



# **RESOURCE MANAGEMENT OF UNITED STATES ATTORNEYS' OFFICES**

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# **RESOURCE MANAGEMENT OF UNITED STATES ATTORNEYS' OFFICES**

## **EXECUTIVE SUMMARY**

U.S. Attorneys are the principal litigators for the United States government and oversee the operations of the 94 United States Attorneys' Offices (USAO) located throughout the United States and its territories.<sup>1</sup> The USAOs are responsible for investigating and prosecuting individuals who violate U.S. criminal laws, representing and defending the United States in civil litigation (including debt collection), and handling criminal and civil appeals.

The Executive Office for U.S. Attorneys (EOUSA) acts as a liaison between the Department of Justice (DOJ or the Department) and the U.S. Attorneys by forwarding direction and guidance from the Attorney General and Deputy Attorney General to the USAOs. EOUSA also provides management oversight and administrative support to the USAOs, which includes allocating resources among USAOs and maintaining USAO resource-related and casework databases.

The U.S. Attorneys are responsible for handling litigation involving a wide variety of criminal and civil matters. Examples of their criminal responsibilities include narcotics trafficking, terrorism-related offenses, and public corruption. Examples of their civil responsibilities include bankruptcy, foreclosure, and medical malpractice matters. Given this broad spectrum of responsibilities, U.S. Attorneys operate with a significant level of autonomy in determining where to focus their office's prosecutorial efforts within the framework of the national priorities established by the Attorney General. The number and types of matters handled by each USAO varies because of the specific problems facing each jurisdiction.

As of April 21, 2008, the USAOs employed 5,381 attorneys and 5,921 support personnel. The USAOs and EOUSA had a combined fiscal year (FY) 2008 budget of \$1.755 billion. According to EOUSA officials, when including reimbursable funding the total budget managed by EOUSA was approximately \$2 billion.

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<sup>1</sup> The U.S. Attorney for the District of Guam also oversees the District of the Northern Mariana Islands, resulting in 93 U.S. Attorneys for 94 USAOs. See Appendix II for a map of USAOs.

## **OIG Audit Approach**

This Office of the Inspector General (OIG) audit examined the allocation of personnel resources among USAOs. The audit also reviewed the criminal and civil areas to which USAO attorneys were allocated and utilized, as well as the number and types of matters being addressed by the 94 USAOs across the country. The objectives of this audit were to: (1) examine the accuracy and completeness of the data regarding USAO resource utilization and cases, as well as to assess the process by which personnel resources are allocated among USAOs; (2) determine the allocation and utilization of attorneys within USAOs; and (3) determine the changes in USAO casework from FY 2003 through FY 2007.

In conducting this audit, we analyzed EOUSA data related to the allocation of attorneys to USAOs, the actual utilization of these attorneys by USAOs, and the cases worked by USAOs. We interviewed the EOUSA Director, as well as senior management officials within the Director's Office and other staffs or divisions of EOUSA regarding the resource allocation process, the cases worked by USAOs, and the various data systems maintained by EOUSA. In general, our audit covered the period from FYs 2003 through 2007. Appendix I contains a further description of our audit objectives, scope, and methodology.

## **Results in Brief**

Our audit found that although funding and authorized full-time equivalents (FTE) for EOUSA and the USAOs increased during our 5-year review period, USAOs have experienced a significant gap between allocated attorney FTEs and the number of FTEs that the USAOs are actually utilizing.<sup>2</sup> EOUSA attributes this significant gap to rising expenses and budget constraints. Further, the average number of cases handled per USAO attorney FTE increased from FYs 2003 to 2007.

We also determined that the process used by EOUSA and the USAOs to allocate personnel resources has weaknesses. Specifically, EOUSA does not have reliable and specific data to make fully informed resource allocation decisions and to use in reporting statistical data to others, including to the Attorney General and Congress. According to EOUSA officials, several attempts have been made to develop ways to better allocate resources among USAOs, including the most recent effort performed by the Resource

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<sup>2</sup> One FTE equates to 2,080 work hours.

Allocation Working Group (RAWG).<sup>3</sup> However, EOUSA has not been able to develop an objective process for determining the appropriate staffing levels of USAOs, nor has it been able to develop a method for reallocating attorney resources among USAOs.

We found that EOUSA does not routinely perform comprehensive reviews of attorney utilization or the types and number of USAO cases and instead has relied on infrequent reviews of this information to determine the efficiency and effectiveness of USAO operations. We believe that EOUSA should perform analyses similar to the ones we present in our report to ensure that it has the most accurate and up-to-date information possible when making its management decisions.

We concluded that weaknesses in the process for allocating personnel resources to USAOs are mainly attributable to three issues: (1) the lack of an objective staffing model, (2) the use of incomplete and inaccurate data when making resource planning and allocation decisions, and (3) EOUSA's difficulty in reallocating existing resources between offices.

EOUSA officials stated that they have made several attempts over the years to objectively determine the resource needs of the USAOs. However, they also acknowledged that these efforts have been unsuccessful in creating a reliable and objective formula to determine the appropriate staffing levels of USAOs.

In addition, to assess USAOs' resource needs and to allocate new positions, EOUSA relies in part on personnel resource utilization data and casework data that is accumulated and reported by each USAO. However, we identified inconsistencies with the data and are concerned that EOUSA is relying on inaccurate data to determine resource needs, allocate positions, and respond to inquiries from the Attorney General, Congress, and the public.

According to EOUSA officials, another difficulty in more effectively allocating limited personnel resources is EOUSA's inability to reallocate personnel from one district to another. EOUSA officials explained that EOUSA's attempts to reallocate positions among USAOs have been met with opposition from several sources, including U.S. Attorneys, individual offices, and the AGAC.

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<sup>3</sup> The RAWG, which is one of the Attorney General's Advisory Committee's (AGAC) working groups, is composed of eight U.S. Attorneys. The AGAC, in turn, is comprised of 16 U.S. Attorneys and 1 AUSA and affords a mechanism for U.S. Attorneys to provide input on DOJ policies, as well as advises the Attorney General on a variety of operational and programmatic issues affecting U.S. Attorneys.

In this audit, we also analyzed personnel utilization and casework data to determine the types and number of cases within the USAOs. Based upon our analyses, we found that from FY 2003 through FY 2007 USAOs, in total, were utilizing fewer attorney FTEs on counterterrorism matters than were funded by Congress for this purpose. In addition, although USAOs, in total, expended more attorney FTEs than allocated to other areas, such as health care fraud and Organized Crime Drug Enforcement Task Force (OCDETF) matters, we identified individual USAOs that were not utilizing their entire allotment of attorney FTEs as funded by Congress.<sup>4</sup> At the audit close-out meeting, EOUSA officials stated that EOUSA and the USAOs have begun to address the underutilization of personnel resources in particular prosecutive areas.

When assessing the casework of USAOs, we focused primarily on criminal matters referred to USAOs during FYs 2003 through 2007, and we determined the status of those matters as of September 30, 2007. Specifically, we analyzed whether the matters were filed for prosecution, declined, or remained in a pending status. The results of this analysis differed among the various prosecutorial areas. For instance, in total, the USAOs prosecuted a larger percentage of the referred narcotics, violent crime, and immigration matters compared to other types of matters. In addition, according to records in the National Legal Information Office Network System (LIONS), a large percentage of the matters referred to USAOs between FYs 2003 and 2007 – 35 percent – were considered to be pending a decision whether to prosecute as of September 30, 2007.<sup>5</sup> Our review also revealed that the criminal and civil caseloads per USAO attorney FTE generally increased from FY 2003 to FY 2007.

During our review, we determined that EOUSA does not routinely examine the utilization of attorneys within the USAOs. EOUSA also does not regularly perform evaluations of each USAO's casework within all prosecutorial areas. While EOUSA conducts district evaluations every 4 to 5 years that include utilization and casework assessments, we believe that

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<sup>4</sup> The OCDETF Program is a multi-agency effort created to identify, disrupt, and dismantle the most serious drug trafficking and money laundering organizations, including those primarily responsible for the nation's drug supply.

<sup>5</sup> The National LIONS, which is a centralized computer database that contains information on the casework of all USAOs, is used by EOUSA to provide statistical information to the Attorney General and Congress.

EOUSA should conduct more in-depth reviews of this type of data on a more regular basis to assess how district offices are utilizing their resources.<sup>6</sup>

In our report, we make 10 recommendations to assist EOUSA in its resource planning and allocation decisions, as well as in its management of USAO operations. Our report, along with the appendices, contains detailed information on the full results of our review of the USAOs' resource allocation. The remaining sections of this Executive Summary summarize in more detail our audit findings.

## **Weaknesses in Resource Allocation**

As discussed in the following sections, we found weaknesses in the allocation of USAO resources because EOUSA did not have necessary information to make fully informed resource and planning decisions. Despite its attempts to do so, EOUSA has been unable to develop a reliable and objective quantitative model to use in evaluating the needs of individual USAOs.

When formulating its annual budget request and assessing USAO resource needs, EOUSA considers data from two databases, the USA-5 and LIONS.<sup>7</sup> EOUSA also uses this data to help decide where to place additional attorney positions and to respond to inquiries from Congress, the Attorney General, and the public. However, we found deficiencies in the data that call into question its reliability. These deficiencies can affect EOUSA's budget requests, allocation process, and statistical reporting.

Further, EOUSA has encountered difficulty in reallocating existing positions among USAOs given the inherent independence of presidentially appointed U.S. Attorneys and their general reluctance to willingly give up attorney positions to be reallocated to other USAOs.

### *Unsuccessful Attempts to Assess Resource Needs*

Over the past several years, EOUSA has been unsuccessful in its attempts to develop a formula to identify optimal resource levels for USAOs.

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<sup>6</sup> Because of budget limitations faced by the organization during our review period, these district evaluations were occurring every 4 to 5 years. However, at the audit close-out meeting EOUSA officials stated that these evaluations have resumed their triennial cycle.

<sup>7</sup> The USAOs use the United States Attorneys' Monthly Resource Summary Reporting System (referred to as the USA-5) to record USAO employees' time. They use LIONS to manage and record casework information.

As a result, EOUSA has been unable to statistically justify the reallocation of current USAO resources. EOUSA's most recent attempt, which began in April 2006, concluded that it was not feasible to develop a simple, reliable, and objective formula for determining the appropriate staffing of USAOs. Even if such a model were available, however, the EOUSA Director stated that one of the AGAC's working groups concluded that it would be politically impractical to reallocate existing positions among USAOs.

#### *Limitations of USAO Utilization Data*

We found weaknesses in the accuracy of self-reported USA-5 data on USAO attorneys' time. These weaknesses include the lack of consistency in recording attorney time, minimal recording of time to specific categories, and no standardized approach for entering time on cases that span several different types of offenses.

Assistant U.S. Attorneys (AUSA) are required to record time to the USA-5, at a minimum, on a monthly basis although EOUSA encourages USAO personnel to enter time on a daily basis. Discussions with USAO personnel indicated that AUSAs generally enter their time in various intervals, such as weekly or monthly. We believe that the probability of the data being inaccurate is much greater when there is a significant span of time between the actual work performed and the time those activities are recorded.

Further, AUSAs must record time to broad categories according to the types of matters or cases on which they are working, such as violent crime. The USA-5 system contains more specific categories, such as criminal gang prosecution, which were established to report to the Department and Congress the number of resources being utilized in various priority areas. However, during our review of the USA-5 data we determined that AUSAs generally do not record time to the more specific categories because it is not mandatory to do so. Although EOUSA officials explained that not every case requires use of such a specific category, we believe there is a significant underutilization of the more specific category codes. We found that only 13 to 16 percent of total reported attorney FTEs was associated with any specific category during any of the fiscal years in our review period.

Another factor that may contribute to inaccurate USAO resource utilization data is the lack of a standardized method for recording time to cases involving multiple offenses. For example, in a day an AUSA may work 12 hours on a case associated with terrorism, narcotics, and fraud. Since there is no standard approach to allocating time among these activities, AUSAs can record time in a variety of ways, such as recording all 12 hours

only to fraud, or recording 4 hours to each of the three areas associated with the case. As a result, the USA-5 may inaccurately depict AUSAs expending more or less time on certain activities than was actually performed.

*Limitations of USAO Casework Data*

The casework data contained in LIONS is generated at the USAO level, and the classification of cases varies from one district to another. For instance, two districts may each have a case involving firearms and drug trafficking violations. One district may categorize the case as a drug trafficking offense, while the other district may categorize it as a firearms offense. EOUSA officials noted that the data contained in LIONS may therefore be inconsistent and result in reporting imprecise information on the number of specific types of cases being handled by USAOs.

Additionally, we identified a lag between the time cases are actually filed in court and when that information is entered into LIONS. According to EOUSA officials, 30 days is a reasonable period of time in which to enter case information into LIONS after a case filing. However, as reflected in the following table, we found that 74,490 of the 254,481 cases (29 percent) filed between FYs 2003 and 2007 exceeded this 30-day timeframe. EOUSA officials offered various explanations for the delays, including resource constraints leading to case entry backlog, as well as the possibility of delays in receiving the necessary court documents.

<b>SPAN OF TIME BETWEEN CASE FILINGS AND ENTRY INTO LIONS</b>		
<b>Range</b>	<b>Number of Cases</b>	<b>Percentage of Total<sup>8</sup></b>
1 to 30 Days	179,991	70.73%
31 to 180 Days	53,521	21.03%
181 Days to 365 Days	14,596	5.74%
1+ to 2 Years	4,220	1.66%
2+ to 5 Years	1,829	0.72%
5+ to 10 Years	224	0.09%
Greater than 10 Years	100	0.04%
<b>Total</b>	<b>254,481</b>	<b>100.01%</b>

Source: OIG analysis of LIONS data

*Lack of Existing Resource Reallocation*

According to EOUSA officials, USAOs have historically maintained a base level of attorney FTEs from one fiscal year to the next, and existing positions are rarely moved from one office to another. EOUSA officials

<sup>8</sup> Due to rounding, the percentages in this table total 100.01 percent.



provided several reasons they said contribute to EOUSA's difficulty in reallocating existing positions among USAOs. Due to this inability to reallocate positions, some USAOs may be overstaffed while others may be understaffed.

However, attempts by EOUSA to move positions from one district to another are generally met with opposition from several sources, including U.S. Attorneys, individual offices, and the AGAC. In addition, EOUSA officials said that positions are, at times, congressionally appropriated to specific districts and EOUSA cannot, in turn, allocate those positions to other USAOs.

However, in congressional appropriation reports for FY 2002, EOUSA was given the opportunity to redistribute resources among districts. Specifically, the congressional reports associated with the Department's 2002 appropriations language stated that "all previous congressional guidance to the U.S. Attorneys regarding initiatives and the designation of funds is waived." Moreover, the Appropriations Committee stated that EOUSA was free to distribute manpower and funding among the district offices as it saw fit and directed EOUSA to submit a report on its proposed actions by March 2002. However, according to an EOUSA official, EOUSA did not submit a written report to the Appropriations Committees explaining its actions; instead, according to this official, a verbal report was provided and EOUSA did not reallocate any positions among USAOs. EOUSA officials said Congress has not passed similar language regarding the redistribution of resources since that time.

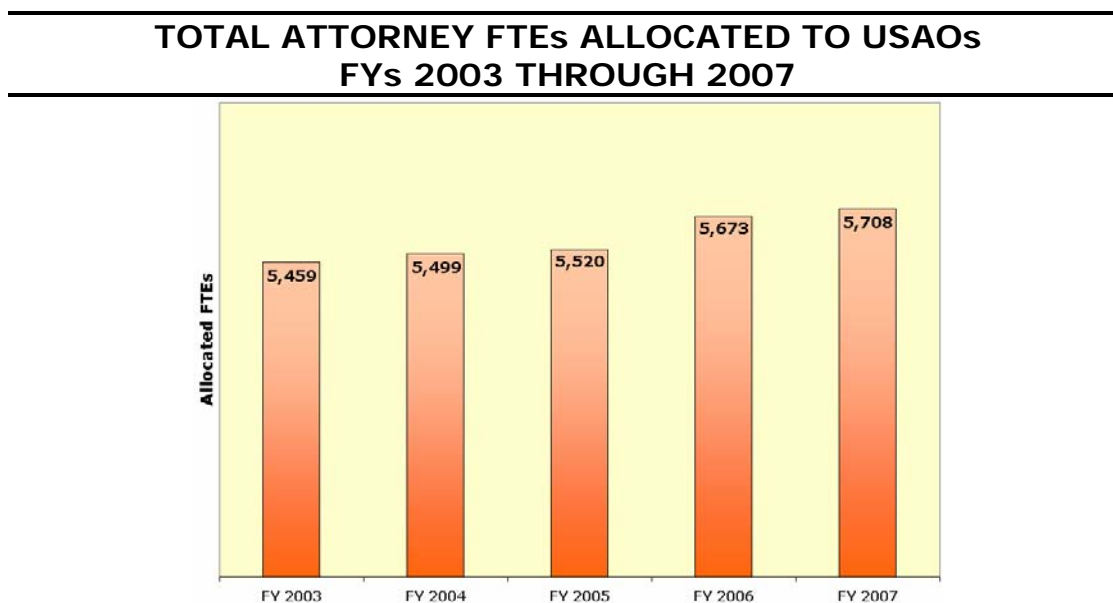
EOUSA has attempted to alleviate some of its allocation-related issues by assigning new positions to particular USAOs for a specified time period, at the conclusion of which EOUSA re-evaluates the personnel resource needs of that and other offices and determines if those positions should remain or be reallocated to other USAOs. Moreover, EOUSA has conducted a more in-depth assessment of district needs in specific priority areas before it allocated these newly appropriated positions to address those specific activities.

While we believe EOUSA has taken steps to mitigate staffing discrepancies among districts, we believe that EOUSA should enhance the reliability of its resource utilization and casework data so that it is able to more effectively assess and allocate resources among USAOs according to their needs.

## Utilization of USAO Resources

USAO attorney resources are measured in FTEs. The number of FTEs assigned to an office by the Department is called its allocated amount, while the actual use of those resources as tracked through the USA-5 time reporting system is referred to as utilization.

We determined that the number of attorney FTEs allocated to USAOs rose slightly throughout our review period – increasing from 5,459 attorney FTEs in FY 2003 to 5,708 in FY 2007, an increase of 5 percent, as depicted in the following graph.



Source: OIG analysis of EOUSA Resource Management and Planning Staff data

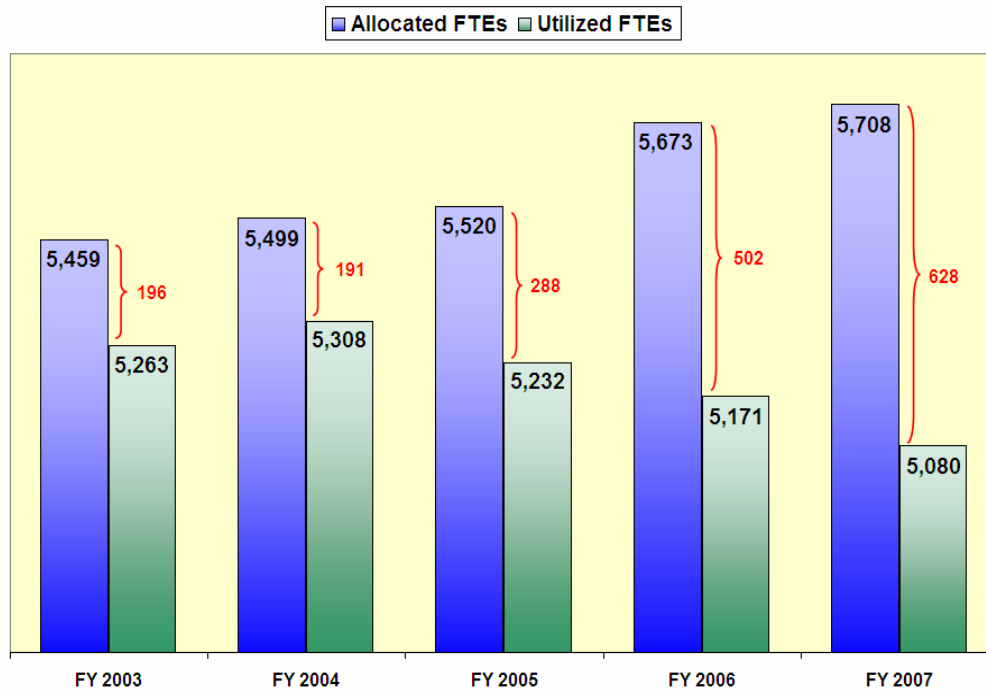
In addition, we compared the allocation and utilization of attorney FTEs within each USAO throughout our review period and found that, in total, USAOs were utilizing fewer attorney FTEs than allocated during each fiscal year of our review period, as reflected in the following graph. EOUSA officials attributed this shortfall primarily to budget limitations, which prevented USAOs from actually filling positions allocated to them. As discussed below, we also determined that several USAOs were not utilizing attorney resources in accordance with the funding provided for specific activities, including counterterrorism, health care fraud, and OCDEF.<sup>9</sup>

<sup>9</sup> As mentioned above, we identified several concerns with the accuracy and reliability of the USAOs' personnel utilization and casework data. While these concerns may affect the analyses we performed, we believe the overall results presented have utility for examining the activities of the U.S. Attorney organization. Further, this data is the only utilization and casework data available for purposes of our audit and is used and relied upon by EOUSA.

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**COMPARISON OF ALLOCATED AND UTILIZED ATTORNEY FTEs  
FYs 2003 THROUGH 2007**

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Source: OIG analysis of EOUSA Resource Management and Planning Staff and USA-5 data

According to EOUSA officials, this underutilization occurred primarily because USAOs had limited budgets to address annual rising costs, such as cost-of-living adjustments and increases in rent. In addition, EOUSA stated that it could not fully fund all of its reimbursable positions with the money provided for these positions. EOUSA explained that it had to supplement reimbursable funding with its own direct appropriations because the reimbursable funding remained constant during our review period while costs increased. As a result, these officials stated that USAOs did not have adequate funds remaining to fill vacant positions, even though the positions were allocated to the offices.

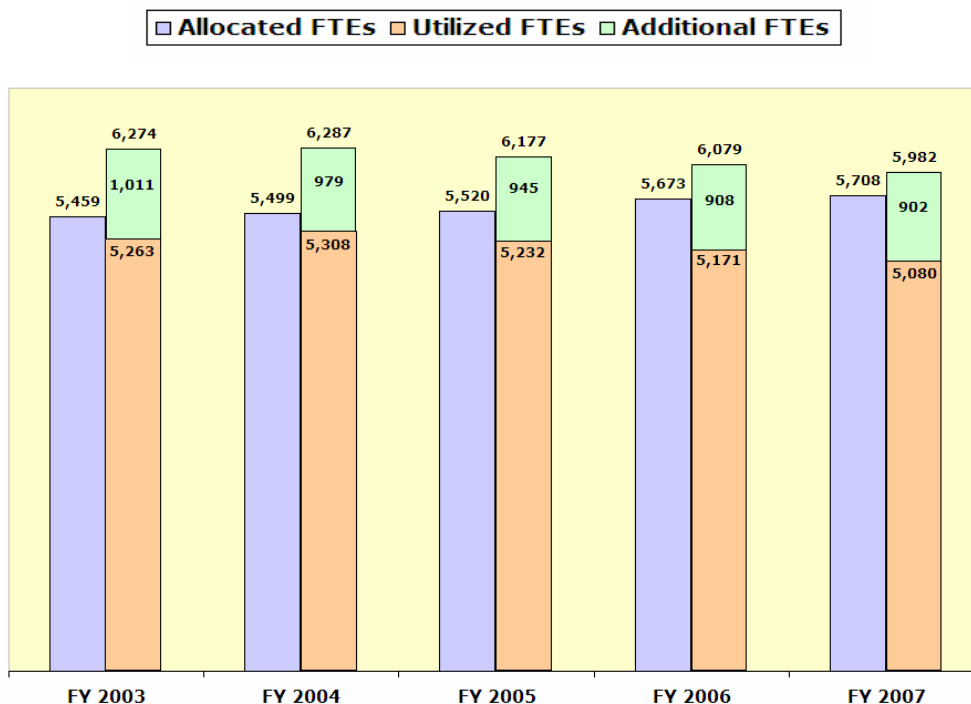
We found, however, that the gaps between allocated and utilized attorney FTEs were mitigated when the additional hours worked by attorneys in excess of a standard 40-hour work week were factored into our evaluation, as illustrated in the following graph. When combining these additional attorney work hours to the regular time charged by attorneys, the USAOs actually utilized a greater number of attorney FTEs than allocated throughout our review period. Thus, the previously discussed gaps between allocated and utilized attorney FTEs were absorbed by existing attorneys recording more hours. However, even when including these additional

hours, the overall utilization of attorney FTEs was still less in FY 2007 (5,982 FTEs) than it was in FY 2003 (6,274 FTEs).

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**COMPARISON OF ATTORNEY FTEs  
ALLOCATED, UTILIZED, AND ADDITIONAL  
FYs 2003 THROUGH 2007**

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Source: OIG analysis of EOUSA Resource Management and Planning Staff and USA-5 data

*Increase in USAO Unused Attorney FTEs*

We also examined the percentage gap between allocated and utilized attorney FTEs (excluding additional time recorded by attorneys) of USAOs by office size and found that the gaps within all groups generally increased from FYs 2003 to 2007, as shown in the following table.<sup>10</sup> As the table illustrates, large and extra-large offices were affected more than smaller offices.

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<sup>10</sup> EOUSA categorizes offices based upon the allocated attorney staff levels. During our review period, EOUSA used the following distinctions: (1) extra-large (greater than or equal to 100 attorneys), (2) large (between 45 and 99.9 attorneys), (3) medium (between 25 and 44.9 attorneys), and (4) small (less than 25 attorneys).

**PERCENTAGES OF USAO UNUSED ATTORNEY FTEs  
FYs 2003 THROUGH 2007**

<b>USAO Category</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>FY 2007</b>
Extra-large	4.11%	4.56%	5.79%	11.62%	14.50%
Large	3.33%	2.45%	4.92%	7.54%	9.18%
Medium	2.58%	1.81%	4.46%	4.60%	6.28%
Small	3.41%	3.40%	4.23%	5.39%	5.85%

Source: OIG analysis of EOUSA Resource Management and Planning Staff and USA-5 data

*“Burn” Rates*

Additionally, we analyzed the “burn” rates of attorney FTEs in various prosecutorial areas to determine if USAOs were utilizing resources in accordance with the specific activities for which funding was provided by Congress. EOUSA uses the term “burn” rate to refer to the difference between allocated resources and actual utilized resources. An “overburn” occurs when more resources are utilized than allocated. In turn, an “underburn” occurs when fewer resources are utilized than allocated.

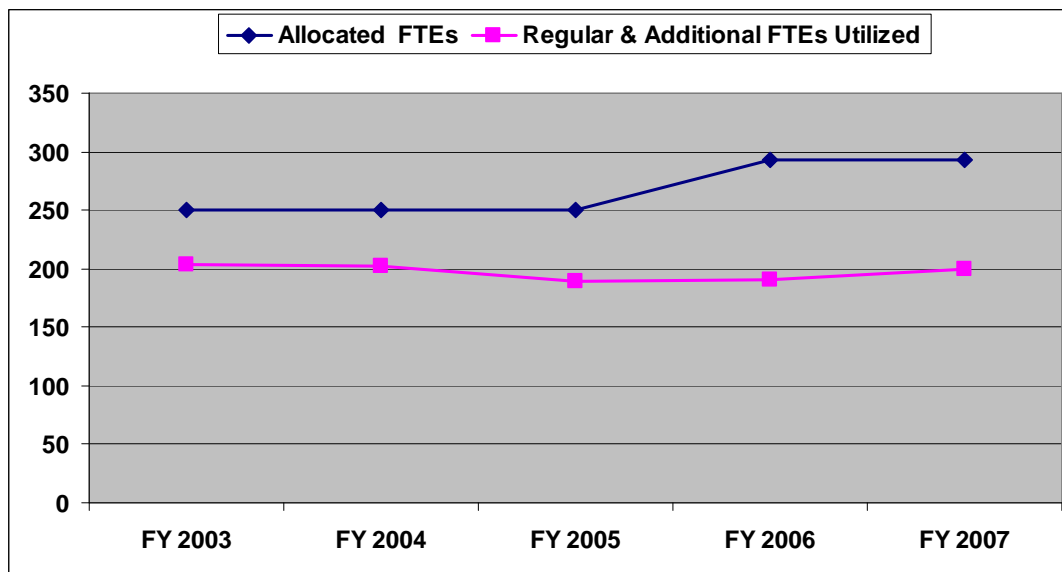
We limited our burn rate analyses to counterterrorism, firearms, health care fraud, and OCDETF because these are specific areas in which EOUSA separately tracks both the allocation and utilization of attorney FTEs.

Based upon this analysis, we determined that USAOs expended fewer attorney FTEs on counterterrorism matters than were allocated for this purpose. Specifically, as reflected in the following chart, between 189 and 204 attorney FTEs were utilized annually on counterterrorism matters during FYs 2003 through 2005, while USAOs were allocated a total of 250 attorney FTEs for counterterrorism matters during the same time period.

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**COMPARISON OF ATTORNEY FTEs  
ALLOCATED AND UTILIZED ON COUNTERTERRORISM MATTERS  
FYs 2003 THROUGH 2007**

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Source: OIG analysis of EOUSA Resource Management and Planning Staff and USA-5 data

In FY 2006, an additional 43 attorney FTEs were allocated for counterterrorism work, resulting in a total of 293 attorney FTEs for this initiative during FYs 2006 and 2007. However, our analyses revealed that USAOs continued to utilize approximately the same number of attorney FTEs on counterterrorism matters in FYs 2006 and 2007 as they had in FYs 2003 through 2005. During the audit close-out meeting, the EOUSA Director explained that due to the timing of the FY 2006 appropriations, these additional counterterrorism attorney FTEs would not have been captured (or utilized) until FY 2007 or later.

The EOUSA Director informed us that EOUSA had recently become aware of this underutilization and reported the matter to the Deputy Attorney General. The EOUSA Director further explained that he believed a portion of this underburn was caused by inaccurate time reporting by AUSAs, as well as fewer terrorism-related matters being referred by investigative agencies than had been referred in the past. He stated that he is working to enhance the AUSAs' time reporting and ensure that USAOs are expending appropriate resources in priority areas.

In contrast to our review of counterterrorism burn rates, throughout our review period USAOs, in total, utilized more attorney FTEs than were allocated on firearms, health care fraud, and OCDETF matters. Burn rates for all district offices in these areas can be found in Appendices VII through X.

## *Lack of Comprehensive Resource Review*

Through discussions with EOUSA officials, we determined that EOUSA does not regularly perform comprehensive reviews of the use of attorney resources in USAOs. Instead, EOUSA, with assistance from USAOs, performs periodic district office evaluations, called Evaluation and Review Staff (EARS) reviews, which include an assessment of the personnel resources utilized on priority areas.<sup>11</sup> While these evaluations are intended to be conducted every 3 years, according to EOUSA officials, during the period that we reviewed recent budget limitations resulted in the evaluations being conducted every 4 to 5 years.

Because EOUSA relies primarily on these evaluations to obtain detailed information about USAOs' resource usage, EOUSA does not have an accurate perception of how many and what kind of resources USAOs are utilizing from one fiscal year to the next in specific areas, such as counterterrorism and OCDETF. This makes it difficult for EOUSA to determine what resources a district may need, as well as whether districts are using resources in accordance with the specific purpose for which they were allocated.

EOUSA executive management informed us they were aware of this deficiency and said they plan to develop and implement a model in which this information would be routinely collected and reviewed for all district offices. We believe that such a model would provide critical information and allow EOUSA to review USAO resource allocation and utilization data on a more objective and frequent basis. However, EOUSA must also address the deficiencies affecting the reliability of the USA-5 data on which the model will rely. In addition, we recommend that EOUSA include in its new model an analysis of USAO burn rates to ensure the expected number of resources is being utilized as intended.

## **USAO Casework**

When a law enforcement agency presents information about an investigation to a USAO, the USAO records this information in LIONS as a "matter referred." The matter then becomes a "case" in LIONS once the USAO files an indictment or information in court.

USAOs handle a wide variety of criminal and civil matters, and according to EOUSA and USAO officials, several factors affect the type of

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<sup>11</sup> EOUSA monitors the activities of USAOs through a formal evaluation process overseen by its Evaluation and Review Staff (EARS). Among other things, the EARS reviewers examine whether USAOs are following DOJ policies and the Attorney General's priorities in their allocation of prosecutive resources.

cases worked by USAOs, including national and district priorities, availability of resources, complexity of cases, and changes in priorities within investigative agencies.

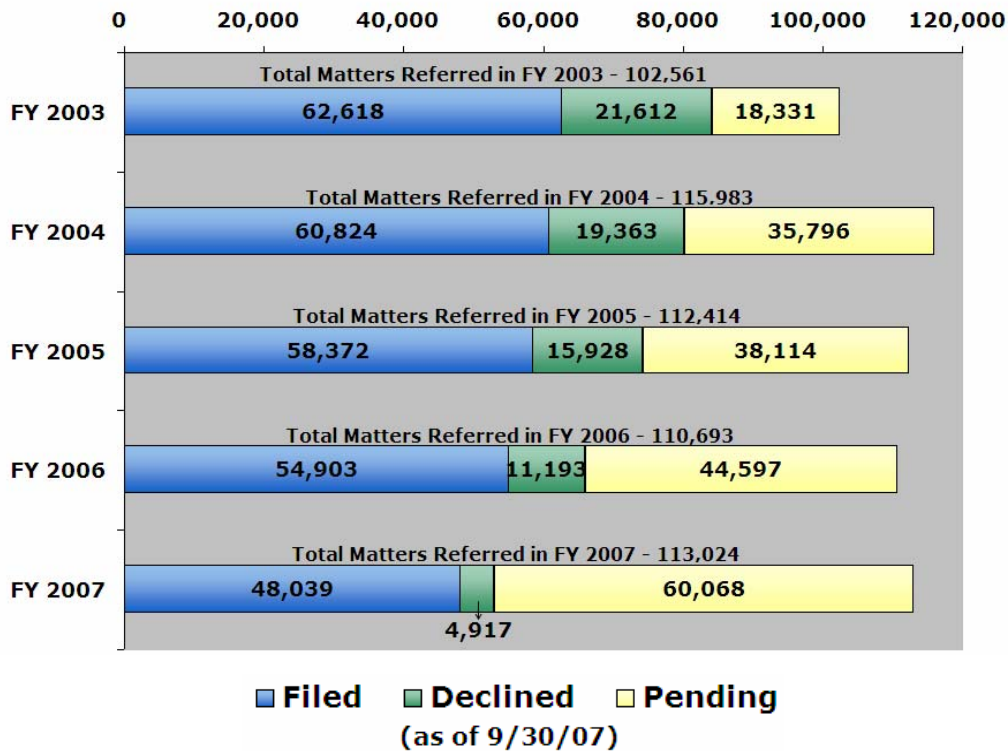
We determined that from FYs 2003 through 2007, 554,675 criminal matters were referred to USAOs. We analyzed this data as of September 30, 2007, to determine how many matters were filed for prosecution, declined, or were still pending. From FYs 2003 through 2007, 424,538 civil matters were referred to USAOs. We analyzed these matters to determine if any matters were still pending as of September 30, 2007.

### *Criminal Casework*

In total, the USAOs filed for prosecution approximately 50 percent of all criminal matters referred between FYs 2003 and 2007 and declined 13 percent of the total matters referred. As of September 30, 2007, the remaining 35 percent were still pending a decision whether or not to prosecute. Of the 196,906 pending matters, 54,127, or nearly 30 percent, had been in a pending status for at least 3 years as shown in the following graph.



**TOTAL CRIMINAL MATTERS REFERRED TO USAOs<sup>12</sup>**  
**FYs 2003 THROUGH 2007**



Source: OIG analysis of LIONS data

When we presented this information to EOUSA officials, they were surprised at the large number of pending matters, particularly the large number of cases in pending status for such long periods of time, and said they were unable to fully explain this data without reviewing individual district files. We therefore judgmentally selected a limited sample of 50 pending matters from several different USAOs and requested that these USAOs notify us whether the matters were, in fact, pending. According to the USAOs' responses, 44 percent of the matters we tested were accurately reflected as awaiting a decision to prosecute as of September 30, 2007 – half of which were referred to USAOs between FYs 2003 and 2005. However, the remaining 56 percent of matters in our sample were not actually in pending status. Instead, the USAOs explained that many of these matters had been prosecuted and the defendants sentenced prior to September 30, 2007.

<sup>12</sup> This graph illustrates the total number of criminal matters referred during each fiscal year of our review period and the action taken on those matters from the time they were referred to the end of our review period (FY 2007). For example, in FY 2004, 115,983 criminal matters were referred to USAOs. Between FYs 2004 and 2007, 60,824 of the 115,983 matters were filed for prosecution and 19,363 were declined. The remaining 35,796 remained pending as of September 30, 2007.

When discussing this data with EOUSA officials, they provided a variety of reasons as to why some of the matters in our sample would have had subsequent case filings and terminations in the districts' LIONS that were not reflected in the National LIONS. For instance, EOUSA officials explained that the National LIONS was not capturing all cases filed by districts due to an error in the transmission process. EOUSA officials also stated that some matters may have been terminated without a case having been filed because they were handled in a certain court setting, such as magistrate court, but that these actions were not reflected in LIONS as case filings.

EOUSA officials further stated that EOUSA does not check the accuracy of the data in the National LIONS by comparing it to what was transmitted from the USAOs or what is reflected in the LIONS databases accessible in the district offices. EOUSA officials stated that EOUSA instead relies upon data certifications performed semiannually by district offices. However, these certifications are done in the districts and address only the data that the districts submit to EOUSA, not what is ultimately stored in the National LIONS, and our work shows that these data sets are inconsistent. We believe that this analysis has revealed significant concerns over the accuracy and reliability of LIONS data.

We also assessed criminal casework in each USAO for each prosecutorial area we reviewed. These individual USAO criminal casework analyses are contained within Appendices XI through XIX.

### *Civil Casework*

The USAOs received 9,118 fewer civil referrals during FY 2007 than during FY 2003 – decreasing from 89,961 matters in FY 2003 to 80,843 matters in FY 2007. Unlike criminal casework, USAOs do not record declinations of civil matters because USAOs must accept the majority of civil matters referred, which involve defensive litigation where the USAOs defend the U.S. government.

As a result, our analyses of civil casework assessed the number of civil matters filed or pending as of September 30, 2007. We found that the percentage of civil matters filed remained relatively steady throughout our review period – ranging from 87 to 90 percent of all civil matters referred during each of the 5 fiscal years under review.

