and antiterrorism prosecutors;
- Target and prosecute international attacks on global networks by use of malicious code, in cooperation with private sector stakeholders;
- Target and prosecute intrusions into Government and key infrastructure computer systems, partnering with law enforcement agencies and the NCRCG;
- Develop the IP Law Enforcement Coordinator program to address international IP crime;
- Increase the effectiveness and reach of the National CHIP Coordinator Program;
- Increase the training and technical support available to CHIP coordinators through CCIPS Cybercrime Lab Capabilities; and
- Foster participation in international cooperation networks, focusing on doubling the number of participants in the International 24/7 Assistance Network.

### ***Combat international corruption and international financial crimes***

DOJ will enforce and aggressively investigate and prosecute violations of the Foreign Corrupt Practices Act (FCPA). To that end the Criminal Division Fraud Section will conduct a broad public outreach campaign to publicize the scope and requirements of the FCPA and the Department's enforcement policies to deter violations. It will also maintain and develop close institutional relationships with foreign counterparts of the Fraud Section, and coordinate with other federal departments in matters concerning international treaties.

***Combat mass-marketing fraud, identity theft, and other related fraud schemes***

The Department will target investigations at criminal organizations generating significant criminal proceeds through fraud and identity theft schemes. DOJ will participate in strategic initiatives with United States federal and foreign investigative agencies to target domestic and international fraud schemes, and will develop innovative training for United States and foreign law enforcement authorities on mass-marketing fraud and identity theft.

***Combat health care fraud***

DOJ will combat health care fraud by assisting in managing the Health Care Fraud and Abuse Control Program; supporting the United States Attorneys' offices with legal and investigative guidance and training in prosecuting criminal health care fraud cases; and coordinating and promoting large-scale, multidistrict health care fraud investigations and multiagency enforcement projects.

***Spearhead strategic enforcement initiatives to combat all types of fraud stemming from disasters***

The Department will focus on fraud which is perpetrated when disasters occur. This includes charity fraud, identity theft, emergency-benefit fraud, procurement fraud, and public corruption. The Criminal Fraud Section will also spearhead the establishment and operation of command centers for disasters, such as the Hurricane Katrina Fraud Task Force Command Center, and coordinate and support multiagency efforts to collect intelligence information, reports, and complaints and generate referrals for disaster-related fraud.

***Deliver programs designed to enhance the ability of foreign governments to contain or disrupt white collar crimes before they pass through their borders to threaten the United States***

OPDAT supports this strategy by strengthening coordination among domestic and international

law enforcement agencies and conducting programs that promote transparency, develop guidelines and standards for professional conduct, establish vetting procedures, and set up dedicated public corruption units. They will focus on white collar crime programs addressing corruption (public and corporate), money laundering, fraud and economic crimes, and IP rights and cybercrime.

***Combat criminal organizations and individual operations engaged in fraud schemes which target our Nation's financial institutions***

The FBI will identify, target, disrupt, and dismantle criminal organizations and individual operations engaged in fraud schemes which target our Nation's financial institutions, particularly in the areas of check fraud, mortgage fraud, and bankruptcy fraud. Additionally, the FBI will seek to identify, undertake, and promote prevention measures, where available, to reduce the opportunity for fraud to take place within the financial institution arena.

It will do so by identifying and dismantling criminal enterprises targeting financial institutions on a national or regional basis; improving and maintaining the FBI's intelligence base in non-traditional and expanding industries such as credit card companies, credit bureaus, credit card processors, and various components within the real estate industry; and improving and maintaining the FBI's efforts relating to the investigation of bankruptcy fraud matters.

***Target major fraud against individuals, businesses, and industries***

The FBI's Economic Crimes Unit will investigate, reduce, and prevent the significant frauds targeted against individuals, businesses, and industries, including major corporate frauds, other securities and commodities market frauds, schemes targeting the insurance industry, illegal telemarketing organizations, multiple or large scale prime bank frauds, advance fee schemes, pyramid schemes, and business frauds.

## Key Crosscutting Programs and Activities

The following is a representative sample of programs and activities related to this objective involving DOJ components and organizations outside the Department:

- ❖ **Interagency partnerships, task forces, and work groups.** DOJ components collaborate with a broad range of organizations in their efforts to combat public and corporate corruption, fraud, economic crime and cybercrime. These include the Identity Theft Task Force; the NCRCG, the primary interagency mechanism for facilitating cooperation and information-sharing during a cyber event of national significance; Strategy Targeting Organized Piracy/National Intellectual Property Law Enforcement Coordination Council, designed to protect IP rights in the United States and abroad; the Securities and Commodities Fraud Working Group, composed of regulatory agencies, self-regulatory enforcement groups, and the Public Company Accounting Oversight Board; the Organization for Economic Cooperation and Development's (OECD) Bribery Group, consisting of foreign delegations that discuss anti-bribery laws in each OECD country; the United Nations' Crime Commission Interagency Expert Group on Fraud and Criminal Misuse of Identity; Internet and Telemarketing Fraud Working Group; the National Level Health Care Fraud Working Group, comprised of representatives from federal and state health care program and investigative agencies; and the Hurricane Katrina Fraud Task Force Command Center.
- ❖ **Department of State International Narcotics and Law Enforcement Bureau.** OPDAT partners with the INL to implement the corruption, fraud, and economic crime programs in Central and Eastern Europe and Eurasia. It also frequently works with the United States Patent and Trademark Office, Commerce Department, DHS' ICE, and the FBI in its IP and cybercrime programs.

- ❖ **Integrity Committee of the President's Council on Integrity and Efficiency and the Executive Council on Integrity and Efficiency.** The Public Integrity Section serves as a legal advisor to the President's Council on Integrity and Efficiency/Executive Council on Integrity and Efficiency (PCIE/ECIE), composed of the Inspectors General of the various agencies of the executive branch of the Federal Government. The Integrity Committee of the PCIE/ECIE is charged by the Executive Order with handling allegations against Inspectors General and senior members of their staff.

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## STRATEGIC OBJECTIVE 2.6

### Uphold the civil and constitutional rights of all Americans

Our Nation's civil rights laws prohibit discriminatory conduct in a wide variety of settings, such as housing, employment, voting, mortgage lending, education, public accommodations, access by the disabled to services and facilities, activities that receive federal financial assistance, and the treatment of juvenile and adult detainees, as well as residents of public institutions. The federal civil rights laws also provide safeguards against criminal actions such as official misconduct by law enforcement personnel, trafficking in persons, and bias motivated crimes.

The federal anti-discrimination statutes reflect some of America's highest ideals and aspirations: equal treatment and equal justice under law. The Department is committed to upholding the civil and constitutional rights of all Americans, including the most vulnerable members of our society. DOJ will ensure compliance with basic federal civil rights protections through a multifaceted program of criminal and civil enforcement designed to target and deter discriminatory conduct. We also seek voluntary compliance with civil rights statutes through a variety of educational, technical assistance, and outreach programs.



## Strategies to Achieve the Objective

### ***Improve efforts to eradicate the modern-day slavery of human trafficking***

DOJ will promote interagency coordination and apply vigorous and intensified enforcement efforts to thwart the trafficking of women, children, and other vulnerable victims. This effort is a civil rights priority for the Department because it strikes at our Nation's core value -- the right to freedom as promised in the Declaration of Independence and guaranteed by the 13th Amendment of the Constitution. In the last 5 years, the DOJ Civil Rights Division has more than quadrupled the enforcement of human trafficking cases.