### *Casework per Attorney FTE*

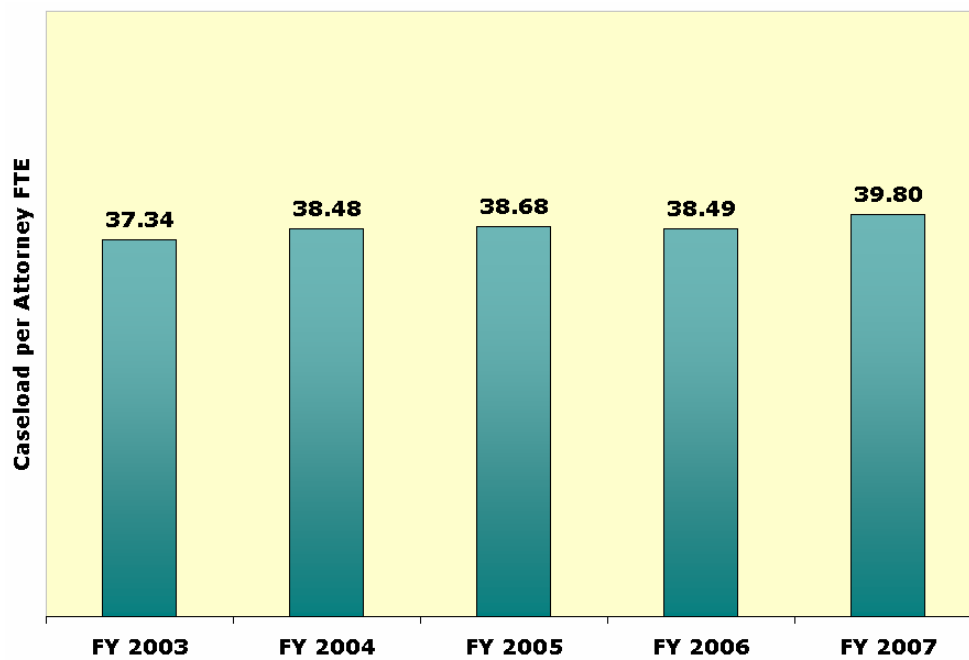
Using USAO case data, we computed the average caseload per attorney FTE for FYs 2003 through 2007. As shown in the following graph,

the average number of cases per attorney FTE generally increased throughout our review period.

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**AVERAGE NUMBER OF TOTAL CASES PER USAO ATTORNEY FTE  
FYs 2003 THROUGH 2007**

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Source: OIG analysis of LIONS data

### *Lack of Comprehensive Casework Review*

As with the utilization of attorneys, we found that EOUSA does not routinely receive reports that provide a comprehensive assessment of the number and types of cases handled by each USAO. As discussed previously, EOUSA generally monitors USAO casework and workloads as part of the EARS evaluations of offices, which are to be performed every 3 years. However, during the period that we reviewed, evaluations generally occurred every 4 to 5 years.

Besides these evaluations, the Data Analysis Staff at EOUSA analyzes USAO data on an ad hoc basis when it receives a request, and it also compiles an annual statistical report that provides details on the entire caseload of individual USAOs. However, EOUSA's annual statistical report does not include specific caseload information for the districts, such as the number of narcotics trafficking cases filed by each USAO.

EOUSA informed us that it intends to implement a method to routinely examine the casework of all 94 USAOs instead of continuing to rely mainly upon peer evaluations. As explained by the EOUSA Director, EOUSA intends

to develop a method to examine the resource management of each USAO on a consistent basis and will provide measurable results, including various casework and caseload statistics. We believe that such an effort is important, and we recommend that this review include analyses similar to those that we performed.

## **Conclusion and Recommendations**

We found weaknesses in the process used by EOUSA and the USAOs to allocate personnel resources. EOUSA has not developed an objectively sound statistical model to determine the optimal staffing levels for USAOs. In addition, while data from the USA-5 and LIONS are considered by EOUSA in resource planning and allocation decisions, as well as in responding to inquiries from the Department and Congress, we identified substantial deficiencies in the data that calls into question its accuracy and reliability. Additionally, EOUSA generally does not reallocate positions from one USAO to another for a variety of reasons. Most importantly, one of those reasons is opposition from several sources, including USAOs that strongly oppose losing any resources from their offices.

We found that USAOs, in total, utilized fewer attorney resources than intended for counterterrorism matters during each fiscal year of our review period. The EOUSA Director stated that this underutilization was partially caused by inaccurate time reporting by USAO attorneys and partially due to investigative agencies not bringing as many terrorism-related matters to the USAOs as they had in the past.

EOUSA conducts evaluations of individual USAOs that include an assessment of USAO resources utilized on certain prosecutorial areas, as well as a review of USAO casework and workloads. According to EOUSA officials, these evaluations are to be conducted on a triennial basis, but have recently occurred less frequently because of budget limitations. Rather than waiting for an extended period of time to collect detailed data on district activities, we believe that EOUSA should regularly collect and review resource utilization and casework data for all USAOs to ensure effective resource management within district offices.

Our audit work and findings resulted in 10 recommendations to assist EOUSA in its resource planning and allocation decisions, as well as in overseeing the operations of USAOs. Our recommendations include implementing policies and processes to assist in improving the accuracy of USAO data, as well as recommendations for EOUSA to regularly conduct comprehensive reviews on the utilization of attorney resources and USAO casework.

# RESOURCE MANAGEMENT OF UNITED STATES ATTORNEYS' OFFICES

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## CHAPTER 1: INTRODUCTION

The U.S. Attorneys are the principal litigators of the United States government and are responsible for handling litigation involving a wide variety of criminal and civil matters. Examples of criminal matters they handle include narcotics trafficking, terrorism, and public corruption offenses. Examples of civil matters include bankruptcy, foreclosure, and medical malpractice cases. U.S. Attorneys must decide where to focus their prosecutorial efforts, within the framework of the national priorities established by the Attorney General. Therefore, the criminal and civil casework of individual district offices differ based upon a variety of factors.

The purpose of this review was to evaluate the accuracy and completeness of the United States Attorneys' Offices' (USAO) utilization and casework data to determine if decision-makers were utilizing reliable information during the budget and resource allocation processes, as well as to assess the process by which human resources are allocated among the various USAOs. In addition, we identified the criminal and civil areas to which attorneys were allocated and utilized during fiscal years (FY) 2003 through 2007. We also reviewed the changes occurring between FYs 2003 and 2007 in the type and number of criminal and civil matters addressed by USAOs.

### Organizational Structure

Ninety-four USAOs are located throughout the United States, Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands.<sup>13</sup> Each USAO is headed by a U.S. Attorney who is appointed by the President and confirmed by the Senate. The U.S. Attorney serves as the district's principal litigator under the direction of the Attorney General. USAOs are responsible for investigating and prosecuting individuals who violate U.S. criminal laws, representing and defending the United States in civil litigation (including debt collection), and handling both criminal and civil appeals. As of April 21, 2008, the USAOs employed 5,381 U.S. Attorneys and Assistant U.S. Attorneys (AUSA) and 5,921 support personnel.

The Attorney General, through the Deputy Attorney General, directs the work of the U.S. Attorneys, and the Executive Office for U.S. Attorneys (EOUSA) acts as a liaison between the Department of Justice (DOJ or the Department) and the U.S. Attorneys. Each U.S. Attorney operates with a

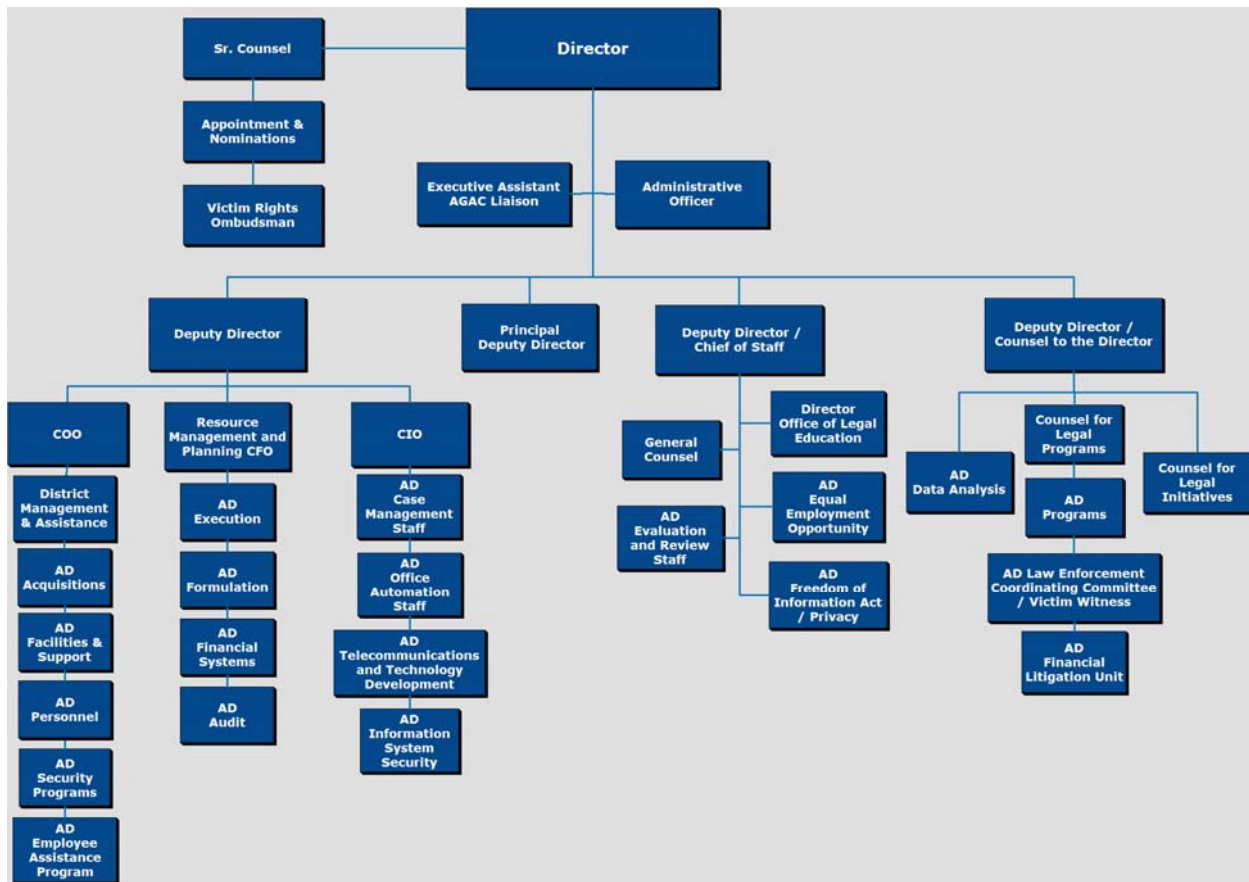
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<sup>13</sup> The U.S. Attorney for the District of Guam also oversees the District of the Northern Mariana Islands, resulting in 93 U.S. Attorneys for 94 USAOs. See Appendix II for the geographical boundaries of the USAOs and Appendix III for the acronyms of each USAO.

significant level of autonomy, while EOUSA provides management oversight and administrative support to the USAOs, including general executive assistance and direction and policy development. EOUSA officials stated that EOUSA does not instruct individual USAOs how to focus their prosecutorial efforts.

The following chart illustrates EOUSA's operational structure. As of April 21, 2008, the various operational units within EOUSA were comprised of 36 attorneys and 237 support staff, primarily in Washington, D.C. During FY 2008, the enacted budget for the entire U.S. Attorney organization, including the USAOs and EOUSA, was \$1.755 billion. According to EOUSA officials, when including reimbursable funding the total budget managed by EOUSA was approximately \$2 billion.

**EXHIBIT 1-1**  
**EOUSA OPERATIONAL CHART**  
**(as of March 2008)**



Source: EOUSA



## *Monitoring*

EOUSA monitors the activities of USAOs through a formal evaluation process overseen by its Evaluation and Review Staff (EARS), which conducts peer evaluations of individual district offices.<sup>14</sup> EARS attempts to perform an evaluation of each USAO every 3 years. However, according to EOUSA officials, during the period that we reviewed, due to recent budget constraints, the evaluation cycle had occurred about every 4 to 5 years. However, at the audit close-out meeting, EOUSA officials stated that these evaluations have resumed their triennial cycle.

Among other things, the EARS reviews examine each USAO's compliance with EOUSA management standards regarding criminal and civil workload. The EARS process is also used to assess how well USAOs are following DOJ policies and the Attorney General's priorities.

## **Budget Overview**

EOUSA coordinates with the Attorney General's Advisory Committee (AGAC) in formulating a budget submission for all USAOs.<sup>15</sup> During this process, the AGAC reviews the Attorney General's priorities, USAO casework and utilization data, and any new legislation affecting USAO workload. From this review, the AGAC provides its recommendations on resource needs to EOUSA for consideration during budget formulation. This information, including a draft budget, is then presented to the EOUSA Director for review and approval before the final submission is made to DOJ. The following table depicts the amounts requested and enacted for USAOs during FYs 2003 through 2008.

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<sup>14</sup> EARS reviews are conducted jointly by EARS and USAO personnel, including experienced AUSAs from other districts.

<sup>15</sup> The AGAC, which is comprised of 16 U.S. Attorneys and 1 AUSA: (1) provides a mechanism for U.S. Attorneys to provide input on DOJ policies, and (2) advises the Attorney General on a variety of operational and programmatic issues affecting U.S. Attorneys.

**EXHIBIT 1-2**  
**U.S. ATTORNEY FUNDING AND FULL-TIME EQUIVALENT (FTE)**  
**REQUESTS AND ENACTED APPROPRIATIONS**  
**FYs 2003 THROUGH 2008**

Fiscal Year	Amount Requested in President's Budget (in billions)	Amount Enacted (in billions)	FTEs Requested in President's Budget	FTEs Enacted
2003	\$1.489	\$1.506	11,022	11,372
2004	\$1.557	\$1.525	11,542	11,540
2005	\$1.548	\$1.542	11,699	11,628
2006	\$1.626	\$1.589	11,920	11,631
2007	\$1.664	\$1.655	11,722	11,687
2008	\$1.748	\$1.755	11,938	11,787

Source: DOJ and EOUSA budget documents

### Prior Reviews

No recent reports by the Government Accountability Office (GAO) and the DOJ Office of the Inspector General (OIG) have examined USAO resource management. However, we identified two reports – one GAO-report issued in FY 2004 and one OIG report issued in FY 2007 – pertaining to the accuracy of federal prosecution data, particularly terrorism-related statistics reported by DOJ. The GAO concluded that DOJ does not have sufficient management oversight and internal controls in place to ensure the accuracy and reliability of EOUSA's terrorism-related statistics.<sup>16</sup> Specifically, the GAO stated that approximately 46 percent of the FY 2002 terrorism-related convictions were misclassified.

The OIG's February 2007 review examined the reporting of terrorism-related statistics by three DOJ components, including EOUSA.<sup>17</sup> The OIG report found that EOUSA and the USAOs did not accurately report the 11 terrorism-related statistics that were reviewed, including the number of terrorism-related convictions and the number of terrorism and anti-terrorism cases terminated against defendants. The OIG report also found that, in general, EOUSA and the USAOs had not established effective internal control procedures for verifying the accuracy of the Legal Information Office Network System (LIONS) data to ensure statistics reported based on LIONS

<sup>16</sup> U.S. Government Accountability Office. *Justice Department: Better Management Oversight and Internal Controls Needed to Ensure Accuracy of Terrorism-Related Statistics*, GAO-03-266 (January 17, 2003).

<sup>17</sup> U.S. Department of Justice Office of the Inspector General, *The Department of Justice's Internal Controls Over Terrorism Reporting*, Audit Report 07-20 (February 2007).

data were accurate. Finally, the OIG report concluded that EOUSA's definition of terrorism-related program activity was not clear. EOUSA has taken corrective action, and all of the OIG's recommendations to the agency have been closed.

### **OIG Audit Approach**

The objectives of this audit were to:

- (1) examine the accuracy and completeness of USAO utilization and casework data, as well as assess the process by which personnel resources are allocated to USAOs;
- (2) determine the allocation and utilization of attorneys within USAOs; and
- (3) determine the changes in USAO casework from FY 2003 through FY 2007.

To accomplish these audit objectives, we reviewed EOUSA data related to the allocation of attorneys to USAOs, the actual utilization of these attorneys, and the USAOs' casework for FYs 2003 through 2007. In addition, we interviewed EOUSA officials, including the Director and other senior management within the Director's Office, regarding the allocation process, USAO priorities, and the performance of USAOs.

Chapters 2 through 4 present an overview of our audit results, while the audit scope and methodology are presented in Appendix I. In Chapter 2, we examine the methods for collecting utilization and casework data, and we assess the reliability of this data. We also discuss EOUSA's process for allocating human resources among the USAOs. Chapter 3 focuses on the utilization of attorneys in comparison to USAO allocated staffing levels. In Chapter 4, we examine the criminal and civil matters referred to USAOs, including the number of matters filed, declined, or pending, as well as the average caseload per attorney FTE.

## **CHAPTER 2: WEAKNESSES IN RESOURCE ALLOCATION**

We found that the process used by EOUSA and the USAOs to allocate personnel resources has weaknesses. For example, EOUSA does not regularly collect reliable and specific data to make fully informed resource allocation decisions and to use in reporting statistical data to others, including to the Attorney General and Congress. We also found data inconsistencies in the systems used to record time and casework information, which occurred because the time and case reporting guidance for USAO employees were too general and implementation of the guidance varied among USAOs. In addition, EOUSA has not developed a process to objectively determine the appropriate staffing levels of individual USAOs. Moreover, EOUSA generally had difficulty reallocating positions from one USAO to another for a variety of reasons.

### **USAO Personnel Resource Allocation Process**

EOUSA informed us that its first priority in distributing appropriated funding is to support the historic base-level of attorney resources among USAOs. According to EOUSA officials, each USAO has been authorized a base level of funding for attorneys that is generally maintained from one fiscal year to the next. EOUSA does not reexamine this base FTE level for each office on a regular basis. However, these base levels may be increased when additional resources are provided to EOUSA.

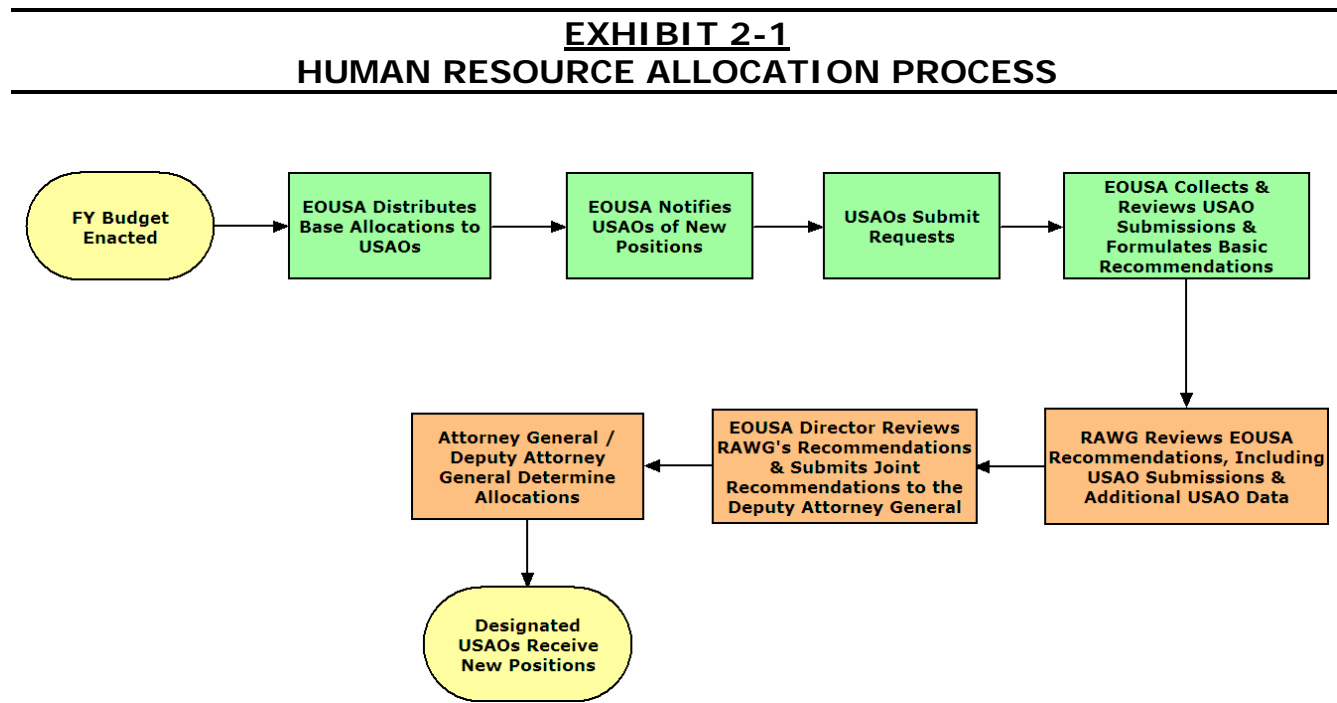
If the annual appropriation provides for additional USAO positions, EOUSA notifies the district offices via a memorandum explaining the type of positions available and the criteria to be considered in determining where to place the resources. Those interested USAOs submit a response to EOUSA explaining the reasons why the district should receive additional positions, including any related data supporting its request. EOUSA, in turn, reviews these responses, formulates basic recommendations, and forwards this information along with other district-specific data to the Resource Allocation Working Group (RAWG).<sup>18</sup> This working group reviews the district submissions, as well as EOUSA-provided data and input, revises EOUSA's recommendations as it deems necessary, and forwards that information to the EOUSA Director, who reviews and makes any necessary revisions to the proposed allocations. The recommendations are then provided to the

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<sup>18</sup> The RAWG, which is one of the AGAC's working groups, is composed of eight U.S. Attorneys.

Deputy Attorney General, who determines where to place any new positions among the USAOs.

The following diagram illustrates the current process for allocating human resources among the USAOs.



Source: OIG-created diagram based upon discussions with EOUSA and USAO officials

Besides direct appropriations, EOUSA also receives additional funding and resources through reimbursable programs, such as the Organized Crime Drug Enforcement Task Force (OCDETF).<sup>19</sup> According to an EOUSA official, the process of allocating reimbursable positions may differ from that depicted in Exhibit 2-1 depending on the particular reimbursable program. This official further explained that the Executive Office of OCDETF decides in which USAOs reimbursable positions should be placed, and EOUSA provides the additional resources to those USAOs. Moreover, an appropriation may dictate the specific USAO to which EOUSA should assign new positions. For example, the FY 2005 appropriations language stated that the District of New Hampshire USAO was to receive seven positions in support of Operation Streetsweeper, which was associated with the New Hampshire Violent Crime Task Force. Regardless of the source of funding, EOUSA is responsible for overseeing the allocation of all FTEs among USAOs.

<sup>19</sup> The OCDETF Program is a multi-agency effort created to identify, disrupt, and dismantle the most serious drug trafficking and money laundering organizations.

According to an EOUSA official, the majority of new positions allocated among USAOs have historically been provided to address specific initiatives or activities, such as firearms enforcement or counterterrorism investigations, as opposed to being left to the discretion of each U.S. Attorney. For example, in FY 1998 EOUSA allocated 61 attorney positions among the USAOs to address narcotics matters, which was based upon funding directed by Congress for such purposes. However, the congressional reports associated with the FY 2002 appropriations stated that, “all previous congressional guidance to the U.S. Attorneys regarding initiatives and the designation of funds is waived.”<sup>20</sup> As a result, this EOUSA official stated that U.S. Attorneys were able to assign these attorney resources as they saw fit and that they have been able to do so for these positions since that time.

### **Time Reporting Process**

USAOs use the United States Attorneys’ Monthly Resource Summary Reporting System (referred to as the USA-5) to record time spent by most USAO personnel on various types of activities.<sup>21</sup> According to EOUSA officials, data from the USA-5 is used for statistical reporting purposes, including ad hoc requests from the Attorney General, Congress, and the public. Additionally, EOUSA uses USA-5 data when considering how to allocate human resources among USAOs, and the data is relied upon, in part, for determining and justifying EOUSA’s annual budget requests.

In the USA-5, USAO personnel assign time to various categories according to the types of matters or cases they have worked on, such as violent crime. Moreover, USAO personnel have the ability to record time to a more specific area by selecting a subcategory – a USA-5A designation, such as criminal gang prosecution – associated with the particular USA-5 category chosen.<sup>22</sup> According to the USA-5 manual, the USA-5A categories were established to report to senior Department managers and Congress the

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<sup>20</sup> U.S. Senate, *Departments of Commerce, Justice, and State, The Judiciary, and Related Agencies Appropriation Bill, 2002*, S. Rept. 107-42; and U.S. House of Representatives, *Making Appropriations for the Departments of Commerce, Justice, and State, The Judiciary, and Related Agencies for the Fiscal Year Ending September 30, 2002, and for Other Purposes, 2002*, H. Rept. 107-278.

<sup>21</sup> The USA-5 system tracks the time of attorneys, paralegals, and support personnel, as well as the time of Special Assistant U.S. Attorneys (SAUSAs). However, the USA-5 system does not track the time of contractors and students working in USAOs. In addition, the system does not include any case-specific information.

<sup>22</sup> Each USA-5 category has USA-5A categories associated with it. Additionally, in some instances, the same USA-5A categories apply to multiple USA-5 categories.

number of resources being expended on priority areas. However, the use of USA-5A categories is not mandatory.

USAO personnel using the USA-5 system can record either the actual number of hours worked or the percentage of time spent addressing various prosecutorial matters electronically or on a paper form. The USA-5 system then translates the information into FTEs.<sup>23</sup>

USAO personnel are required to enter time into the USA-5 system, at a minimum, on a monthly basis. According to an official from EOUSA's Case Management Staff, it is each USAO's responsibility to ensure that the data entered into the system is reliable. Each USAO submits a monthly transmission of its USA-5 data to EOUSA, which is then uploaded by EOUSA into its database. EOUSA maintains this utilization data in a summary format for each district but is unable to compile detailed information on the amount of time individual AUSAs spend on particular types of matters. As a result, EOUSA is only able to identify the total amount of time spent by each position type, such as attorneys or paralegals, on various investigative areas within each USAO.

In FY 2008, EOUSA implemented a new version of the USA-5 system that allows it to review utilization data at the employee level. With this new system, EOUSA is able to review a district's utilization data without having to wait for it to be submitted by individual USAOs. In addition, EOUSA now has the ability to review the time records of specific individuals. With this information, EOUSA can assess the amount of time, including additional hours beyond an 8-hour day, that is worked by attorneys, while in the past EOUSA could only identify the aggregate time worked by all attorneys in a USAO.

### **Casework Reporting Process**

USAOs use the Legal Information Office Network System (LIONS), which became operational in 1998, to manage and record casework information, including matters referred by investigative agencies and cases prosecuted.<sup>24</sup> When first implemented, LIONS was a decentralized system that required each USAO to transmit case information to EOUSA manually.

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<sup>23</sup> One FTE equates to 2,080 hours.

<sup>24</sup> According to EOUSA officials, LIONS will be replaced by a new DOJ-wide case management system called the Litigation Case Management System (LCMS). The EOUSA officials stated that the LCMS should be piloted during FY 2009. According to the EOUSA Director, EOUSA is also considering using the LCMS to track attorney time in addition to case information.

In 2003, EOUSA created the National LIONS (N-LIONS), which eliminated the manual transmission process. The N-LIONS is a centralized system that is automatically updated with case information from each district's LIONS. EOUSA utilizes the N-LIONS to assist in formulating annual statistical reports and obtain information to respond to various inquiries from Congress, the Attorney General, and the public.

USAO personnel must complete several fields when entering information into LIONS, such as the type of matter or case, the agency referring the matter to the USAO, and the final disposition of the case. In particular, LIONS contains two fields that define the type of case – the program category for criminal matters and the cause of action for civil matters. Each field has its own set of codes that identifies the specific area being addressed for that particular matter or case, such as domestic terrorism, bank robbery, or civil rights. However, these codes are different from the categories used by USAO personnel when recording their time using the USA-5 system.

Although the LIONS User's Manual describes the codes that should be used to categorize cases, EOUSA has no mechanism to determine if a record has been classified and reported correctly. Instead, EOUSA relies upon case certifications from each district office in which USAO personnel are required to verify data in their local databases on a semi-annual basis.<sup>25</sup> Following this certification by individual USAO personnel, the U.S. Attorney must certify the accuracy of his or her district's data as a whole before it is submitted to EOUSA.

### **Concerns with Resource Allocation**

Our audit identified weaknesses in the way EOUSA evaluates the needs of individual USAOs. In addition, while EOUSA considers both attorney utilization and casework data in determining where to allocate new positions, we found substantial deficiencies in the USA-5 and LIONS data that call into question whether the attorney utilization and casework data should be relied upon. As a result, some offices may be given additional resources based, in part, on inaccurate data when, in fact, other USAOs are in greater need of those positions. Moreover, EOUSA officials stated that it is very difficult to reallocate positions among USAOs and that any such attempt is regularly met with opposition by those USAOs slated to lose positions.

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<sup>25</sup> This procedure applies to docket personnel, system managers, line attorneys and their administrative assistants, and supervisory attorneys.



### *Lack of Comprehensive Resource Needs Assessment*

In April 2006, the AGAC began an unsuccessful attempt to create a formula to compute appropriate staffing levels but concluded that it was not feasible to develop a simple, reliable, and objective formula to determine how personnel should be allocated among the USAOs.<sup>26</sup> This conclusion mirrored those of previous EOUSA efforts. As a result, EOUSA has been unable to objectively determine the resource needs of the USAOs and thus cannot statistically justify the reallocation of current FTEs. The EOUSA Director stated, however, that even if such a model were available, one of the AGAC's working groups concluded that it would be politically impractical to reallocate existing positions among USAOs.

### *Weaknesses in the Reporting of Utilization Data*

Given the nature of the data, the USA-5 system relies upon the self-reporting of each employee and therefore is only as valid as the information reported by USAO personnel. During our review of the time reporting system, we identified weaknesses in the methods used to identify and categorize the various types of activities worked by USAO personnel, the level of detail to which time is recorded, the frequency of recording time, the format used to record time, and the cultural environment regarding the time reporting process. Each of these weaknesses can increase the inaccuracy and incompleteness of the USAOs' human resource utilization data. We discuss each of these issues in turn.

Categorization of Time – EOUSA does not have a standardized categorization method that USAO personnel use when recording time to specific activities. This creates a dilemma for AUSAs, particularly with respect to cases involving multiple offenses. For instance, an AUSA may be addressing a case associated with terrorism, narcotics, and fraud. However, there is no standard approach for recording the AUSA's activities on such a multi-faceted case. As a result, AUSAs may not record their work on these types of cases consistently and the USA-5 may not accurately reflect the amount of time AUSAs spend on certain activities. In order to ensure that the data is as accurate as possible, we believe that EOUSA should evaluate the current USA-5, determine how AUSAs should record time for cases that involve multiple offenses, and issue clear guidance.

Recording Time to More Specific Activities – As noted above, attorneys record time to broad USA-5 categories, such as violent crime, and also have

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<sup>26</sup> This initiative began in April 2006 and concluded in June 2008 with the issuance of the U.S. Attorneys' Procedure entitled *Personnel Resource Allocation Process*.

the ability to record time to a more specific activity by selecting a USA-5A category, such as criminal gang prosecution, that is associated with the particular USA-5 category chosen. However, use of the more specific USA-5A categories is not mandatory. Based upon our review of the resource utilization data, we determined that attorneys generally do not record time to these more specific categories. EOUSA officials stated that not every case may necessitate a USA-5A category. For example, if a matter involves a simple drug trafficking matter, there may not be a corresponding USA-5A category.

Nevertheless, we believe that USAOs are significantly underutilizing these more specific USA-5A categories when it would have been applicable to record time to these activities. We determined that only 13 to 16 percent of the total reported attorney FTEs were associated with a USA-5A category during any fiscal year in our review period. As a result, EOUSA is unable to provide a detailed description of how much time was expended by USAOs on specific types of activities, such as gang prosecutions, health care fraud, and terrorism-related matters, to those requesting this information, including senior Department managers and Congress. We believe that the use of USA-5A categories should be mandatory, if a USA-5A category is applicable, when recording time in the USA-5 system.

During our discussions with the EOUSA Director, he agreed that attorneys do not always record their time to the specific activities on which they work and that this was of great concern to him. The Director stated that it is imperative that USAOs accurately reflect this information because the USA-5 data is a significant factor considered when determining where to place new attorney positions. He said that U.S. Attorneys have often informed him that their office's USA-5 data is inaccurate and should not be relied upon in making allocation decisions. The Director said he will no longer accept U.S. Attorneys' explanations for discrepancies in the recordation of USA-5 data and will consider USA-5 data at face value as an accurate depiction of USAO personnel utilization.

Frequency of Recording Time – Another factor affecting the accuracy of USA-5 data involves the varying methods used by USAOs for capturing AUSA time. As mentioned above, USAO personnel must record time to the USA-5 system at least monthly. As confirmed during our discussions with USAO personnel, AUSAs may decide to enter their time into the system daily or with any other frequency that satisfies the monthly reporting requirement. We believe the probability of incorrect data is much greater when there is a significant span of time between the actual work performed and the time those activities are recorded in the USA-5 system. While EOUSA officials said they encourage USAO personnel to enter time on a daily basis, no policy

has been established to require more frequent data entry than the current monthly requirement. We believe that implementing a policy requiring at least weekly entry would help improve the accuracy of USAO human resource utilization data.

Format Used to Report Time – As previously mentioned, USAO personnel can either record their time on a paper form or electronically. The USA-5 paper form contains 4 pages and lists 51 USA-5 categories to which AUSAs can record their time.<sup>27</sup> Although an electronic version of this form is available to USAOs, USAO personnel we interviewed stated that the electronic form is not user-friendly. Therefore, some USAO personnel decided to complete the paper format of the USA-5, which subsequently must be entered electronically into the USA-5. We believe that use of the paper form to enter attorney time is more cumbersome and time-consuming than the electronic form because it requires additional work by USAO personnel. Therefore, we believe that EOUSA needs to develop a more user-friendly electronic form for USAO personnel to record their time.

Timekeeping – During our discussions with EOUSA and USAO officials, some USAO personnel stated that completing the USA-5 in an accurate manner requires too much time. They noted with approval that while private law firms require personnel to record time in small increments throughout each day, this type of timekeeping is not required of USAO personnel. Some officials remarked that USAO personnel view their primary objective as working cases rather than accurately depicting the time expended on specific activities. However, with appropriate guidance and a streamlined approach, we do not believe that recording time at least weekly in the USA-5 system is too onerous or similar to the private sector requirement and would not require a significant level of additional effort.

### *Weaknesses in Casework Data*

During our review of EOUSA's casework reporting system, we identified weaknesses in the methods used to identify and categorize the various types of cases handled, the timing of casework data entry, and oversight of the casework system.

Categorization of Cases – According to EOUSA officials, the process for entering information into LIONS varies by district. Some districts have a centralized process in which a few people enter all case-related information

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<sup>27</sup> The USA-5 has separate forms to record time to criminal and civil matters. The criminal form is 3 pages and contains 22 USA-5 categories. The civil form is 1 page and contains 29 USA-5 categories. Appendix IV contains a copy of these paper forms.

into LIONS, while others have a decentralized process in which many people enter case information into LIONS. As a result, the categorization of case information in LIONS relies on the discretion of the USAO personnel entering it and may result in districts classifying similar cases differently. For example, two districts may each have a case involving firearms and drug trafficking violations. One district may identify its case using the drug trafficking program category code, while the other district identifies its case using the firearms code. Therefore, as noted by EOUSA officials, the information contained in LIONS will be inconsistent and result in reporting imprecise information on the number of specific types of cases being handled by USAOs.

Timing of Data Entry – During our initial review of data accuracy and completeness, we performed testing on the various date fields contained in LIONS, including the filing date, system filing date, and fiscal year fields. We identified delays in USAOs entering case filing information, as well as inconsistencies with the date information contained in LIONS.

Among the several date fields contained in LIONS, we focused our review on the filing date and system filing date fields. The filing date field indicates the actual date a matter is filed in court, while the system filing date field reflects the date when the filing date is entered into LIONS. For statistical reporting purposes, EOUSA relies upon the date when the case information is entered into LIONS, or the system filing date. However, there can be a lag between these two dates and the extent of the lag can affect statistical reporting and management assessments of USAO workload. For example, a matter may be filed in court in July 2007, yet the data may not be entered in LIONS until November 2007, which would reflect a system filing date of November 2007. Consequently, EOUSA would include this matter as a new case filing in FY 2008 when, in fact, the matter was actually filed in court in FY 2007. As a result, a district's workload may appear to be greater or less than it actually is during a given fiscal year, which can affect allocation and budget decisions.

As part of our casework analyses, we found a significant number of cases in which there was a lag between the date the matter was filed in court and the date the information was recorded in LIONS. Specifically, we identified 254,481 cases, or almost 40 percent of the total 680,551 criminal and civil cases filed by USAOs between FYs 2003 and 2007, where there was a difference between the date the matter was filed and the date of entry into LIONS. The following table shows the span of time between the case filings and entry into LIONS for these 254,481 cases, as well as the percentage of the total for each range of time.

<b>EXHIBIT 2-2</b>		
<b>SPAN OF TIME BETWEEN CASE FILINGS AND ENTRY INTO LIONS</b>		
<b>Range</b>	<b>Number of Cases</b>	<b>Percentage of Total<sup>28</sup></b>
1 to 30 Days	179,991	70.73%
31 to 180 Days	53,521	21.03%
181 Days to 365 Days	14,596	5.74%
1+ to 2 Years	4,220	1.66%
2+ to 5 Years	1,829	0.72%
5+ to 10 Years	224	0.09%
Greater than 10 Years	100	0.04%
<b>Total</b>	<b>254,481</b>	<b>100.01%</b>

Source: OIG analysis of LIONS data

EOUSA and USAO officials said that the case filing date should be entered in LIONS shortly after the matter is filed, a period they defined as no longer than 30 days after the matter is filed in court. We understand that the filing date cannot always be entered into LIONS immediately following the matter being filed in court and thus believe that a 30-day window is reasonable. As shown in the preceding table, the information was entered into LIONS for the majority of cases within the first 30 days of the matter being filed. However, we identified 74,490 cases (or 29 percent) with system filing dates greater than 30 days following the actual case filing dates. We are concerned with the significant number of cases that were entered into LIONS in excess of 30 days after the official court filing date and the effect that this lag can have on statistical reporting and management assessments of USAO workload.

When we presented this information to EOUSA officials, they offered various explanations for the delays, including resource constraints leading to case entry backlog, as well as the possibility of delays in receiving the necessary court documents. We also inquired about the more significant intervals that we identified in the data. For example, we found one matter that was shown as being filed during FY 1994, yet the system filing date indicated that this case filing was not entered until FY 2005. In response, EOUSA officials explained that this can occur when cases are "reopened" by USAO personnel, which happens when case information is updated in LIONS after the case had been closed. As a result, the system filing date reflects the date the updated information was entered in LIONS. This process, however, results in a statistical misrepresentation of cases filed by USAOs. Specifically, these "reopened" cases are shown as new cases when they were previously counted as new cases in prior fiscal years. Consequently, the actual number of cases filed per district office and by specific activity is

<sup>28</sup> Due to rounding, the percentages in this table total 100.01 percent.

imprecise, which could cause inaccurate assessments by management. EOUSA officials said that they cannot identify the number of instances in which this occurred unless they reviewed each individual case file.

Oversight of LIONS – EOUSA relies on the USAOs to review the information in LIONS to ensure its accuracy. In addition to EOUSA's guidance, LIONS contains error edits and drop-down lists that serve as a quality control device for entering casework data.<sup>29</sup> However, during our review of the LIONS data we discovered inconsistencies in the completeness and accuracy of the data that call into question whether the automated controls over the system are operating as intended. In particular, we identified several instances in which records contained mandatory fields that were unpopulated. For example, LIONS system documentation indicates that the field that is designed to identify the referring agency for incoming cases is mandatory. However, this field was not always populated in the data file we received. Although these inconsistencies generally accounted for less than 1 percent of the total number of records in the data file, EOUSA officials were uncertain how or why the system allowed this to happen.

Our review also identified another potential weakness in LIONS concerning immediate declinations. Immediate declinations refer to matters where USAOs expend less than 1 hour reviewing a matter before deciding not to prosecute. We found that no data from the District of Minnesota was included in the immediate declination data file provided to us. When we asked EOUSA officials about this anomaly, they were surprised that information covering several fiscal years would not be listed for an entire district. However, after following up with the district, EOUSA officials confirmed that the Minnesota USAO does not track immediate declinations.

As discussed previously, EOUSA has informed the USAOs that it will no longer accept assertions from USAOs that LIONS data (which originates at the district level) should not be relied upon in making decisions on requests for additional resources. Further, EOUSA officials said that their consideration of such resource requests will be based, in part, upon available data. According to the EOUSA Director, this should be a strong encouragement to the USAOs to ensure that the data originating from their offices is accurate.

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<sup>29</sup> Error edits and lists are designed to prohibit users from entering invalid codes and dates or skipping a required field.

### *Lack of Existing Resource Reallocation*

According to EOUSA officials, USAOs have historically maintained a base level of attorney FTEs from one fiscal year to the next and positions are rarely moved from one office to another. Consequently, when different offices' workloads evolve over time, some offices may be overstaffed while others may be understaffed.

EOUSA officials offered several reasons to explain EOUSA's difficulty in reallocating positions among USAOs once those positions have been assigned. According to EOUSA, the primary challenge is the resistance and opposition from several sources, including U.S. Attorneys, individual offices, and the AGAC.

According to EOUSA officials, involvement of the Attorney General or Deputy Attorney General is necessary for any widespread reallocation of resources. Moreover, in some instances annual congressional appropriations language specifies that a certain number of positions are to be placed in a specific district office to address a particular prosecutorial initiative. When that initiative is ended, the district office may no longer need those resources for that specific purpose. However, according to EOUSA officials, there is little EOUSA can do to take these positions away from the USAO and reallocate them elsewhere.

The working group that performed the most recent evaluation of the USAO resource allocation process concluded that it was politically impractical to reallocate existing positions among USAOs. The EOUSA Director discussed this conclusion with us and indicated that, although difficult, he believed that reallocation was possible and that EOUSA missed an opportunity to reallocate positions when the USAOs had a significant number of vacancies.

EOUSA was given a congressionally directed opportunity to redistribute resources among districts during the FY 2002 appropriations. In the reports accompanying the Department's 2002 appropriations, the Committees on Appropriations stated that they had attempted to revise the process of allocating resources among the USAOs to better align USAO staffing levels with their caseloads.<sup>30</sup> Some of the actions suggested by the Committees were the use of term positions and transferring specific numbers of

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<sup>30</sup> U.S. Senate, *Departments of Commerce, Justice, and State, The Judiciary, and Related Agencies Appropriation Bill, 2002*, S. Rept. 107-42; and U.S. House of Representatives, *Making Appropriations for the Departments of Commerce, Justice, and State, The Judiciary, and Related Agencies for the Fiscal Year Ending September 30, 2002, and for Other Purposes, 2002*, H. Rept. 107-278.

personnel to and from certain offices. However, the congressional reports state that each of the suggested actions was rejected by the U.S. Attorneys. As a result, the Committees concluded that EOUSA should step in and distribute human resources and funding among the USAOs so that “the interests of the American people were best served.” To provide EOUSA more freedom in this initiative, the Committees included language in its report to waive previous congressional guidance regarding the designation of funds for specific activities and locations. By March 2002, EOUSA was to submit to the Committee a report on the actions it planned to take.

According to an EOUSA official, EOUSA provided the Committees with a verbal report but did not reallocate any positions. EOUSA officials further told us that they were unaware of any additional congressional language on this topic since that time.

EOUSA has attempted to mitigate some of the resource discrepancies by assigning term positions to USAOs. Term positions are allocated to district offices for a specified time period. At the conclusion of this period, EOUSA has the ability to reallocate those positions to other offices based upon a reassessment of district office needs. Additionally, EOUSA officials explained that they have relied upon the current process for allocating new positions among the USAOs, which requires an evaluation of individual district needs and DOJ priorities, to resolve any staffing discrepancies. However, these officials also stated that there have not been a sufficient number of new positions provided in recent years to significantly alter the historic resource allocation levels of USAOs.

## **Conclusion**

We concluded that EOUSA does not have the necessary information to effectively evaluate and determine the optimal staffing levels of individual USAOs. Although the AGAC attempted in April 2006 to develop an objective model to statistically identify the appropriate level of resources for each district, it concluded that such a model was not feasible.

In addition, the data systems used by EOUSA and the USAOs to help manage personnel resources have significant deficiencies. The USA-5 system was created to capture the time spent by USAO personnel on various activities, while LIONS tracks each district’s casework data. EOUSA considers this information in resource planning and allocation decisions and relies upon this data to answer requests from Congress, the Attorney General, and the public. Given the widespread use of this data, it is important that it be accurate and complete. However, we found problems surrounding the accuracy of the data in both systems and recommend that



EOUSA and the USAOs place greater emphasis on accurately and specifically reporting attorneys' time and casework information.

EOUSA generally has not reallocated existing attorney positions from one USAO to another for a variety of reasons, including opposition from several sources, including individual USAOs that would be affected by the reallocations. Furthermore, EOUSA did not take advantage of a congressionally provided opportunity in FY 2002 to reallocate resources among USAOs.

We believe that EOUSA should take steps to address the data inconsistencies, develop a process to objectively determine the appropriate staffing levels of individual USAOs, and move to ensure that allocations are in accord with that process.

### **Recommendations**

We recommend that EOUSA:

1. Establish a standardized process for tracking time to cases involving multiple offenses to more accurately reflect attorney utilization.
2. Implement a policy requiring USAO personnel to record time in the USA-5 system on at least a weekly basis, as well as to record all time to a USA-5A category when such a category is available.
3. Develop a more user friendly electronic form for USAO personnel to report their time in the USA-5 system.
4. Implement a standardized approach among USAOs for categorizing cases within LIONS and the USAOs' new case management system – Litigation Case Management System.
5. Ensure that "reopened" cases are not reflected in the statistical reports in the fiscal years in which the cases were reopened.
6. More closely monitor the casework data transmitted by USAOs to ensure it is accurate and complete.
7. Re-emphasize to the USAOs the importance of utilization and casework data, how the data is used, and the necessity of accurately capturing this data.
8. Examine the current staffing levels of USAOs, and develop methods to reallocate resources among USAOs.

## **CHAPTER 3: UTILIZATION OF ATTORNEY RESOURCES**

While the number of attorney FTEs allocated to USAOs increased approximately 5 percent during our 5-year review period, USAOs utilized 5 percent fewer attorney FTEs in FY 2007 than in FY 2003. EOUSA officials attributed this situation to budget constraints. In addition to USAOs utilizing fewer attorney FTEs than allocated, we found that USAOs were not always utilizing attorney resources as funded by Congress. For example, USAOs expended more FTEs than allocated on firearms violations, health care fraud, and OCDETF matters, and expended significantly fewer FTEs than allocated on counterterrorism matters. Moreover, we found that EOUSA does not routinely perform comprehensive reviews of the number of attorneys utilized on specific types of criminal matters within each USAO. Instead, EOUSA relies on infrequent EARS reviews of utilization data and therefore does not receive timely information about district resource management issues.

### **Overall Utilization of Attorney Resources**

USAO attorney resources are measured in FTEs, and the number of FTEs assigned to an office by the Department is called its allocated amount. The use of these resources, which is referred to as utilization, is tracked through the USA-5 time reporting system.

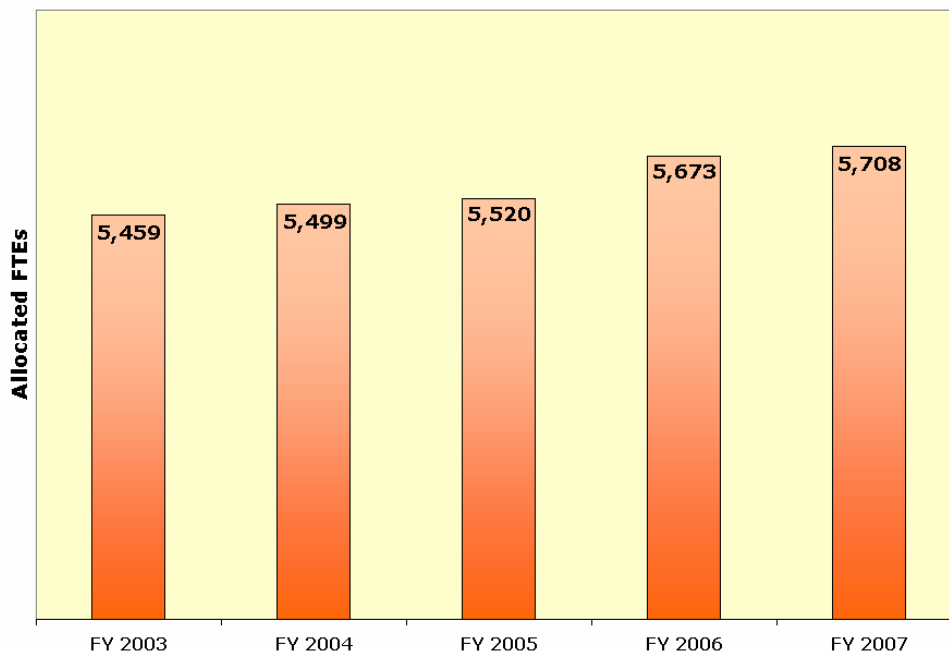
We obtained and analyzed data on both the allocation and utilization of attorney FTEs for FYs 2003 through 2007. As noted in Chapter 2, we identified several concerns with the accuracy and reliability of the USA-5 data. While we believe that these concerns may affect the analyses we performed, the overall results presented are useful for examining the utilization of attorneys in the USAOs. Further, the USA-5 data is the only utilization data available for purposes of our audit.

The number of attorney FTEs allocated to USAOs increased by 5 percent from 5,459 attorney FTEs in FY 2003 to 5,708 in FY 2007.<sup>31</sup> The following exhibit depicts attorney FTEs allocated to USAOs, which includes positions directly funded through the U.S. Attorney organization's budget and those funded through reimbursable programs such as OCDETF.

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<sup>31</sup> For purposes of our report, "attorneys" refer to both U.S. Attorneys and Assistant U.S. Attorneys.

**EXHIBIT 3-1**  
**TOTAL ATTORNEY FTEs ALLOCATED TO USAOs**  
**FYs 2003 THROUGH 2007**



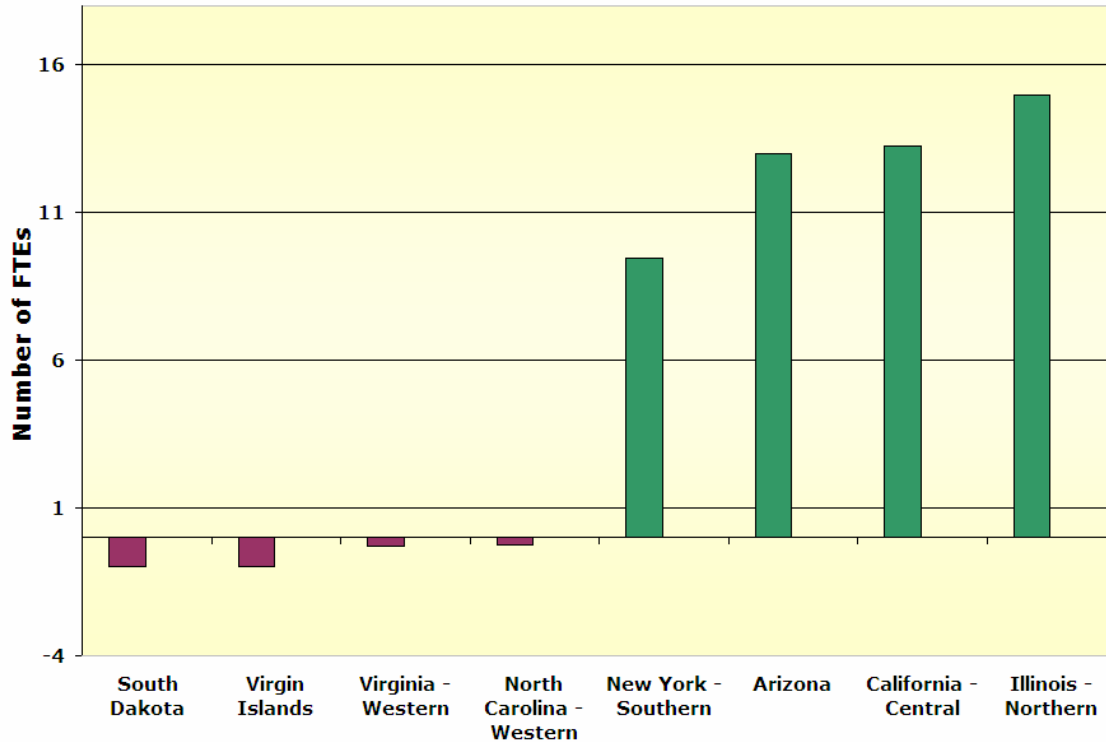
Source: OIG analysis of EOUSA Resource Management and Planning Staff Data

We also analyzed the allocations among individual USAOs and found that 4 of 93 offices had fewer allocated attorney FTEs in FY 2007 than in FY 2003, 73 offices had a greater number of allocated attorney FTEs, and 16 offices had the same number of allocated attorney FTEs during the same period.<sup>32</sup>

The following exhibit presents the USAOs experiencing the greatest changes - both increases and decreases - in allocated attorney FTEs from FYs 2003 to 2007. As shown, the Districts of South Dakota and the Virgin Islands each decreased by 1 FTE, or 3 percent and nearly 5 percent, respectively. In contrast, the greatest increase experienced by any single USAO in our review period occurred in the Northern District of Illinois, which was allocated 15 more attorney FTEs in FY 2007 than in FY 2003, equating to a 10-percent growth.

<sup>32</sup> While there are 94 USAOs, the allocation figures for the Districts of Guam and the Northern Mariana Islands are combined, resulting in the 93 USAOs presented in our analysis.

**EXHIBIT 3-2**  
**USAOs EXPERIENCING THE GREATEST CHANGES**  
**IN ALLOCATED ATTORNEY FTEs**  
**FYs 2003 TO 2007**



Source: OIG analysis of EOUSA Resource Management and Planning Staff data

As shown in Exhibit 3-3, in contrast to the total number of attorney FTEs allocated, which increased by about 5 percent from FYs 2003 to 2007, the total number of attorney FTEs utilized decreased during this same period.

We analyzed the USA-5 data for all attorney FTEs utilized by USAOs, grouped into three broad areas: (1) criminal matters, (2) civil matters, and (3) management and administration.<sup>33</sup> For this analysis, we included regular time worked as well as additional hours worked in excess of a regular 40-hour work week (which we refer to as additional hours or additional

<sup>33</sup> According to the USA-5 user's manual, management and administration applies to both criminal and civil matters. However, there is no way to distinguish between criminal and civil matters in the system. As a result, we considered management and administration as its own category.

FTEs).<sup>34</sup> While these figures do not represent the actual number of attorneys within USAOs, we believe it more closely reflects the total level of effort expended by attorneys.<sup>35</sup>

The following exhibit presents the total number of attorney FTEs utilized from FYs 2003 to 2007. As illustrated in the following table, USAOs utilized 292 fewer attorney FTEs in FY 2007 than in FY 2003 and expended the majority of their attorney resources on criminal matters.

<b>EXHIBIT 3-3</b>							
<b>TOTAL ATTORNEY FTEs UTILIZED</b>							
<b>FYs 2003 THROUGH 2007</b>							
<b>Category</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>Number Change FY 2007 – FY 2003</b>	<b>Percent Change FY 2007 – FY 2003</b>
Criminal	4,382	4,421	4,353	4,288	4,243	-139	-3.17%
Civil	1,247	1,263	1,261	1,232	1,204	-43	-3.45%
Management & Administration	645	603	563	559	535	-110	-17.05%
<b>Total</b>	<b>6,274</b>	<b>6,287</b>	<b>6,177</b>	<b>6,079</b>	<b>5,982</b>	<b>-292</b>	<b>-4.65%</b>

Source: OIG analysis of USA-5 data

EOUSA officials explained that the decline in attorney FTEs utilized was primarily a result of budget limitations occurring throughout most of our

<sup>34</sup> The USA-5 system tracks regular time and additional hours separately. Generally, attorneys are not compensated for additional hours they work beyond a 40 hour week. Federal law provides that most federal employees may be compensated only for additional time they work that is officially ordered or approved in writing by a supervisor. Although many Department attorneys work more than 40 hours per week, this additional time is generally not ordered or approved in writing and therefore not compensable. In 1999, a class of over 9,000 DOJ attorneys brought a lawsuit against the Department seeking pay for additional hours of work performed between 1992 and 1999, on the theory that although the additional hours were not approved in writing, the Department had expected and induced the attorneys to work additional time. Their claims were rejected by the United States Court of Appeals for the Federal Circuit. *Doe v. U.S.*, 463 F.3d 1314 (Fed. Cir. 2006), *cert. denied*, 127 S. Ct. 1910 (2007).

<sup>35</sup> Individual USAO personnel may record time to more than one activity during the course of a single day, week, month, or year. This means that a single FTE does not necessarily indicate one individual worked an entire year on a single activity; it could mean that 4 employees each worked 25 percent of their time during the year on that specific activity. Yet, in both cases the data would indicate that one FTE was expended on that activity for the entire fiscal year.

review period. According to EOUSA officials, the USAOs have not received enough funding to support the number of FTEs authorized in the annual appropriations. A senior EOUSA official informed us that EOUSA allocates all FTEs regardless of whether it has the necessary funding to actually support the FTEs. Appendix V lists each USAO and the total number of attorney FTEs utilized during FYs 2003 and 2007.

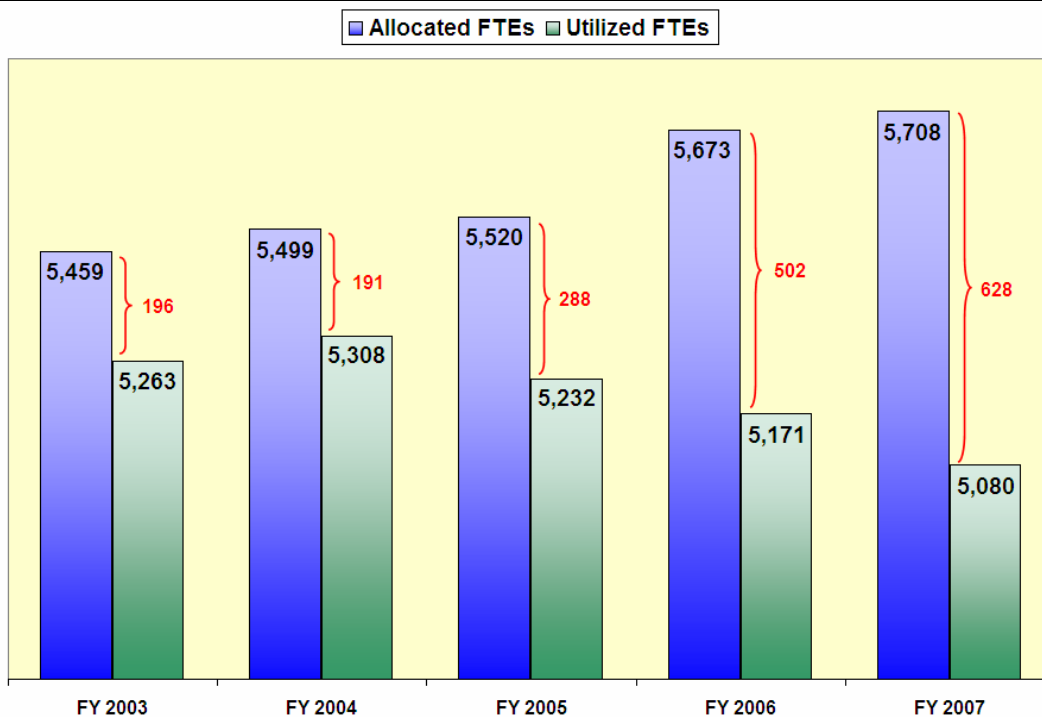
*Agency-wide Gap between Allocated and Utilized Attorney FTEs*

During our review, we examined each USAO's total allocated attorney FTEs to the actual number of attorney FTEs utilized.<sup>36</sup> The following exhibit displays the comparison of allocated FTEs to utilized FTEs for FYs 2003 through 2007.

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**EXHIBIT 3-4**  
**COMPARISON OF ATTORNEY FTEs**  
**ALLOCATED AND UTILIZED**  
**FYs 2003 THROUGH 2007**

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Source: OIG analysis of EOUSA Resource Management and Planning Staff and USA-5 data

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<sup>36</sup> We excluded the additional hours worked by USAO attorneys from this analysis. Therefore, the utilization figures shown in Exhibit 3-4 differ from those presented in Exhibit 3-3.

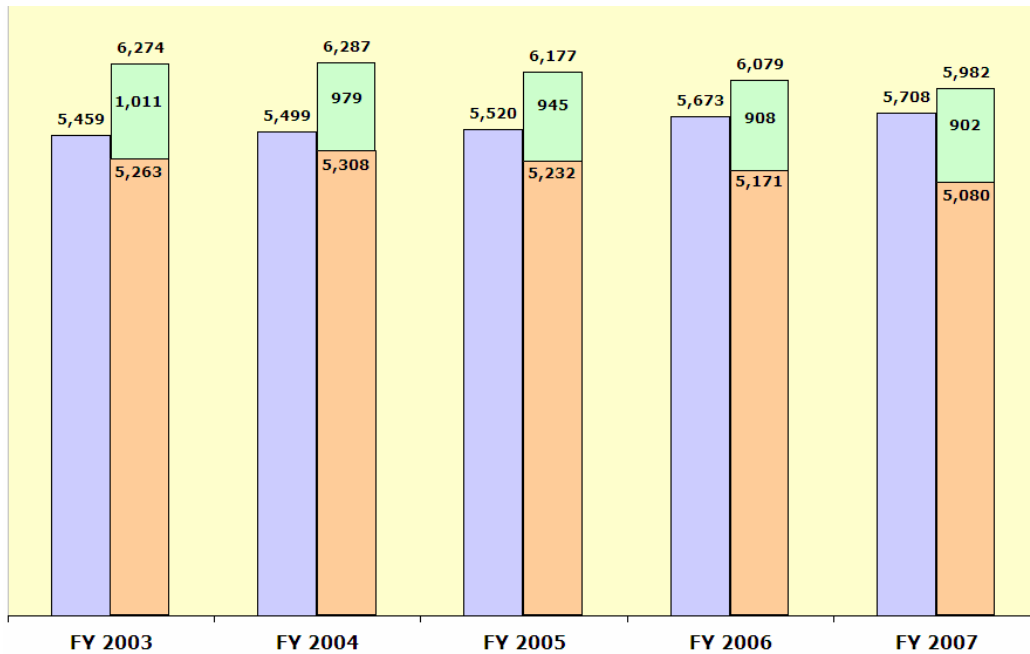
From this analysis, we determined that, in general, the gap between the allocated attorney FTEs and the attorney FTEs actually expended increased significantly throughout our review period. The largest gap between the allocated and utilized FTEs occurred in FY 2007, when USAOs utilized 628 fewer FTEs than allocated. Overall, this gap ranged from 3 to 11 percent during our review period.

According to EOUSA officials, the increase in the gap between allocated and expended FTEs was primarily a result of budget limitations in which USAOs did not have adequate funding to hire personnel up to the authorized level of FTEs. An EOUSA Assistant Director responsible for budget matters told us that the funding increases the organization received between FYs 2003 and 2007 were not enough to cover cost-of-living adjustments, increases in rent, and similar types of annual rising costs. Moreover, this official stated that EOUSA could not fully fund all of its reimbursable positions, such as OCDETF, with the reimbursable money provided for these positions. According to this official, since the reimbursable funding remained constant during our review period while costs increased, EOUSA had to supplement reimbursable funding with its direct appropriations. The EOUSA official said that, as a result, there were insufficient funds to fill these unused attorney FTEs.

We found, however, that additional hours worked by existing attorneys made up for the gaps between allocated and expended attorney FTEs that we identified. The USA-5 data we analyzed indicated that attorneys worked significantly in excess of 40 hours per week, which, as discussed previously, is uncompensated. When these additional attorney work hours are incorporated into the utilization data, the results reflect that the USAOs actually utilized a greater number of attorney FTEs than allocated, as shown in Exhibit 3-5.

**EXHIBIT 3-5**  
**COMPARISON OF ATTORNEY FTEs**  
**ALLOCATED, UTILIZED, AND ADDITIONAL**  
**FYs 2003 THROUGH 2007**

Allocated FTEs
  Utilized FTEs
  Additional FTEs



Source: OIG analysis of EOUSA Resource Management and Planning Staff and USA-5 data

*USAO-specific Gaps between Allocated and Utilized Attorney FTEs*

Despite the overall results presented in Exhibit 3-4, we identified 34 offices utilizing more attorney FTEs (ranging from 0.01 FTE to 3.82 FTEs), when excluding additional hours, than they were allocated during at least one fiscal year of our review period. According to EOUSA officials, this occurred due to the use of term positions as well as waivers granted by EOUSA that were not recorded in the allocation database.<sup>37</sup> Specifically, districts are sometimes provided term positions to backfill for AUSAs who are detailed to another DOJ component. During such details, both the detailed AUSA and the backfilled term position report their time on the USA-5 of the detailed AUSA's home district, which will indicate that a district is utilizing more resources than allocated. Further, a waiver allows a district to over-hire for a specific purpose or time period. As a result, the USAO may report

<sup>37</sup> According to an EOUSA official, waivers are provided to help when a district experiences a temporary increase in workload by granting additional resources for a specific period of time.



a greater utilization of resources on the USA-5 than resources allocated for the period. However, EOUSA did not confirm that these explanations applied to each of the instances identified in our analysis.

We further examined the gap between the allocation and utilization of USAO attorney FTEs according to office size. During our review period, EOUSA categorized offices into 4 types based upon the allocated attorney staffing levels – extra-large (greater than or equal to 100 attorneys), large (between 45 and 99.9 attorneys), medium (between 25 and 44.9 attorneys), and small (less than 25 attorneys). Using this categorization scheme, we found that the percentage of unused attorney FTEs (expending fewer attorney FTEs than allocated) within each group generally increased from FYs 2003 to 2007 as depicted in Exhibit 3-6.

<b>EXHIBIT 3-6</b>					
<b>PERCENTAGE OF UNUSED ATTORNEY FTEs</b>					
<b>FYs 2003 THROUGH 2007</b>					
<b>USAO Category</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>FY 2007</b>
Extra-large	4.11%	4.56%	5.79%	11.62%	14.50%
Large	3.33%	2.45%	4.92%	7.54%	9.18%
Medium	2.58%	1.81%	4.46%	4.60%	6.28%
Small	3.41%	3.40%	4.23%	5.39%	5.85%

Source: OIG analysis of EOUSA Resource Management and Planning Staff and USA-5 data

We determined that the percentage of unused attorney FTEs was, on average, highest among the extra-large and large offices. An EOUSA official explained that the extra-large and large offices maintain larger budgets with considerable staffs. Therefore, when EOUSA began experiencing budget shortages, EOUSA decided to target these offices first because it believed that the extra-large and large offices could better sustain greater budget cuts and vacancies than the medium and small offices. Moreover, this EOUSA official explained that the extra-large and large offices tend to be located in metropolitan areas that generally experience greater cost of living fluctuations, as well as larger job markets, which affect the turnover of staff and attrition rates at these USAOs. Appendix VI displays the percentage gap between allocated and expended attorney FTEs for each USAO.

#### *“Burn” Rates*

EOUSA uses the term “burn rate” to refer to the difference between allocated resources and actual utilized resources. An “overburn” occurs when more resources are utilized than allocated, and an “underburn” occurs when fewer resources are utilized than allocated. We calculated burn rates

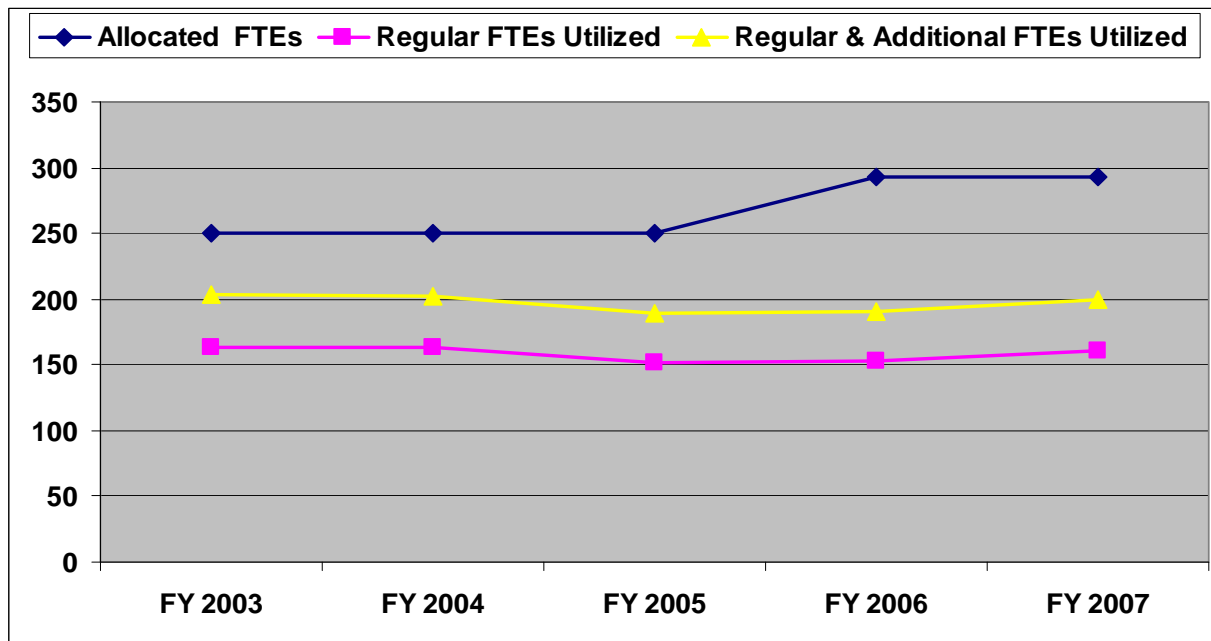
by comparing the numbers of attorney FTEs allocated to specific program areas to time utilization data from the USA-5 system to determine if USAOs were utilizing attorneys in accordance with the funding provided by Congress for specific activities to which the FTEs were allocated.

We focused this analysis on the program areas of counterterrorism, firearms, health care fraud, and OCDETF because EOUSA specifically tracks the allocation and utilization of attorneys for each of these areas. We found that in total USAOs were expending more resources than were allocated in several of these areas. However, the USAOs were not expending as many attorney FTEs on counterterrorism matters as allocated throughout our review period.

As shown in Exhibit 3-7, USAOs were allocated 250 attorney FTEs for counterterrorism matters during FYs 2003 through 2005. The USAOs only expended between 151 and 163 FTEs on these matters during this period. Including additional hours worked by attorneys, the USAOs utilized between 189 and 204 attorney FTEs, significantly less than the allocated FTE levels.

An additional 43 attorney FTEs were allocated to USAOs for counterterrorism in FY 2006. During FYs 2006 and 2007, the USAOs had a total of 293 attorney FTEs allocated for counterterrorism matters. Nonetheless, as reflected in the following exhibit, the USAOs continued expending approximately the same number of attorney FTEs on counterterrorism matters in FYs 2006 and 2007 as they had during FYs 2003 through 2005. During the audit close-out meeting, the EOUSA Director explained that due to the timing of the FY 2006 appropriations, these additional counterterrorism attorney FTEs would not have been captured (or utilized) until FY 2007 or later. Nonetheless, based on our analysis of this data collected during our review period, it appears that USAOs are not devoting the full amount of allocated attorney resources to counterterrorism matters.

**EXHIBIT 3-7**  
**COMPARISON OF ATTORNEY FTEs**  
**ALLOCATED AND UTILIZED ON COUNTERTERRORISM MATTERS**  
**FYs 2003 THROUGH 2007**



Source: OIG analysis of EOUSA Resource Management and Planning Staff and USA-5 data

We discussed this discrepancy with the EOUSA Director, who told us that EOUSA recently became aware of this underutilization and had reported the matter to the Deputy Attorney General and the AGAC. He explained that this underburn was partially due to inaccurate time reporting by AUSAs and partially due to investigative agencies not bringing as many terrorism-related matters to the USAOs as they had in the past. He stated that USAOs should be expending appropriate resources in priority areas, such as counterterrorism, and said he is working with the AGAC to enhance utilization of AUSAs in counterterrorism. In particular, the Director stressed the importance of USAOs being proactive in their terrorism-related work, such as participating in local task forces and other activities that may not be associated with specific terrorism cases.

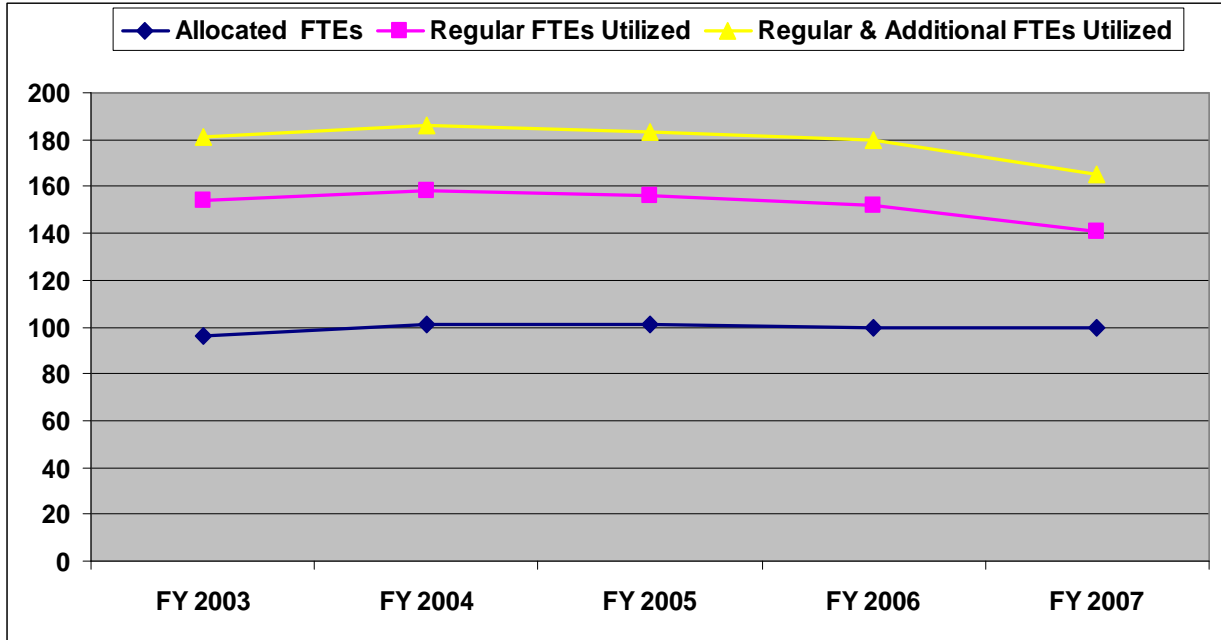
We also reviewed the counterterrorism burn rates within each USAO and found that the number of districts that used at least 1.50 fewer attorney FTEs in counterterrorism matters than allocated increased from 11 USAOs in FY 2003 to 28 USAOs in FY 2007. For example, during FYs 2003 to 2006, the Southern District of New York was allocated 15 attorney FTEs for counterterrorism work, yet the district consistently utilized less than was allocated – ranging from an underutilization of 5.65 to 11.80 FTEs.

Additionally, we determined that the Eastern District of Virginia underutilized 7.54 attorney FTEs allocated to counterterrorism during FY 2007.

In addition to the counterterrorism underburns identified among districts, we found that some districts received an additional allocation of counterterrorism resources in FY 2006 even though those districts had not fully expended the allotment of counterterrorism FTEs provided to them during FYs 2003 through 2005. For instance, the District of New Jersey was allocated 8 attorney FTEs for counterterrorism purposes during FYs 2003 through 2005, but only utilized between 5.38 and 6.33 attorney FTEs to address such matters during this time period. In FYs 2006 and 2007, the District of New Jersey's counterterrorism allocation increased to 9 attorney FTEs, yet the district expended even fewer attorney FTEs on such matters during this timeframe – thus resulting in a greater underburn. Appendix VII illustrates the underutilization or overutilization of attorney FTEs on counterterrorism matters for each USAO.

In contrast to our review of counterterrorism burn rates, throughout our review period USAOs generally expended more attorney FTEs than were allocated on firearms, health care fraud, and OCDETF matters. For example, USAOs continued to utilize more attorney FTEs than were allocated on health care fraud matters during FYs 2003 through 2007, as depicted in Exhibit 3-8. Although the number of attorney FTEs addressing health care fraud matters has steadily declined from FYs 2004 to 2007, USAOs were still expending at least 65 more FTEs (including additional hours worked by attorneys) than allocated during this timeframe.