### ***Combat housing discrimination through "Operation Home Sweet Home"***

The Civil Rights Division will continue its efforts to ensure that all Americans have an unfettered chance at the American dream by having non-discriminatory access to the housing of their choosing. The

Attorney General, inspired by the plight of displaced victims of Hurricane Katrina who were suddenly forced to find new places to live, announced *Operation Home Sweet Home* – a concentrated initiative to expose and eliminate housing discrimination. This new initiative focuses on expanding the Civil Rights Division's Fair Housing Act testing program, which investigates suspected offenders, with testing visits designed to expose discriminatory practices.

Over the next 2 years, we will bring the number of these targeted tests to an all-time high, ensuring the rights of all Americans to fairly obtain housing. Although concentrated testing for housing discrimination will be done in areas affected by the effects of Hurricane Katrina, the initiative is nationwide in scope, and includes areas that have experienced a significant

*"I care about applying the law to everyone equally, so that everyone has an equal opportunity to pursue the American dream."*

*Attorney General,  
February 2006*

volume of bias-related crimes, such as cross burnings or assaults on minorities.

### ***Expand efforts to guarantee voting rights of all citizens***

DOJ will address voting rights violations, ensure access to the polls for all who qualify, protect the integrity of the ballot process, and promote voter confidence in our country's democratic system. We will do so through such activities as vigorous election monitoring, outreach, and adherence to the Department's *Ballot Access and Voting Integrity Initiative*. DOJ has filed more cases to protect the rights of voters under the minority language provisions of the Voting Rights Act in the past 5 years than in the previous 26 year history of the Act. The Department also has launched the most extensive election monitoring effort in history, a record that we will continue to expand upon in future elections.

### ***Ensure that persons with disabilities have access to our Nation's civic life***

We will continue our vigorous investigation and prosecution of violators of the Americans with Disabilities Act. In protecting the rights of persons with disabilities, we will continue to



negotiate agreements with states, cities, and townships across the country. We will also continue to bring lawsuits to create housing opportunities for persons with disabilities. DOJ will apply to this area the same steadfast efforts which have led to nearly double the number of pattern or practice sexual harassment cases brought against landlords.

***Combat religious discrimination and promote religious liberty for persons of all religious faiths and denominations***

Religious liberty was central to the Founders' vision for America, and is the "first freedom" listed in the First Amendment of the Bill of Rights. A critical component of religious liberty is the right of people of all faiths to participate fully in the benefits and privileges of society without facing discrimination based on their religion.

The DOJ Civil Rights Division enforces federal statutes that prohibit discrimination based on religion in education, employment, housing, public accommodations, and access to public facilities. In addition, the division prosecutes bias crimes committed against individuals because of their religion and acts of vandalism and arson against houses of worship. The Civil Rights Division also is authorized to bring suit to enforce the Religious Land Use and Institutionalized Persons Act of 2000, which protects individuals and houses of worship from discriminatory and unduly burdensome zoning regulations, and protects the religious exercise of prisoners and other institutionalized persons.

Protecting the rights of Americans to worship freely had been a category of enforcement too often neglected, despite the fact that religion is a protected category in almost all of the civil rights statutes that we enforce. Since 2001, however, we have brought cases of religious discrimination in all the areas assigned to our jurisdiction, including employment, education and housing. The Civil Rights Division will work diligently in the coming years to continue this effort to ensure protections. In addition, we will actively enforce the land-use provisions of the Religious Land Use and Institutionalized Persons Act, passed unanimously by Congress in 2000, to protect houses of worship from

discriminatory or unjustifiably burdensome zoning regulation.

***Target outreach programs, technical assistance, and training efforts that will promote voluntary compliance with our Nation's civil rights laws***

Outreach and technical assistance will continue to play a vital role to ensure compliance with the civil rights statutes. The division regularly works to educate the American business community, state and local governments, and other federal agencies about the requirements of the federal civil rights laws – and we will continue to do so. Our efforts include a comprehensive program of technical and legal assistance, training, interagency coordination, and regulatory, policy, and program review.

Training is a vital tool to sharpen our enforcement efforts, both across the Department and within the division. The Office of Professional Development, newly created in January 2006, has spearheaded our efforts to educate, encourage, and work collaboratively with the United States Attorneys' offices in the vigorous enforcement of the civil rights laws.

**Key Crosscutting Programs and Activities**

The following is a representative sample of programs and activities related to this objective involving DOJ components and organizations outside the Department:

- ❖ **Interagency partnerships.** Generally, the Department's civil rights enforcement and outreach efforts are coordinated with all federal agencies that provide financial assistance to state, local, and nonprofit agencies, and with other federal agencies with civil rights enforcement responsibilities (e.g., the Departments of Homeland Security, Health and Human Services, Housing and Urban Development (HUD), Education, Labor, and Transportation). Coordination includes long-standing working relationships, such as jointly developing policy guidelines and handling enforcement

cases, and more short-term task forces to address specific problems. Current task forces and agreements include:

***Interagency Fair Lending Task Force.***

The bank regulatory agencies (Federal Reserve Board, Office of Thrift Supervision, Office of the Comptroller of the Currency, and Federal Deposit Insurance Corporation), HUD, and DOJ are members of an interagency fair lending task force that meets regularly to consult on fair lending policy and periodically issues joint policy statements. There are also various working groups to promote voluntary compliance with fair lending requirements, such as the Department's Civil Rights Division working with the Federal Reserve Board, Federal Deposit Insurance Corporation, and other bank regulatory agencies.

***Memorandum of Understanding on Housing Rights.***

The Department's Civil Rights Division and HUD have two separate Memoranda of Understanding. The first MOU was established with HUD to coordinate civil provisions of the Fair Housing Amendments Act. The second MOU was established to ensure that criminal interference with housing rights is addressed through the most effective means. HUD refers all reports of the use of force or threats to interfere with an individual's housing rights to the Civil Rights Division. This allows criminal violations to be addressed through prosecution and then processed for civil remedies through HUD.

***Memorandum of Understanding on Low-Income Housing Tax Credit Program.***

The Departments of Justice, Treasury, and HUD have an MOU to promote enhanced compliance with the Fair Housing Act in the Low-Income Housing Tax Credit (LIHTC) Program administered by the IRS.

***Trafficking Victims Protection Act.*** The Criminal Section of the Civil Rights Division works closely with the FBI, the Criminal Division, United States Attorneys' offices, the Department of Labor (DOL), DHS, state and local law enforcement, and NGOs across the country to identify victims of

illegal trafficking, many of whom are women and children, and to investigate and prosecute trafficking crimes. The Trafficking Victims Protection Act, first enacted in 2000 and most recently reauthorized on January 10, 2006, expanded the scope of federal enforcement authority over trafficking offenses. We are continuing our outreach programs in this area, coordinating trafficking enforcement efforts by training

*"Human trafficking is nothing short of modern-day slavery."*

*Assistant Attorney General,  
Civil Rights Division,  
March 2006*

local and federal prosecutors in the techniques of prosecuting trafficking cases, and providing expert guidance on the Trafficking Victims Protection Act.

***Interagency Working Group on Limited English Proficiency.***

The Civil Rights Division's Coordination and Review Section (COR) plays a central role in ensuring implementation and enforcement of civil rights laws affecting persons with Limited English Proficiency (LEP). COR works with 80 federal agencies to ensure that they produce plans to provide meaningful access to LEP individuals in their own conducted programs. The Working Group has active representation by more than 35 federal agencies.