**EXHIBIT 3-8**  
**COMPARISON OF ATTORNEY FTEs**  
**ALLOCATED AND UTILIZED ON HEALTH CARE FRAUD MATTERS**  
**FYs 2003 THROUGH 2007**

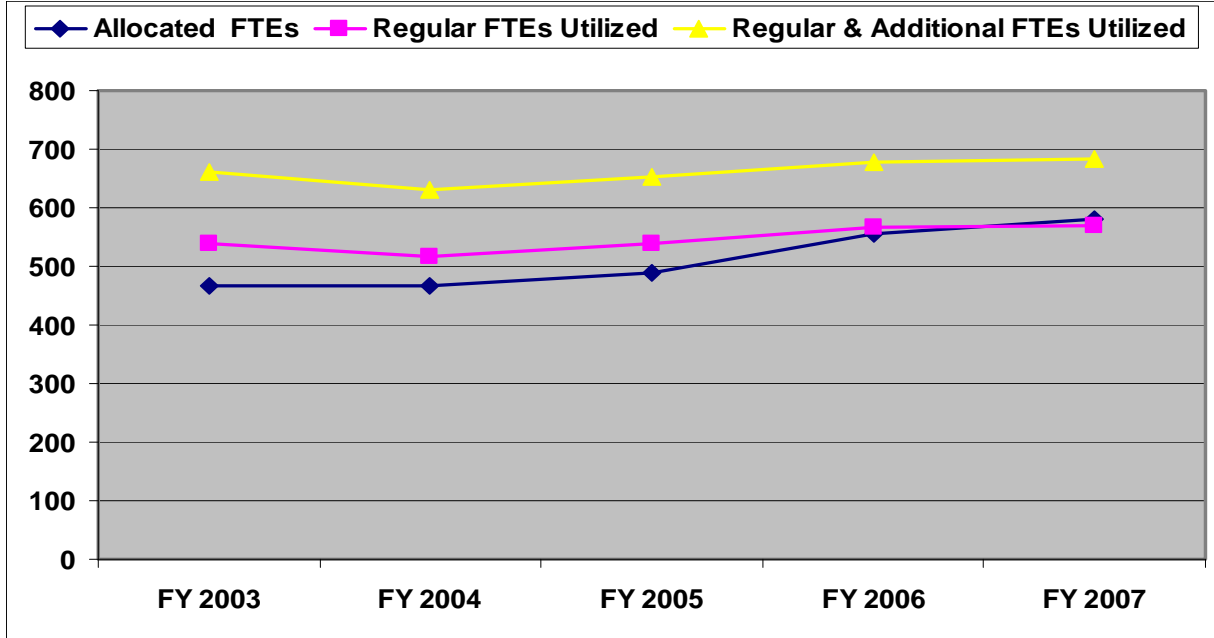


Source: OIG analysis of EOUSA Resource Management and Planning Staff and USA-5 data

Several USAOs were utilizing fewer attorney FTEs than allocated for health care matters. For example, the Southern District of New York was allocated six attorney FTEs for health care fraud purposes but, on average, only utilized half of these resources on such matters during FYs 2005 through 2007. Moreover, we found that some offices were allocated an attorney FTE to address health care fraud matters but expended little, if any, attorney resources on such matters during our review period. An illustration of the overutilization and underutilization by individual USAOs on health care fraud matters is provided in Appendix VIII.

USAOs in total have been allocated a significant number of attorney FTEs for OCDETF drug cases, ranging from 468 FTEs in FY 2003 to 582 FTEs in FY 2007. Except for a slight decline in FY 2004, there has been a continual increase in the number of attorney FTEs utilized by USAOs on OCDETF matters throughout our review period. Exhibit 3-9 presents the attorney resource data related to OCDETF.

**EXHIBIT 3-9**  
**COMPARISON OF ATTORNEY FTEs**  
**ALLOCATED AND UTILIZED ON OCDETF MATTERS**  
**FYs 2003 THROUGH 2007**

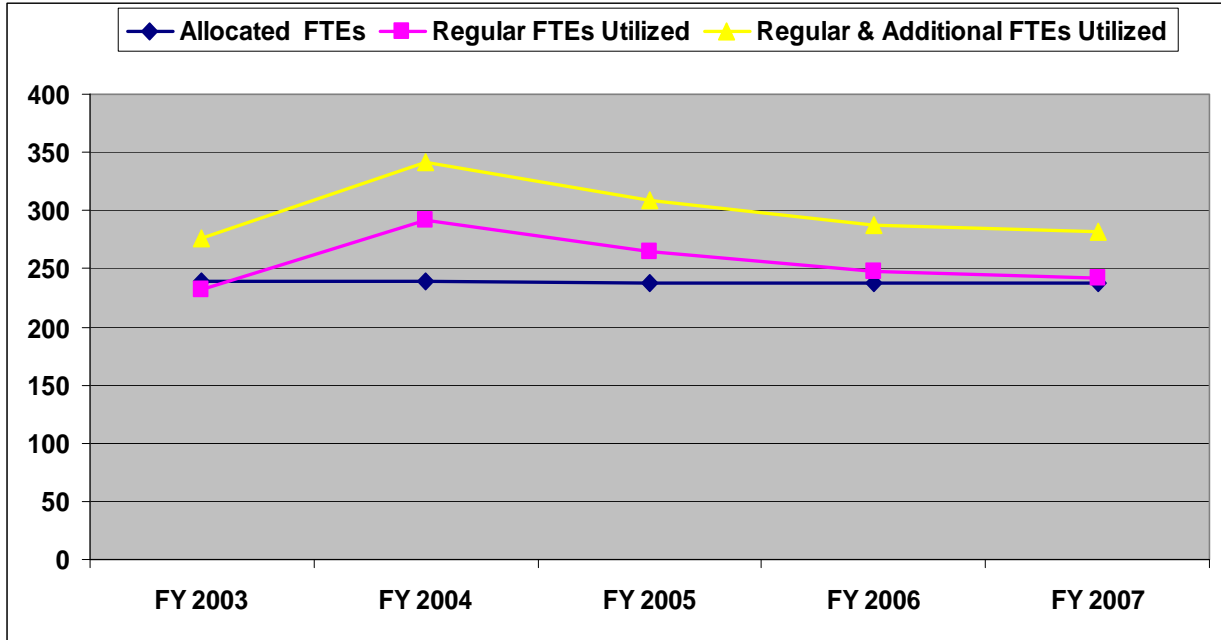


Source: OIG analysis of EOUSA Resource Management and Planning Staff and USA-5 data

Throughout our review period, the majority of USAOs utilized more attorney FTEs on OCDETF matters than were allocated for this purpose. The District of Columbia, Southern District of Florida, and Northern District of Illinois were among the top five USAOs that experienced an overburn in this area during each of the 5 fiscal years under review. Appendix IX shows which USAOs underutilized or overutilized attorney FTEs on OCDETF matters.

Similar to our results regarding OCDETF, USAOs have continued to utilize more attorney FTEs than allocated on firearms matters from FYs 2003 through 2007. However, the overburn has gradually decreased from FY 2004 to FY 2007, as reflected in Exhibit 3-10.

**EXHIBIT 3-10**  
**COMPARISON OF ATTORNEY FTEs**  
**ALLOCATED AND UTILIZED ON FIREARMS MATTERS**  
**FYs 2003 THROUGH 2007**



Source: OIG analysis of EOUSA Resource Management and Planning Staff and USA-5 data

Overall, USAOs used more attorney resources than allocated on firearms matters. However, 20 districts expended at least 1 fewer attorney FTE than allocated on such matters during FY 2007. For example, the Eastern District of Missouri was allocated six attorney FTEs for firearms matters but only used approximately one attorney FTE on such matters during each fiscal year of our review period. In contrast, the District of Columbia significantly exceeded its FTE firearms allotment during each fiscal year of our review, ranging from an overutilization of 23.39 FTEs in one year to 61.77 FTEs in another year. A district-by-district assessment of attorney FTEs addressing firearms matters is contained in Appendix X.

At the audit close-out meeting, EOUSA officials stated that EOUSA and the USAOs have begun to address the underutilization of personnel resources in particular prosecutive areas.

**EOUSA Monitoring of Attorney Utilization**

EOUSA does not receive routine resource utilization reports that provide a comprehensive assessment of the number of attorneys being utilized on specific types of matters within each USAO. Rather, EOUSA

monitors the utilization of resources to some degree as part of each district's EARS reviews, which, as explained in Chapter 1, were being conducted every 4 to 5 years during our review period. The Data Analysis Staff at EOUSA also analyzes USAO data on an ad hoc basis when the office receives a request. According to a high-ranking EOUSA official, however, EOUSA does not have sufficient and regular knowledge of how many and what kind of resources the USAOs utilize, which makes it difficult to determine what resources an office needs. Because EOUSA relies on the infrequent EARS reports and ad hoc Data Analysis Staff reviews, it has remained unaware of district resource usage for lengthy periods of time.

We believe that EOUSA should perform comprehensive assessments on the number of attorneys utilized on specific types of matters within each USAO on a regular basis. These types of assessments would provide EOUSA with a better understanding on how many and what kind of resources USAOs utilize, which would provide important information to determine what resources an office needs. EOUSA told us that they are aware of this problem and that they plan to create a systematic model to regularly collect and review this type of information. However, while we believe such comprehensive reviews will provide EOUSA with critical information, as discussed in Chapter 2, EOUSA must first correct the deficiencies affecting the reliability of this data.

In addition, as part of its efforts we believe that EOUSA should include analyses that are similar to what we have described in this chapter. Specifically, EOUSA should include in this process routine reviews of USAO burn rates in specific prosecutorial areas to help it identify potential misallocations of resources and take corrective action in a timely manner.

## **Conclusion**

We determined that the number of attorney FTEs allocated to USAOs increased by approximately 5 percent throughout our review period. In contrast, USAOs utilized 5 percent fewer attorney FTEs in FY 2007 than in FY 2003.

Our analyses revealed that, in general, the overall gap between allocated and utilized attorney FTEs significantly increased throughout our review period. According to EOUSA officials, this increase occurred mainly because USAOs had limited budgets to address annual rising costs, such as cost-of-living adjustments and increases in rent, and also had to use a portion of their budgets to fully staff reimbursable program areas. As a result, USAOs did not have adequate funds remaining to fill the authorized level of attorney FTEs.



However, we determined that these gaps between allocated and utilized attorney FTEs were mitigated when we factored additional hours worked by attorneys into our evaluation. When combining the additional hours with the regular time charged by attorneys, the USAOs utilized a greater number of attorney FTEs than allocated throughout our review period.

We also analyzed the utilization of attorney resources on specific prosecutorial matters. Based upon this analysis, we determined that EOUSA is not regularly monitoring the use of USAO resources and the purposes for which the resources were allocated. We found that USAOs did not devote the allocated level of attorney resources on counterterrorism matters throughout our review period. We also identified an underutilization of attorney resources in other prosecutorial areas within some individual USAOs, including health care fraud and OCDETF matters. In contrast, we identified an “overburn” of attorney resources addressing firearms, health care fraud, and OCDETF matters. At the audit close-out meeting, EOUSA officials stated that EOUSA and the USAOs have begun to address the underutilization of personnel resources in particular prosecutive areas.

EOUSA management does not receive routine resource utilization reports that provide a comprehensive assessment of the number of attorneys being utilized on specific types of matters within each office. Although EOUSA asks about the utilization of resources as part of periodic EARS reviews, individual offices have recently been reviewed only every 4 to 5 years. We believe that EOUSA should perform a comprehensive assessment on the number of attorney FTEs utilized on specific types of matters within each USAO on a regular basis to identify any resource utilization issues similar to what we found and to obtain information for assessing what resources an office needs.

## **Recommendation**

We recommend that EOUSA:

9. Perform comprehensive assessments on a regular basis of the number of attorneys utilized on specific types of matters within each USAO, including a comparison to where the resources were allocated.

## CHAPTER 4: USAO CASEWORK

We examined USAO casework data to determine the rates at which criminal matters referred to USAOs were prosecuted, declined, or still pending. We found that a large percentage of the total criminal matters referred to USAOs throughout our 5-year review period remained in a pending status as of the end of FY 2007, including 27 percent of all criminal matters referred during FYs 2003 and 2004. We further evaluated this information by specific prosecutorial areas and found that the rates at which USAOs prosecuted referred narcotics, violent crime, and immigration matters were higher than the rates for public corruption, civil rights, and terrorism matters.

### Factors Affecting USAO Casework

According to EOUSA officials, several factors influence the type of cases worked by USAOs, including national and district priorities, availability of personnel resources, complexity of cases, and changes in priorities within investigative agencies. While some of these factors are within the control of USAOs, most are not.

#### *National and District Priorities*

USAOs are supposed to consider DOJ national priorities when managing their workload. Since the terrorist attacks of September 11, the top priority of the Department has been the prevention of terrorist attacks. According to the U.S. Attorneys' Annual Statistical Report, in addition to counterterrorism the national criminal prosecution priorities for USAOs between FYs 2003 and 2006 were firearms, narcotics, corporate fraud, and civil rights.<sup>38</sup> In FY 2007, cyber crime, crimes against children, and official corruption were added as national USAO priorities. According to EOUSA and USAO officials, the Department does not establish specific priorities for civil litigation because USAOs are required to accept all defensive litigation cases, which are the majority of civil cases handled by USAOs.

In addition to the national priorities, each USAO must meet the prosecutorial needs of its district. As a result, a district has the ability to target crime areas that, while not national priorities, pose problems or threats in its jurisdiction.

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<sup>38</sup> According to EOUSA officials, EOUSA does not rank non-terrorism priorities because each is considered equally important within DOJ.

### *Availability of Resources and Case Complexity*

Authorized positions that remain unfilled may limit the types and number of cases handled by individual USAOs. As noted previously, budget limitations have resulted in an inability to staff USAOs at allocated levels, which in turn has led to a high rate of unused attorney FTEs and a decrease in the amount of attorney FTEs utilized.

In addition, the types of cases that USAOs handle vary in complexity with USAOs expending more time and resources developing and prosecuting complex cases. EOUSA attempted to develop a formula to measure case complexity, but determined it was not feasible to develop such a metric.

### *Focus of Investigative Agencies*

The workload of USAOs is also dependent upon referrals from investigative agencies. When investigative agencies reprioritize their workloads, the USAOs may experience a similar shift in their casework. Moreover, declines or increases in certain types of criminal matters prosecuted by USAOs are often a direct reflection of the work done by investigative agencies. USAOs do not control the types of cases referred to them and thus cannot always control the changes in the types of cases prosecuted.

### **USAO Criminal Casework**

Law enforcement agencies present information about their matters to the appropriate USAO, which decides if criminal charges will be filed. A district office records this information in LIONS as a matter referred. The matter becomes a case in LIONS once a USAO files an indictment or information in court.

According to the U.S. Attorneys' Manual, USAOs must consider whether there is sufficient admissible evidence to obtain and sustain a conviction when making their determination about accepting matters for prosecution. The Manual advises USAOs to weigh additional relevant considerations, including: (1) federal law enforcement priorities, (2) the nature and seriousness of the offense, (3) the deterrent effect of prosecution, (4) the person's culpability in connection with the offense, (5) the person's history with respect to criminal activity, (6) the person's willingness to cooperate in the investigation or prosecution of others, and (7) the probable sentence or other consequences if the person is convicted. When USAOs determine not to accept a matter for federal prosecution, it is referred to as a declination.

Several factors affect the timing of decisions to accept or decline a matter for prosecution. In certain instances, the matters referred require additional investigation before USAOs are able to decide whether to prosecute. In addition, USAOs may not have available resources to thoroughly review all matters referred at any given time. Moreover, for certain types of matters, USAOs must request approval from other entities prior to making a decision whether to prosecute. For example, the DOJ National Security Division must review and approve terrorism-related matters before USAOs file for prosecution. In each of these instances, referred matters remain in a pending status until a decision is made to either prosecute or decline the matter.<sup>39</sup>

### *Total Criminal Casework Analysis*

In our review of USAO criminal casework, we first examined the total number of criminal matters referred to USAOs that were filed, declined, or pending. This data is provided in Exhibit 4-1.<sup>40</sup> Matters filed and declined may not have occurred in the same fiscal year in which the matters were referred. Therefore, we focused on the criminal matters referred to USAOs during each fiscal year and the status of those matters over the span of our review period.<sup>41</sup>

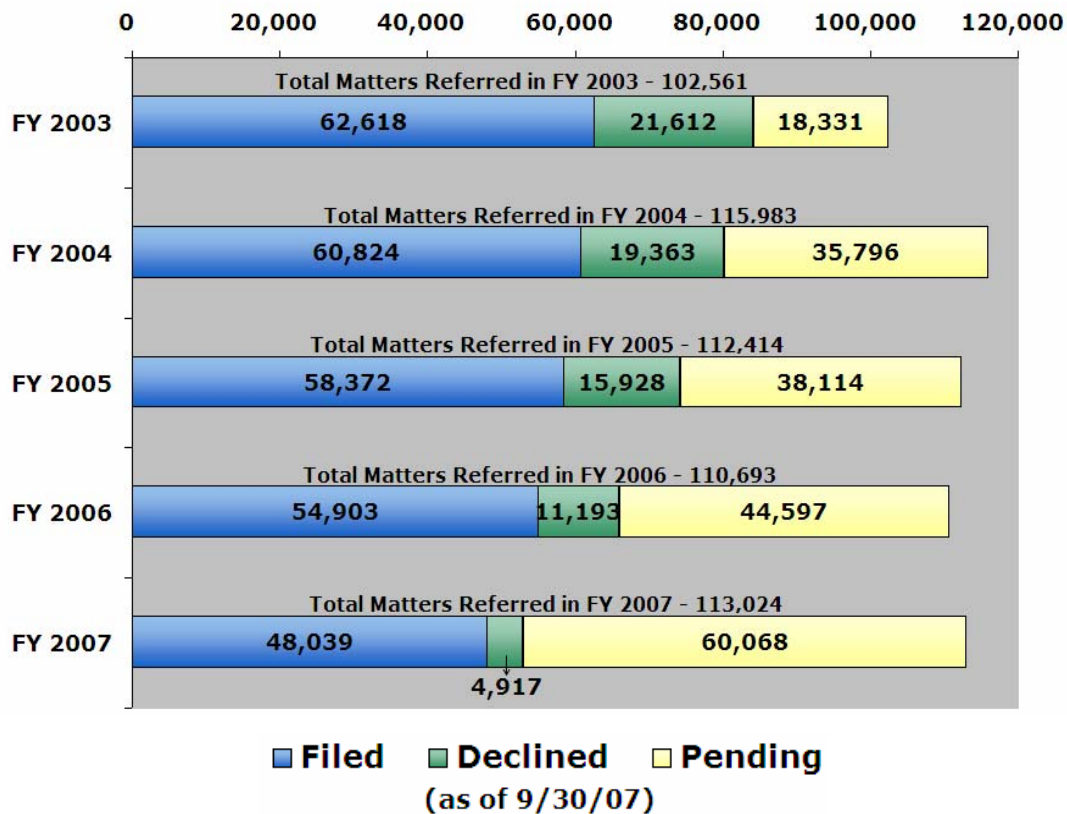
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<sup>39</sup> “Immediate declinations” are recorded when attorneys decide to decline a matter after reviewing it for less than 1 hour. In contrast, “later declinations” are recorded when a decision is made not to continue with the investigation of a matter that has been opened in LIONS and has been under consideration for prosecution for more than 1 hour.

<sup>40</sup> For purposes of our analysis, we combined immediate and later declinations.

<sup>41</sup> As noted in Chapter 2, we identified several concerns with the accuracy and reliability of the LIONS data. While we believe that these concerns may affect the analyses we performed, we believe the overall results presented have utility for examining the prosecutorial activity in the USAOs. Further, the LIONS data is the only such data available for purposes of our audit and is relied upon by EOUSA.

**EXHIBIT 4-1**  
**TOTAL CRIMINAL MATTERS REFERRED TO USAOs**  
**FYs 2003 THROUGH 2007**



Source: OIG analysis of LIONS data

As noted in Exhibit 4-1, the total number of criminal matters referred to USAOs increased by 10,463, or 10 percent, from FYs 2003 through 2007 – growing from 102,561 in FY 2003 to 113,024 in FY 2007. We also found a growing number of pending matters throughout our review period. In total, 196,906 matters referred between FYs 2003 and 2007 still remained pending as of September 30, 2007. Over 25 percent of the total pending matters were referred during FYs 2003 and 2004.

When we provided this data to EOUSA officials, they expressed surprise at the high rate of pending matters, particularly in certain prosecutorial areas (discussed later in this chapter). Although several factors affect the timing of USAOs’ decisions to prosecute or decline matters, the large number of matters that LIONS reflected as still pending at least 3 years after being initially referred to the USAOs seemed unusual. In addition, EOUSA was unable to explain this high percentage of pending cases without reviewing individual USAO files.

Given EOUSA's surprise at the large percentage of pending matters and its inability to fully explain the results of our LIONS data analysis, we attempted to assess whether the matters were actually still pending or whether the LIONS data was inaccurate. We therefore judgmentally selected a limited sample of 50 pending matters – 10 matters from 5 of the prosecutorial areas reviewed. Through coordination with EOUSA, we asked the applicable USAOs to review the matters and notify us, in writing, whether the matters were, in fact, pending and if so why they remained pending.

According to the USAOs' responses, 22 of the 50 pending matters were accurately reflected as awaiting a decision to prosecute as of September 30, 2007. Of these 22 pending matters, several were either still under investigation or the decision to file or decline the matter for prosecution had been made during FY 2008. Moreover, 11 of the 22 pending matters were referred to the USAOs between FYs 2003 and 2005, while the remaining 11 were referred during FYs 2006 and 2007.

The USAOs responded that the remaining 28 matters were not actually pending and were instead shown as being terminated within the local LIONS databases, but not in National LIONS, which is the system that EOUSA uses for statistical reporting and resource decision-making. The USAOs stated that several of the matters had been prosecuted and the defendants sentenced prior to September 30, 2007.

When we discussed these discrepancies with EOUSA officials, they stated that EOUSA does not check the accuracy of the data in the National LIONS by comparing it to what was transmitted from the USAOs or what is reflected in the LIONS databases maintained in the district offices. EOUSA officials stated that EOUSA instead relies upon data certifications performed semiannually by district offices.<sup>42</sup> However, these certifications are done in the districts and address only the data that the districts submit to EOUSA, not what is ultimately stored in the National LIONS. Our analysis shows that these data sets are inconsistent.

EOUSA officials provided a variety of reasons as to why some of the matters in our sample would have had subsequent case filings and terminations in the districts' LIONS that were not reflected in the National LIONS. For instance, EOUSA officials explained that the National LIONS was not capturing all cases filed by districts due to an error in the transmission

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<sup>42</sup> EOUSA requires all districts to prepare semi-annual certifications, signed by the U.S. Attorney, indicating that the information contained in each USAO's local database has been reviewed and accurately reflects the status of pending matters, cases, and appeals.

process. Specifically, the National LIONS does not contain information on any cases filed by USAOs during a 24-hour timeframe between noon on September 30 and noon on October 1 of each fiscal year. EOUSA officials also stated that some matters may have been terminated without a case having been filed because the matter was handled in a certain court setting, such as magistrate court, and that these actions are not reflected in LIONS as case filings. During the audit close-out meeting, EOUSA officials were interested in these results and advised that EOUSA would look into this matter.

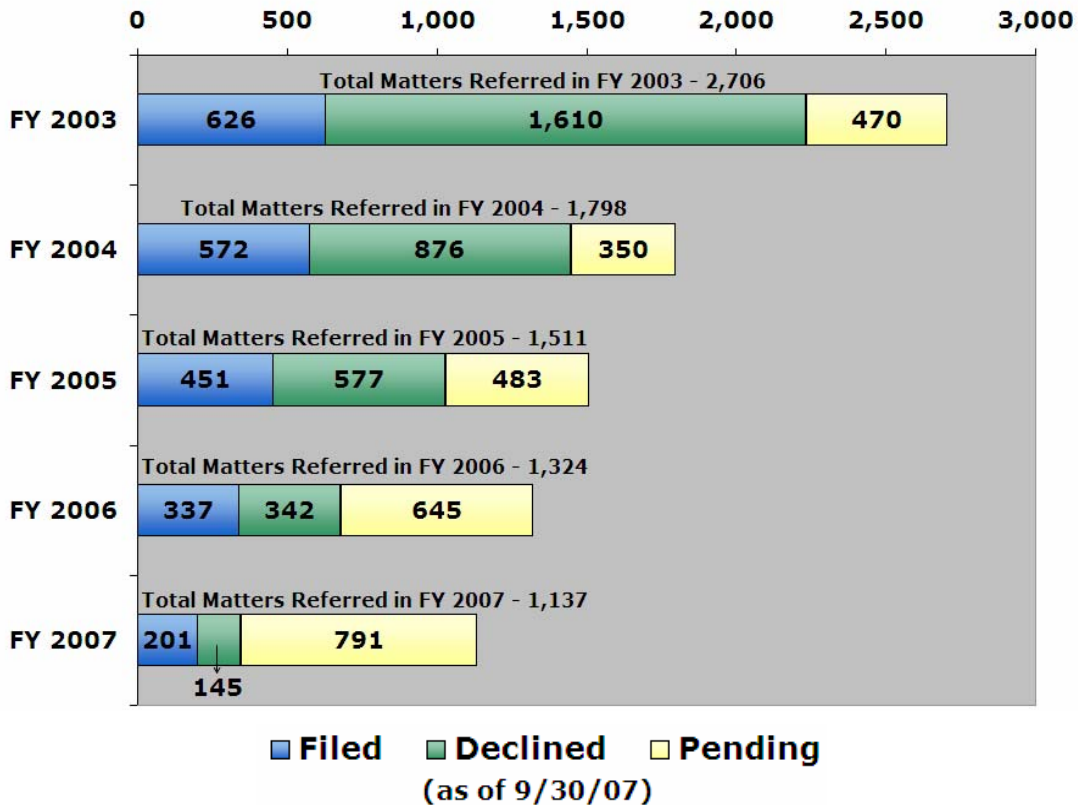
We believe that our analysis has revealed significant additional concerns over the accuracy and reliability of LIONS data. Therefore, EOUSA needs to implement a mechanism for testing the reliability of the National LIONS data and communicating with the districts on a regular basis to ensure that all the information in this system accurately depicts the districts' casework.

#### *Criminal Casework Analysis by Prosecutorial Area*

We also reviewed the matters referred to USAOs by program categories to determine if there were any trends in the types of matters USAOs accepted or declined, as well as those that remained in a pending status. Specifically, we analyzed matters referred during FYs 2003 through 2007 and assessed the percentage of those matters that were filed, declined, or pending.

Terrorism – As reflected in the following exhibit, we determined that the number of terrorism-related matters referred to USAOs gradually declined from FYs 2003 through 2007. In addition, the percentage of terrorism-related matters accepted for prosecution gradually declined between FYs 2004 and 2007 – from 32 percent in FY 2004 to 18 percent in FY 2007. According to EOUSA officials, these types of matters usually remain in a pending status for a longer period of time because the investigative agencies oftentimes ask the USAOs to refrain from filing any charges while the agencies gather intelligence and complete their investigations.

**EXHIBIT 4-2**  
**NUMBER OF TERRORISM-RELATED MATTERS REFERRED TO USAOs**  
**FILED, DECLINED, OR PENDING**  
**FYs 2003 THROUGH 2007**



Source: OIG analysis of LIONS data

From a district perspective, our analysis showed that from FYs 2003 to 2007, the extra-large USAOs generally received the majority of terrorism-related referrals.

We also identified substantial variations in the number of matters filed, declined, or pending among similar-sized district offices, including the following:

- Of the 296 terrorism-related matters referred to the Northern District of California, only 7 percent were accepted for prosecution.
- In contrast, of the 440 terrorism-related matters referred to the Middle District of Florida, 52 percent were accepted.

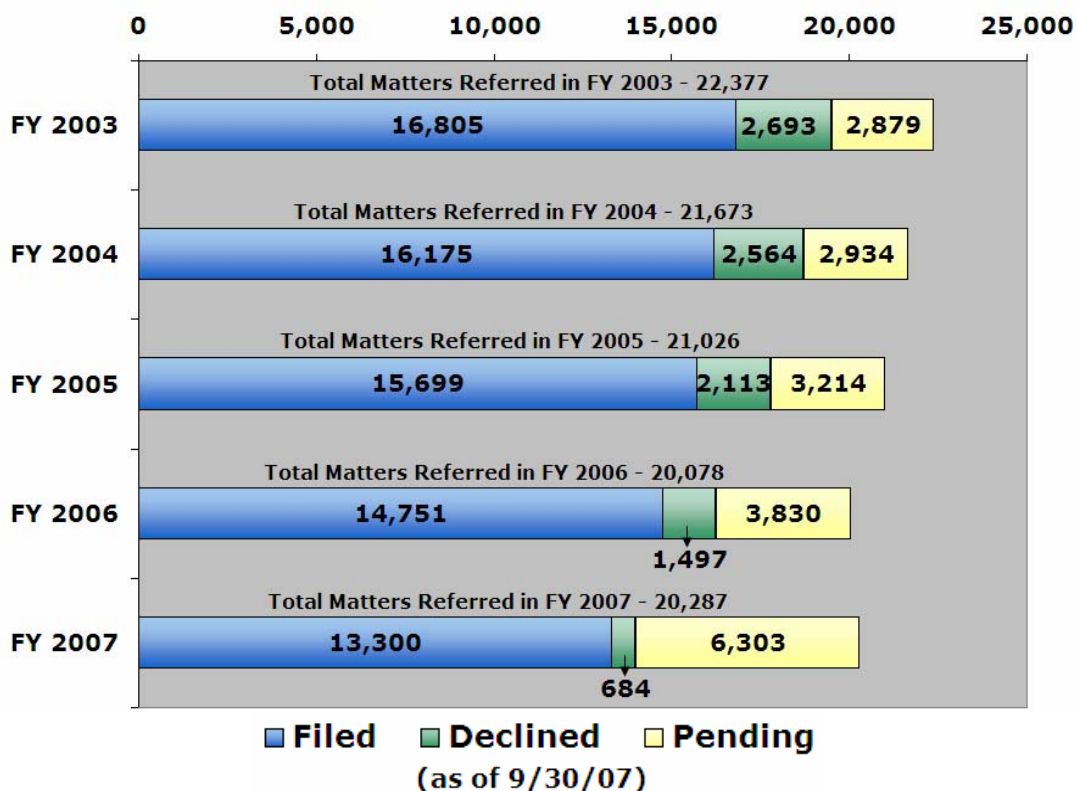
Appendix XI provides a detailed listing of the total number of terrorism-related matters referred to each USAO during FYs 2003 through



2007, including the number and percent of those matters filed, declined, or pending as of September 30, 2007.

Narcotics – USAOs filed for prosecution a significant percentage of the referred narcotics matters during each fiscal year of our review period, as reflected in Exhibit 4-3. In particular, the USAOs filed approximately 75 percent of the narcotics matters referred during each given fiscal year between FYs 2003 and 2006, and 66 percent of the FY 2007 matters. According to EOUSA and USAO officials, a large number of narcotics matters are filed for prosecution because the requisite evidence is generally presented upon referral or the evidence needed to establish the case is easily obtainable.

**EXHIBIT 4-3**  
**NUMBER OF NARCOTICS MATTERS REFERRED TO USAOs**  
**FILED, DECLINED, OR PENDING**  
**FYs 2003 THROUGH 2007**

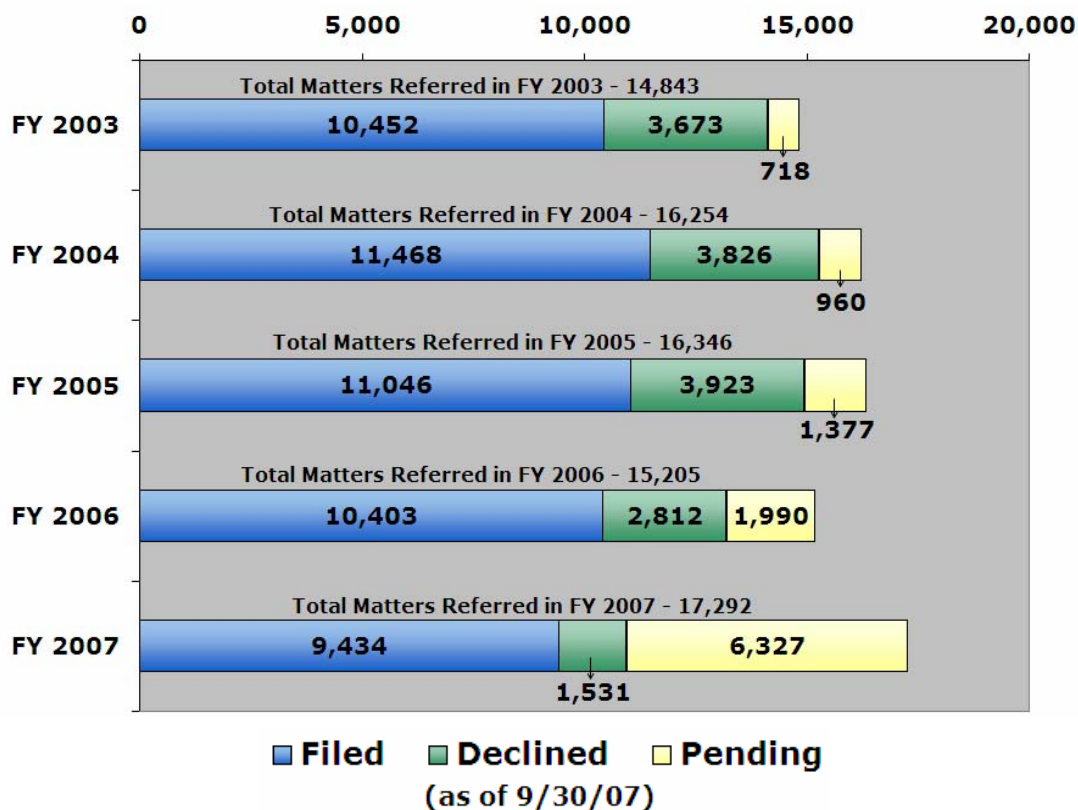


Source: OIG analysis of LIONS data

Appendix XII contains a district-by-district overview of the total number of narcotics matters referred between FYs 2003 and 2007, as well as the status of those referred matters as of September 30, 2007.

Violent Crime – Similar to narcotics matters, the USAOs prosecuted approximately 70 percent of the violent crime matters referred during each fiscal year between FYs 2003 and 2006 and 55 percent of the FY 2007 matters. The percentage of matters declined for prosecution decreased significantly from 25 percent of the matters referred during FY 2003 to 9 percent of the matters referred during FY 2007, as reflected in Exhibit 4-4.

**EXHIBIT 4-4**  
**NUMBER OF VIOLENT CRIME MATTERS REFERRED TO USAOs**  
**FILED, DECLINED, OR PENDING**  
**FYs 2003 THROUGH 2007**



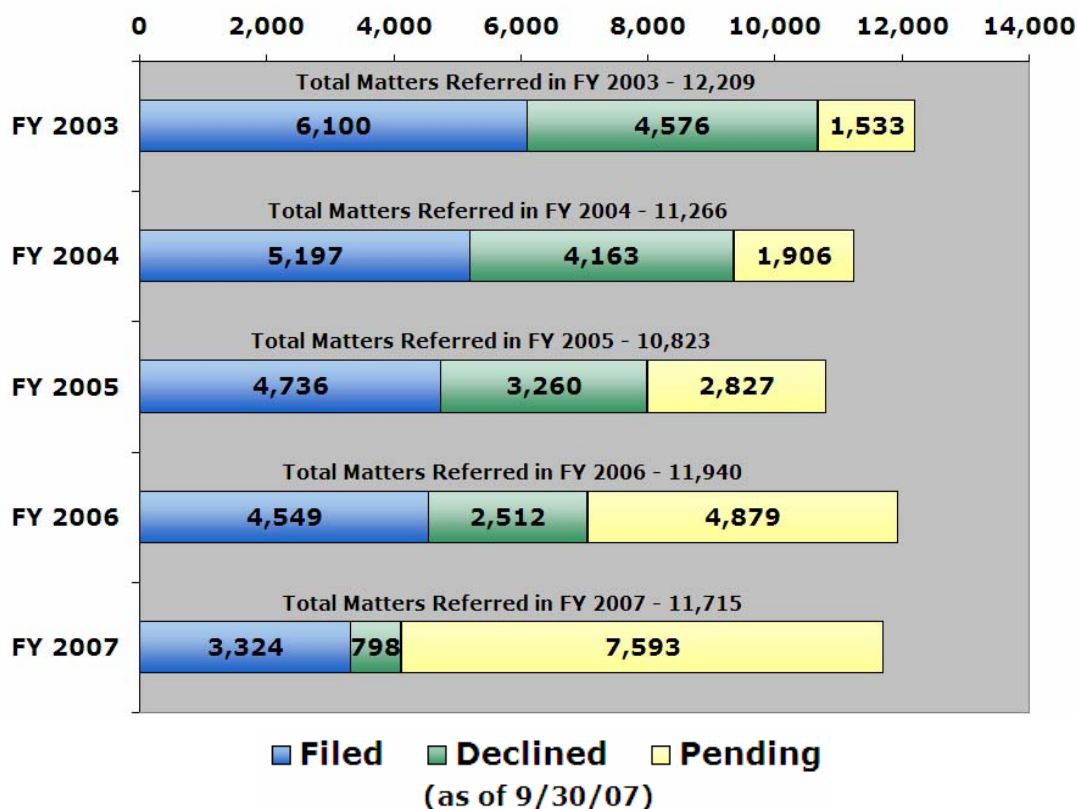
Source: OIG analysis of LIONS data

Appendix XIII provides a detailed listing of the total number of violent crime matters referred to each USAO during FYs 2003 through 2007, including the number and percent of those matters filed, declined, or pending as of September 30, 2007.

White Collar Crime – The results of our analyses of white collar crime matters were similar to those associated with terrorism-related matters. As reflected in the following exhibit, we determined that the percentage of white collar crime matters accepted for prosecution steadily declined from

FYs 2003 through 2007 – decreasing from 50 percent in FY 2003 to 28 percent in FY 2007. Similarly, we found that the percentage of matters declined for prosecution decreased from 37 percent of the matters referred during FY 2003 to 7 percent referred during FY 2007.

**EXHIBIT 4-5**  
**NUMBER OF WHITE COLLAR CRIME MATTERS REFERRED TO USAOs**  
**FILED, DECLINED, OR PENDING**  
**FYs 2003 THROUGH 2007**

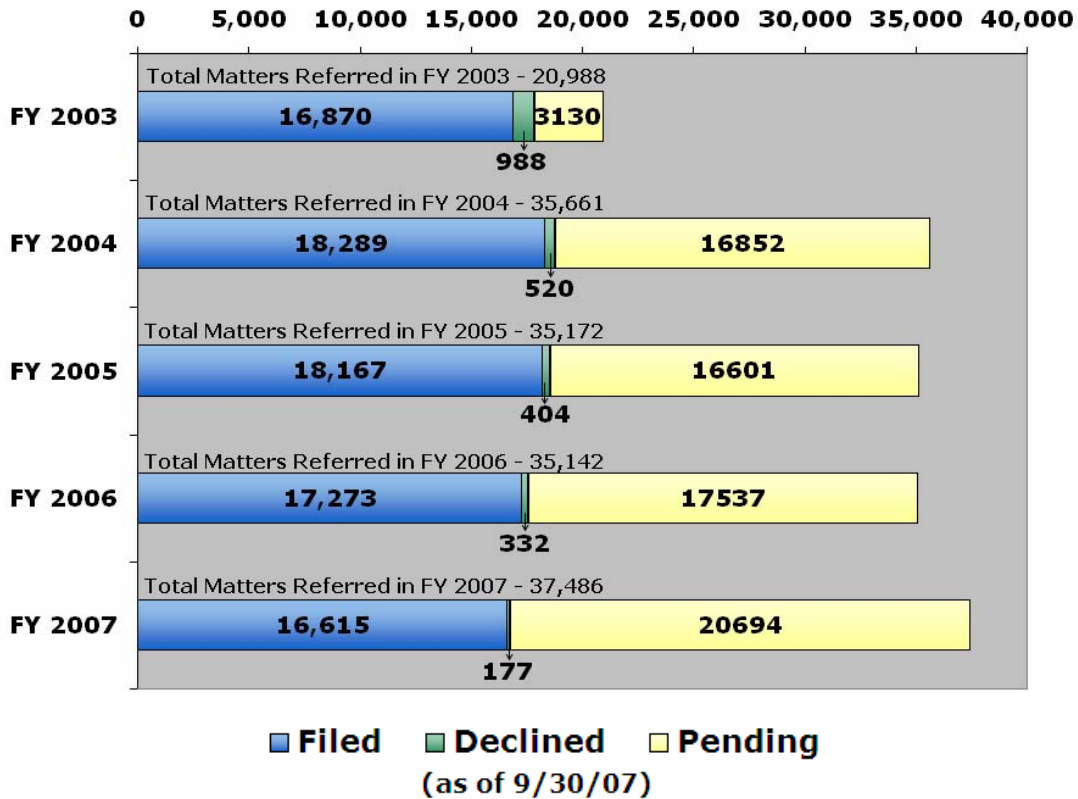


Source: OIG analysis of LIONS data

Appendix XIV contains a district-by-district overview of the total number of white collar crime matters referred between FYs 2003 and 2007, as well as the status of those referred matters as of September 30, 2007.