***Uniformed Service Employment and Reemployment Rights Act Memorandum of Understanding.***

In a September 28, 2004, MOU between DOJ and DOL, the two agencies agreed on enforcement responsibility of the Uniformed Service Employment and Reemployment Rights Act (USERRA) by DOJ, through the Civil Rights Division, and DOL, consistent with the provisions of the statute. The MOU outlines that the Veterans' Employment and Training Service agency of DOL will initially investigate USERRA complaints and attempt to resolve them. If a complainant requests a referral to DOJ, the Solicitor of DOL will review the complaint and identify the issues, analyze the law, and present a recommendation as to whether DOJ should provide representation to the complainant.

### **State or Local Employment**

**Discrimination.** Pursuant to Section 706 of Title VII of the Civil Rights Act, DOJ, through the Civil Rights Division, may file suit against a state or local government employer based upon an individual charge of discrimination referred by the Equal Employment Opportunity Commission (EEOC), following a determination by the EEOC that the charge has merit and efforts to obtain voluntary compliance are unsuccessful.

**Project Civic Access.** The Disability Rights Section of the Civil Rights Division works cooperatively with local governments to expand access to public facilities, services, and programs. Through Project Civic Access, DOJ accesses entire towns and counties, providing local officials with a roadmap to bringing all of their facilities, services, and programs into compliance with the federal law.

## **STRATEGIC OBJECTIVE 2.7**

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### **Vigorously enforce and represent the interests of the United States in all matters over which the Department has jurisdiction**

Sometimes called the Nation's largest law office, DOJ is the Nation's chief litigator. Its attorneys represent the United States Government in court, enforcing federal civil and criminal statutes, including those preserving a competitive market structure, safeguarding the environment, and defending the public fisc against unwarranted claims.

Carrying out these responsibilities is the primary task of the United States Attorneys, the Department's litigating divisions, and the Office of the Solicitor General. The United States Attorneys serve as the Attorney General's chief law enforcement officers in each of the 94 federal judicial districts, representing the United States in both civil and criminal matters. The litigating divisions are centralized staffs with specialized expertise in particular areas of federal law, including antitrust, environmental, tax, civil justice, and criminal law. The Office of the Solicitor General represents the interests of the United States before the United States Supreme Court and authorizes and monitors the

Government's activities in the Nation's appellate courts. Together, these DOJ components ensure that the Federal Government speaks with one voice with respect to the law.

### **ANTITRUST**

The work of the Antitrust Division is broken down into two broad categories, criminal and civil. On the criminal side, antitrust violations are increasingly complex, including bid-rigging schemes and price fixing cartels that are highly sophisticated, increasingly international, significant for the large volumes of commerce involved, and extremely broad in terms of the number of businesses and consumers affected.

In civil matters, the division maintains and promotes competitive markets largely by enforcing federal antitrust laws. These laws affect virtually all industries and apply to every phase of business, including manufacturing, transportation, distribution, and marketing. They prohibit a variety of practices that restrain trade, such as mergers likely to reduce the competitive vigor of particular markets and predatory acts designed to maintain or achieve monopoly power. Successful enforcement of these laws – which both decreases and deters anticompetitive behavior - saves American consumers billions of dollars, allows them to receive goods and services of the highest quality at the lowest price, and enables American businesses to compete fairly, both nationally and internationally.

Several key trends have impact on the division's antitrust efforts. The first of these is the globalization of trade. The second is rapid technological change. The third is deregulation. All three trends have ramifications for the division's antitrust work and workload.

The value of mergers occurring globally is significant, and large cross-border mergers are

*"Secret agreements among competitors to fix prices, allocate customers, or reduce output are . . . a direct assault on the principles of competition that drive our market economy."*

*Deputy Assistant Attorney General, Antitrust Division, March 2005*

no longer an anomaly. In the division's civil non-merger program, the cases it encounters also often have global reach. Whether taking more time to coordinate with foreign antitrust counterparts or expending more money to translate foreign documents, the division's increasingly common investigations with international dimensions are significantly more complex than in previous years.

Important American and foreign industries continue to be characterized by unprecedented levels of technological change. The accelerated flow of information means the collection and review of evidence has become more laborious. The greater technological sophistication of the marketplace means the methods to constrain competition have become more sophisticated as well. New industries are created virtually overnight. The division must stay on top of all these developments to enforce effectively the antitrust laws.

In recent decades, through legislative and other changes in the United States, basic industries, such as telecommunications, energy, financial services, and transportation have been deregulated. This transition has meant an increased role for antitrust – both working with various agencies to find ways to replace regulatory constraints with competitive incentives and effectively following up with necessary enforcement of the broader antitrust laws as may become necessary.

### **Strategies to Achieve the Objective:**

#### ***Investigate, challenge, and prosecute international price-fixing cartels***

The division deters anticompetitive behavior affecting United States businesses and consumers by investigating and prosecuting violations of America's antitrust laws. While the division remains vigilant in the face of all criminal antitrust activity, it 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. The division is committed to meeting these

challenges. Successful enforcement of these laws saves American consumers millions of dollars, allows them to receive goods and services of the highest quality at the lowest price, and engenders fair competition for American businesses at home and abroad.

#### ***Investigate and litigate business arrangements and practices that encourage anticompetitive behavior and reduce competition***

The division employs two distinct strategies to decrease and deter anticompetitive business behavior and practices. First is its merger enforcement strategy. This strategy focuses on the investigation and litigation of instances in which monopoly power is sought, attained, or maintained through anticompetitive conduct. The Government seeks injunctive relief against mergers and acquisitions that may substantially lessen competition.

Second, the division's civil non-merger enforcement strategy supports the investigation and prosecution of civil non-merger matters to suspend or deter anticompetitive behavior. Other behavior, such as group boycotts or exclusive dealing arrangements that inappropriately restrain free and open trade or commerce, is illegal under Section 1 of the Sherman Act.

#### ***Advance procompetitive national and international laws, regulations, and policies***

With a number of activities distinct in form and audience, the division promotes competition through further improvement of the competitive landscape at all levels: inter- or intra-governmentally, nationally, and internationally. Division resources are devoted to participation in interagency regulatory processes, for example, to ensure that business practices conform to regulatory rules. In addition, division officials routinely participate in interagency task forces related to competition issues. At the international level, division membership in bodies such as the World Trade Organization provides an opportunity for the promotion of "competition friendly" policies and practices. In all cases, the division's goal remains the deterrence of anticompetitive behavior.

**Guide and educate businesses, consumers, and counterpart agencies about antitrust law to increase their awareness and understanding**

Whether through direct contact and targeted communication with specific audiences, or via the development, publication, and distribution of policy guidance, the division seeks to increase the breadth and depth of awareness of antitrust law. One example of division activity in this area is the Business Review Program, which provides information on antitrust law and how it applies under different situations, along with the likely reaction of the division to a proposed business action or arrangement. Another example is tailored training provided to state antitrust attorneys and investigators. In all instances, by reaching as many individuals, companies, agencies, and other groups as possible, and by providing them with detailed and specific guidance on the law, the division seeks to promote competitive behavior and deter anticompetitive behavior.

**Key Crosscutting Programs and Activities**

The following is representative of programs and activities related to this objective involving DOJ components and organizations outside the Department:

- ❖ **Antitrust Division and Federal Trade Commission Merger Clearance Process.** The Antitrust Division and the Federal Trade Commission (FTC), bringing complementary areas of expertise, work together closely to determine which body will review and/or investigate an intended merger transaction. Throughout the clearance process the agencies maintain close communication in order to ensure that competitive concerns are addressed efficiently and effectively and that the process is undertaken without unduly burdening legitimate business interests.

ENVIRONMENT & NATURAL RESOURCES

*"[W]e renew our commitment to enforcing the laws that protect our environment and our beautiful and valuable natural resources."*

*Assistant Attorney General, Environment and Natural Resources Division, April 2006*

As the Nation's chief environmental litigator, the Department enforces federal pollution abatement laws to protect the health and environment of the United States and its citizens. DOJ also defends suits challenging environmental and conservation laws, programs, and activities; represents the United States in all matters concerning the protection, use, and development of the Nation's natural resources and public lands; and litigates on behalf of Indian tribes and individual Indians.

In performing these functions, the Department seeks to obtain redress of past and ongoing violations that harm the public health and the environment, ensure that those who violate criminal statutes are appropriately punished, establish credible deterrents against future violations of these laws, recoup federal funds spent to abate environmental contamination, and obtain money to restore or replace natural resources damaged by oil spills or the release of hazardous substances into the environment. We also take action to ensure that the Federal Government receives appropriate royalties and income from activities on public lands and waters.

In addition, the Department defends challenges to federal environmental and conservation programs and activities by representing the United States in all matters concerning the protection, use, and development of the Nation's public lands and natural resources. Representing virtually every federal agency, DOJ faces a growing workload in a wide variety of natural resource areas, including litigation over water quality and watersheds, the management of public lands and natural resources, endangered species and sensitive habitats, and land acquisition exchanges. The Department executes its responsibilities in these areas through the Environment and Natural Resources Division (ENRD).

A related concern is the trust relationships the United States has with Indians and Indian tribes through numerous treaties, statutes, and Executive Orders. Under these authorities, the Federal Government performs a number of functions on behalf of these tribes, including litigating to establish or defend their rights. These suits include establishing and protecting hunting and fishing rights, collecting damages for trespass on Indian lands, and establishing reservation boundaries and land rights.

## **Strategies to Achieve the Objective**

### ***Pursue civil enforcement cases against those who violate laws that protect public health, the environment, and natural resources***

The Department will represent federal agencies in litigation and assist in the development of effective enforcement strategies that seek compliance with, and deter violation of, the Nation's environmental protection and conservation laws. The Department strives for the fair and consistent application of these laws throughout the country. For example, ENRD enforces statutes designed to address the cleanup of hazardous waste sites; the management of hazardous wastes and used oil; the pollution of surface waters and the integrity of drinking water; the quality of air and the regulation of chemical substances and mixtures which present a risk to human health and the environment; the regulation of pesticides; claims



that wetlands or other United States waters have been filled without required Clean Water Act permits; and the regulation of ocean and coastal water.

In these cases, the Department will work to attain economic parity for the vast majority of law-abiding United States businesses by assuring that illegal operators do not gain an economic advantage through noncompliance with the Nation's environmental laws. That this approach has been effective is evidenced by the Department's landmark settlements with the petroleum refining industry. Approximately 80% of the Nation's refining capacity has been brought under consent decrees which will result in the reduction of an estimated 315,000 tons per year of harmful air emissions. Similarly, the Department has brought approximately 83% of uncontrolled ethanol production capacity under federal consent decrees requiring new pollution controls. Additionally, ENRD will maintain the integrity of our Nation's infrastructure and continue to enforce infractions involving pipeline integrity, leaky storage tanks, endangerment from chemical and manufacturing plants, and threats to public drinking water systems.

### ***Conserve the Superfund***

The Superfund law provides funding for the cleanup of contaminated hazardous waste sites and for the reimbursement of cleanup costs by those responsible for the contamination. The Department's cost recovery litigation returns money to the Superfund to help sustain the fund and in turn support the cleanup of additional dangerous sites. The Department will continue its emphasis on recovering cleanup costs from those responsible for contamination as well as litigating and negotiating with the responsible parties to get them to perform the cleanup in the first instance, thereby conserving the Superfund for other cleanups.

### ***Ensure proper payments to the United States from income-generating activities on public lands, and pursue claims for natural resource damages***

It will take enforcement actions to protect endangered species, sensitive habitats, and natural resources in national parks and marine

sanctuaries. DOJ will pursue claims for natural resource damages on behalf of federal agencies that act as trustees of those resources, including the Interior, Agriculture, and Commerce Departments. DOJ will seek claims for contribution against private parties for contamination of public lands and recoupment of monies spent by the USCG to clean up oil spills.

In carrying out these responsibilities, the Department will continue to emphasize the use of Alternative Dispute Resolution and other litigation-streamlining techniques to achieve faster, more comprehensive, and more cost-effective resolution of these complex cases.

### ***Investigate and prosecute environmental actions***

Prosecution remains a cornerstone of the Department's integrated approach to ensure broad-based environmental compliance. Notably, it is the goal of investigators and prosecutors to discover and prosecute criminals before there has been substantial damage done to the environment, resulting in serious health effects or economic damage to consumers or honest competitors.

ENRD enforces criminal statutes designed to punish those who would pollute the Nation's air and water; illegally store, transport, and dispose of hazardous wastes; illegally transport hazardous materials; unlawfully deal in ozone-depleting substances; and lie to officials to cover up their criminal conduct.

The deterrent effect of criminal enforcement is difficult to measure, but available research indicates that a strong criminal enforcement program deters violations and thereby protects human health, natural resources, endangered species, and the competitive position of legitimate companies. ENRD will enhance its capability to convict and deter environmental crimes through leading law enforcement initiatives such as the Chlorofluorocarbon Phaseout, vessel pollution, laboratory fraud, and hazardous materials transportation initiatives, training, outreach, and domestic and international cooperation and coordination.

### ***Defend United States interests in suits challenging crimes statutes and agency actions***

The Department will continue to represent federal agencies, including the Environmental Protection Agency (EPA), the Army Corps of Engineers, the Department of the Interior, and the United States Forest Service, in suits challenging the Government's administration of federal environmental, conservation, and land management laws. The Department also will defend claims arising under the Comprehensive Environmental Response, Compensation, and Liability Act, that a federal agency is a liable party at a Superfund site and so must share in the costs of cleanup. The Department will continue to represent agencies against allegations that they have taken real property without just compensation, violating the Fifth Amendment.

As defense counsel, the Department represents federal land management agencies in challenges to regulatory and permits activities which impact public lands. ENRD will defend decisions to allow oil and gas leasing on public lands, including the National Petroleum Reserve - Alaska, along with other actions the land management agencies take in fulfillment of their multiple use mandates. The Department also will defend the management and planning activities of the National Marine Fisheries Service and Fish and Wildlife Service regarding endangered species and habitats.

The Department faces a growing caseload in the natural resource areas. Defensive litigation includes representing United States interests in general stream adjudications which affect hundreds of thousands of parties and tens of thousands of water claims in western states; lawsuits over the restoration and management of public lands, waters, and natural resources; wildlife protection; and the acquisition of federal property.



***Act in accordance with United States trust responsibilities to Indian tribes and individual Indians in litigation involving the interests of Indians***

The United States has established trust relationships with Indians and Indian tribes through numerous treaties, statutes, and Executive Orders. Under these authorities, the Federal Government is obligated to perform a number of functions on behalf of these tribes, including litigating to establish or defend their rights, as well as protecting the more than 56 million acres of land held in trust by the United States. The Department represents the United States in its trust capacity. This work includes development, investigation, and litigation of environmental issues that arise on Indian reservations, and the pursuit of longstanding land and water claims on behalf of Indian tribes. The Department is responsible for protecting treaty-based hunting and fishing rights. The Department is also charged with protecting tribal regulatory, adjudicatory, and tax jurisdiction, including a tribe's sovereignty to exercise jurisdiction in domestic relations cases involving tribal members, and to enforce gaming laws and state compacts.