Immigration – During our review period, the USAOs received more immigration-related referrals than any other single type of criminal matter. Unlike the other prosecutorial areas we reviewed, USAOs declined for prosecution very few immigration matters during FYs 2003 through 2007 – only 1.5 percent of the total immigration matters referred during this 5-year period.

**EXHIBIT 4-6**  
**NUMBER OF IMMIGRATION MATTERS REFERRED TO USAOs**  
**FILED, DECLINED, OR PENDING**  
**FYs 2003 THROUGH 2007**



Source: OIG analysis of LIONS data

USAOs located along the Southwest border accounted for nearly 80 percent of all immigration matters referred to USAOs between FYs 2003 and 2007.<sup>43</sup> Appendix XV provides a detailed listing of the total number of immigration matters referred to each USAO during FYs 2003 through 2007, including the number and percent of those matters filed, declined, or pending as of September 30, 2007.

Public Corruption – We found that between 23 and 46 percent of public corruption matters referred to USAOs were declined for prosecution between FYs 2003 and 2006. The percentage of matters filed for prosecution gradually declined from FYs 2003 through 2007. Exhibit 4-7

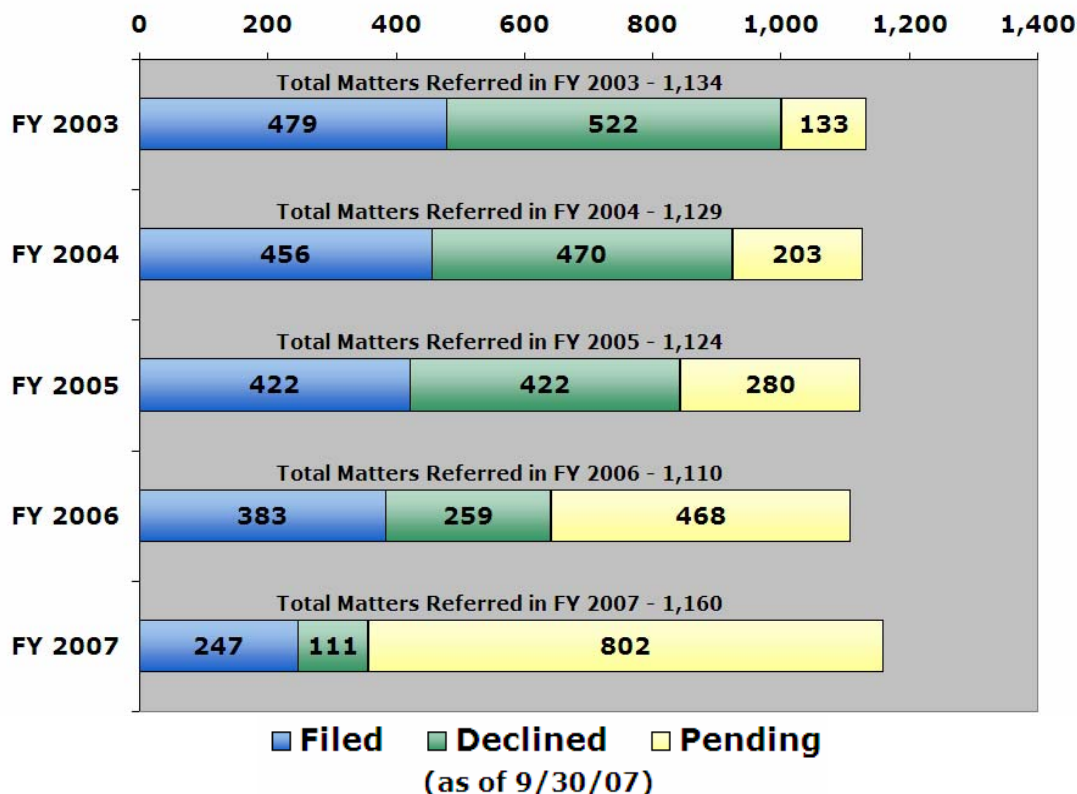
<sup>43</sup> The following USAOs are considered Southwest border districts: (1) Southern District of California, (2) District of Arizona, (3) District of New Mexico, (4) Western District of Texas, and (5) Southern District of Texas.

shows the number of public corruption matters filed, declined, or pending by USAOs throughout our review period.

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**EXHIBIT 4-7**  
**NUMBER OF PUBLIC CORRUPTION MATTERS REFERRED TO USAOs**  
**FILED, DECLINED, OR PENDING**  
**FYs 2003 THROUGH 2007**

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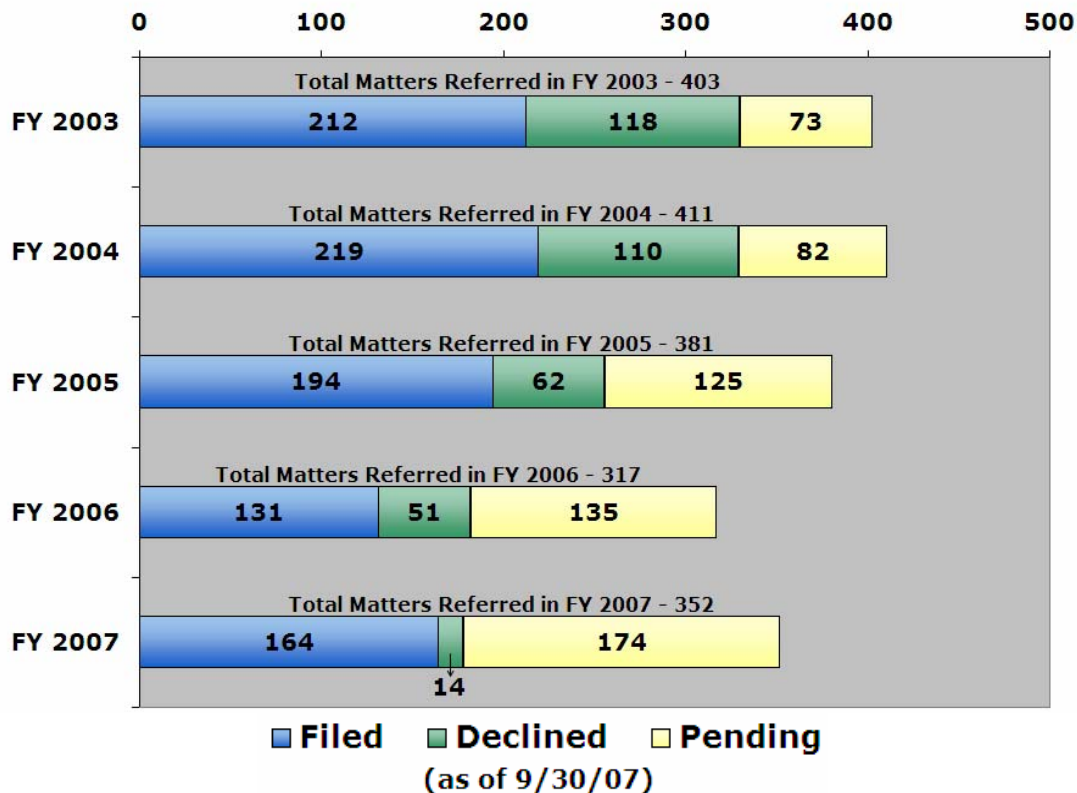


Source: OIG analysis of LIONS data

Appendix XVI contains more detailed information on public corruption matters within each USAO.

Organized Crime – USAOs were referred fewer organized crime matters between FYs 2003 and 2007 than any other prosecutorial area we reviewed. We found that between 41 and 53 percent of organized crime matters referred to USAOs were filed for prosecution between FYs 2003 and 2007. The percentage of matters declined for prosecution gradually decreased throughout our review period.

**EXHIBIT 4-8**  
**NUMBER OF ORGANIZED CRIME MATTERS REFERRED TO USAOs**  
**FILED, DECLINED, OR PENDING**  
**FYs 2003 THROUGH 2007**



Source: OIG analysis of LIONS data

Among USAOs, we identified 24 offices that were not referred any organized crime matters between FYs 2003 and 2007. Moreover, we found that the following 4 USAOs were referred 756 of the 1,864 total matters during this time period: (1) District of Massachusetts, (2) District of New Jersey, (3) Eastern District of New York, and (4) Southern District of New York.

Appendix XVII provides a detailed listing of the total number of organized crime matters referred to each USAO during FYs 2003 through 2007, including the number and percent of those matters filed, declined, or pending as of September 30, 2007.

Civil Rights – Compared to the other prosecutorial areas that we reviewed, we found that civil rights matters were more likely to be declined than filed for prosecution. Our analysis showed that only 8 percent of all

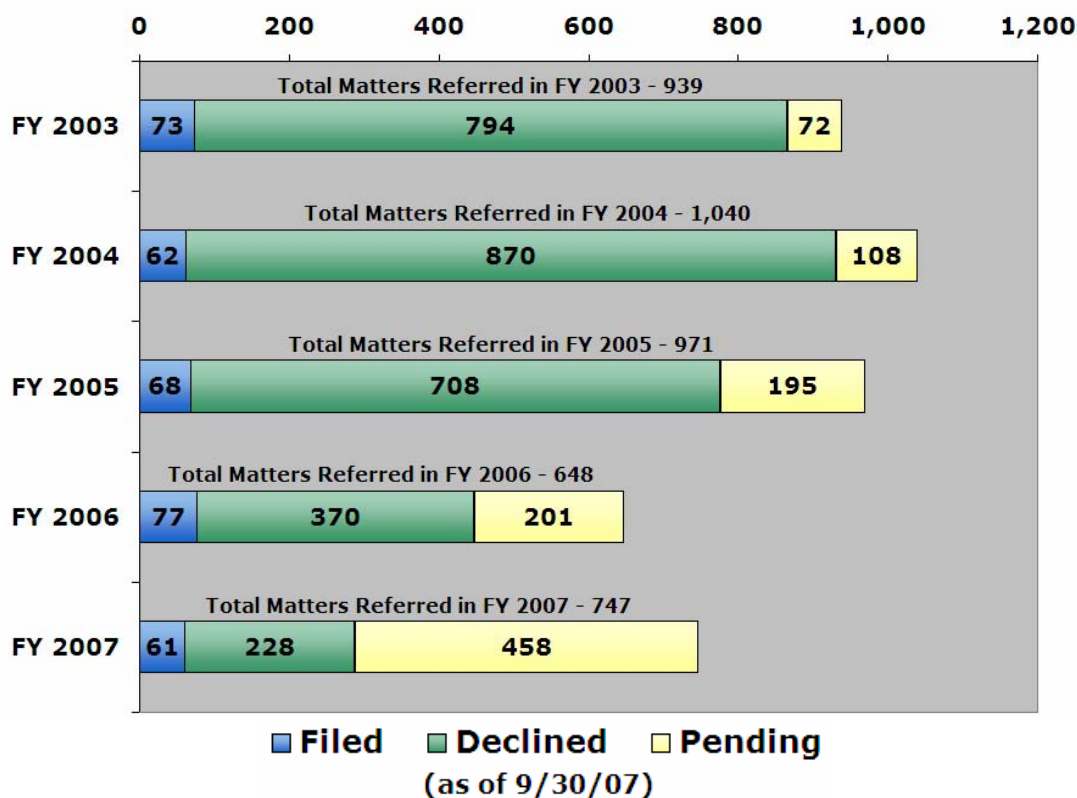
civil rights matters referred during FYs 2003 to 2007 were filed for prosecution, and nearly 70 percent were declined.

According to a USAO official, the majority of civil rights matters declined are “color of law” violations, which we found to be the case during our analysis of the civil rights casework data.<sup>44</sup> This official further explained that the USAOs generally decline these matters because they are usually based upon circumstantial evidence and are very dependent upon the perceived credibility of the plaintiff and witnesses. Exhibit 4-9 shows the number of civil rights matters filed, declined, or pending by USAOs throughout our review period.

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**EXHIBIT 4-9**  
**NUMBER OF CIVIL RIGHTS MATTERS REFERRED TO USAOs**  
**FILED, DECLINED, OR PENDING**  
**FYs 2003 THROUGH 2007**

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Source: OIG analysis of LIONS data

<sup>44</sup> "Color of law" is a legal term used in official misconduct cases. It means that a law enforcement officer allegedly abused the authority provided by reason of the individual's employment as a public official.

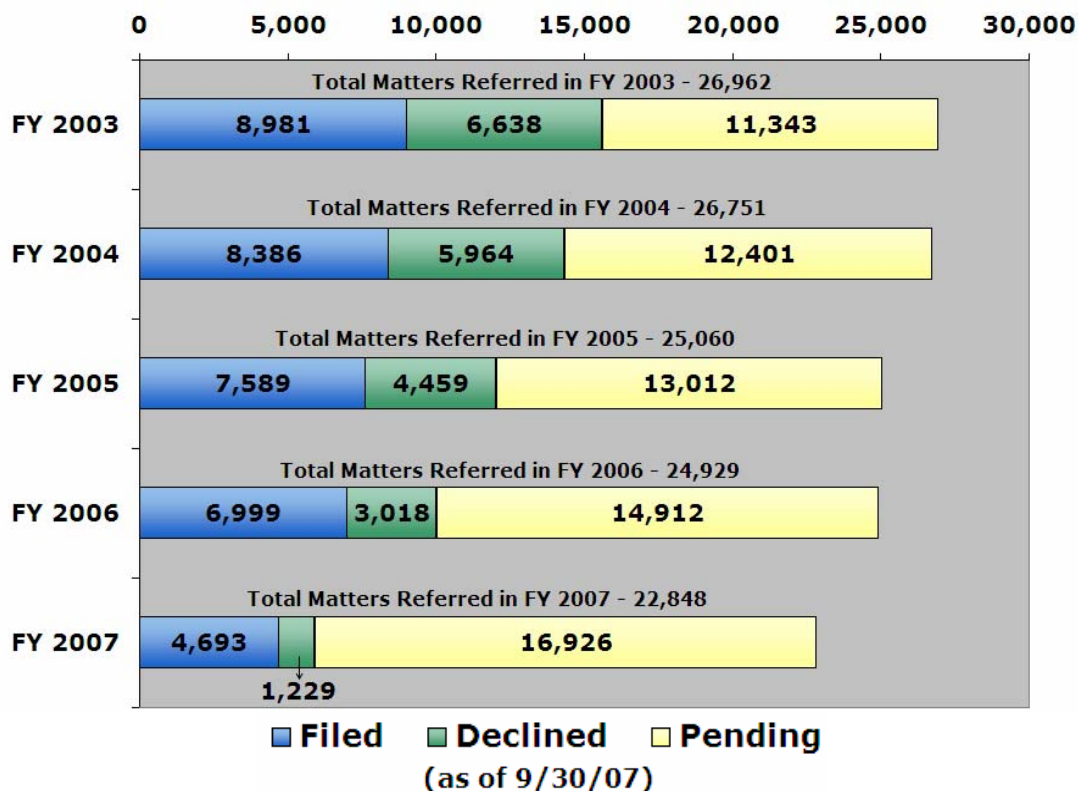
Appendix XVIII contains more detailed information on civil rights matters within each USAO.

All Other Criminal Matters – Several criminal activities fall into the category of “All Other Criminal,” including fugitive violations, pornography/obscenity violations, and government regulatory offenses. Exhibit 4-10 shows the number of other criminal matters filed, declined, or pending by USAOs throughout our review period. Appendix XIX provides a detailed listing of the total number of all other criminal matters referred to each USAO during FYs 2003 through 2007, including the number and percent of those matters filed, declined, or pending as of September 30, 2007.

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**EXHIBIT 4-10**  
**NUMBER OF ALL OTHER CRIMINAL MATTERS REFERRED TO USAOs**  
**FILED, DECLINED, OR PENDING**  
**FYs 2003 THROUGH 2007**

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Source: OIG analysis of LIONS data



## *Summary of Criminal Casework Analyses*

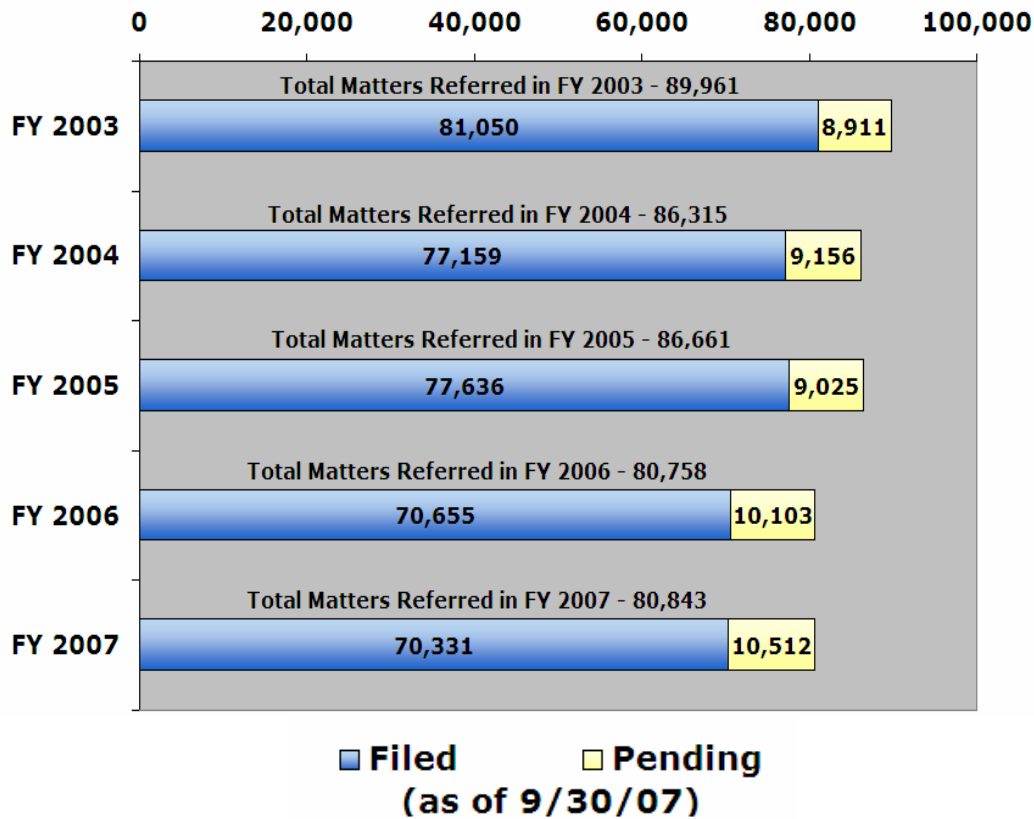
As reflected in the results of our criminal casework analyses, USAOs are more likely to file certain types of criminal matters for prosecution than others. We found that USAOs filed the majority of immigration, narcotics, and violent crime matters referred to them during the 5 years of our review. According to EOUSA and USAO officials, certain types of these matters are usually supported by adequate evidence at the time of referral. In contrast, matters such as civil rights, public corruption, and terrorism were more likely to be declined. According to EOUSA and USAO officials, the primary determinant for declining such matters is insufficient evidence.

Our analyses also revealed that a significant number of matters referred between FYs 2003 and 2007 remained in a pending status as of September 30, 2007, although our sampling of a limited number of cases indicated that the LIONS data is unreliable and inaccurate as to the pending status of cases. However, according to EOUSA officials, various factors can cause delays in accepting or declining a matter, including their complexity, the availability of resources, and the attainability of evidentiary support. Nevertheless, EOUSA and USAO officials informed us that they believed that certain matters, such as immigration and narcotics, should not generally remain pending for an extended period of time, and they were surprised by our findings that a large percentage remained pending as of September 30, 2007. Upon further inquiry, we determined that many of the pending matters had been closed within their local LIONS systems and that these matters should not be considered pending. We believe that EOUSA must ensure that the information entered at the district level is accurately reflected within the National LIONS.

### **USAO Civil Casework**

We also analyzed data on the civil casework of USAOs for FYs 2003 through 2007. Unlike criminal casework, USAOs do not record declinations of civil matters referred because in the majority of instances civil cases are defensive matters that USAOs must accept. However, EOUSA maintains data on the number of civil matters referred to USAOs as well as the status of the cases (filed or pending). Civil cases handled by USAOs include issues such as affirmative civil enforcement and asset forfeiture cases. Exhibit 4-11 presents the number of total civil matters referred that were either filed or pending during our 5-year review period. As with our criminal casework analysis, the date a case was filed may not be the same fiscal year in which the matter was referred.

**EXHIBIT 4-11**  
**OVERALL CIVIL MATTERS REFERRED TO USAOs**  
**FYs 2003 THROUGH 2007**



Source: OIG analysis of LIONS data

As shown in the preceding exhibit, the total number of civil matters referred to USAOs decreased by 9,118, or 10 percent, from FYs 2003 through 2007. Of the civil matters referred during those 5 fiscal years, the percentage of matters filed remained relatively steady – ranging from 87 percent to 90 percent of all matters referred during each fiscal year. According to EOUSA officials, because a large proportion of the civil workload involves defensive litigation (defending the federal government) that USAOs must accept, the number of civil matters filed (as a percentage of the number of matters referred) should be relatively high. Appendix XX presents civil casework information for each USAO.

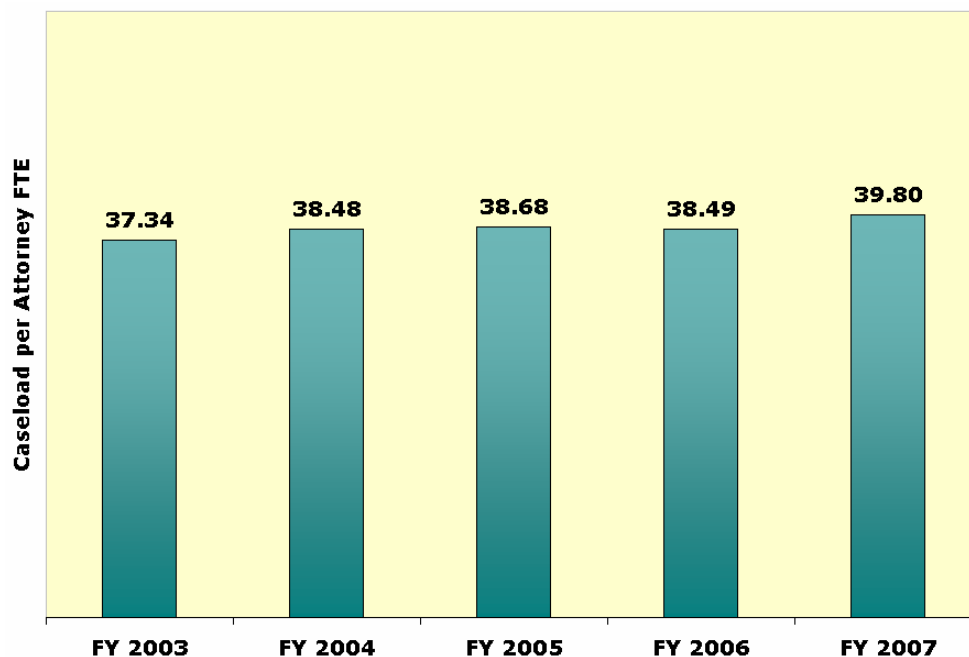
## Criminal and Civil Casework per Attorney FTE<sup>45</sup>

In addition to our analyses of matters filed, declined, or pending, we reviewed case data in association with the utilization of attorneys within USAOs to determine the average caseload per attorney FTE for FYs 2003 through 2007.<sup>46</sup> As reflected in Exhibit 4-12, the average caseload per attorney FTE did not change drastically from one fiscal year to the next throughout our review period. There was only a 2.46 increase, or 7 percent, of cases per attorney FTE from FY 2003 to FY 2007.

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### **EXHIBIT 4-12** **AVERAGE NUMBER OF TOTAL CASES PER USAO ATTORNEY FTE** **FYs 2003 THROUGH 2007**

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Source: OIG analysis of LIONS data

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<sup>45</sup> For our casework per attorney FTE analyses, we relied upon the number of FTEs associated with criminal and civil activities as recorded in the USA-5 system. We excluded time recorded to management and administration. In addition, our analyses exclude time expended by Special AUSAs who may have assisted USAOs with their casework during our review period.

<sup>46</sup> For our attorney caseload analysis, we utilized information on pending cases and did not include pending matters in this assessment. As described previously, *cases* are different than *matters*, which we analyzed and presented earlier in this chapter. In particular, a pending matter is awaiting a decision to prosecute, while a pending case indicates that a court action has been taken and is awaiting a final disposition, such as a verdict.

We also performed separate analyses of the average criminal and civil caseload per attorney FTE for FYs 2003 and 2007. We grouped these results by EOUSA's categorization of USAOs based upon office size, as shown in the following table.

<b>EXHIBIT 4-13</b>						
<b>CRIMINAL AND CIVIL CASELOADS PER ATTORNEY FTE</b>						
<b>FYs 2003 AND 2007</b>						
	<b>FY 2003</b>			<b>FY 2007</b>		
	<b>Active Cases</b>	<b>Utilized FTE</b>	<b>Cases per Attorney FTE</b>	<b>Active Cases</b>	<b>Utilized FTE</b>	<b>Cases per Attorney FTE</b>
<b>Criminal:</b>						
Small USAOs	4,591	305.65	15.02	5,389	312.78	17.23
Medium USAOs	10,944	644.11	16.99	12,491	649.15	19.24
Large USAOs	14,114	846.67	16.67	15,217	852.15	17.86
Extra-large USAOs	33,850	1,856.14	18.24	38,809	1,758.82	22.07
<b>Total</b>	<b>63,499</b>	<b>3,652.57</b>	<b>17.38</b>	<b>71,906</b>	<b>3,572.90</b>	<b>20.13</b>
<b>Civil:</b>						
Small USAOs	8,201	103.27	79.41	8,269	102.86	80.39
Medium USAOs	26,447	207.73	127.32	22,700	213.54	106.30
Large USAOs	28,484	275.58	103.36	29,180	266.27	109.59
Extra-large USAOs	49,956	489.65	102.02	51,918	466.70	111.24
<b>Total</b>	<b>113,088</b>	<b>1,076.23</b>	<b>105.08</b>	<b>112,067</b>	<b>1,049.37</b>	<b>106.79</b>

Source: OIG analysis of USA-5 and LIONS data

As depicted in the preceding exhibit, the criminal cases per attorney FTE increased from FYs 2003 to 2007 among each grouping of USAOs. Similarly, with the exception of medium-sized USAOs, the civil cases per attorney FTE increased within each group from FYs 2003 to 2007.

Appendix XXI contains a listing of criminal and civil caseloads per attorney FTE for each USAO. We used this information to compare an individual USAO's criminal and civil caseload per attorney FTE to those of other similar-sized offices. This analysis revealed several districts that experienced significant deviations from the average criminal and civil caseloads per attorney FTE. Regarding criminal caseloads, we determined that the extra-large offices generally had 22 cases per attorney FTE in FY 2007. However, the Districts of Arizona and Western Texas each had an average of more than 50 criminal cases per attorney FTE, while the District of Columbia and the District of Massachusetts had average criminal caseloads of 3 and 10 cases per attorney FTE, respectively.

However, the problems with the LIONS data and the failure of USAOs to close pending cases in LIONS could affect this analysis. This results in cases that are no longer part of a USAO's active workload being shown as on-going instead of terminated, which leads to an inaccurate view of a district's workload. Therefore, the caseloads per attorney FTE presented in Exhibits 4-12 and 4-13 may be higher than what is actually occurring.

## **EOUSA Monitoring**

As with the utilization of attorneys, EOUSA executive management does not receive routine casework-related reports that provide a comprehensive assessment of the number and types of cases handled by each USAO. Again, EOUSA monitors USAO casework and workloads during its EARS reviews of district offices, which occurred every 4 to 5 years.<sup>47</sup> In addition to the EARS reviews, the Data Analysis Staff at EOUSA analyzes USAO data on an ad hoc basis when it receives requests, including inquiries received from EOUSA executive management, the Attorney General, and Congress. The Data Analysis Staff also compiles an annual statistical report that provides details on the entire caseload of individual USAOs. However, the Data Analysis Staff does not include specific district caseload information, such as the number of narcotics trafficking cases filed by each USAO, in these annual statistical reports.

As discussed in Chapter 3, EOUSA hopes to address this issue by developing a method to evaluate the resource management of all 94 USAOs on a consistent basis – including examining the casework of USAOs.

## **Conclusion**

In total, we determined that 554,675 criminal matters were referred to USAOs between FYs 2003 through 2007. According to LIONS data, of these criminal matters, over 50 percent were filed for prosecution, 13 percent were declined, and 35 percent remained in a pending status as of the end of FY 2007.

We evaluated the status of criminal matters referred in specific prosecutorial areas and identified certain matters that were more likely to be filed for prosecution, such as narcotics and violent crime, which officials said generally have more concrete evidence upon referral. USAOs declined more

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<sup>47</sup> As mentioned in Chapter 1, these EARS reviews were designed to be performed on a triennial cycle. However, EOUSA officials stated that during the period that we reviewed, the EARS reviews were occurring every 4 to 5 years because of budget constraints.

referrals involving civil rights and public corruption cases, where officials said evidence is more difficult to obtain.

We also analyzed the civil casework of USAOs and found that 88 percent of the 424,538 civil matters referred to USAOs during FYs 2003 through 2007 were filed, while the remaining 12 percent were in a pending status. We assessed the average total caseload per attorney FTE and found that it remained relatively constant throughout our review period – ranging from 37 cases per attorney FTE in FY 2003 to 40 cases per attorney FTE in FY 2007.

Our review of the criminal and civil caseloads per attorney FTE showed that the overall criminal and civil caseloads per attorney FTE increased from FYs 2003 to 2007. Specifically, the average criminal caseload increased from 17 cases per attorney FTE in FY 2003 to 20 cases per attorney FTE in FY 2007. Civil casework increased by 2 percent from FYs 2003 to 2007 from 105 cases per attorney FTE to 107 cases per attorney FTE.

During our review period, we found that EOUSA assesses the workload of USAOs during EARS evaluations, which took place every 4-5 years. EOUSA's Data Analysis Staff generates annual statistical reports, but they do not include detailed district analyses. Although EOUSA examines the casework of USAOs on a general level, we believe it should perform regular comprehensive assessments. We were told that EOUSA has recently begun to develop such a program. We believe that regularly generating and reviewing analyses similar to those presented in this chapter could help EOUSA in overseeing the USAOs' operations.

## **Recommendation**

We recommend that EOUSA:

10. Ensure that a comprehensive review of each USAO's casework is performed annually, including a comparison of the data maintained in individual district LIONS databases to the information reflected in the National LIONS.

## OBJECTIVES, SCOPE, AND METHODOLOGY

### Audit Objectives

The objectives of this audit were to: (1) examine the accuracy and completeness of the data regarding USAO resource utilization and cases, as well as to assess the process by which personnel resources are allocated among USAOs; (2) determine the allocation and utilization of attorneys within USAOs; and (3) determine the changes in USAO casework from FY 2003 through FY 2007.

### Scope and Methodology

We performed our audit in accordance with the *Government Auditing Standards* and included such tests of the records and procedures that we considered necessary to achieve the audit objectives.

To accomplish our objectives, we interviewed officials at EOUSA and reviewed empirical USAO resource allocation, resource utilization, and casework data.

#### *Interviews*

During the course of our review, we interviewed officials within the various sections of EOUSA, including the Director and Deputy Directors. Additionally, we spoke with USAO officials detailed to EOUSA; officials from the Northern District of Illinois, including the U.S. Attorney; and the U.S. Attorney from the Central District of Illinois. These interviews, as well as documentation obtained during these discussions, provided perspective on the resource-related and casework issues covered by our audit objectives. In total, we interviewed 44 EOUSA and USAO officials.

#### *Resource and Casework Data*

To assist in accomplishing our audit objectives, we analyzed data provided by EOUSA. Specifically, we conducted analyses of USAO resource allocation, resource utilization, and casework data. To examine the USAOs' human resource utilization, we analyzed data from the USAOs' time recordkeeping system – the USA-5 – for the period of FYs 2003 through 2007. This system captures the time of attorneys, paralegals, and support staff within each USAO. To examine the types and quantity of work handled by the USAOs during this same time period, we analyzed data from the USAOs' case management system – LIONS.

*Internal Controls and Compliance with Laws and Regulations*

Our audit objectives were informational in nature. Our assessment of internal controls was limited to our review of USAO data contained in the USA-5 system and LIONS. As noted in the body of this report, we identified concerns with the accuracy and reliability of the data contained within these automated systems. While we believe that these issues may affect the analyses performed, we believe that the overall results presented have utility for looking at the USAOs as a whole to gain a basic understanding of the agency's resource utilization and workload. We did not perform an independent, overall assessment of the reliability of the data in the USAOs' automated systems. Further, we determined examining compliance with laws and regulations was not significant to our objectives.

**Data Analysis**

We performed analyses of USAO resource allocation, resource utilization, and casework data to identify trends and note significant changes in the USAOs' operations from FY 2003 to FY 2007. In total, this data was comprised of 4,086,902 records.

*USAO Human Resources*

We conducted analyses of USAO resource allocation and utilization data.

Allocated Resource Levels

We used data maintained in the Resource Management and Planning Staff's database to analyze the allocation of USAO resources.<sup>48</sup> EOUSA has tracked the specific areas to which positions have been allocated to district offices since 2000, such as counterterrorism and corporate fraud. Allocations made prior to 2000 are combined into a category entitled "general." We obtained the attorney allocations of each USAO to the greatest level of detail available for each fiscal year of our review period, focusing on changes occurring between FYs 2003 and 2007. The total allocated attorney FTE data amounted to 5,818 records.

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<sup>48</sup> EOUSA maintains this allocation data in terms of FTEs.



### Resource Utilization Levels

Most USAO employees record their time into the USA-5 system, at a minimum, on a monthly basis.<sup>49</sup> When completing the USA-5, USAO personnel record either the actual number of hours worked or the percentage of hours worked (based on an 8-hour day) to USA-5 categories that are attributed to the type of function or duty being performed. For example, for any 8-hour day, an attorney might record that he worked 4 hours handling a civil rights case, 2 hours on a narcotics-related trial, and another 2 hours on criminal appeals. The data entered into the USA-5 is then converted into FTEs. However, the USA-5 data is only as valid as the information reported by USAO personnel. EOUSA considers the USA-5 system's data to be the best way to assess the actual amount worked by USAO attorneys in specific prosecutorial areas.

During our review period, the USA-5A information was tracked separately and was not maintained in association with a particular USA-5 category. As a result, the USA-5 data run associated with attorney regular time was provided in two text files, which we imported into two separate database files. These data runs contained a total of 351,430 records and contained information within 5 different fields. Each data run had the same fields. However, the category field within one of the data runs tracked time recorded to USA-5 categories, while the category field in the other data run indicated the USA-5A category used. Following is a listing of the fields used as part of our analyses:

<b><u>Field Name</u></b>	<b><u>Field Description</u></b>
• District	2- or 3-character designation for USAO
• Month-Year	Identifier of month and year to which record applies (mmm-yyyy format)
• Category	USA-5 or USA-5A category code
• Category Description	Description of USA-5 or USA-5A category
• Attorney Permanent FTE	Number of attorney FTEs spent on a particular activity

We analyzed the resource utilization data by fiscal year. Since the data provided was according to month, we totaled the attorney FTEs for all months within each fiscal year for each USA-5 and USA-5A category. Next, we divided this total by 12 months to obtain the annualized average number of personnel working on a particular prosecutorial area in a given fiscal year.

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<sup>49</sup> Attorneys, paralegals, support personnel, and Special Assistant U.S. Attorneys (SAUSAs) record their time into the USA-5 system. However, the USA-5 system does not track the time of contractors and students working in USAOs.

Additionally, we found that EOUSA tracks attorney's additional time separately, which is maintained in terms of hours. Therefore, we obtained another USA-5 data run associated with additional attorney hours, which was provided in two text files – one for the USA-5 categories and another for the USA-5A categories. These data runs, in total, amounted to 351,430 records, which we imported into 2 separate database files. As with the attorney regular time, each data run had the same fields and was tracked in the same way.

We also analyzed the additional resource utilization data by fiscal year. Since the data provided was in terms of hours, we totaled the additional attorney hours for all months within each fiscal year for each USA-5 and USA-5A category. Next, we divided each total by 2,080 hours to obtain the average number of personnel working on a particular prosecutorial area in a given fiscal year. This computation provided us with the reported number of FTEs involved in the various prosecutorial areas. Finally, to provide an overall evaluation of the number of attorney resources expended on various prosecutorial areas, we combined the results of the regular attorney FTEs with the additional attorney FTEs by USA-5 category and USA-5A category.

#### On-board Attorney Levels

We also attempted to analyze the actual number of on-board attorneys over the course of our review period. However, the on-board data provided by EOUSA was not consistent and contained anomalies. After we found that the initial data appeared illogical, we requested more detailed on-board data. However, our review of the new on-board attorney data provided by EOUSA continued to reveal inconsistencies and anomalies. For example, the data showed significant variations in the number of on-board attorneys within individual USAOs from pay period to pay period. EOUSA was unable to explain these variations but provided us with new data files containing on-board attorney information. We reviewed these new data files and continued to have questions surrounding the accuracy of the information. Given the concerns about the accuracy of the information in the various on-board data files provided, we did not include an on-board attorney analysis within our report.

#### *USAO Casework*

For our analyses of the USAO casework, we received various data runs from LIONS, focusing on matters referred, matters declined, cases filed, cases pending, and cases terminated from FY 2003 to FY 2007. The data runs were provided in text files and each one was imported into separate database files.