***Develop partnerships with other federal agencies, state and local governments, and interested parties to maximize environmental compliance and improve natural resource management***

ENRD emphasizes constructive relationships with all involved federal agencies, state and local governments, tribes, and the public. We will continue to make it a priority to work cooperatively with state attorneys general on joint enforcement actions. States are now routinely given the opportunity to join the Department in enforcement cases and, where appropriate, share in any penalties obtained in settlements. Through supplemental environmental projects in civil cases, the public harmed by an illegal activity can also obtain some remediation of the harm caused by such violations. Also, Department attorneys have created a potential model for resolving future disputes among tribes, states, and local governments by mediating what is believed to be the first negotiated settlement of a challenge

by a state to an Interior Department decision to accept land into trust status.

**Key Crosscutting Programs and Activities**

The following is a representative sample of programs and activities related to this objective involving DOJ components and organizations outside the Department:

- ❖ **Pipeline Safety.** The Department, in conjunction with the Department of Transportation, EPA, and other federal and state agencies, is involved in litigation to ensure the safety of interstate pipelines.
- ❖ **Water Rights Adjudication and Public Land Management.** With federal land management agencies, states, tribes, and other interested parties, ENRD is involved in a number of complex negotiations over water allocations among various user groups in the western United States.
- ❖ **Environmental Remediation and Natural Resource Restoration.** The Department partners with states and tribes to obtain both the cleanup of contaminated sites and the restoration or replacement of natural resources damaged by the contamination. For example, the Department is representing three federal agencies (EPA, Department of the Interior, and the National Oceanic and Atmospheric Administration) concerning the contamination of the Hylebos



Waterway, part of the Commencement Bay Superfund Site in the state of Washington. Working closely with the state and two Indian tribes, the Department has obtained a series of settlements to address the contamination of the Waterway's sediments and the restoration of federal, state and tribal resources damaged by the contamination.

- ❖ **Criminal Jurisdiction on Indian Reservations.** The Department is defending a statute that closes a potential loophole in criminal jurisdiction by providing Indian tribes with the jurisdiction to prosecute crimes committed by non-member Indians within the boundaries of a reservation. The state of Montana has joined the United States in defending this statute, and other states similarly support the assertion of tribal jurisdiction in this context.
- ❖ **Land Acquisition and Everglades Restoration.** The Department is working to acquire land in South Florida needed by the Corps of Engineers, the EPA, and other federal and state agencies for implementation of the plan designed to improve water quality and drainage.

- Representation of the United States in federal civil tax litigation in all state and federal trial courts, except the United States Tax Court; and
- Representation of the United States in all federal civil tax litigation in the federal circuit courts of appeals and in the state appellate courts.

## Strategies to Achieve the Objective

### *Identify, investigate, and prosecute tax fraud*

In addition to its continuing work prosecuting a wide variety of tax crimes, the division has launched a series of new initiatives to deter noncompliance and help ease the burden of noncompliance on law-abiding taxpayers who pay their fair share of taxes. The division has redoubled efforts to address tax crime involving income from a legal source—such as the consultant who reports only part of his income, the restaurant owner who skims from the cash register, or the doctor who keeps two sets of bookkeeping records. The IRS estimates that at least \$345 billion in revenue is lost each year through the evasion of taxes on income from legal sources.

## TAX

The Department strives to enforce the federal tax laws consistently and impartially and to ensure that taxpayers are treated fairly. The Department's Tax Division is unique among Department components because of the indispensable role that it plays in the federal tax system. In this role, the Tax Division works closely with the IRS, which is responsible for 95% of the revenue collected by the Federal Government annually. In one way or another, almost all of the Tax Division's activities are designed to help close the multibillion dollar tax gap—the difference between tax owed and tax collected. Those activities consist principally of:

- Enforcement of the Nation's criminal tax laws;

*"The Department of Justice is committed to using all available law enforcement tools to recover tax revenue, punish tax offenders, and to prevent future misconduct"*

*Assistant Attorney General, Tax Division, April 2006*

The division also concentrates on several other areas of noncompliance. For example, it focuses on prosecuting promoters of sham trusts and other illegal schemes designed to avoid taxes; illegal tax protestors who engage in tax evasion schemes and those who harass IRS employees; and taxpayers who use tax haven and other offshore countries to evade United States taxes. The Tax Division participates in the following joint task forces with other Department components and other federal agencies, which enables the Tax Division to help formulate national programs, strategy, and procedures in a coordinated attack on financial

crime. Tax Division prosecutors lend their financial expertise to task force prosecutions, and tax fraud charges are frequently an important component of these prosecutions. Some of these task forces are:

- **OCDETF.** Representatives of the Tax Division are liaison attorneys with the various regions of the OCDETF, are formal members of its policy formation body, and prosecute drug cases.
- **Corporate Fraud Task Force.** The Assistant Attorney General for the Tax Division is a member of the Corporate Fraud Task Force, and Tax Division attorneys assist in the prosecution of corporate fraud cases.
- **Domestic Terrorism Task Force.** The Tax Division is represented on the Domestic Terrorism Task Force chaired by the Terrorism Violent Crimes Section of the Criminal Division. Tax Division prosecutors investigate and prosecute domestic groups that funnel money to international terrorists.
- **Political Corruption Task Forces.** Tax Division attorneys work on a number of different task forces investigating and prosecuting political corruption with United States Attorneys' offices and other Department components.

### ***Focus civil enforcement efforts to promote tax compliance***

The Tax Division's primary strategy to reduce the tax gap is to litigate, both defensively and affirmatively, federal civil tax cases filed by and against taxpayers in the federal courts. Through this litigation, the division ensures that the tax laws are properly enforced, often targeting particularly acute tax enforcement problems that threaten to seriously undermine tax administration.

As part of its representation of the Government in the courts, the Tax Division conducts in each civil tax case an independent review of the IRS's

views and administrative determinations to ensure that the Government's position is consistent with applicable law and policy. This independence, backed by a willingness to engage in aggressive litigation where appropriate, ensures collection of taxes owed, while also serving as a check against potential abuses in tax administration.

### **Tax Shelters**

The Tax Division combats complex and abusive corporate and individual tax shelters, which cost the Treasury an estimated \$10 billion annually. As the Government's representative in court in tax refund suits and other cases involving these shelters, the Tax Division is instrumental in shutting the shelters down. The stakes in these cases—which regularly involve millions of dollars in tax revenue with respect to the parties in suit and implicate billions more with respect to other shelter purchasers—are often enormous.

The division has also successfully obtained orders enforcing IRS administrative summonses issued to major professional services firms believed to promote these shelters and continues to pursue similar orders in ongoing litigation. These orders will assist the IRS in gathering information concerning the promotion of these shelters, help the IRS identify purchasers of the shelters, and enable the IRS to determine whether these firms have complied with the shelter-registration and shelter-investor list maintenance requirements imposed by the Internal Revenue Code.

### **Schemes, Scams, and Tax Protest**

Over the last several years, the division has sued to enjoin hundreds of tax-scheme promoters— who cost the Treasury billions of dollars each year by pushing bogus tax advice (e.g., tax credit for slavery reparations; income earned within United States not subject to federal taxation) over the Internet and in the media—and has obtained court orders shutting down several multimillion-dollar schemes.

In a complementary effort, the Tax Division's prosecutors have obtained numerous indictments and convictions against abusive scheme promoters in cases involving hundreds of millions of dollars in evaded taxes.

The Tax Division also deals with the fallout from the promotions, defending the Government in the hundreds of new cases brought each year that involve frivolous tax-protest claims—many of them the same claims targeted through the division’s injunction suits. Vigorous and successful defense of these cases is essential to preserve public confidence in the tax system and to ensure that honest taxpayers are not discouraged from voluntarily paying their taxes by the perception that those who engage in illegal tax-protest activity have “gotten away with it.”