### Matters Referred

The text file received on the matters referred to USAOs was imported into a database file and contained 979,213 records. The data was separated into the following fields:

<b><u>Field Name</u></b>	<b><u>Field Description</u></b>
• <i>Fiscal Year</i>	The fiscal year of the matter
• <i>USAOID</i>	Number that identifies all tables connected to a civil/criminal matter (USAO Number)
• <i>District</i>	Code for the district handling the civil/criminal matter
• <i>Program Category (Criminal)</i>	Code for the program category that further defines the type of criminal matter, e.g., Health Care Fraud
• <i>Cause of Action (Civil)</i>	Code for the cause of action of the civil matter, e.g., COSL (Student Loan)
• <i>Received Date</i>	Date when the civil/criminal matter was received in the USAO

### Declinations

We received two separate text files for criminal matters declined by USAOs, one for immediate declinations and another for later declinations. After importing these files into two separate database files, we appended them and created one file for all declinations, which totaled 152,392 records. The data was separated into the following fields:

<b><u>Field Name</u></b>	<b><u>Field Description</u></b>
• <i>Fiscal Year</i>	The fiscal year of the declination
• <i>USAOID</i>	Number that identifies all tables connected to a criminal action (USAO Number)
• <i>District</i>	Code for the district handling the criminal action
• <i>Program Category (Criminal)</i>	Code for the program category that further defines the type of criminal action, e.g., Health Care Fraud
• <i>Declination Reason</i>	Code that identifies the reason a criminal action was declined, e.g., JTRD (Jury Trial District Court)

### Cases Filed

The text file received on the cases filed by USAOs was imported into a database file and contained 680,551 records. The data was separated into the following fields:

<b><u>Field Name</u></b>	<b><u>Field Description</u></b>
• <i>Fiscal Year</i>	The fiscal year of the filed case
• <i>USAOID</i>	Number that identifies all tables connected to a civil/criminal case (USAO Number)
• <i>District</i>	Code for the district handling the civil/criminal case
• <i>Cause of Action (Civil)</i>	Code for the cause of action of the civil case, e.g., COSL (Student Loan)
• <i>Program Category (Criminal)</i>	Code for the program category that further defines the type of criminal case, e.g., Health Care Fraud
• <i>Filing Date</i>	Date the instrument was filed in court
• <i>System Filing Date</i>	Date that the filing date information was entered into LIONS

### Cases Pending

The text file received on the cases pending at USAOs was imported into a database file and contained 910,347 records. The data was separated into the following fields:

<b><u>Field Name</u></b>	<b><u>Field Description</u></b>
• <i>Fiscal Year</i>	The fiscal year of the filed case
• <i>USAOID</i>	Number that identifies all tables connected to a civil/criminal case (USAO Number)
• <i>District</i>	Code for the district handling the civil/criminal case
• <i>Cause of Action (Civil)</i>	Code for the cause of action of the civil case, e.g., COSL (Student Loan)
• <i>Program Category (Criminal)</i>	Code for the program category that further defines the type of criminal case, e.g., Health Care Fraud

### Cases Terminated

The text file received on the cases terminated by USAOs was imported into a database file and contained 655,721 records. The data was separated into the same fields as the cases pending data.

### Methodology for Analyses

According to an EOUSA official, each matter or case is assigned a unique USAOID within a particular district. However, multiple districts could have the same USAOID associated with their own particular matter or case. As a result, EOUSA examines both the USAOID and district fields to ensure that it accounts for all matters and cases handled by USAOs, including those matters and cases with the same USAOID but associated with different district offices. For purposes of our review, we created a unique USAOID field that combined the USAOID number with the district name for each of the casework data runs previously mentioned.

Further, within each data run, we separated the information into civil-related casework and criminal-related casework. To obtain all criminal-related records, we extracted the data according to the program category codes. Similarly, to obtain all civil-related records, we extracted the data according to the cause of action codes. It should be noted that the immediate and later declinations tracked within LIONS apply only to criminal matters. Therefore, we did not have to separate the declination data into criminal and civil declinations.

For the majority of our casework analyses, we reviewed the types and numbers of criminal matters referred to USAOs and determined if those matters were filed for prosecution, declined, or remained pending. To perform this analysis, we joined data from the matters referred database to the cases filed and declinations databases according to the unique USAOID field contained within each database. The results of this analysis showed the status of criminal matters referred to USAOs during a particular fiscal year. It did not show when a matter was actually filed for prosecution or declined. For example, our analyses may have revealed that between FYs 2003 and 2007, the USAOs filed 1,000 narcotics matters that were referred during FY 2003. Although these 1,000 matters were referred in FY 2003, they may not have all been filed during that fiscal year. Some of them may also have been filed in FYs 2004, 2005, 2006, or 2007. We were then able to compute the number of criminal matters that remained pending as of September 30, 2007, by subtracting the number of matters filed and declined from the matters referred during a given fiscal year.

To gain insight into the universe of pending matters in LIONS, we judgmentally selected a sample of 50 pending criminal matters from the 196,906 total pending criminal matters identified during our review period. We focused our sample on five prosecutorial areas: (1) immigration, (2) narcotics, (3) terrorism, (4) violent crime, and (5) white collar crime. Within each of these areas, we selected 10 pending matters and opted to choose 2 records from each fiscal year of our review period (FYs 2003 through 2007). Moreover, we decided to select no more than one record from a district office in a particular prosecutorial area and no more than two records per district office for our overall sample.

To determine the criminal and civil caseloads per attorney FTE, we relied upon the data run of pending cases and computed the total number of pending criminal and civil cases within each office as of the end of FY 2007. We then divided these totals by the total number of criminal and civil attorney FTEs (regular and additional) utilized within each office during FY 2007 as reflected in the USA-5.

We confined each of our casework analyses to the data we obtained from the LIONS system and did not review individual files to examine the actual level of effort expended on a single matter or case. Thus, if a matter was referred, declined, or filed for prosecution during a particular timeframe, we considered it to be reviewed during that period.

### MAP OF USA DISTRICT OFFICES



Source: OIG

## USAO ACRONYMS

Acronym	District	Acronym	District
AK	Alaska	MT	Montana
ALM	Alabama-Middle	NCE	North Carolina-Eastern
ALN	Alabama-Northern	NCM	North Carolina-Middle
ALS	Alabama-Southern	NCW	North Carolina-Western
ARE	Arkansas-Eastern	ND	North Dakota
ARW	Arkansas-Western	NE	Nebraska
AZ	Arizona	NH	New Hampshire
CAC	California-Central	NJ	New Jersey
CAE	California-Eastern	NM	New Mexico
CAN	California-Northern	NMI	Northern Mariana Islands
CAS	California-Southern	NV	Nevada
CO	Colorado	NYE	New York-Eastern
CT	Connecticut	NYN	New York-Northern
DC	District of Columbia	NYS	New York-Southern
DE	Delaware	NYW	New York-Western
FLM	Florida-Middle	OHN	Ohio-Northern
FLN	Florida-Northern	OHS	Ohio-Southern
FLS	Florida-Southern	OKE	Oklahoma-Eastern
GAM	Georgia-Middle	OKN	Oklahoma-Northern
GAN	Georgia-Northern	OKW	Oklahoma-Western
GAS	Georgia-Southern	OR	Oregon
GU	Guam	PAE	Pennsylvania-Eastern
HI	Hawaii	PAM	Pennsylvania-Middle
IAN	Iowa-Northern	PAW	Pennsylvania-Western
IAS	Iowa-Southern	PR	Puerto Rico
ID	Idaho	RI	Rhode Island
ILC	Illinois-Central	SC	South Carolina
ILN	Illinois-Northern	SD	South Dakota
ILS	Illinois-Southern	TNE	Tennessee-Eastern
INN	Indiana-Northern	TNM	Tennessee-Middle
INS	Indiana-Southern	TNW	Tennessee-Western
KS	Kansas	TXE	Texas-Eastern
KYE	Kentucky-Eastern	TXN	Texas-Northern
KYW	Kentucky-Western	TXS	Texas-Southern
LAE	Louisiana-Eastern	TXW	Texas-Western
LAM	Louisiana-Middle	UT	Utah
LAW	Louisiana-Western	VAE	Virginia-Eastern
MA	Massachusetts	VAW	Virginia-Western
MD	Maryland	VI	Virgin Islands
ME	Maine	VT	Vermont
MIE	Michigan-Eastern	WAE	Washington-Eastern
MIW	Michigan-Western	WAW	Washington-Western
MN	Minnesota	WIE	Wisconsin-Eastern
MOE	Missouri-Eastern	WIW	Wisconsin-Western
MOW	Missouri-Western	WVN	West Virginia-Northern
MSN	Mississippi-Northern	WVS	West Virginia-Southern
MSS	Mississippi-Southern	WY	Wyoming



# USA-5 PAPER FORM

USA5 CRIM Nov 2006

CRIMINAL/APPELLATE ATTORNEY WORKSHEET (USA-5/USA-5A)

Name: \_\_\_\_\_

Month: DECEMBER 2007

Percent of MONTHLY Work	CRIMINAL PROGRAM CATEGORY	DIST COURT (DCV)	APPELLATE COURT (AC)	GRAND JURY NON-DTF (GJN)	GRAND JURY DTF (GJD)	CASE RELATED TRAVEL (TRAV)	MAGIS COURT (MC)	DEPOS HRNGS EXAM (DEP)	WIT PREP (WIT)	OVER TIME
	(ADLV) Administrative Leave									
	(ANLV) Annual Leave									
	(FAM) Family Leave Act									
	(HOL) Holiday Leave									
	(LWOP) Not in Pay Status									
	(MIL) Military Leave									
	(SICK) Sick Leave									
	(MA) Management & Admin.									
	(CIRPD) Critical Incident Response Plan									
	(DT) Domestic Terrorism									
	(IT) International Terrorism									
	(FPR) FOIA/PA Requests									
	(LECC) LECC/Crime Prevention									
	(PE) Professional Responsibility									
	(CRP) Civil Rights Prosecutions									
	(DT) Domestic Terrorism									
	(IT) International Terrorism									
	(TP) Trafficking in Persons									
	(VWOTH) Victim/Witness Other									
	(VWVC) Victim/Witness Violent Crime									
	(COOR) Official Corruption									
	(OC) Organized Crime									
	(DT) Domestic Terrorism									
	(GANG)Gang Prosecution									
	(IT) International Terrorism									
	(LECC) LECC/Crime Prevention									
	(VWOTH) Victim/Witness Other									
	(VWVC) Victim/Witness Violent Crime									
	(NARC) Narcotics (Non-OCDE)									
	(DT) Domestic Terrorism									
	(GANG)Gang Prosecution									
	(IT) International Terrorism									
	(LECC) LECC/Crime Prevention									
	(VWOTH) Victim/Witness Other									
	(VWVC) Victim/Witness Violent Crime									
	(PSN) Project Safe Neighborhoods									
	(LECC) LECC/Crime Prevention									
	(GRO) Government Regulatory Offenses									
	(DT) Domestic Terrorism									
	(ECCR) Environmental Crimes CR									
	(IT) International Terrorism									
	(LECC) LECC/Crime Prevention									
	(VWOTH) Victim/Witness Other									
	(VWVC) Victim/Witness Violent Crime									
	(IMCR) Immigration									
	(DT) Domestic Terrorism									
	(GANG)Gang Prosecution									
	(IT) International Terrorism									
	(LECC) LECC/Crime Prevention									
	(VWOTH) Victim/Witness Other									
	(VWVC) Victim/Witness Violent Crime									



	(OPFCR) Other Procurement Fraud CR									
	(VWOH) Victim/Witness Other									
	(VWVC) Victim/Witness Violent Crime									
	(CRA) Criminal Appeals									
	(CCCR) Computer Crime									
	(CPCE) Child Pornography/Child Exploitation									
	(CORCR) Corporate Fraud CR									
	(DPFCR) Defense Procurement Fraud CR									
	DT) Domestic Terrorism									
	(ECCR) Environmental Crime CR									
	(FIFCR) Financial Institution Fraud CR									
	FPR) FOIA?PA REquests									
	(GANG) Gang Prosecution CR									
	(HFCR) Health Care Fraud CR									
	(HUDCR) HUD Fraud Cr									
	(IDCR) Identity Theft Cr									
	(INSCR) Insurance Fraud CR									
	(IP) Intellectual Property Violations CR									
	(IT) International Terrorism									
	(LECC) LECC/Crime Prevention									
	(MLAT) MLAT									
	(OBSC) Obscenity									
	(OBCC) Obscenity/Cybercrime									
	(OFICR) Other Financial Fraud CR									
	(OPFCR) Other Procurement Fraud CR									
	(TMFR) Telemarketing Fraud									
	(TERR) Terrorism - all Other or Anti-Terrorism									
	(TERL) Terrorism Related Hoaxes									
	(TRFN) Terrorist Financing									
	(TP) Trafficking in Persons									
	(WCC) White collar Crime Fraud									
	(CCCR) Computer Crime									
	(CORCR) Corporate Fraud CR									
	(DPFCR) Defense Procurement Fraud CR									
	(DT) Domestic Terrorism									
	(FIFCR) Financial Institution Fraud CR									
	(HRCR) Health Care Fraud CR									
	(IDCR) Identity Theft CR									
	(INSCR) Insurance Fraud CR									
	(IP) Intellectual Property Violations CR									
	(IT) International Terrorism									
	(LECC) LECC/Crime Prevention									
	(OFICR) Other Financial Fraud CR									
	(OPFCR) Other Procurement Fraud CR									
	(TMFR) Telemarketing Fraud									
	(VWOH) Victim/Witness Other									
	(VWVC) Victim/Witness Violent Crime									
	<-THIS COLUMN MUST TOTAL 100%									

**CIVIL ATTORNEY WORKSHEET (USA-5/USA-5A)**

Name: \_\_\_\_\_ Month: **December 2007**

Percent of Monthly Work	CIVIL PROGRAM CATEGORY	DIST COURT (DCV)	APPELLATE COURT (AC)	STATE COURT (SC)	BANKRUPTCY COURT (BC)	MAGIS COURT (MC)	CASE RELATED TRAVEL (TRAV)	DEFENDERS SERVICES EXAM (DEF)	JUD PREP (WIT)	A C R	OTHER TIME
	(ADU) Administrative Leave										
	(ANL) Annual Leave										
	(FAM) Family Leave Act										
	(HOL) Holiday Leave										
	(WOP) Not in Pay Status										
	(ML) Military Leave										
	(SICK) Sick Leave										
	(PL) Program Litigation										
	(DT) Domestic Terrorism										
	(IT) International Terrorism										
	(PE) Professional Responsibility										
	(AT) Alternative Torts										
	(DT) Defensive Torts										
	(DT) Domestic Terrorism										
	(IT) International Terrorism										
	(PE) Professional Responsibility										
	(ED) Employment Disputes Against the Gov										
	(DT) Domestic Terrorism										
	(IT) International Terrorism										
	(PE) Professional Responsibility										
	(AF) Alternative Fraud										
	(DT) Domestic Terrorism										
	(IT) International Terrorism										
	(DFCV) Defense Procurement F										
	(HCFCV) Health Care Fraud										
	(CCFCV) Computer Fraud										
	(PE) Professional Responsibility										
	(OPFCV) Other Procurement Fraud CV										
	(DFR) Defensive Fraud										
	(MCV) Immigration										
	(DT) Domestic Terrorism										
	(IT) International Terrorism										
	(ACR) Alternative Civil Rights										
	(DT) Domestic Terrorism										
	(IT) International Terrorism										
	(PE) Professional Responsibility										
	(DCR) Defensive Civil Rights										
	(PC) Proper Litigation (mostly § 2241)										
	(BK) Bankruptcy										
	(DT) Domestic Terrorism										
	(IT) International Terrorism										
	(PE) Professional Responsibility										
	(FC) Foreclosure/2410										
	(LD) Lands										
	(AD) Admiralty										
	(AF) Asset Forfeiture										
	(CORCV) Corporate Fraud Civil										
	(DT) Domestic Terrorism										
	(IT) International Terrorism										
	(PE) Professional Responsibility										
	(AC) Alternative Commercial										
	(DC) Defensive Commercial										
	(SS) Social Security										
	(CD) Collections										
	(DT) Domestic Terrorism										
	(IT) International Terrorism										
	(PE) Professional Responsibility										
	(AEN) Alternative Environmental										
	(DEN) Defensive Environmental										
	(MA) Management & Admin										
	(CIRP) Critical Incident Response Plan										
	(DT) Domestic Terrorism										
	(IT) International Terrorism										
	(FR) FOIA/PA Requests										
	(LECC) LECC/Quine Prevention										
	(PE) Professional Responsibility										
	<- THIS COLUMN MUST TOTAL 100%										

## TOTAL USAO ATTORNEY UTILIZATION FISCAL YEARS 2003 AND 2007

In this appendix, we present the total number of attorney FTEs utilized, including time recorded in excess of a standard 40-hour work week in each USAO during FYs 2003 and 2007, as well as the change in the number of total attorney FTEs utilized between FYs 2003 and 2007. We also indicate the district size of each office using EOUSA's categorization of USAOs based upon *allocated* attorney staff levels. During our review period, EOUSA used the following distinctions: (1) extra-large (greater than or equal to 100 attorneys), (2) large (between 45 and 99.9 attorneys), (3) medium (between 25 and 44.9 attorneys), and (4) small (less than 25 attorneys).

DISTRICT	FY 2003 TOTALS	FY 2007 TOTALS	CHANGE BETWEEN FYs 2003 AND 2007	DISTRICT SIZE
Alabama Middle	20.93	24.16	3.23	Small
Alabama North	50.51	49.17	-1.34	Large
Alabama South	26.91	25.83	-1.08	Small
Alaska	20.06	24.71	4.65	Small
Arizona	137.38	134.69	-2.69	Extra-Large
Arkansas Eastern	29.05	27.81	-1.24	Medium
Arkansas Western	15.41	14.62	-0.79	Small
California Central	322.39	273.94	-48.45	Extra-Large
California Eastern	75.08	70.86	-4.22	Large
California Northern	127.80	112.67	-15.13	Extra-Large
California Southern	129.62	124.14	-5.48	Extra-Large
Colorado	80.34	73.29	-7.05	Large
Connecticut	73.68	71.24	-2.44	Large
Delaware	19.94	19.19	-0.75	Small
District of Columbia	436.81	374.43	-62.38	Extra-Large
Florida Middle	125.72	111.20	-14.52	Extra-Large
Florida Northern	39.94	38.63	-1.31	Medium
Florida Southern	265.57	234.26	-31.31	Extra-Large
Georgia Middle	29.31	31.05	1.74	Medium
Georgia Northern	92.17	89.39	-2.78	Large
Georgia Southern	28.92	27.25	-1.67	Medium
Guam	12.92	10.23	-2.69	Small
Hawaii	34.62	32.09	-2.53	Medium
Idaho	29.05	29.15	0.10	Small
Illinois Central	34.57	35.17	0.60	Medium
Illinois Northern	178.28	174.95	-3.33	Extra-Large
Illinois Southern	42.68	39.07	-3.61	Medium
Indiana Northern	40.66	38.19	-2.47	Medium

## APPENDIX V

DISTRICT	FY 2003 TOTALS	FY 2007 TOTALS	CHANGE BETWEEN FYs 2003 AND 2007	DISTRICT SIZE
Indiana Southern	36.85	33.68	-3.17	Medium
Iowa Northern	25.52	26.83	1.31	Small
Iowa Southern	27.17	27.00	-0.17	Small
Kansas	46.81	47.30	0.49	Medium
Kentucky Eastern	40.83	42.14	1.31	Medium
Kentucky Western	39.72	38.05	-1.67	Medium
Louisiana Eastern	60.50	58.69	-1.81	Large
Louisiana Middle	22.61	25.94	3.33	Small
Louisiana Western	39.77	36.70	-3.07	Medium
Maine	25.75	26.33	0.58	Small
Maryland	86.73	82.50	-4.23	Large
Massachusetts	124.60	117.91	-6.69	Extra-Large
Michigan Eastern	112.43	109.22	-3.21	Extra-Large
Michigan Western	40.09	35.97	-4.12	Medium
Minnesota	55.01	52.96	-2.05	Large
Mississippi Northern	22.29	20.78	-1.51	Small
Mississippi Southern	32.44	35.59	3.15	Medium
Missouri Eastern	64.79	61.08	-3.71	Large
Missouri Western	60.33	62.47	2.14	Large
Montana	26.19	29.57	3.38	Small
Nebraska	31.92	27.34	-4.58	Medium
Nevada	47.05	46.52	-0.53	Large
New Hampshire	27.32	25.77	-1.55	Small
New Jersey	154.68	153.41	-1.27	Extra-Large
New Mexico	70.71	69.77	-0.94	Large
New York Eastern	203.82	153.28	-50.54	Extra-Large
New York Northern	43.81	46.01	2.20	Medium
New York Southern	261.32	260.20	-1.12	Extra-Large
New York Western	63.28	61.05	-2.23	Large
North Carolina Eastern	43.27	43.27	0.00	Medium
North Carolina Middle	23.78	24.28	0.50	Small
North Carolina Western	38.07	35.79	-2.28	Medium
North Dakota	18.50	18.90	0.40	Small
Ohio Northern	79.57	86.55	6.98	Large
Ohio Southern	60.52	63.53	3.01	Large
Oklahoma Eastern	14.79	14.71	-0.08	Small
Oklahoma Northern	27.79	28.69	0.90	Medium
Oklahoma Western	40.81	39.89	-0.92	Medium
Oregon	58.73	54.25	-4.48	Large
Pennsylvania Eastern	150.90	139.01	-11.89	Extra-Large
Pennsylvania Middle	36.07	38.29	2.22	Medium
Pennsylvania Western	52.10	56.53	4.43	Large
Puerto Rico	50.23	47.98	-2.25	Large
Rhode Island	22.24	18.78	-3.46	Small

## APPENDIX V

DISTRICT	FY 2003 TOTALS	FY 2007 TOTALS	CHANGE BETWEEN FYs 2003 AND 2007	DISTRICT SIZE
South Carolina	65.58	62.44	-3.14	Large
South Dakota	31.86	26.80	-5.06	Medium
Tennessee Eastern	39.80	44.46	4.66	Medium
Tennessee Middle	27.92	36.43	8.51	Medium
Tennessee Western	42.99	39.83	-3.16	Medium
Texas Eastern	55.10	53.86	-1.24	Large
Texas Northern	88.36	93.21	4.85	Large
Texas Southern	167.59	170.75	3.16	Extra-Large
Texas Western	126.51	128.65	2.14	Extra-Large
Utah	46.87	44.26	-2.61	Medium
Vermont	23.48	21.81	-1.67	Small
Virginia Eastern	139.91	142.91	3.00	Extra-Large
Virginia Western	26.70	26.74	0.04	Small
Virgin Islands	22.37	18.07	-4.30	Small
Washington Eastern	28.14	29.35	1.21	Medium
Washington Western	70.97	67.51	-3.46	Large
West Virginia Northern	23.24	22.22	-1.02	Small
West Virginia Southern	30.03	29.79	-0.24	Medium
Wisconsin Eastern	42.32	43.15	0.83	Medium
Wisconsin Western	22.88	23.48	0.60	Small
Wyoming	19.39	21.08	1.69	Small
<b>Total</b>	<b>6,274.04</b>	<b>5,982.69</b>	<b>-291.35</b>	

## UNUSED USAO ATTORNEY FTEs

This appendix presents the percentage of unused attorney FTEs during FYs 2003 through 2007. For this analysis, we compared the total attorney FTEs allocated to the total attorney FTEs utilized within each USAO throughout our review period. However, we excluded any time recorded in excess of a standard 40-hour work week. For example, during FY 2003, the Middle District of Alabama was allocated 19.1 attorney FTEs and utilized 18.17 attorney FTEs. Thus, this district had a total of 0.93 unused attorney FTEs – equating to 4.86 percent. Positive percentages shown within this appendix indicate that a USAO did not use its entire allocation of attorney FTEs. In contrast, negative percentages indicate that a USAO utilized more than its allocated amount of attorney FTEs.

DISTRICT	PERCENTAGE OF UNUSED ATTORNEY FTE					OFFICE SIZE
	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	
Alabama - Middle	4.86%	8.97%	7.40%	1.96%	4.94%	Small
Alabama - Northern	-1.37%	1.68%	11.25%	7.13%	7.72%	Large
Alabama - Southern	3.09%	-0.38%	-0.47%	3.62%	4.23%	Small
Alaska	18.05%	11.03%	10.44%	20.86%	11.10%	Small
Arizona	2.91%	7.78%	7.48%	11.56%	11.06%	Extra-Large
Arkansas - Eastern	-0.52%	1.20%	1.71%	5.94%	7.37%	Medium
Arkansas - Western	5.84%	10.78%	5.16%	5.16%	13.52%	Small
California - Central	2.29%	2.20%	4.24%	9.25%	18.10%	Extra-Large
California - Eastern	8.23%	8.22%	10.52%	19.18%	18.12%	Large
California - Northern	1.03%	0.72%	4.27%	10.45%	15.67%	Extra-Large
California - Southern	10.17%	12.29%	4.32%	9.06%	17.17%	Extra-Large
Colorado	-1.88%	-0.14%	0.51%	11.36%	10.75%	Large
Connecticut	-2.21%	-1.97%	-1.94%	-0.97%	3.72%	Large
Delaware	4.87%	-3.61%	6.36%	12.30%	5.83%	Small
District of Columbia	3.45%	4.78%	5.67%	11.27%	13.47%	Extra-Large
Florida - Middle	1.83%	3.31%	4.52%	12.58%	15.82%	Extra-Large
Florida - Northern	0.74%	2.63%	5.99%	8.38%	9.82%	Medium
Florida - Southern	7.17%	8.99%	15.23%	18.57%	18.77%	Extra-Large
Georgia - Middle	2.42%	0.28%	4.21%	1.65%	-1.13%	Medium
Georgia - Northern	-0.60%	0.17%	2.80%	1.71%	6.57%	Large
Georgia - Southern	2.45%	3.36%	7.85%	4.76%	12.70%	Medium
Guam	11.10%	10.60%	17.10%	19.70%	27.20%	Small
Hawaii	-2.66%	2.29%	3.99%	2.76%	6.53%	Medium
Idaho	-1.74%	-4.78%	-3.07%	-5.04%	-4.40%	Small
Illinois - Central	5.89%	0.88%	7.20%	6.60%	5.88%	Medium
Illinois - Northern	6.10%	3.52%	4.78%	14.43%	16.29%	Extra-Large
Illinois - Southern	-5.77%	-4.13%	-2.18%	0.80%	3.14%	Medium
Indiana - Northern	7.05%	4.73%	8.84%	4.96%	8.99%	Medium
Indiana - Southern	-2.63%	2.23%	3.45%	5.22%	7.41%	Medium



## APPENDIX VI

DISTRICT	PERCENTAGE OF UNUSED ATTORNEY FTE					OFFICE SIZE
	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	
Iowa - Northern	-0.29%	-0.27%	-2.17%	-5.81%	0.57%	Small
Iowa - Southern	-1.36%	-1.78%	-4.32%	-3.82%	-3.44%	Small
Kansas	-4.32%	-4.49%	-2.52%	-2.08%	2.21%	Medium
Kentucky - Eastern	2.65%	4.63%	6.89%	5.89%	6.93%	Medium
Kentucky - Western	3.35%	7.33%	10.29%	5.98%	7.46%	Medium
Louisiana - Eastern	6.98%	2.01%	13.25%	12.85%	11.64%	Large
Louisiana - Middle	9.32%	0.93%	-4.99%	-0.67%	-3.37%	Small
Louisiana - Western	-1.35%	-3.44%	-0.76%	2.69%	7.56%	Medium
Maine	0.13%	4.42%	1.96%	4.36%	4.00%	Small
Maryland	3.37%	3.55%	5.53%	10.33%	10.54%	Large
Massachusetts	3.47%	5.08%	6.78%	8.94%	14.69%	Extra-Large
Michigan - Eastern	0.08%	1.12%	2.30%	5.97%	6.48%	Extra-Large
Michigan - Western	6.80%	2.56%	4.21%	7.14%	14.39%	Medium
Minnesota	4.79%	3.67%	4.49%	6.09%	14.93%	Large
Mississippi - Northern	5.12%	4.83%	12.41%	7.19%	9.68%	Small
Mississippi - Southern	-1.60%	0.02%	5.68%	9.49%	-5.15%	Medium
Missouri - Eastern	-0.52%	2.56%	3.87%	4.28%	2.56%	Large
Missouri - Western	1.71%	-2.10%	-2.15%	0.61%	1.29%	Large
Montana	1.92%	4.78%	5.55%	4.07%	0.21%	Small
Nebraska	-10.81%	-11.17%	-3.48%	4.01%	11.03%	Medium
Nevada	10.85%	1.03%	-0.91%	5.81%	15.56%	Large
New Hampshire	-2.90%	3.32%	3.00%	3.99%	5.98%	Small
New Jersey	5.95%	5.99%	6.74%	8.45%	8.84%	Extra-Large
New Mexico	5.14%	3.83%	3.64%	6.53%	8.59%	Large
New York - Eastern	7.14%	4.06%	5.49%	29.77%	31.12%	Extra-Large
New York - Northern	9.60%	2.50%	2.27%	3.50%	5.20%	Medium
New York - Southern	1.92%	2.87%	6.43%	8.94%	15.15%	Extra-Large
New York - Western	-1.20%	2.73%	7.19%	8.80%	6.41%	Large
North Carolina - Eastern	-0.04%	0.72%	4.48%	2.62%	4.00%	Medium
North Carolina - Middle	-0.78%	-1.90%	1.38%	3.77%	6.04%	Small
North Carolina - Western	5.77%	2.42%	11.98%	7.20%	7.67%	Medium
North Dakota	3.05%	2.22%	3.99%	2.05%	2.44%	Small
Ohio - Northern	8.45%	3.17%	0.53%	5.55%	4.67%	Large
Ohio - Southern	-4.87%	-7.22%	-3.97%	-0.89%	-0.43%	Large
Oklahoma - Eastern	10.80%	15.51%	4.65%	0.21%	11.97%	Small
Oklahoma - Northern	3.43%	1.51%	4.98%	0.88%	-0.28%	Medium
Oklahoma - Western	1.32%	0.03%	1.00%	7.73%	4.48%	Medium
Oregon	-1.31%	-0.25%	3.98%	5.43%	13.63%	Large
Pennsylvania - Eastern	1.86%	1.12%	1.52%	10.28%	10.50%	Extra-Large
Pennsylvania - Middle	5.94%	0.08%	0.30%	1.63%	2.50%	Medium
Pennsylvania - Western	10.87%	8.63%	10.14%	12.19%	11.92%	Large
Puerto Rico	9.15%	5.18%	17.34%	18.98%	24.34%	Large
Rhode Island	8.43%	14.59%	13.79%	20.29%	23.54%	Small
South Carolina	-1.19%	-1.77%	5.10%	7.02%	2.27%	Large
South Dakota	5.67%	3.49%	9.97%	10.13%	16.91%	Medium
Tennessee - Eastern	11.98%	9.41%	9.36%	5.52%	8.36%	Medium
Tennessee - Middle	13.40%	11.47%	6.24%	2.97%	5.10%	Medium

DISTRICT	PERCENTAGE OF UNUSED ATTORNEY FTE					OFFICE SIZE
	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	
Tennessee - Western	0.93%	1.66%	1.52%	6.80%	8.17%	Medium
Texas - Eastern	3.12%	3.10%	3.02%	4.87%	8.37%	Large
Texas - Northern	10.94%	10.77%	11.47%	7.04%	8.58%	Large
Texas - Southern	6.86%	5.76%	4.74%	8.40%	10.23%	Extra-Large
Texas - Western	4.04%	4.74%	4.34%	4.96%	5.41%	Extra-Large
Utah	-1.63%	-4.12%	1.56%	1.40%	5.28%	Medium
Vermont	-4.07%	0.86%	1.02%	5.71%	5.12%	Small
Virginia - Eastern	1.89%	1.80%	1.71%	5.52%	4.50%	Extra-Large
Virginia - Western	5.75%	1.54%	0.99%	1.65%	3.72%	Small
Virgin Islands	8.64%	14.65%	31.17%	24.12%	17.60%	Small
Washington - Eastern	1.24%	2.59%	1.35%	1.69%	1.24%	Medium
Washington - Western	1.48%	2.11%	2.78%	10.30%	12.13%	Large
West Virginia - Northern	-5.16%	-6.91%	-4.94%	1.92%	1.29%	Small
West Virginia - Southern	7.25%	3.40%	7.01%	4.95%	10.72%	Medium
Wisconsin - Eastern	6.60%	7.93%	9.66%	7.02%	3.91%	Medium
Wisconsin - Western	-2.00%	-7.02%	-3.19%	2.49%	-3.04%	Small
Wyoming	6.37%	8.85%	8.30%	6.59%	10.80%	Small
<b>Total Percentage of Unused Attorney FTE</b>	3.59%	3.47%	5.21%	8.86%	11.01%	

## COUNTERTERRORISM BURN RATES

This appendix provides the burn rates of attorney FTEs, in percentage terms, for the prosecutorial area of counterterrorism. For these computations, we compared the number of attorney FTEs allocated to the total number of attorney FTEs utilized (including time recorded in excess of a standard 40-hour work week) within each USAO. For example, in FY 2004, the District of Columbia was allocated 7 attorney FTEs for counterterrorism and utilized a total of 9.8476 attorney FTEs on such matters. This amounted to an overburn of 2.8476 FTEs, which equated to a 40.68-percent overburn.

DISTRICT	PERCENT CHANGE					OFFICE SIZE
	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	
Alabama - Middle	-79.87%	-90.90%	-82.47%	-90.99%	-91.04%	Small
Alabama - Northern	-25.42%	42.16%	-6.86%	-37.10%	-66.21%	Large
Alabama - Southern	-27.90%	-79.44%	-90.46%	-99.47%	-62.87%	Small
Alaska	-54.56%	-34.21%	-46.50%	-41.70%	-46.79%	Small
Arizona	-21.64%	-2.30%	2.15%	-3.13%	-18.72%	Extra-Large
Arkansas - Eastern	-74.40%	-86.27%	-100.00%	-99.90%	-94.61%	Medium
Arkansas - Western	-100.00%	-91.67%	-74.57%	-64.36%	-90.46%	Small
California - Central	-5.07%	16.49%	34.71%	-46.37%	-10.66%	Extra-Large
California - Eastern	70.70%	15.74%	1.62%	-27.12%	-25.66%	Large
California - Northern	-18.87%	-54.36%	-73.66%	-32.49%	-55.91%	Extra-Large
California - Southern	20.77%	-16.43%	11.89%	-9.47%	-45.53%	Extra-Large
Colorado	-54.68%	-67.51%	-92.28%	-97.56%	-81.07%	Large
Connecticut	-10.90%	11.36%	-16.36%	-22.96%	-26.05%	Large
Delaware	-95.06%	-94.99%	-85.63%	-94.99%	-95.50%	Small
District of Columbia	-3.19%	40.68%	73.53%	71.32%	45.98%	Extra-Large
Florida - Middle	18.81%	-0.26%	41.27%	-35.42%	-43.81%	Extra-Large
Florida - Northern	-68.10%	-71.59%	-81.27%	-85.07%	-83.56%	Medium
Florida - Southern	2.44%	-8.63%	5.26%	25.79%	37.36%	Extra-Large
Georgia - Middle	-64.46%	-53.67%	-43.96%	-50.98%	-34.21%	Medium
Georgia - Northern	-38.41%	-60.27%	-52.54%	-43.00%	-60.91%	Large
Georgia - Southern	-71.63%	1.92%	-99.81%	-95.45%	-85.63%	Medium
Guam	-80.23%	-94.46%	-99.90%	-100.00%	-100.00%	Small
Hawaii	-38.99%	-49.29%	-51.99%	14.47%	-8.89%	Medium
Idaho	95.59%	128.93%	-4.07%	-45.64%	-69.66%	Small
Illinois - Central	-62.85%	-55.38%	-69.47%	-69.76%	-21.17%	Medium
Illinois - Northern	-23.01%	-48.93%	2.04%	-28.29%	-30.54%	Extra-Large
Illinois - Southern	-64.62%	-90.22%	-74.47%	-45.87%	-63.83%	Medium
Indiana - Northern	-54.83%	-68.15%	-86.54%	-74.31%	-74.40%	Medium
Indiana - Southern	-26.53%	-56.93%	-44.49%	-23.31%	-58.22%	Medium
Iowa - Northern	-14.95%	-30.56%	10.10%	-60.13%	-55.99%	Small
Iowa - Southern	-13.56%	-44.66%	-27.80%	-28.67%	-27.13%	Small
Kansas	-70.07%	-44.09%	-32.53%	8.34%	40.24%	Medium
Kentucky - Eastern	-34.31%	-44.04%	-53.86%	-64.84%	-51.65%	Medium
Kentucky - Western	19.58%	-11.33%	-41.67%	-32.56%	-49.38%	Medium

## APPENDIX VII

DISTRICT	PERCENT CHANGE					OFFICE SIZE
	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	
Louisiana - Eastern	34.98%	-26.75%	-66.49%	-77.08%	-41.17%	Large
Louisiana - Middle	-48.09%	-80.45%	-61.43%	-62.53%	-89.94%	Small
Louisiana - Western	-23.26%	-29.62%	1.81%	-24.06%	-39.86%	Medium
Maine	-4.29%	2.64%	-23.99%	-40.75%	-16.67%	Small
Maryland	79.90%	56.17%	20.59%	1.12%	63.38%	Large
Massachusetts	-11.85%	-0.07%	7.79%	-13.41%	-17.39%	Extra-Large
Michigan - Eastern	6.82%	15.16%	10.36%	-12.83%	-0.06%	Extra-Large
Michigan - Western	-26.46%	-32.24%	-33.21%	-63.88%	-62.10%	Medium
Minnesota	91.12%	104.41%	81.94%	-32.89%	-33.26%	Large
Mississippi - Northern	-78.53%	-44.09%	-54.34%	-60.37%	-90.22%	Small
Mississippi - Southern	-91.33%	-80.79%	-65.34%	-85.10%	-83.41%	Medium
Missouri - Eastern	19.05%	19.52%	27.57%	15.29%	-19.84%	Large
Missouri - Western	-65.58%	-50.33%	-75.23%	-21.36%	-21.12%	Large
Montana	-17.84%	-13.29%	-36.52%	-46.12%	-68.85%	Small
Nebraska	12.23%	1.59%	-5.06%	17.32%	-79.68%	Medium
Nevada	-23.63%	-14.55%	-61.36%	-80.88%	-94.00%	Large
New Hampshire	-27.10%	-50.64%	-47.32%	-70.00%	-80.02%	Small
New Jersey	-32.70%	-28.50%	-20.93%	-51.09%	-40.43%	Extra-Large
New Mexico	174.22%	51.67%	11.15%	7.58%	26.85%	Large
New York - Eastern	6.66%	-23.94%	-52.99%	-78.69%	-57.46%	Extra-Large
New York - Northern	80.33%	94.01%	87.18%	47.56%	11.49%	Medium
New York - Southern	-52.09%	-37.69%	-78.65%	-78.26%	7.14%	Extra-Large
New York - Western	-28.72%	-49.33%	-56.77%	-49.45%	-59.14%	Large
North Carolina - Eastern	-73.49%	-53.49%	-32.88%	-44.08%	-60.85%	Medium
North Carolina - Middle	-57.61%	-65.66%	-82.08%	-83.14%	-91.47%	Small
North Carolina - Western	-8.34%	-10.47%	-41.89%	-71.37%	-54.81%	Medium
North Dakota	-99.66%	-81.31%	-90.90%	-100.00%	-99.42%	Small
Ohio - Northern	-14.97%	86.09%	58.83%	48.32%	94.68%	Large
Ohio - Southern	-5.02%	34.28%	8.72%	-22.52%	15.95%	Large
Oklahoma - Eastern	-99.23%	-83.33%	-75.00%	-100.00%	-90.80%	Small
Oklahoma - Northern	-98.75%	-100.00%	-100.00%	-90.80%	-90.08%	Medium
Oklahoma - Western	58.59%	-9.42%	-49.25%	-66.94%	-68.00%	Medium
Oregon	21.71%	22.10%	-6.08%	-11.86%	-14.96%	Large
Pennsylvania - Eastern	30.00%	43.34%	69.67%	12.79%	7.67%	Extra-Large
Pennsylvania - Middle	-77.32%	-99.33%	-99.57%	-96.73%	-86.19%	Medium
Pennsylvania - Western	-26.53%	-35.83%	-25.07%	-42.24%	-65.85%	Large
Puerto Rico	-95.28%	-95.16%	-93.38%	-93.34%	-96.95%	Large
Rhode Island	16.46%	19.10%	-74.47%	-91.33%	-82.37%	Small
South Carolina	-2.09%	0.98%	-30.90%	-27.89%	-34.75%	Large
South Dakota	-4.21%	-72.21%	-99.81%	-99.57%	-99.47%	Medium
Tennessee - Eastern	-9.36%	3.61%	-28.76%	-25.95%	-33.41%	Medium
Tennessee - Middle	-52.68%	-72.65%	-54.94%	-68.20%	-61.63%	Medium
Tennessee - Western	-59.65%	-58.00%	-35.52%	-40.94%	-41.89%	Medium
Texas - Eastern	-27.92%	-28.25%	-21.43%	-48.14%	-66.67%	Large
Texas - Northern	12.78%	-7.73%	-15.59%	-41.94%	-41.64%	Large
Texas - Southern	69.60%	64.34%	75.05%	50.38%	35.18%	Extra-Large
Texas - Western	-2.61%	-6.63%	-21.93%	-6.27%	-26.38%	Extra-Large
Utah	-52.83%	-45.83%	-87.50%	-99.95%	-86.71%	Medium

## APPENDIX VII

DISTRICT	PERCENT CHANGE					OFFICE SIZE
	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	
Vermont	-80.02%	-90.56%	-99.81%	-99.81%	-90.08%	Small
Virginia - Eastern	-20.82%	-0.13%	-2.45%	-24.51%	-41.86%	Extra-Large
Virginia - Western	-79.34%	-74.78%	-95.79%	-100.00%	-100.00%	Small
Virgin Islands	-40.54%	-95.54%	-90.10%	-95.21%	-100.00%	Small
Washington - Eastern	-40.68%	-83.48%	-62.75%	-93.74%	-90.82%	Medium
Washington - Western	-0.98%	-38.00%	-84.54%	-75.73%	-50.84%	Large
West Virginia - Northern	-33.78%	10.64%	9.29%	68.43%	86.47%	Small
West Virginia - Southern	-63.01%	-72.16%	-83.14%	-91.33%	-100.00%	Medium
Wisconsin - Eastern	85.66%	61.23%	-37.55%	41.33%	45.98%	Medium
Wisconsin - Western	11.15%	86.46%	46.52%	-15.08%	4.66%	Small
Wyoming	-72.36%	-81.12%	-73.80%	-70.43%	-82.80%	Small
<b>Total Percent Change</b>	<b>-18.27%</b>	<b>-19.05%</b>	<b>-24.45%</b>	<b>-35.11%</b>	<b>-31.86%</b>	

## HEALTH CARE FRAUD BURN RATES

This appendix provides the burn rates of attorney FTEs, in percentage terms, for the prosecutorial area of health care fraud. For these computations, we compared the number of attorney FTEs allocated to the total number of attorney FTEs utilized (including time recorded in excess of a standard 40-hour work week) within each USAO. For example, in FY 2007, the Central District of California was allocated 6 attorney FTEs for health care fraud and utilized a total of 12.3972 attorney FTEs on such matters. This amounted to an overburn of 6.3972 FTEs, which equated to a 106.62-percent overburn.

DISTRICT	PERCENT CHANGE					OFFICE SIZE
	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	
Alabama - Middle	-89.46%	-63.11%	-62.24%	-90.90%	-100.00%	Small
Alabama - Northern	N/A	N/A	N/A	N/A	N/A	Large
Alabama - Southern	-72.60%	-91.04%	-99.66%	-100.00%	-90.75%	Small
Alaska	N/A	N/A	N/A	N/A	N/A	Small
Arizona	N/A	N/A	N/A	N/A	N/A	Extra-Large
Arkansas - Eastern	N/A	N/A	N/A	N/A	N/A	Medium
Arkansas - Western	N/A	N/A	N/A	N/A	N/A	Small
California - Central	160.40%	203.46%	178.34%	155.37%	106.62%	Extra-Large
California - Eastern	-2.55%	-8.32%	-24.58%	-56.46%	28.04%	Large
California - Northern	29.73%	39.13%	103.72%	148.06%	30.40%	Extra-Large
California - Southern	92.95%	108.41%	205.29%	102.03%	-55.17%	Extra-Large
Colorado	6.70%	4.33%	1.15%	22.68%	4.70%	Large
Connecticut	32.58%	43.37%	19.91%	40.99%	7.94%	Large
Delaware	-10.29%	-42.69%	-60.32%	-72.12%	-90.46%	Small
District of Columbia	285.37%	63.00%	89.60%	120.05%	167.28%	Extra-Large
Florida - Middle	18.62%	-10.09%	-24.23%	-27.06%	-30.56%	Extra-Large
Florida - Northern	N/A	N/A	N/A	N/A	N/A	Medium
Florida - Southern	107.21%	115.83%	123.64%	110.87%	135.80%	Extra-Large
Georgia - Middle	N/A	N/A	N/A	N/A	N/A	Medium
Georgia - Northern	69.27%	51.38%	37.60%	59.00%	36.99%	Large
Georgia - Southern	-52.08%	-6.63%	180.29%	295.59%	90.43%	Medium
Guam	N/A	N/A	N/A	N/A	N/A	Small
Hawaii	N/A	N/A	N/A	N/A	N/A	Medium
Idaho	17.08%	12.48%	23.62%	42.72%	-31.19%	Small
Illinois - Central	81.19%	77.26%	91.73%	3.17%	40.03%	Medium
Illinois - Northern	64.44%	82.86%	45.82%	61.16%	55.09%	Extra-Large
Illinois - Southern	328.91%	277.23%	80.48%	17.04%	-58.97%	Medium
Indiana - Northern	N/A	N/A	N/A	N/A	N/A	Medium
Indiana - Southern	N/A	N/A	N/A	N/A	N/A	Medium
Iowa - Northern	N/A	N/A	N/A	N/A	N/A	Small
Iowa - Southern	-19.23%	-26.94%	-31.46%	42.16%	-63.30%	Small
Kansas	-26.89%	-20.66%	-15.75%	26.42%	-13.75%	Medium
Kentucky - Eastern	92.56%	36.25%	26.09%	-6.09%	-14.33%	Medium

## APPENDIX VIII

DISTRICT	PERCENT CHANGE					OFFICE SIZE
	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	
Kentucky - Western	19.49%	28.49%	91.91%	107.29%	56.07%	Medium
Louisiana - Eastern	136.54%	149.87%	83.62%	6.92%	48.04%	Large
Louisiana - Middle	N/A	N/A	N/A	N/A	N/A	Small
Louisiana - Western	-35.22%	-7.15%	128.96%	115.69%	44.04%	Medium
Maine	N/A	34.36%	89.57%	105.59%	63.03%	Small
Maryland	118.97%	106.70%	173.73%	126.27%	147.18%	Large
Massachusetts	128.00%	65.84%	65.85%	67.15%	57.41%	Extra-Large
Michigan - Eastern	88.20%	92.41%	73.87%	96.59%	139.97%	Extra-Large
Michigan - Western	133.48%	104.60%	106.96%	-6.76%	46.49%	Medium
Minnesota	61.54%	-21.11%	-12.34%	65.00%	52.61%	Large
Mississippi - Northern	35.54%	-32.28%	-23.14%	-47.12%	-12.05%	Small
Mississippi - Southern	N/A	N/A	N/A	N/A	N/A	Medium
Missouri - Eastern	149.66%	216.84%	192.13%	149.76%	213.69%	Large
Missouri - Western	-14.54%	-24.15%	16.62%	23.49%	40.74%	Large
Montana	N/A	N/A	N/A	N/A	N/A	Small
Nebraska	N/A	N/A	N/A	N/A	N/A	Medium
Nevada	-75.15%	-3.27%	13.08%	7.30%	11.15%	Large
New Hampshire	N/A	N/A	N/A	N/A	N/A	Small
New Jersey	27.58%	40.38%	-0.83%	63.17%	78.64%	Extra-Large
New Mexico	N/A	N/A	N/A	N/A	N/A	Large
New York - Eastern	128.96%	228.56%	252.80%	156.68%	151.46%	Extra-Large
New York - Northern	16.17%	13.59%	22.72%	-46.78%	-18.99%	Medium
New York - Southern	6.61%	-17.09%	-44.36%	-73.85%	-22.02%	Extra-Large
New York - Western	N/A	N/A	N/A	N/A	N/A	Large
North Carolina - Eastern	N/A	N/A	N/A	N/A	N/A	Medium
North Carolina - Middle	117.05%	118.49%	67.72%	69.17%	66.67%	Small
North Carolina - Western	-39.42%	-5.66%	122.93%	79.26%	52.77%	Medium
North Dakota	N/A	N/A	N/A	N/A	N/A	Small
Ohio - Northern	86.62%	107.55%	107.94%	126.17%	75.83%	Large
Ohio - Southern	-15.43%	-26.12%	-34.31%	-15.72%	64.33%	Large
Oklahoma - Eastern	N/A	N/A	N/A	N/A	N/A	Small
Oklahoma - Northern	N/A	N/A	N/A	N/A	N/A	Medium
Oklahoma - Western	N/A	N/A	N/A	N/A	N/A	Medium
Oregon	N/A	N/A	N/A	N/A	N/A	Large
Pennsylvania - Eastern	170.01%	148.15%	166.97%	234.00%	183.16%	Extra-Large
Pennsylvania - Middle	-83.77%	-53.58%	-47.64%	-56.06%	-54.44%	Medium
Pennsylvania - Western	-14.62%	-2.43%	-2.20%	-15.68%	-39.50%	Large
Puerto Rico	14.68%	-19.09%	25.90%	59.49%	14.60%	Large
Rhode Island	153.24%	204.07%	28.88%	23.75%	-11.96%	Small
South Carolina	129.65%	116.04%	67.04%	92.45%	89.89%	Large
South Dakota	-13.94%	-20.24%	-3.09%	0.90%	-22.45%	Medium
Tennessee - Eastern	117.24%	80.69%	53.33%	39.13%	82.40%	Medium
Tennessee - Middle	N/A	N/A	N/A	N/A	N/A	Medium
Tennessee - Western	N/A	N/A	N/A	N/A	N/A	Medium
Texas - Eastern	176.83%	322.80%	134.05%	43.48%	-1.75%	Large
Texas - Northern	139.47%	188.62%	200.61%	248.32%	174.62%	Large
Texas - Southern	N/A	348.35%	355.96%	430.16%	427.93%	Extra-Large
Texas - Western	66.39%	26.07%	-2.86%	44.94%	28.69%	Extra-Large

## APPENDIX VIII

DISTRICT	PERCENT CHANGE					OFFICE SIZE
	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	
Utah	-91.57%	-100.00%	-100.00%	-100.00%	-49.68%	Medium
Vermont	N/A	N/A	N/A	N/A	N/A	Small
Virginia - Eastern	134.90%	156.68%	48.09%	17.40%	52.43%	Extra-Large
Virginia - Western	N/A	N/A	N/A	N/A	N/A	Small
Virgin Islands	N/A	N/A	N/A	N/A	N/A	Small
Washington - Eastern	N/A	N/A	N/A	N/A	N/A	Medium
Washington - Western	15.70%	-0.87%	3.08%	9.85%	2.53%	Large
West Virginia - Northern	N/A	N/A	N/A	N/A	N/A	Small
West Virginia - Southern	10.48%	26.47%	16.03%	5.24%	-9.46%	Medium
Wisconsin - Eastern	169.50%	134.20%	140.46%	132.47%	93.03%	Medium
Wisconsin - Western	73.59%	69.17%	55.96%	54.04%	163.75%	Small
Wyoming	N/A	N/A	N/A	N/A	N/A	Small
<b>Total Percent Change</b>	88.54%	84.01%	81.61%	79.48%	64.95%	



## OCDETF BURN RATES

This appendix provides the burn rates of attorney FTEs, in percentage terms, for the prosecutorial area of OCDETF. For these computations, we compared the number of attorney FTEs allocated to the total number of attorney FTEs utilized (including time recorded in excess of a standard 40-hour work week) within each USAO. For example, in FY 2004, the Central District of California was allocated 21.62 attorney FTEs for OCDETF and utilized a total of 33.1706 attorney FTEs on such matters. This amounted to an overburn of 11.5506 FTEs, which equated to a 53.43-percent overburn.

DISTRICT	PERCENT CHANGE					OFFICE SIZE
	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	
Alabama - Middle	86.49%	233.07%	173.37%	30.40%	-21.34%	Small
Alabama - Northern	39.52%	16.25%	15.68%	40.34%	2.46%	Large
Alabama - Southern	-1.81%	-0.44%	-21.49%	20.92%	-13.80%	Small
Alaska	191.34%	210.64%	92.44%	23.41%	39.56%	Small
Arizona	21.22%	7.69%	24.69%	14.01%	-1.15%	Extra-Large
Arkansas - Eastern	-9.25%	-15.99%	49.42%	52.21%	-10.29%	Medium
Arkansas - Western	31.05%	14.55%	26.68%	72.15%	88.27%	Small
California - Central	50.57%	53.43%	43.13%	20.67%	-9.19%	Extra-Large
California - Eastern	38.75%	22.11%	37.85%	9.02%	-4.03%	Large
California - Northern	-6.25%	-21.08%	-12.18%	13.32%	10.00%	Extra-Large
California - Southern	32.12%	30.03%	36.82%	19.39%	10.03%	Extra-Large
Colorado	38.29%	30.71%	32.05%	9.64%	14.24%	Large
Connecticut	105.37%	56.71%	72.69%	47.08%	41.89%	Large
Delaware	-32.76%	-12.14%	8.75%	-40.53%	-57.99%	Small
District of Columbia	181.74%	119.62%	123.75%	163.15%	143.27%	Extra-Large
Florida - Middle	39.57%	36.79%	41.60%	13.95%	0.53%	Extra-Large
Florida - Northern	4.40%	3.05%	-13.95%	-23.33%	-19.86%	Medium
Florida - Southern	85.20%	55.39%	36.45%	30.60%	32.71%	Extra-Large
Georgia - Middle	71.18%	21.53%	70.29%	93.82%	179.16%	Medium
Georgia - Northern	58.01%	51.69%	22.92%	17.50%	15.24%	Large
Georgia - Southern	-29.99%	-41.34%	-58.97%	-58.64%	-29.22%	Medium
Guam	N/A	N/A	-6.51%	-56.36%	-46.11%	Small
Hawaii	52.90%	50.88%	23.37%	-3.84%	-0.16%	Medium
Idaho	51.34%	37.28%	72.78%	41.50%	26.25%	Small
Illinois - Central	3.67%	18.84%	60.36%	37.58%	43.35%	Medium
Illinois - Northern	53.66%	58.48%	72.45%	37.70%	27.86%	Extra-Large
Illinois - Southern	-16.58%	-21.40%	11.08%	38.44%	55.26%	Medium
Indiana - Northern	24.31%	16.14%	23.80%	-12.98%	-25.40%	Medium
Indiana - Southern	60.23%	66.99%	66.42%	39.21%	57.01%	Medium
Iowa - Northern	213.56%	210.27%	210.56%	134.32%	116.10%	Small
Iowa - Southern	59.57%	45.63%	69.70%	52.76%	15.01%	Small

## APPENDIX IX

DISTRICT	PERCENT CHANGE					OFFICE SIZE
	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	
Kansas	290.16%	235.74%	185.50%	133.72%	16.55%	Medium
Kentucky - Eastern	82.48%	53.70%	81.65%	37.29%	31.63%	Medium
Kentucky - Western	41.41%	55.87%	18.23%	-1.82%	9.15%	Medium
Louisiana - Eastern	14.42%	79.33%	56.06%	41.04%	0.88%	Large
Louisiana - Middle	218.69%	161.25%	100.85%	109.37%	54.89%	Small
Louisiana - Western	-15.01%	0.30%	6.37%	7.10%	42.05%	Medium
Maine	-0.73%	-55.14%	-45.85%	-50.91%	-21.58%	Small
Maryland	58.79%	53.09%	8.24%	19.77%	11.78%	Large
Massachusetts	10.05%	-0.02%	29.13%	25.34%	17.46%	Extra-Large
Michigan - Eastern	22.47%	12.49%	7.27%	-10.04%	-5.65%	Extra-Large
Michigan - Western	-8.13%	8.80%	29.01%	89.86%	61.21%	Medium
Minnesota	12.48%	3.69%	34.78%	-14.75%	-2.86%	Large
Mississippi - Northern	74.89%	58.37%	50.35%	62.96%	20.11%	Small
Mississippi - Southern	31.69%	34.58%	26.87%	30.04%	9.81%	Medium
Missouri - Eastern	-3.36%	-0.93%	-7.88%	-23.43%	-38.01%	Large
Missouri - Western	73.85%	60.79%	62.99%	54.84%	79.90%	Large
Montana	73.41%	57.13%	15.35%	22.20%	60.95%	Small
Nebraska	247.31%	224.95%	138.56%	6.13%	-4.83%	Medium
Nevada	-54.74%	-20.73%	-3.03%	-5.26%	-17.07%	Large
New Hampshire	11.83%	-42.21%	15.68%	13.22%	22.75%	Small
New Jersey	43.47%	19.47%	27.38%	36.07%	49.89%	Extra-Large
New Mexico	121.27%	170.68%	129.80%	57.89%	6.27%	Large
New York - Eastern	38.21%	44.95%	49.16%	-3.76%	15.89%	Extra-Large
New York - Northern	19.61%	11.16%	6.86%	26.76%	50.71%	Medium
New York - Southern	85.35%	59.44%	6.12%	-23.46%	3.87%	Extra-Large
New York - Western	124.61%	98.37%	93.34%	77.36%	57.05%	Large
North Carolina - Eastern	29.91%	9.75%	-10.12%	32.53%	67.58%	Medium
North Carolina - Middle	6.84%	1.56%	17.69%	-8.15%	29.27%	Small
North Carolina - Western	11.03%	33.89%	28.56%	17.85%	-1.58%	Medium
North Dakota	19.95%	100.14%	33.54%	69.72%	95.77%	Small
Ohio - Northern	18.13%	22.96%	35.73%	32.42%	44.23%	Large
Ohio - Southern	5.32%	34.18%	35.00%	26.12%	20.86%	Large
Oklahoma - Eastern	81.65%	56.35%	54.09%	143.13%	28.73%	Small
Oklahoma - Northern	15.04%	21.36%	35.26%	73.08%	58.17%	Medium
Oklahoma - Western	42.19%	40.82%	40.01%	39.52%	25.72%	Medium
Oregon	64.27%	75.73%	20.48%	33.00%	30.25%	Large
Pennsylvania - Eastern	19.13%	13.07%	34.88%	43.81%	23.88%	Extra-Large
Pennsylvania - Middle	138.51%	127.14%	99.78%	12.23%	21.93%	Medium
Pennsylvania - Western	2.95%	-1.98%	17.15%	-12.70%	26.72%	Large
Puerto Rico	177.46%	224.93%	43.19%	4.96%	-29.04%	Large
Rhode Island	13.77%	-14.94%	14.96%	34.44%	32.96%	Small
South Carolina	69.11%	45.03%	41.02%	22.76%	18.74%	Large
South Dakota	-69.90%	-75.50%	-59.41%	-34.93%	-22.39%	Medium
Tennessee - Eastern	13.46%	23.89%	26.48%	20.89%	19.34%	Medium
Tennessee - Middle	101.18%	128.08%	121.14%	37.73%	100.83%	Medium
Tennessee - Western	-36.34%	-22.79%	17.37%	52.16%	29.55%	Medium

## APPENDIX IX

DISTRICT	PERCENT CHANGE					OFFICE SIZE
	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	
Texas - Eastern	13.48%	-3.81%	44.42%	33.88%	37.58%	Large
Texas - Northern	16.04%	12.14%	27.00%	16.25%	9.41%	Large
Texas - Southern	24.02%	23.49%	23.09%	9.74%	12.80%	Extra-Large
Texas - Western	63.30%	43.91%	28.30%	10.95%	1.21%	Extra-Large
Utah	11.76%	55.08%	-6.89%	-9.55%	-22.90%	Medium
Vermont	27.67%	3.29%	5.30%	10.31%	-25.77%	Small
Virginia - Eastern	83.01%	69.37%	63.27%	56.41%	78.64%	Extra-Large
Virginia - Western	42.57%	3.02%	-17.25%	30.96%	8.42%	Small
Virgin Islands	-6.27%	-7.11%	-16.70%	9.26%	55.13%	Small
Washington - Eastern	78.67%	24.94%	90.82%	6.20%	-17.76%	Medium
Washington - Western	46.70%	73.48%	70.44%	62.26%	39.16%	Large
West Virginia - Northern	-36.43%	-63.02%	-79.46%	-81.25%	-62.69%	Small
West Virginia - Southern	26.91%	-9.86%	-13.81%	3.07%	4.32%	Medium
Wisconsin - Eastern	27.26%	19.38%	22.81%	22.14%	11.57%	Medium
Wisconsin - Western	47.49%	47.42%	63.42%	96.42%	116.22%	Small
Wyoming	-19.79%	30.78%	30.25%	45.21%	27.66%	Small
<b>Total Percent Change</b>	<b>41.41%</b>	<b>34.60%</b>	<b>33.14%</b>	<b>21.55%</b>	<b>17.44%</b>	

## FIREARMS BURN RATES

This appendix provides the burn rates of attorney FTEs, in percentage terms, for the prosecutorial area of firearms. For these computations, we compared the number of attorney FTEs allocated to the total number of attorney FTEs utilized (including time recorded in excess of a standard 40-hour work week) within each USAO. For example, in FY 2007, the Northern District of Georgia was allocated 7 attorney FTEs for firearms and utilized a total of 4.4285 attorney FTEs on such matters. This amounted to an underburn of 2.5715 FTEs, which equated to a 36.74-percent underburn.

DISTRICT	PERCENT CHANGE					OFFICE SIZE
	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	
Alabama - Middle	238.70%	278.33%	186.92%	182.99%	120.68%	Small
Alabama - Northern	199.67%	233.81%	169.67%	190.79%	163.91%	Large
Alabama - Southern	-7.48%	-29.35%	-18.55%	-32.79%	-17.98%	Small
Alaska	45.49%	18.93%	40.48%	-52.45%	-31.66%	Small
Arizona	-44.72%	-56.97%	-39.42%	-26.16%	-37.00%	Extra-Large
Arkansas - Eastern	-49.16%	-23.95%	-20.96%	-9.47%	-10.05%	Medium
Arkansas - Western	-23.57%	-11.08%	-27.57%	-49.91%	-58.70%	Small
California - Central	32.56%	31.87%	54.29%	-8.89%	-43.60%	Extra-Large
California - Eastern	13.48%	62.34%	60.32%	79.30%	44.31%	Large
California - Northern	-5.25%	40.54%	47.47%	96.32%	-7.17%	Extra-Large
California - Southern	2.48%	-17.14%	-57.78%	-42.43%	-61.08%	Extra-Large
Colorado	36.22%	57.53%	39.60%	-0.90%	-23.85%	Large
Connecticut	13.45%	59.52%	26.93%	36.15%	51.49%	Large
Delaware	-12.61%	-49.97%	-5.27%	-27.84%	45.16%	Small
District of Columbia	1,006.69%	1,029.52%	452.24%	439.83%	389.82%	Extra-Large
Florida - Middle	30.97%	53.81%	54.29%	61.01%	65.16%	Extra-Large
Florida - Northern	-23.33%	-1.89%	-21.47%	-21.25%	-39.37%	Medium
Florida - Southern	-54.69%	4.98%	49.50%	46.47%	138.07%	Extra-Large
Georgia - Middle	-26.83%	-19.58%	-1.04%	12.80%	14.61%	Medium
Georgia - Northern	-82.11%	8.53%	9.80%	-2.38%	-36.74%	Large
Georgia - Southern	168.32%	164.11%	135.00%	115.42%	102.50%	Medium
Guam	-86.49%	-11.30%	-56.70%	-72.38%	-71.50%	Small
Hawaii	234.13%	310.70%	298.44%	150.66%	22.13%	Medium
Idaho	35.60%	68.23%	117.94%	76.50%	45.97%	Small
Illinois - Central	-24.26%	151.50%	142.56%	173.08%	204.72%	Medium
Illinois - Northern	13.16%	28.90%	61.89%	-5.62%	-9.83%	Extra-Large
Illinois - Southern	253.80%	412.55%	296.66%	248.79%	127.67%	Medium
Indiana - Northern	-39.71%	-23.37%	17.39%	2.27%	9.99%	Medium
Indiana - Southern	-8.79%	-3.73%	-24.77%	-33.42%	-24.16%	Medium
Iowa - Northern	-11.49%	46.99%	42.63%	62.51%	92.76%	Small
Iowa - Southern	184.05%	214.73%	143.76%	102.78%	105.70%	Small
Kansas	103.75%	239.85%	190.78%	104.61%	163.09%	Medium
Kentucky - Eastern	-31.39%	-28.78%	-53.74%	2.32%	45.80%	Medium
Kentucky - Western	-51.36%	10.37%	28.42%	30.36%	61.29%	Medium

## APPENDIX X

DISTRICT	PERCENT CHANGE					OFFICE SIZE
	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	
Louisiana - Eastern	-11.44%	-0.87%	-16.73%	-43.57%	-34.38%	Large
Louisiana - Middle	1.81%	77.44%	122.29%	114.48%	150.96%	Small
Louisiana - Western	-36.36%	68.64%	100.42%	84.10%	34.18%	Medium
Maine	37.26%	32.89%	11.97%	19.36%	37.94%	Small
Maryland	-96.70%	-26.68%	2.04%	-4.53%	-17.05%	Large
Massachusetts	-9.22%	6.02%	-4.76%	6.15%	6.14%	Extra-Large
Michigan - Eastern	12.28%	32.10%	35.13%	34.44%	-8.48%	Extra-Large
Michigan - Western	95.38%	81.75%	90.71%	89.06%	49.37%	Medium
Minnesota	-54.83%	-24.73%	4.09%	6.08%	8.17%	Large
Mississippi - Northern	36.18%	102.00%	100.97%	106.09%	71.95%	Small
Mississippi - Southern	-80.69%	-81.99%	-75.08%	-26.04%	-61.95%	Medium
Missouri - Eastern	-80.09%	-80.88%	-85.38%	-78.06%	-83.43%	Large
Missouri - Western	173.90%	176.81%	193.38%	186.81%	176.16%	Large
Montana	-55.45%	-26.17%	-15.87%	13.29%	16.14%	Small
Nebraska	-92.91%	115.02%	182.26%	139.99%	57.42%	Medium
Nevada	-51.11%	-28.91%	-13.04%	-8.56%	-27.40%	Large
New Hampshire	-58.57%	15.09%	-4.13%	7.00%	89.27%	Small
New Jersey	-40.84%	-47.28%	-68.39%	-83.67%	-39.25%	Extra-Large
New Mexico	18.56%	39.07%	93.67%	43.19%	7.73%	Large
New York - Eastern	-26.56%	-58.44%	-71.75%	-57.77%	-51.24%	Extra-Large
New York - Northern	-46.47%	2.12%	22.94%	-1.66%	-17.02%	Medium
New York - Southern	-15.90%	-39.67%	-16.75%	-42.52%	-69.61%	Extra-Large
New York - Western	-96.15%	-95.30%	-96.49%	-97.82%	-46.86%	Large
North Carolina - Eastern	178.13%	208.06%	172.22%	193.39%	192.74%	Medium
North Carolina - Middle	-51.14%	-36.72%	22.17%	26.64%	24.47%	Small
North Carolina - Western	-81.44%	-32.94%	-33.29%	0.44%	-7.66%	Medium
North Dakota	-80.38%	-14.77%	-22.84%	-20.66%	53.48%	Small
Ohio - Northern	-1.11%	61.03%	52.02%	53.83%	79.06%	Large
Ohio - Southern	64.22%	81.77%	81.73%	57.42%	35.03%	Large
Oklahoma - Eastern	-42.00%	17.78%	6.99%	-44.12%	-30.79%	Small
Oklahoma - Northern	155.97%	204.62%	214.16%	268.55%	244.61%	Medium
Oklahoma - Western	132.03%	147.05%	53.11%	33.42%	48.08%	Medium
Oregon	21.56%	42.94%	32.67%	16.26%	31.26%	Large
Pennsylvania - Eastern	83.56%	105.27%	66.37%	36.48%	74.50%	Extra-Large
Pennsylvania - Middle	-95.33%	31.81%	36.74%	34.94%	26.62%	Medium
Pennsylvania - Western	-81.18%	66.27%	135.15%	93.86%	95.28%	Large
Puerto Rico	-47.56%	-43.03%	-38.10%	-33.86%	-25.21%	Large
Rhode Island	0.63%	7.78%	-27.69%	-7.68%	-44.20%	Small
South Carolina	53.07%	84.20%	72.17%	110.82%	92.19%	Large
South Dakota	5.67%	2.73%	-15.40%	-3.35%	-29.68%	Medium
Tennessee - Eastern	-92.35%	-76.76%	-68.97%	-82.78%	-74.48%	Medium
Tennessee - Middle	29.18%	77.31%	81.92%	13.49%	31.12%	Medium
Tennessee - Western	60.72%	77.95%	45.43%	39.65%	35.78%	Medium
Texas - Eastern	-9.94%	3.76%	61.46%	77.95%	60.86%	Large
Texas - Northern	15.71%	53.07%	29.89%	71.12%	77.51%	Large
Texas - Southern	-57.54%	-34.61%	-14.99%	-22.03%	-41.70%	Extra-Large
Texas - Western	-62.93%	-29.35%	-39.92%	-38.70%	-49.45%	Extra-Large
Utah	-55.44%	-83.81%	-97.83%	-96.92%	-46.46%	Medium

## APPENDIX X

DISTRICT	PERCENT CHANGE					OFFICE SIZE
	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	
Vermont	-33.78%	-40.63%	-46.49%	-35.36%	-65.85%	Small
Virginia - Eastern	-15.92%	0.23%	29.26%	18.07%	10.10%	Extra-Large
Virginia - Western	-8.93%	-14.18%	-44.20%	-71.13%	-82.64%	Small
Virgin Islands	-76.54%	27.57%	12.20%	-24.95%	-13.66%	Small
Washington - Eastern	-48.21%	-21.77%	1.49%	15.59%	14.70%	Medium
Washington - Western	-55.67%	-44.41%	-24.72%	-59.72%	-85.33%	Large
West Virginia - Northern	76.76%	203.13%	112.61%	18.81%	8.90%	Small
West Virginia - Southern	-16.04%	21.91%	6.42%	9.54%	82.90%	Medium
Wisconsin - Eastern	-91.28%	-84.06%	-56.06%	-56.31%	-45.26%	Medium
Wisconsin - Western	-0.16%	44.68%	-4.99%	8.87%	-9.05%	Small
Wyoming	23.61%	28.03%	64.09%	57.33%	60.62%	Small
<b>Total Percent Change</b>	15.82%	43.04%	29.64%	20.85%	18.27%	

**TERRORISM-RELATED CASEWORK  
FISCAL YEARS 2003 THROUGH 2007**

DISTRICT	MATTERS REFERRED FYs 2003-2007	(As of September 30, 2007)						DISTRICT SIZE
		NUMBER FILED	PERCENT FILED	NUMBER DECLINED	PERCENT DECLINED	NUMBER PENDING	PERCENT PENDING	
Alabama – Middle	8	5	62.50%	3	37.50%	0	0.00%	Small
Alabama – Northern	35	12	34.29%	21	60.00%	2	5.71%	Large
Alabama – Southern	16	3	18.75%	6	37.50%	7	43.75%	Small
Alaska	17	3	17.65%	9	52.94%	5	29.41%	Small
Arizona	157	31	19.75%	43	27.39%	83	52.87%	Extra-Large
Arkansas – Eastern	23	9	39.13%	10	43.48%	4	17.39%	Medium
Arkansas – Western	15	2	13.33%	5	33.33%	8	53.33%	Small
California – Central	462	65	14.07%	237	51.30%	160	34.63%	Extra-Large
California – Eastern	74	17	22.97%	26	35.14%	31	41.89%	Large
California – Northern	296	20	6.76%	86	29.05%	190	64.19%	Extra-Large
California – Southern	76	11	14.47%	20	26.32%	45	59.21%	Extra-Large
Colorado	86	20	23.26%	42	48.84%	24	27.91%	Large
Connecticut	120	44	36.67%	50	41.67%	26	21.67%	Large
Delaware	6	1	16.67%	3	50.00%	2	33.33%	Small
District of Columbia	311	56	18.01%	132	42.44%	123	39.55%	Extra-Large
Florida – Middle	440	228	51.82%	124	28.18%	88	20.00%	Extra-Large
Florida – Northern	26	5	19.23%	17	65.38%	4	15.38%	Medium
Florida – Southern	182	33	18.13%	57	31.32%	92	50.55%	Extra-Large
Georgia – Middle	53	17	32.08%	6	11.32%	30	56.60%	Medium
Georgia – Northern	140	37	26.43%	69	49.29%	34	24.29%	Large
Georgia – Southern	8	2	25.00%	3	37.50%	3	37.50%	Medium
Guam	0	N/A	N/A	N/A	N/A	N/A	N/A	Small
Hawaii	18	4	22.22%	9	50.00%	5	27.78%	Medium
Idaho	63	17	26.98%	36	57.14%	10	15.87%	Small
Illinois – Central	9	0	0.00%	5	55.56%	4	44.44%	Medium
Illinois – Northern	89	15	16.85%	41	46.07%	33	37.08%	Extra-Large
Illinois – Southern	26	5	19.23%	8	30.77%	13	50.00%	Medium

TERRORISM-RELATED CASEWORK								
DISTRICT	MATTERS REFERRED FYs 2003-2007	(As of September 30, 2007)						DISTRICT SIZE
		NUMBER FILED	PERCENT FILED	NUMBER DECLINED	PERCENT DECLINED	NUMBER PENDING	PERCENT PENDING	
Indiana – Northern	12	0	0.00%	6	50.00%	6	50.00%	Medium
Indiana – Southern	67	7	10.45%	54	80.60%	6	8.96%	Medium
Iowa – Northern	23	14	60.87%	5	21.74%	4	17.39%	Small
Iowa – Southern	27	12	44.44%	10	37.04%	5	18.52%	Small
Kansas	12	3	25.00%	8	66.67%	1	8.33%	Medium
Kentucky – Eastern	20	2	10.00%	10	50.00%	8	40.00%	Medium
Kentucky – Western	54	13	24.07%	31	57.41%	10	18.52%	Medium
Louisiana – Eastern	126	28	22.22%	62	49.21%	36	28.57%	Large
Louisiana – Middle	8	0	0.00%	1	12.50%	7	87.50%	Small
Louisiana – Western	45	14	31.11%	25	55.56%	6	13.33%	Medium
Maine	4	0	0.00%	3	75.00%	1	25.00%	Small
Maryland	188	36	19.15%	102	54.26%	50	26.60%	Large
Massachusetts	252	41	16.27%	134	53.17%	77	30.56%	Extra-Large
Michigan – Eastern	160	36	22.50%	48	30.00%	76	47.50%	Extra-Large
Michigan – Western	40	2	5.00%	28	70.00%	10	25.00%	Medium
Minnesota	45	10	22.22%	14	31.11%	21	46.67%	Large
Mississippi – Northern	4	0	0.00%	2	50.00%	2	50.00%	Small
Mississippi – Southern	15	3	20.00%	10	66.67%	2	13.33%	Medium
Missouri – Eastern	247	118	47.77%	84	34.01%	45	18.22%	Large
Missouri – Western	35	11	31.43%	12	34.29%	12	34.29%	Large
Montana	48	13	27.08%	26	54.17%	9	18.75%	Small
Nebraska	23	1	4.35%	14	60.87%	8	34.78%	Medium
Nevada	105	27	25.71%	33	31.43%	45	42.86%	Large
New Hampshire	11	5	45.45%	4	36.36%	2	18.18%	Small
New Jersey	289	55	19.03%	80	27.68%	154	53.29%	Extra-Large
New Mexico	48	10	20.83%	28	58.33%	10	20.83%	Large
New York – Eastern	283	64	22.61%	82	28.98%	137	48.41%	Extra-Large
New York – Northern	98	30	30.61%	42	42.86%	26	26.53%	Medium
New York – Southern	139	23	16.55%	62	44.60%	54	38.85%	Extra-Large
New York – Western	111	26	23.42%	39	35.14%	46	41.44%	Large
North Carolina - Eastern	78	22	28.21%	35	44.87%	21	26.92%	Medium



TERRORISM-RELATED CASEWORK								
DISTRICT	MATTERS REFERRED FYs 2003-2007	(As of September 30, 2007)						DISTRICT SIZE
		NUMBER FILED	PERCENT FILED	NUMBER DECLINED	PERCENT DECLINED	NUMBER PENDING	PERCENT PENDING	
North Carolina – Middle	12	2	16.67%	6	50.00%	4	33.33%	Small
North Carolina – Western	109	39	35.78%	50	45.87%	20	18.35%	Medium
North Dakota	9	6	66.67%	0	0.00%	3	33.33%	Small
Ohio – Northern	56	15	26.79%	19	33.93%	22	39.29%	Large
Ohio – Southern	99	6	6.06%	43	43.43%	50	50.51%	Large
Oklahoma – Eastern	2	2	100.00%	0	0.00%	0	0.00%	Small
Oklahoma – Northern	14	5	35.71%	5	35.71%	4	28.57%	Medium
Oklahoma – Western	59	11	18.64%	39	66.10%	9	15.25%	Medium
Oregon	108	43	39.81%	36	33.33%	29	26.85%	Large
Pennsylvania – Eastern	113	31	27.43%	46	40.71%	36	31.86%	Extra-Large
Pennsylvania – Middle	41	8	19.51%	13	31.71%	20	48.78%	Medium
Pennsylvania – Western	53	6	11.32%	31	58.49%	16	30.19%	Large
Puerto Rico	41	10	24.39%	22	53.66%	9	21.95%	Large
Rhode Island	23	3	13.04%	13	56.52%	7	30.43%	Small
South Carolina	86	19	22.09%	45	52.33%	22	25.58%	Large
South Dakota	24	6	25.00%	12	50.00%	6	25.00%	Medium
Tennessee – Eastern	118	28	23.73%	53	44.92%	37	31.36%	Medium
Tennessee – Middle	58	16	27.59%	35	60.34%	7	12.07%	Medium
Tennessee – Western	92	52	56.52%	23	25.00%	17	18.48%	Medium
Texas – Northern	100	19	19.00%	54	54.00%	27	27.00%	Large
Texas – Southern	322	85	26.40%	101	31.37%	136	42.24%	Extra-Large
Texas – Eastern	79	8	10.13%	32	40.51%	39	49.37%	Large
Texas – Western	145	54	37.24%	63	43.45%	28	19.31%	Extra-Large
Utah	197	150	76.14%	10	5.08%	37	18.78%	Medium
Vermont	16	0	0.00%	15	93.75%	1	6.25%	Small
Virgin Islands	6	1	16.67%	3	50.00%	2	33.33%	Small
Virginia – Eastern	934	242	25.91%	516	55.25%	176	18.84%	Extra-Large
Virginia – Western	12	1	8.33%	10	83.33%	1	8.33%	Small
Washington – Eastern	31	5	16.13%	11	35.48%	15	48.39%	Medium
Washington – Western	77	12	15.58%	42	54.55%	23	29.87%	Large
West Virginia – Northern	8	1	12.50%	4	50.00%	3	37.50%	Small