### **Tax Collections and Offshore Tax Evasion**

The Tax Division frequently files suits to collect revenue, deter illegal activity, and address systematic noncompliance with the tax laws, including suits: (1) to reduce to judgment tax, penalty, and interest assessments made by the IRS; (2) to void fraudulent transfers made by delinquent taxpayers to place their assets out of the reach of the IRS; and (3) to enforce federal tax liens on these and other assets. The division also represents the Government in more complex, tax-related bankruptcy matters, many of which have significant collection potential.

The division targets particularly serious collection enforcement problems. In this regard, as part of an IRS initiative aimed at the use of offshore tax havens by taxpayers to hide income and assets, the Tax Division has obtained court orders allowing the IRS to obtain data from three major credit card companies to identify United States taxpayers who use credit cards issued by offshore banks in tax haven countries. The division also helped the IRS obtain records from merchants and retailers to uncover the names of their customers who used these credit cards. Because of the Tax Division’s important role, representatives from the division’s criminal and civil sections participate in the IRS steering committee for this enforcement initiative, one of the most important in IRS history. The division is also handling collections and other enforcement actions against taxpayers identified through the initiative.

### **Tort Defense**

The Tax Division also conducts defensive litigation vital to the protection of the IRS agents and officers engaged in tax assessment and collection activity. Specifically, the division

vigorously defends these agents and officers, and the Government itself, against spurious damages suits arising out of that activity. Absent representation of the quality provided by the division, these suits could cripple or seriously impair effective tax collection and enforcement.

## **Key Crosscutting Programs and Activities**

The following is a representative sample of programs and activities related to this objective involving DOJ components and organizations outside the Department:

- ❖ **Training Revenue Agents to Detect Tax Evasion Schemes.** As part of its effort to stop abusive tax scheme promotions, Tax Division attorneys regularly give training presentations to IRS revenue agents and other IRS personnel across the country to educate them about how to develop evidence that will support a suit to shut down a promotion at its source - the promoters and salesmen. These presentations have led to an increase in injunction suits filed by the Department to halt tax evasion promotions on the Internet and elsewhere.
- ❖ **Protecting Federal Instrumentalities from State and Local Taxation.** The Tax Division represents numerous other federal departments, agencies, and instrumentalities in cases involving the immunity of the Federal Government from state and local taxation. Although these representations often culminate in litigation, the division has had great success in heading off much litigation through prelitigation consultations with appropriate state and local officials.

### **CIVIL**

DOJ, through its Civil Division and the United States Attorneys, each year represents some 200 federal agencies, the United States Congress, and the public treasury in litigation arising from federal contracts or alleged Government misconduct. The Civil Division

represents the Government's interests in litigation spanning a wide range of civil cases that encompass virtually every aspect of the Federal Government. Division attorneys recover money defrauded from Government programs, enforce consumer protection laws, administer national compensation programs, and defend the constitutionality of federal statutes, policies, and programs. Among the laws and policies of greatest importance to the Department, the Congress, and the public are those intended to protect our Nation's security.

The Department has experienced a substantial increase in civil litigation targeting the Government's coordinated response to the September 11 attacks and legal challenges to the Administration's CT policies. Civil attorneys defend against challenges to the constitutionality of CT laws, such as the USA PATRIOT Act, and protect Presidential war powers. Other landmark cases deal with access to immigration hearings in "special interest" cases and defend the holding of detainees in Guantanamo Bay. By upholding the Secretary of State's designations of foreign terrorist organizations and defending the subsequent freeze on their assets, DOJ effectively strips such groups of their ability to fund terrorism. Immigration attorneys defend the Government's efforts to detain and remove foreign-born terrorists and criminal aliens.

Since September 11, the division has handled and assisted in hundreds of cases involving aliens of national security interest. Vigorous defense of these cases is critical to our national security and the safety of our communities. Every year, thousands of aliens go to federal court to oppose orders of detention, expulsion, or exclusion. Immigration litigation has been the fastest growing component of the Civil Division's docket – the number of pending cases has nearly tripled in the past 4 years, growing from 6,200 cases in FY 2002 to over 17,000 cases in FY 2005. The growth stems primarily from heightened immigration enforcement activities pursued by DHS.

Most civil suits handled by the Department are defensive in posture and have huge sums of money at risk. Plaintiffs advancing contract claims, allegations of negligence, claims of patent infringement, and the like, seek to assign

liability to the Government. Most significant has been the emergence of a variety of class actions challenging the Federal Government's actions, such as the handling of Indian Trust Funds, loan-making by farm credit programs, and employment practices. At the same time, Department attorneys are defending massive suits alleging breach of contract in defense procurement, nuclear waste disposal, and the savings and loan industry. It is the Department's job to protect the treasury by ensuring that only meritorious claims are paid.

The laws, programs, and policies of the United States are often attacked in court. Recent litigation involves some of the most probing issues of our time. Examples include the Children's Internet Protection Act, inclusion of the phrase "under God" in the Pledge of Allegiance, use of marijuana for medical purposes, the No Child Left Behind Act, and the military's "Stop-Loss" policy. Unlike the majority of civil suits handled by the Department which involve monetary claims, these lawsuits seek remedies that can affect vital aspects of our society and governance – for example, how we respond to terrorism and poverty or the President's authority to wage war.

The United States Treasury loses hundreds of millions of dollars each year as a result of procurement fraud, health care fraud, loan defaults, and bankruptcies. These losses reduce resources vital to a host of federally-funded programs, including Medicare. More than \$17 billion has been recovered in civil fraud cases since the False Claims Act was amended in 1986, including \$10.8 billion in health care fraud. Today's docket includes a number of matters that are massive with respect to potential recoveries, the size of evidentiary collections, and the complexity of issues that underscore the Government's case. As our adversaries enlist the help of top law firms and consultants, substantial Government resources are required to achieve favorable settlements and judgments on behalf of the United States and victims of crime.

Finally, violations of the Food, Drug and Cosmetic Act, the Consumer Product Safety Act, and the Federal Trade Commission Act pose threats to the health and safety of millions of Americans. When such violations involve major

patterns of fraud, illegal conduct, and unfair credit and marketing practices, the Department pursues civil and criminal actions to stop and deter such activity. Success in these cases protects consumers from dangerous or worthless products and exploitive practices. Litigation is often hotly contested, reflecting the very high stakes at issue. For example, major drug manufacturers challenge the Food and Drug Administration's approval of generic versions of some of the most widely used name-brand drugs. Success in these cases fosters the control of health care costs.

Through the implementation of specialized tort compensation systems, the Department has improved access to justice for the Nation's citizens, leading to more efficient and effective resolution of disputes in the areas of occupational disease and vaccine injury. The National Vaccine Injury Compensation Program (NVICP) created an alternative to traditional product liability and medical malpractice litigation for persons alleging injury from vaccinations. Under the NVICP, individuals meeting the statutory criteria are compensated fairly and quickly, and non-meritorious cases are successfully defended, thereby preserving program funds for those who are truly entitled to them. Since 1988, almost \$1.6 billion in compensation has been awarded to nearly 2,000 claimants who would have stood little chance of recovery in traditional tort litigation. Under the Radiation Exposure Compensation Act, individuals whose health was put at risk to serve the national security interests of the United States are provided an efficient, non-adversarial forum in which to seek redress. Individuals who contracted certain diseases as a result of their exposure to radiation released during nuclear weapons tests or in the mining, milling, or transport of uranium ore have received over \$1 billion in compensation since 1992.

### **Strategies to Achieve the Objective:**

#### ***Vigorously defend the Nation's counterterrorism measures when challenged in court***

The successful defense of CT cases is an essential element in the ongoing efforts to

investigate the September 11 attacks and to prevent future attacks. Effective defense of the constitutionality of laws passed by Congress, such as the Detainee Treatment Act, the USA PATRIOT Act, and the Antiterrorism and Effective Death Penalty Act enables the Federal Government to use the full power of these laws. Most recently, the division is defending the Government's detention of prisoners at Guantanamo Bay who are members or associates of al Qaeda or the Taliban. Other litigation supports efforts to freeze terrorist assets, a critical aspect in dismantling the complex, global financial networks that support terrorism.

#### ***Defend immigration laws and policies, as well as class action suits or immigration judgments involving individuals***

The Office of Immigration Litigation (OIL) is responsible for handling and coordinating all federal court litigation arising under the Immigration and Nationality Act, as amended, and related statutes. Immigration litigation is primarily defensive in nature, with the volume and character of the cases reflecting the varied personal, political, and economic circumstances that bring persons to the United States. In OIL's 23 years of operation, its docket has grown substantially. Most immigration cases handled by OIL are suits by individual aliens seeking to avoid or defer expulsion from the United States. Typically such cases involve claims that have been adjudicated administratively in proceedings before DHS, or by the Immigration Judges and the Board of Immigration Appeals (BIA), components of DOJ's Executive Office for Immigration Review (EOIR).

Despite the volume of cases challenging orders of removal, a substantial portion of OIL's litigation resources are expended in defending class actions and other district court challenges to various aspects of immigration policy and enforcement, including cases involving counterterrorism and national security. Because the underlying statutes regulate much more than simply the movement of aliens across our borders, OIL will continue to be responsible for a wide variety of trial and appellate litigation brought by citizens, domestic and international companies and unions, and interest groups that span the political spectrum.

***Coordinate with the Department of Homeland Security and other agencies to overcome systemic barriers to the removal of illegal aliens and alien terrorists***

Because of the inherently political nature of decisions concerning who may enter and remain in the United States, OIL's docket often includes sensitive and difficult cases, some of which involve fundamental questions concerning the authority of the Executive and the respective roles of Congress and the courts in immigration matters. In almost all cases involving orders to remove an alien from the United States or to deny immigration benefits, the Immigration and Nationality Act and pertinent regulations ensure that the matter will be heard twice by the agency, whether the adjudication in question is by DHS or by EOIR. The Immigration and Nationality Act provides specific and exclusive avenues for judicial review of such orders and determinations. After 1961, judicial review for deportable aliens was confined to the circuit courts of appeals (though excludable aliens could obtain review by habeas corpus in the district courts). Reform legislation enacted in 1996 combined deportation and exclusion into a single "removal" proceeding, and consolidated judicial review in the circuit courts of appeals. The reforms also substantially reduced the opportunity for criminal aliens to obtain discretionary relief from removal, or to obtain judicial review of the decisions made regarding their removal or denial of immigration benefits.

OIL will continue to litigate cases involving challenges to these reforms and to decisions rendered under them, and to vindicate more recent legislation further reinforcing the consolidation of review in the courts of appeals. Since the infamous events of September 11, 2001, OIL has placed renewed emphasis on CT, and will continue to do so. OIL has developed substantial expertise relating to terrorism and alien terrorists, and will continue to provide advice and counsel to the Attorney General, other officials, other Department components, and other agencies.

***Oversee federal court immigration litigation to ensure vigorous defense of the decisions of the Attorney General and Secretary of Homeland Security in matters involving border security and protection, and to***

***pursue uniform application of the country's immigration laws***

OIL vigorously defends the decisions of the Executive Branch in immigration matters for which it carries primary responsibility, and it always zealously represents the positions of the United States. OIL also seeks opportunities to work alongside and share information with all Government attorneys who handle immigration matters. The latter includes Assistant and Special Assistant United States Attorneys in districts throughout the United States, DHS Chief Counsel and trial attorneys, and OIL's colleagues at EOIR, the DoS, and other agencies with immigration responsibilities. OIL will continue to provide annual training programs in Washington, D.C., and field locations, including the National Advocacy Center, and to seek opportunities to expand its training programs to meet the ever-changing demands of immigration litigation. OIL will continue to publish a monthly newsletter to highlight developments in immigration litigation, and will maintain an operational website to provide Government attorneys with a comprehensive resource to bring together knowledge of immigration law and the applicable statutes, decisions, and regulations.

***Manage litigation resources efficiently to meet the overwhelming volume of immigration cases filed in the federal courts***

OIL's docket includes cases brought in all of the circuit courts of appeals and in many of the district courts throughout the country. Following the September 11 attacks, the Attorney General directed the BIA to clear its backlog of approximately 57,000 pending cases. The Department also adopted significant regulatory reforms that dramatically increased the volume and velocity of cases passing through the BIA. These reforms contributed to a dramatic increase in OIL's caseload. The number of immigration cases filed in the federal courts is now nearly triple the number of cases filed in FY 2001. OIL's case receipts jumped from 7,500 cases in FY 2002 to more than 12,000 in FY 2003, and has now reached a level of more than 15,000 cases annually. OIL's share of federal court litigation is now so large that immigration cases comprise approximately one-third of the cases handled annually by the Department's

Civil Division, and OIL's attorneys are now responsible for 40 percent of the division's personally and jointly-handled cases. Moreover, immigration cases now comprise fully one-third of the dockets of the federal circuit courts of appeals. OIL will continue to implement efficiency measures to meet this demanding workload, and to properly and effectively manage all of its available resources to ensure that its litigation deadlines are met and that success rates in its litigation remain high.

***Defend the laws, programs, and policies of the United States when challenged in court; fairly and effectively represent the interests of client agencies while seeking to ensure that the outcomes serve the Government as a whole***

Defending the national interest and the many and varied laws, programs, and policies of the United States is a critical role of the Department for maintaining civil law and order. Many of these civil lawsuits threaten the war on terrorism, our national security, and public safety, or affect how sizeable portions of the federal budget are spent.

***Assert the interests of the United States Treasury, prevailing against unwarranted monetary claims while resolving fairly those claims with merit***

Hundreds of millions of dollars are saved annually as a result of the Department's successes in defending national interests in major defensive lawsuits against unwarranted monetary claims on the public fisc. Such defensive litigation requires the diligence of Department staff that fights for and guards the financial interests of the United States at trial, at the settlement table, and at the highest levels of judicial review, asserting the Government's interest in major disputes as they proceed through appellate stages.

***Recover monies owed to the United States and victims as a result of fraud, loan default, and bankruptcy***

The Department protects the public fisc through a variety of affirmative litigation actions to fight

fraud, loan default, and bankruptcy, focusing on matters involving widespread fraud and the potential for substantial recoveries. We investigate allegations brought forth by "whistle-blowers" and, where appropriate, pursue recoveries and civil penalties available under the False Claims Act. The Department emphasizes health care fraud enforcement through collaborative efforts with other federal and state agencies to recover the billions of dollars lost from Medicare and other federally-funded programs. The Department also actively pursues collection of federal and non-federal restitution and criminal fines.

***Enforce consumer protection laws by seeking civil and criminal penalties available under existing statutes***

The Department pursues cases involving fraud perpetrated by manufacturers and distributors of misbranded, adulterated, or defective consumer products, as well as unfair business practices. Activity will be concentrated on matters involving consumer law violations which pose the greatest potential threat to the public.

***Implement civil justice reform initiatives to resolve classes of claims for which traditional litigation has proven ineffective***

The Department defends against thousands of plaintiff claims alleging Government neglect or wrongful conduct. Such suits usually involve massive discovery requirements, protracted trial schedules, arcane subject matter, and substantial stakes. When traditional litigation has proven ineffective, Congress has created specialized programs (e.g., the National Childhood Vaccine Injury Act, the Radiation Exposure Compensation Act, and the September 11<sup>th</sup> Victim Compensation Fund). When appropriate, the Department continues to evaluate cases to determine whether they will benefit from use of Alternative Dispute Resolution and, if necessary, engages in such processes to expedite case resolution and reduce costs.



## Key Crosscutting Programs and Activities

The following is representative of programs and activities related to this objective involving DOJ components and organizations outside the Department:

- ❖ **National Childhood Vaccine Injury Act.** The Civil Division works closely with HHS and the United States Court of Federal Claims in handling cases filed under the National Childhood Vaccine Injury Act. Managers at the respective agencies coordinate matters of policy, budget, case processing, and strategy. At the trial level, medical staff at HHS assist the Department in developing medical evidence and providing expert witness support. In conjunction with the Office of Special Masters at the United States Court of Federal Claims, HHS and the Department strive to ensure just decisions in the thousands of cases filed since the inception of the program in 1988.

### STRATEGIC OBJECTIVE 2.8

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#### **Protect the integrity and ensure the effective operation of the Nation's bankruptcy system**

The Department, through the USTP, oversees and administers bankruptcy cases and combats bankruptcy fraud. The USTP works to ensure that cases are administered promptly, effectively, and in accordance with the law. Expedient administration of bankruptcy cases is critical to the integrity of the bankruptcy system and the maximum distribution of funds to creditors.

In the United States, federal bankruptcy law allows individuals, businesses, corporations, farmers, and municipalities to file bankruptcy. Filing bankruptcy provides relief from debts owed to creditors through the liquidation of assets, wage-earner repayment plans, or business reorganizations. In FY 1996, total bankruptcy filings processed by the USTP were 1,060,679. By FY 2005, total filings had increased to 1,697,721. This represents a 60

percent increase in the last 9 years, with the greatest growth attributed to individual filings.

With passage of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, significant changes were made to the bankruptcy system. New responsibilities assigned to the USTP include: application of a means test to all individual debtors; approval and oversight of providers of pre-bankruptcy credit counseling and pre-discharge debtor education; implementation of a system for random and targeted debtor audits; and revised procedures for business bankruptcies filed under Chapter 11.

#### **Strategies to Achieve the Objective:**

##### ***Enforce compliance with federal bankruptcy laws and take civil actions against parties who abuse the law or seek to defraud the bankruptcy system***

The USTP has shifted its focus in response to public concern regarding abuse of the bankruptcy system. The USTP is more vigorously combating fraud and abuse through the use of civil enforcement remedies. The focus is on identifying and obtaining civil remedies for debtor abuse, as well as providing consumer protection to debtors who are victimized by attorneys and others who prey upon those in dire financial straits. Common actions include dismissal of cases for "abuse" (typically, because a debtor has demonstrated an ability to pay debts); denial of discharge for the concealment of asset; and the disgorgement of fees, fines, and injunctive relief against attorneys or nonprofessionals who defraud debtors (for example, "credit doctors" or mortgage assistance operations).

In the first 6 months of FY 2006, the Program took more than 28,000 civil enforcement actions, yielding more than \$480 million in debts not discharged, fines, and other remedies.

***Pursue violations of federal criminal laws pertaining to bankruptcy by identifying, evaluating, referring, and providing investigative and prosecutorial support of cases***

The integrity of the bankruptcy system depends upon debtors to report honestly and accurately all their assets and liabilities when they file for bankruptcy protection. Such disclosure is necessary to resolve disputes and to distribute money and property. The United States Trustees have an affirmative duty to refer instances of possible criminal conduct by debtors and third parties to the United States Attorney and to assist in prosecutions. The bankruptcy system needs a strong impetus to encourage honest, lawful behavior. Moreover, criminal referrals from the USTP show that bankruptcy crimes are often linked to other white collar crimes, such as fraud in obtaining federally guaranteed mortgage loans, money laundering, identity theft, mail fraud, and wire fraud

In FY 2005, the USTP made 744 bankruptcy-related criminal referrals to United States Attorneys and law enforcement agencies.

***Promote the effectiveness of the bankruptcy system by appointing and regulating private trustees who administer bankruptcy cases expeditiously and maximize the return to creditors***

The United States Trustee appoints and regulates private trustees who administer cases filed under Chapters 7, 12, and 13. In FY 2005, trustees distributed more than \$6.9 billion. The United States Trustee monitors the activities of these private trustees to ensure they handle cases effectively and efficiently. This entails maximizing the recovery of assets, promptly administering cases, accurately distributing funds to creditors, and conducting themselves in accordance with the law and high fiduciary standards. The USTP trains trustees and evaluates their overall performance, reviews their financial operations, ensures the effective administration of estate assets, and intervenes to prevent loss of estate assets when instances of embezzlement, mismanagement, or other improper activity are uncovered.

***Ensure financial accountability, compliance with the Bankruptcy Code, and prompt disposition of Chapter 11 bankruptcy cases***

Even though Chapter 11 filings represent less than 1 percent of all bankruptcy filings, they generally require urgent attention and ongoing oversight. The USTP prescribes financial reporting requirements, questions debtor representatives under oath, and evaluates prospects for successful reorganization. United States Trustees promptly file a motion either to dismiss or convert a case if the debtor is not complying with the Bankruptcy Code or is unable to reorganize. The role of the United States Trustee is especially important in smaller Chapter 11 cases in which creditors lack a financial stake to participate actively. The goal of the United States Trustee is to ensure Chapter 11 debtors comply with the law, and move promptly to resolve their financial difficulties and confirm a plan of reorganization.

In addition, the USTP has addressed many complex Chapter 11 filings by large corporations that have billions of dollars in assets and liabilities, and employ large numbers of workers. Novel legal issues that require extensive scrutiny by USTP staff often arise in these cases, including the review of professional fees to prevent dissipation of the bankruptcy estate, as well as the appointment of trustees and examiners in cases of fraud, dishonesty, or criminal conduct in the management of the debtor or the debtor's public financial reporting.

**Key Crosscutting Programs and Activities**

The following is a representative sample of programs and activities related to this objective involving DOJ components and organizations outside the Department:

- ❖ **National Bankruptcy Fraud Working Group.** The USTP plays a leading role in the National Bankruptcy Fraud Working Group (NBFWG), comprised of United States Attorneys' offices, DOJ's Criminal Division, the FBI, IRS-Criminal Investigations, Postal Inspection Service, the FTC, HUD's Office of the Inspector

General (OIG), EOUSA, and other agencies. The NFWG helps coordinate a national response to bankruptcy fraud issues and encourages the formation of inter-agency bankruptcy fraud working groups at the local level. The USTP also works with the Attorney General's Committee on White Collar Crime, including the Subcommittee on Identity Theft, which is sponsored by DOJ's Criminal Division.

- ❖ **Implementing “Smart” Forms.** The USTP collaborates with the Administrative Office of the United States Courts (AOUSC) in developing a new standard for filing electronic documents. The new standard involves creating “smart forms” that are compatible with the United States Bankruptcy Courts’ Case Management/Electronic Case Filing System. Once fully implemented, this innovation will substantially reduce the amount of time and effort that employees must devote to reviewing forms manually. The USTP is working closely with the AOUSC to implement this promising system improvement.