TERRORISM-RELATED CASEWORK								
DISTRICT	MATTERS REFERRED FYs 2003-2007	(As of September 30, 2007)						DISTRICT SIZE
		NUMBER FILED	PERCENT FILED	NUMBER DECLINED	PERCENT DECLINED	NUMBER PENDING	PERCENT PENDING	
West Virginia – Southern	15	6	40.00%	5	33.33%	4	26.67%	Medium
Wisconsin – Eastern	10	1	10.00%	9	90.00%	0	0.00%	Medium
Wisconsin – Western	29	4	13.79%	20	68.97%	5	17.24%	Small
Wyoming	5	2	40.00%	2	40.00%	1	20.00%	Small

Source: OIG analysis of LIONS data

**NARCOTICS CASEWORK  
FISCAL YEARS 2003 THROUGH 2007**

DISTRICT	MATTERS REFERRED FYs 2003-2007	(As of September 30, 2007)						DISTRICT SIZE
		NUMBER FILED	PERCENT FILED	NUMBER DECLINED	PERCENT DECLINED	NUMBER PENDING	PERCENT PENDING	
Alabama – Middle	299	216	72.24%	26	8.70%	57	19.06%	Small
Alabama – Northern	636	422	66.35%	83	13.05%	131	20.60%	Large
Alabama – Southern	642	484	75.39%	66	10.28%	92	14.33%	Small
Alaska	281	182	64.77%	35	12.46%	64	22.78%	Small
Arizona	5,201	3,562	68.49%	216	4.15%	1,423	27.36%	Extra-Large
Arkansas – Eastern	537	308	57.36%	140	26.07%	89	16.57%	Medium
Arkansas – Western	327	227	69.42%	62	18.96%	38	11.62%	Small
California – Central	1,873	689	36.79%	129	6.89%	1,055	56.33%	Extra-Large
California – Eastern	1,203	745	61.93%	145	12.05%	313	26.02%	Large
California – Northern	792	330	41.67%	118	14.90%	344	43.43%	Extra-Large
California – Southern	5,153	4,562	88.53%	43	0.83%	548	10.63%	Extra-Large
Colorado	523	336	64.24%	51	9.75%	136	26.00%	Large
Connecticut	470	322	68.51%	34	7.23%	114	24.26%	Large
Delaware	197	115	58.38%	32	16.24%	50	25.38%	Small
District of Columbia	913	749	82.04%	57	6.24%	107	11.72%	Extra-Large
Florida – Middle	2,922	2,014	68.93%	538	18.41%	370	12.66%	Extra-Large
Florida – Northern	624	490	78.53%	68	10.90%	66	10.58%	Medium
Florida – Southern	3,428	2,433	70.97%	235	6.86%	760	22.17%	Extra-Large
Georgia – Middle	781	497	63.64%	111	14.21%	173	22.15%	Medium
Georgia – Northern	874	540	61.78%	116	13.27%	218	24.94%	Large
Georgia – Southern	445	364	81.80%	47	10.56%	34	7.64%	Medium
Guam	211	155	73.46%	21	9.95%	35	16.59%	Small
Hawaii	990	546	55.15%	144	14.55%	300	30.30%	Medium
Idaho	338	179	52.96%	120	35.50%	39	11.54%	Small
Illinois – Central	826	626	75.79%	67	8.11%	133	16.10%	Medium
Illinois – Northern	1,345	780	57.99%	201	14.94%	364	27.06%	Extra-Large
Illinois – Southern	594	400	67.34%	130	21.89%	64	10.77%	Medium

NARCOTICS CASEWORK								
DISTRICT	MATTERS REFERRED FYs 2003-2007	(As of September 30, 2007)						DISTRICT SIZE
		NUMBER FILED	PERCENT FILED	NUMBER DECLINED	PERCENT DECLINED	NUMBER PENDING	PERCENT PENDING	
Indiana – Northern	659	526	79.82%	78	11.84%	55	8.35%	Medium
Indiana – Southern	449	323	71.94%	75	16.70%	51	11.36%	Medium
Iowa – Northern	1,075	724	67.35%	177	16.47%	174	16.19%	Small
Iowa – Southern	719	588	81.78%	63	8.76%	68	9.46%	Small
Kansas	1,204	973	80.81%	117	9.72%	114	9.47%	Medium
Kentucky – Eastern	891	662	74.30%	112	12.57%	117	13.13%	Medium
Kentucky – Western	593	317	53.46%	85	14.33%	191	32.21%	Medium
Louisiana – Eastern	602	420	69.77%	83	13.79%	99	16.45%	Large
Louisiana – Middle	281	201	71.53%	28	9.96%	52	18.51%	Small
Louisiana – Western	472	367	77.75%	48	10.17%	57	12.08%	Medium
Maine	452	298	65.93%	96	21.24%	58	12.83%	Small
Maryland	819	598	73.02%	123	15.02%	98	11.97%	Large
Massachusetts	755	441	58.41%	116	15.36%	198	26.23%	Extra-Large
Michigan – Eastern	1,107	613	55.37%	96	8.67%	398	35.95%	Extra-Large
Michigan – Western	476	390	81.93%	26	5.46%	60	12.61%	Medium
Minnesota	893	797	89.25%	26	2.91%	70	7.84%	Large
Mississippi – Northern	357	248	69.47%	42	11.76%	67	18.77%	Small
Mississippi – Southern	681	520	76.36%	34	4.99%	127	18.65%	Medium
Missouri – Eastern	1,434	1,019	71.06%	242	16.88%	173	12.06%	Large
Missouri – Western	1,262	748	59.27%	162	12.84%	352	27.89%	Large
Montana	538	417	77.51%	77	14.31%	44	8.18%	Small
Nebraska	2,013	1,667	82.81%	294	14.61%	52	2.58%	Medium
Nevada	533	386	72.42%	63	11.82%	84	15.76%	Large
New Hampshire	629	482	76.63%	53	8.43%	94	14.94%	Small
New Jersey	1,661	1,178	70.92%	136	8.19%	347	20.89%	Extra-Large
New Mexico	2,580	2,192	84.96%	147	5.70%	241	9.34%	Large
New York – Eastern	2,620	1,976	75.42%	98	3.74%	546	20.84%	Extra-Large
New York – Northern	610	433	70.98%	75	12.30%	102	16.72%	Medium
New York – Southern	2,405	1,591	66.15%	147	6.11%	667	27.73%	Extra-Large
New York – Western	1,173	809	68.97%	68	5.80%	296	25.23%	Large
North Carolina - Eastern	929	695	74.81%	132	14.21%	102	10.98%	Medium

NARCOTICS CASEWORK								
DISTRICT	MATTERS REFERRED FYs 2003-2007	(As of September 30, 2007)						DISTRICT SIZE
		NUMBER FILED	PERCENT FILED	NUMBER DECLINED	PERCENT DECLINED	NUMBER PENDING	PERCENT PENDING	
North Carolina – Middle	478	380	79.50%	53	11.09%	45	9.41%	Small
North Carolina – Western	706	516	73.09%	84	11.90%	106	15.01%	Medium
North Dakota	197	139	70.56%	35	17.77%	23	11.68%	Small
Ohio – Northern	706	535	75.78%	73	10.34%	98	13.88%	Large
Ohio – Southern	1,024	577	56.35%	92	8.98%	355	34.67%	Large
Oklahoma – Eastern	177	122	68.93%	31	17.51%	24	13.56%	Small
Oklahoma – Northern	253	146	57.71%	65	25.69%	42	16.60%	Medium
Oklahoma – Western	385	192	49.87%	30	7.79%	163	42.34%	Medium
Oregon	939	611	65.07%	136	14.48%	192	20.45%	Large
Pennsylvania – Eastern	888	589	66.33%	115	12.95%	184	20.72%	Extra-Large
Pennsylvania – Middle	795	625	78.62%	70	8.81%	100	12.58%	Medium
Pennsylvania – Western	715	466	65.17%	141	19.72%	108	15.10%	Large
Puerto Rico	914	545	59.63%	202	22.10%	167	18.27%	Large
Rhode Island	371	180	48.52%	145	39.08%	46	12.40%	Small
South Carolina	791	610	77.12%	73	9.23%	108	13.65%	Large
South Dakota	473	381	80.55%	64	13.53%	28	5.92%	Medium
Tennessee – Eastern	967	698	72.18%	147	15.20%	122	12.62%	Medium
Tennessee – Middle	330	235	71.21%	37	11.21%	58	17.58%	Medium
Tennessee – Western	668	560	83.83%	32	4.79%	76	11.38%	Medium
Texas – Northern	853	529	62.02%	169	19.81%	155	18.17%	Large
Texas – Southern	6,668	5,697	85.44%	137	2.05%	834	12.51%	Extra-Large
Texas – Eastern	1,048	835	79.68%	104	9.92%	109	10.40%	Large
Texas – Western	10,773	9,552	88.67%	253	2.35%	968	8.99%	Extra-Large
Utah	624	570	91.35%	17	2.72%	37	5.93%	Medium
Vermont	364	271	74.45%	40	10.99%	53	14.56%	Small
Virgin Islands	153	110	71.90%	24	15.69%	19	12.42%	Small
Virginia – Eastern	3,523	1,682	47.74%	209	5.93%	1,632	46.32%	Extra-Large
Virginia – Western	937	762	81.32%	70	7.47%	105	11.21%	Small
Washington – Eastern	961	752	78.25%	102	10.61%	107	11.13%	Medium
Washington – Western	1,104	769	69.66%	78	7.07%	257	23.28%	Large
West Virginia – Northern	966	647	66.98%	146	15.11%	173	17.91%	Small

<b>NARCOTICS CASEWORK</b>								
<b>DISTRICT</b>	<b>MATTERS REFERRED FYs 2003-2007</b>	<b>(As of September 30, 2007)</b>						<b>DISTRICT SIZE</b>
		<b>NUMBER FILED</b>	<b>PERCENT FILED</b>	<b>NUMBER DECLINED</b>	<b>PERCENT DECLINE D</b>	<b>NUMBER PENDING</b>	<b>PERCENT PENDING</b>	
<b>West Virginia – Southern</b>	1,105	609	55.11%	280	25.34%	216	19.55%	Medium
<b>Wisconsin – Eastern</b>	520	371	71.35%	60	11.54%	89	17.12%	Medium
<b>Wisconsin – Western</b>	426	311	73.00%	71	16.67%	44	10.33%	Small
<b>Wyoming</b>	342	284	83.04%	12	3.51%	46	13.45%	Small

Source: OIG analysis of LIONS data

**VIOLENT CRIME CASEWORK  
FISCAL YEARS 2003 THROUGH 2007**

DISTRICT	MATTERS REFERRED FYs 2003-2007	(As of September 30, 2007)						DISTRICT SIZE
		NUMBER FILED	PERCENT FILED	NUMBER DECLINED	PERCENT DECLINED	NUMBER PENDING	PERCENT PENDING	
Alabama – Middle	575	443	77.04%	57	9.91%	75	13.04%	Small
Alabama – Northern	1,038	840	80.92%	112	10.79%	86	8.29%	Large
Alabama – Southern	597	417	69.85%	122	20.44%	58	9.72%	Small
Alaska	257	165	64.20%	57	22.18%	35	13.62%	Small
Arizona	2,530	1,454	57.47%	505	19.96%	571	22.57%	Extra-Large
Arkansas – Eastern	675	458	67.85%	149	22.07%	68	10.07%	Medium
Arkansas – Western	258	155	60.08%	62	24.03%	41	15.89%	Small
California – Central	1,105	734	66.43%	92	8.33%	279	25.25%	Extra-Large
California – Eastern	738	489	66.26%	122	16.53%	127	17.21%	Large
California – Northern	937	489	52.19%	219	23.37%	229	24.44%	Extra-Large
California – Southern	262	175	66.79%	14	5.34%	73	27.86%	Extra-Large
Colorado	1,017	692	68.04%	143	14.06%	182	17.90%	Large
Connecticut	528	276	52.27%	142	26.89%	110	20.83%	Large
Delaware	279	210	75.27%	39	13.98%	30	10.75%	Small
District of Columbia	857	589	68.73%	156	18.20%	112	13.07%	Extra-Large
Florida – Middle	1,412	762	53.97%	369	26.13%	281	19.90%	Extra-Large
Florida – Northern	495	343	69.29%	96	19.39%	56	11.31%	Medium
Florida – Southern	1,250	711	56.88%	308	24.64%	231	18.48%	Extra-Large
Georgia – Middle	536	354	66.04%	109	20.34%	73	13.62%	Medium
Georgia – Northern	1,102	759	68.87%	171	15.52%	172	15.61%	Large
Georgia – Southern	753	521	69.19%	181	24.04%	51	6.77%	Medium
Guam	70	42	60.00%	11	15.71%	17	24.29%	Small
Hawaii	538	371	68.96%	56	10.41%	111	20.63%	Medium
Idaho	597	309	51.76%	205	34.34%	83	13.90%	Small
Illinois – Central	477	356	74.63%	77	16.14%	44	9.22%	Medium
Illinois – Northern	864	577	66.78%	131	15.16%	156	18.06%	Extra-Large
Illinois – Southern	450	271	60.22%	133	29.56%	46	10.22%	Medium

VIOLENT CRIME CASEWORK								
DISTRICT	MATTERS REFERRED FYs 2003-2007	(As of September 30, 2007)						DISTRICT SIZE
		NUMBER FILED	PERCENT FILED	NUMBER DECLINED	PERCENT DECLINED	NUMBER PENDING	PERCENT PENDING	
Indiana – Northern	800	588	73.50%	150	18.75%	62	7.75%	Medium
Indiana – Southern	382	220	57.59%	99	25.92%	63	16.49%	Medium
Iowa – Northern	491	332	67.62%	67	13.65%	92	18.74%	Small
Iowa – Southern	564	410	72.70%	90	15.96%	64	11.35%	Small
Kansas	848	735	86.67%	73	8.61%	40	4.72%	Medium
Kentucky – Eastern	753	535	71.05%	113	15.01%	105	13.94%	Medium
Kentucky – Western	666	372	55.86%	174	26.13%	120	18.02%	Medium
Louisiana – Eastern	627	423	67.46%	140	22.33%	64	10.21%	Large
Louisiana – Middle	530	329	62.08%	132	24.91%	69	13.02%	Small
Louisiana – Western	575	410	71.30%	110	19.13%	55	9.57%	Medium
Maine	910	340	37.36%	405	44.51%	165	18.13%	Small
Maryland	1,193	794	66.55%	257	21.54%	142	11.90%	Large
Massachusetts	530	311	58.68%	117	22.08%	102	19.25%	Extra-Large
Michigan – Eastern	1,179	768	65.14%	102	8.65%	309	26.21%	Extra-Large
Michigan – Western	744	506	68.01%	138	18.55%	100	13.44%	Medium
Minnesota	532	397	74.62%	52	9.77%	83	15.60%	Large
Mississippi – Northern	365	227	62.19%	45	12.33%	93	25.48%	Small
Mississippi – Southern	708	482	68.08%	102	14.41%	124	17.51%	Medium
Missouri – Eastern	2,325	1,496	64.34%	575	24.73%	254	10.92%	Large
Missouri – Western	2,121	1,511	71.24%	438	20.65%	172	8.11%	Large
Montana	922	630	68.33%	190	20.61%	102	11.06%	Small
Nebraska	801	626	78.15%	126	15.73%	49	6.12%	Medium
Nevada	1,143	750	65.62%	266	23.27%	127	11.11%	Large
New Hampshire	288	196	68.06%	40	13.89%	52	18.06%	Small
New Jersey	911	652	71.57%	91	9.99%	168	18.44%	Extra-Large
New Mexico	1,520	950	62.50%	314	20.66%	256	16.84%	Large
New York – Northern	442	233	52.71%	74	16.74%	135	30.54%	Medium
New York – Southern	1,076	740	68.77%	147	13.66%	189	17.57%	Extra-Large
New York – Eastern	738	501	67.89%	34	4.61%	203	27.51%	Extra-Large
New York – Western	867	615	70.93%	105	12.11%	147	16.96%	Large
North Carolina - Eastern	1,513	1,150	76.01%	217	14.34%	146	9.65%	Medium



VIOLENT CRIME CASEWORK								
DISTRICT	MATTERS REFERRED FYs 2003-2007	(As of September 30, 2007)						DISTRICT SIZE
		NUMBER FILED	PERCENT FILED	NUMBER DECLINED	PERCENT DECLINED	NUMBER PENDING	PERCENT PENDING	
North Carolina – Middle	1,101	927	84.20%	134	12.17%	40	3.63%	Small
North Carolina – Western	1,127	960	85.18%	86	7.63%	81	7.19%	Medium
North Dakota	540	352	65.19%	124	22.96%	64	11.85%	Small
Ohio – Northern	1,173	874	74.51%	188	16.03%	111	9.46%	Large
Ohio – Southern	924	675	73.05%	93	10.06%	156	16.88%	Large
Oklahoma – Eastern	197	129	65.48%	37	18.78%	31	15.74%	Small
Oklahoma – Northern	622	398	63.99%	167	26.85%	57	9.16%	Medium
Oklahoma – Western	524	331	63.17%	82	15.65%	111	21.18%	Medium
Oregon	1,038	785	75.63%	159	15.32%	94	9.06%	Large
Pennsylvania – Eastern	2,070	1,100	53.14%	622	30.05%	348	16.81%	Extra-Large
Pennsylvania – Middle	524	344	65.65%	84	16.03%	96	18.32%	Medium
Pennsylvania – Western	950	582	61.26%	226	23.79%	142	14.95%	Large
Puerto Rico	369	244	66.12%	75	20.33%	50	13.55%	Large
Rhode Island	636	173	27.20%	436	68.55%	27	4.25%	Small
South Carolina	1,795	1,378	76.77%	254	14.15%	163	9.08%	Large
South Dakota	1,155	538	46.58%	472	40.87%	145	12.55%	Medium
Tennessee – Eastern	1,280	871	68.05%	291	22.73%	118	9.22%	Medium
Tennessee – Middle	703	429	61.02%	182	25.89%	92	13.09%	Medium
Tennessee – Western	1,926	991	51.45%	513	26.64%	422	21.91%	Medium
Texas – Eastern	1,259	887	70.45%	254	20.17%	118	9.37%	Large
Texas – Northern	1,434	971	67.71%	319	22.25%	144	10.04%	Large
Texas – Southern	1,357	957	70.52%	190	14.00%	210	15.48%	Extra-Large
Texas – Western	1,528	1,266	82.85%	133	8.70%	129	8.44%	Extra-Large
Utah	2,074	1,285	61.96%	685	33.03%	104	5.01%	Medium
Vermont	253	164	64.82%	47	18.58%	42	16.60%	Small
Virgin Islands	80	45	56.25%	18	22.50%	17	21.25%	Small
Virginia – Eastern	1,842	1,170	63.52%	257	13.95%	415	22.53%	Extra-Large
Virginia – Western	583	458	78.56%	60	10.29%	65	11.15%	Small
Washington – Eastern	620	451	72.74%	90	14.52%	79	12.74%	Medium
Washington – Western	546	387	70.88%	69	12.64%	90	16.48%	Large
West Virginia – Northern	440	259	58.86%	121	27.50%	60	13.64%	Small

VIOLENT CRIME CASEWORK								
DISTRICT	MATTERS REFERRED FYs 2003-2007	(As of September 30, 2007)						DISTRICT SIZE
		NUMBER FILED	PERCENT FILED	NUMBER DECLINED	PERCENT DECLINED	NUMBER PENDING	PERCENT PENDING	
West Virginia – Southern	569	200	35.15%	226	39.72%	143	25.13%	Medium
Wisconsin – Eastern	571	400	70.05%	87	15.24%	84	14.71%	Medium
Wisconsin – Western	363	198	54.55%	122	33.61%	43	11.85%	Small
Wyoming	506	433	85.57%	41	8.10%	32	6.32%	Small

Source: OIG analysis of LIONS data

**WHITE COLLAR CRIME CASEWORK  
FISCAL YEARS 2003 THROUGH 2007**

DISTRICT	MATTERS REFERRED FYs 2003-2007	(As of September 30, 2007)						DISTRICT SIZE
		NUMBER FILED	PERCENT FILED	NUMBER DECLINED	PERCENT DECLINED	NUMBER PENDING	PERCENT PENDING	
Alabama – Middle	139	75	53.96%	31	22.30%	33	23.74%	Small
Alabama – Northern	509	249	48.92%	180	35.36%	80	15.72%	Large
Alabama – Southern	233	111	47.64%	64	27.47%	58	24.89%	Small
Alaska	258	101	39.15%	75	29.07%	82	31.78%	Small
Arizona	568	192	33.80%	158	27.82%	218	38.38%	Extra-Large
Arkansas – Eastern	478	161	33.68%	181	37.87%	136	28.45%	Medium
Arkansas – Western	170	71	41.76%	56	32.94%	43	25.29%	Small
California – Central	3,198	1,370	42.84%	589	18.42%	1,239	38.74%	Extra-Large
California – Eastern	1,176	576	48.98%	274	23.30%	326	27.72%	Large
California – Northern	1,248	322	25.80%	394	31.57%	532	42.63%	Extra-Large
California – Southern	468	175	37.39%	122	26.07%	171	36.54%	Extra-Large
Colorado	632	223	35.28%	208	32.91%	201	31.80%	Large
Connecticut	701	295	42.08%	219	31.24%	187	26.68%	Large
Delaware	251	93	37.05%	69	27.49%	89	35.46%	Small
District of Columbia	710	264	37.18%	230	32.39%	216	30.42%	Extra-Large
Florida – Middle	1,490	529	35.50%	507	34.03%	454	30.47%	Extra-Large
Florida – Northern	250	106	42.40%	69	27.60%	75	30.00%	Medium
Florida – Southern	1,979	1,080	54.57%	198	10.01%	701	35.42%	Extra-Large
Georgia – Middle	284	112	39.44%	77	27.11%	95	33.45%	Medium
Georgia – Northern	970	414	42.68%	273	28.14%	283	29.18%	Large
Georgia – Southern	263	121	46.01%	72	27.38%	70	26.62%	Medium
Guam	128	90	70.31%	14	10.94%	24	18.75%	Small
Hawaii	263	95	36.12%	57	21.67%	111	42.21%	Medium
Idaho	242	78	32.23%	94	38.84%	70	28.93%	Small
Illinois – Central	391	158	40.41%	114	29.16%	119	30.43%	Medium
Illinois – Northern	1,608	672	41.79%	336	20.90%	600	37.31%	Extra-Large
Illinois – Southern	317	118	37.22%	105	33.12%	94	29.65%	Medium

WHITE COLLAR CRIME CASEWORK								
DISTRICT	MATTERS REFERRED FYs 2003-2007	(As of September 30, 2007)						DISTRICT SIZE
		NUMBER FILED	PERCENT FILED	NUMBER DECLINED	PERCENT DECLINED	NUMBER PENDING	PERCENT PENDING	
Indiana – Northern	404	232	57.43%	79	19.55%	93	23.02%	Medium
Indiana – Southern	346	131	37.86%	135	39.02%	80	23.12%	Medium
Iowa – Northern	185	73	39.46%	61	32.97%	51	27.57%	Small
Iowa – Southern	231	101	43.72%	65	28.14%	65	28.14%	Small
Kansas	520	268	51.54%	124	23.85%	128	24.62%	Medium
Kentucky – Eastern	309	156	50.49%	81	26.21%	72	23.30%	Medium
Kentucky – Western	373	117	31.37%	144	38.61%	112	30.03%	Medium
Louisiana – Eastern	403	168	41.69%	86	21.34%	149	36.97%	Large
Louisiana – Middle	529	223	42.16%	162	30.62%	144	27.22%	Small
Louisiana – Western	495	269	54.34%	113	22.83%	113	22.83%	Medium
Maine	176	71	40.34%	59	33.52%	46	26.14%	Small
Maryland	705	310	43.97%	223	31.63%	172	24.40%	Large
Massachusetts	696	211	30.32%	218	31.32%	267	38.36%	Extra-Large
Michigan – Eastern	1,213	349	28.77%	332	27.37%	532	43.86%	Extra-Large
Michigan – Western	407	173	42.51%	112	27.52%	122	29.98%	Medium
Minnesota	577	260	45.06%	119	20.62%	198	34.32%	Large
Mississippi – Northern	177	77	43.50%	43	24.29%	57	32.20%	Small
Mississippi – Southern	2,309	428	18.54%	450	19.49%	1,431	61.97%	Medium
Missouri – Eastern	1,516	566	37.34%	571	37.66%	379	25.00%	Large
Missouri – Western	817	288	35.25%	161	19.71%	368	45.04%	Large
Montana	368	159	43.21%	115	31.25%	94	25.54%	Small
Nebraska	359	156	43.45%	113	31.48%	90	25.07%	Medium
Nevada	659	286	43.40%	203	30.80%	170	25.80%	Large
New Hampshire	328	165	50.30%	71	21.65%	92	28.05%	Small
New Jersey	1,495	644	43.08%	311	20.80%	540	36.12%	Extra-Large
New Mexico	262	72	27.48%	102	38.93%	88	33.59%	Large
New York – Northern	421	179	42.52%	110	26.13%	132	31.35%	Medium
New York – Southern	2,300	968	42.09%	584	25.39%	748	32.52%	Extra-Large
New York – Eastern	1,118	497	44.45%	234	20.93%	387	34.62%	Extra-Large
New York – Western	651	205	31.49%	172	26.42%	274	42.09%	Large
North Carolina - Eastern	412	140	33.98%	120	29.13%	152	36.89%	Medium

WHITE COLLAR CRIME CASEWORK								
DISTRICT	MATTERS REFERRED FYs 2003-2007	(As of September 30, 2007)						DISTRICT SIZE
		NUMBER FILED	PERCENT FILED	NUMBER DECLINED	PERCENT DECLINED	NUMBER PENDING	PERCENT PENDING	
North Carolina – Middle	253	122	48.22%	80	31.62%	51	20.16%	Small
North Carolina – Western	573	249	43.46%	156	27.23%	168	29.32%	Medium
North Dakota	115	45	39.13%	46	40.00%	24	20.87%	Small
Ohio – Northern	1,125	501	44.53%	305	27.11%	319	28.36%	Large
Ohio – Southern	933	426	45.66%	210	22.51%	297	31.83%	Large
Oklahoma – Eastern	125	62	49.60%	30	24.00%	33	26.40%	Small
Oklahoma – Northern	335	153	45.67%	89	26.57%	93	27.76%	Medium
Oklahoma – Western	384	168	43.75%	108	28.13%	108	28.13%	Medium
Oregon	670	331	49.40%	189	28.21%	150	22.39%	Large
Pennsylvania – Eastern	1,098	498	45.36%	288	26.23%	312	28.42%	Extra-Large
Pennsylvania – Middle	524	282	53.82%	120	22.90%	122	23.28%	Medium
Pennsylvania – Western	981	441	44.95%	319	32.52%	221	22.53%	Large
Puerto Rico	241	109	45.23%	74	30.71%	58	24.07%	Large
Rhode Island	181	56	30.94%	59	32.60%	66	36.46%	Small
South Carolina	1,198	683	57.01%	266	22.20%	249	20.78%	Large
South Dakota	265	150	56.60%	74	27.92%	41	15.47%	Medium
Tennessee – Eastern	348	139	39.94%	124	35.63%	85	24.43%	Medium
Tennessee – Middle	326	116	35.58%	73	22.39%	137	42.02%	Medium
Tennessee – Western	506	300	59.29%	101	19.96%	105	20.75%	Medium
Texas – Northern	1,435	550	38.33%	482	33.59%	403	28.08%	Large
Texas – Southern	563	178	31.62%	149	26.47%	236	41.92%	Extra-Large
Texas – Eastern	647	323	49.92%	189	29.21%	135	20.87%	Large
Texas – Western	696	293	42.10%	176	25.29%	227	32.61%	Extra-Large
Utah	465	215	46.24%	98	21.08%	152	32.69%	Medium
Vermont	147	49	33.33%	62	42.18%	36	24.49%	Small
Virgin Islands	46	8	17.39%	15	32.61%	23	50.00%	Small
Virginia – Eastern	1,511	640	42.36%	408	27.00%	463	30.64%	Extra-Large
Virginia – Western	224	96	42.86%	50	22.32%	78	34.82%	Small
Washington – Eastern	214	102	47.66%	59	27.57%	53	24.77%	Medium
Washington – Western	688	297	43.17%	199	28.92%	192	27.91%	Large
West Virginia – Northern	197	73	37.06%	68	34.52%	56	28.43%	Small

WHITE COLLAR CRIME CASEWORK								
DISTRICT	MATTERS REFERRED FYs 2003-2007	(As of September 30, 2007)						DISTRICT SIZE
		NUMBER FILED	PERCENT FILED	NUMBER DECLINED	PERCENT DECLINED	NUMBER PENDING	PERCENT PENDING	
West Virginia – Southern	395	95	24.05%	163	41.27%	137	34.68%	Medium
Wisconsin – Eastern	414	181	43.72%	106	25.60%	127	30.68%	Medium
Wisconsin – Western	343	132	38.48%	107	31.20%	104	30.32%	Small
Wyoming	102	50	49.02%	28	27.45%	24	23.53%	Small

Source: OIG analysis of LIONS data

**CRIMINAL IMMIGRATION CASEWORK  
FISCAL YEARS 2003 THROUGH 2007**

DISTRICT	MATTERS REFERRED FYs 2003-2007	(As of September 30, 2007)						DISTRICT SIZE
		NUMBER FILED	PERCENT FILED	NUMBER DECLINED	PERCENT DECLINED	NUMBER PENDING	PERCENT PENDING	
Alabama – Middle	74	68	91.89%	6	8.11%	0	0.00%	Small
Alabama – Northern	94	80	85.11%	11	11.70%	3	3.19%	Large
Alabama – Southern	100	83	83.00%	9	9.00%	8	8.00%	Small
Alaska	64	49	76.56%	8	12.50%	7	10.94%	Small
Arizona	29,435	10,774	36.60%	533	1.81%	18,128	61.59%	Extra-Large
Arkansas – Eastern	134	112	83.58%	14	10.45%	8	5.97%	Medium
Arkansas – Western	434	306	70.51%	13	3.00%	115	26.50%	Small
California – Central	3,156	2,683	85.01%	51	1.62%	422	13.37%	Extra-Large
California – Eastern	1,302	1,179	90.55%	30	2.30%	93	7.14%	Large
California – Northern	884	674	76.24%	52	5.88%	158	17.87%	Extra-Large
California – Southern	11,410	9,763	85.57%	20	0.18%	1,627	14.26%	Extra-Large
Colorado	749	658	87.85%	58	7.74%	33	4.41%	Large
Connecticut	129	75	58.14%	23	17.83%	31	24.03%	Large
Delaware	103	86	83.50%	2	1.94%	15	14.56%	Small
District of Columbia	128	83	64.84%	29	22.66%	16	12.50%	Extra-Large
Florida – Middle	1,666	1,404	84.27%	106	6.36%	156	9.36%	Extra-Large
Florida – Northern	180	156	86.67%	10	5.56%	14	7.78%	Medium
Florida – Southern	2,514	2,160	85.92%	134	5.33%	220	8.75%	Extra-Large
Georgia – Middle	40	35	87.50%	0	0.00%	5	12.50%	Medium
Georgia – Northern	762	668	87.66%	33	4.33%	61	8.01%	Large
Georgia – Southern	49	41	83.67%	2	4.08%	6	12.24%	Medium
Guam	168	114	67.86%	9	5.36%	45	26.79%	Small
Hawaii	81	49	60.49%	9	11.11%	23	28.40%	Medium
Idaho	396	372	93.94%	14	3.54%	10	2.53%	Small
Illinois – Central	139	135	97.12%	0	0.00%	4	2.88%	Medium
Illinois – Northern	404	342	84.65%	21	5.20%	41	10.15%	Extra-Large
Illinois – Southern	117	109	93.16%	6	5.13%	2	1.71%	Medium

CRIMINAL IMMIGRATION CASEWORK								
DISTRICT	MATTERS REFERRED FYs 2003-2007	(As of September 30, 2007)						DISTRICT SIZE
		NUMBER FILED	PERCENT FILED	NUMBER DECLINED	PERCENT DECLINED	NUMBER PENDING	PERCENT PENDING	
Indiana – Northern	70	49	70.00%	13	18.57%	8	11.43%	Medium
Indiana – Southern	46	30	65.22%	9	19.57%	7	15.22%	Medium
Iowa – Northern	490	447	91.22%	22	4.49%	21	4.29%	Small
Iowa – Southern	411	390	94.89%	7	1.70%	14	3.41%	Small
Kansas	546	512	93.77%	13	2.38%	21	3.85%	Medium
Kentucky – Eastern	396	221	55.81%	6	1.52%	169	42.68%	Medium
Kentucky – Western	78	60	76.92%	11	14.10%	7	8.97%	Medium
Louisiana – Eastern	269	234	86.99%	20	7.43%	15	5.58%	Large
Louisiana – Middle	44	36	81.82%	3	6.82%	5	11.36%	Small
Louisiana – Western	99	77	77.78%	6	6.06%	16	16.16%	Medium
Maine	166	106	63.86%	19	11.45%	41	24.70%	Small
Maryland	219	189	86.30%	14	6.39%	16	7.31%	Large
Massachusetts	202	164	81.19%	8	3.96%	30	14.85%	Extra-Large
Michigan – Eastern	287	208	72.47%	17	5.92%	62	21.60%	Extra-Large
Michigan – Western	291	262	90.03%	6	2.06%	23	7.90%	Medium
Minnesota	152	123	80.92%	11	7.24%	18	11.84%	Large
Mississippi – Northern	30	22	73.33%	5	16.67%	3	10.00%	Small
Mississippi – Southern	141	126	89.36%	6	4.26%	9	6.38%	Medium
Missouri – Eastern	103	100	97.09%	2	1.94%	1	0.97%	Large
Missouri – Western	327	237	72.48%	24	7.34%	66	20.18%	Large
Montana	276	219	79.35%	30	10.87%	27	9.78%	Small
Nebraska	384	357	92.97%	18	4.69%	9	2.34%	Medium
Nevada	679	646	95.14%	18	2.65%	15	2.21%	Large
New Hampshire	59	50	84.75%	1	1.69%	8	13.56%	Small
New Jersey	272	184	67.65%	25	9.19%	63	23.16%	Extra-Large
New Mexico	8,786	8,088	92.06%	22	0.25%	676	7.69%	Large
New York – Eastern	454	373	82.16%	8	1.76%	73	16.08%	Extra-Large
New York – Northern	987	878	88.96%	25	2.53%	84	8.51%	Medium
New York – Southern	1,045	778	74.45%	109	10.43%	158	15.12%	Extra-Large
New York – Western	691	339	49.06%	21	3.04%	331	47.90%	Large
North Carolina - Eastern	243	180	74.07%	6	2.47%	57	23.46%	Medium



CRIMINAL IMMIGRATION CASEWORK								
DISTRICT	MATTERS REFERRED FYs 2003-2007	(As of September 30, 2007)						DISTRICT SIZE
		NUMBER FILED	PERCENT FILED	NUMBER DECLINED	PERCENT DECLINED	NUMBER PENDING	PERCENT PENDING	
North Carolina – Middle	261	249	95.40%	5	1.92%	7	2.68%	Small
North Carolina – Western	215	196	91.16%	2	0.93%	17	7.91%	Medium
North Dakota	438	407	92.92%	15	3.42%	16	3.65%	Small
Ohio – Northern	185	162	87.57%	7	3.78%	16	8.65%	Large
Ohio – Southern	88	63	71.59%	7	7.95%	18	20.45%	Large
Oklahoma – Eastern	8	6	75.00%	0	0.00%	2	25.00%	Small
Oklahoma – Northern	18	16	88.89%	0	0.00%	2	11.11%	Medium
Oklahoma – Western	44	38	86.36%	3	6.82%	3	6.82%	Medium
Oregon	1,050	1,023	97.43%	8	0.76%	19	1.81%	Large
Pennsylvania – Eastern	333	263	78.98%	29	8.71%	41	12.31%	Extra-Large
Pennsylvania – Middle	193	152	78.76%	16	8.29%	25	12.95%	Medium
Pennsylvania – Western	214	179	83.64%	25	11.68%	10	4.67%	Large
Puerto Rico	814	611	75.06%	112	13.76%	91	11.18%	Large
Rhode Island	101	86	85.15%	12	11.88%	3	2.97%	Small
South Carolina	533	400	75.05%	25	4.69%	108	20.26%	Large
South Dakota	225	214	95.11%	4	1.78%	7	3.11%	Medium
Tennessee – Eastern	229	202	88.21%	18	7.86%	9	3.93%	Medium
Tennessee – Middle	144	124	86.11%	9	6.25%	11	7.64%	Medium
Tennessee – Western	73	64	87.67%	5	6.85%	4	5.48%	Medium
Texas – Eastern	362	330	91.16%	14	3.87%	18	4.97%	Large
Texas – Northern	1,532	958	62.53%	58	3.79%	516	33.68%	Large
Texas – Southern	64,071	18,400	28.72%	84	0.13%	45,587	71.15%	Extra-Large
Texas – Western	15,925	11,375	71.43%	47	0.30%	4,503	28.28%	Extra-Large
Utah	1,143	1,094	95.71%	13	1.14%	36	3.15%	Medium
Vermont	173	130	75.14%	12	6.94%	31	17.92%	Small
Virgin Islands	574	533	92.86%	2	0.35%	39	6.79%	Small
Virginia – Eastern	739	544	73.61%	64	8.66%	131	17.73%	Extra-Large
Virginia – Western	19	18	94.74%	1	5.26%	0	0.00%	Small
Washington – Eastern	736	659	89.54%	45	6.11%	32	4.35%	Medium
Washington – Western	589	416	70.63%	36	6.11%	137	23.26%	Large
West Virginia – Northern	30	24	80.00%	0	0.00%	6	20.00%	Small

<b>CRIMINAL IMMIGRATION CASEWORK</b>								
<b>DISTRICT</b>	<b>MATTERS REFERRED FYs 2003-2007</b>	<b>(As of September 30, 2007)</b>						<b>DISTRICT SIZE</b>
		<b>NUMBER FILED</b>	<b>PERCENT FILED</b>	<b>NUMBER DECLINED</b>	<b>PERCENT DECLINED</b>	<b>NUMBER PENDING</b>	<b>PERCENT PENDING</b>	
<b>West Virginia – Southern</b>	18	11	61.11%	2	11.11%	5	27.78%	Medium
<b>Wisconsin – Eastern</b>	185	138	74.59%	22	11.89%	25	13.51%	Medium
<b>Wisconsin – Western</b>	63	55	87.30%	7	11.11%	1	1.59%	Small
<b>Wyoming</b>	169	131	77.51%	4	2.37%	34	20.12%	Small

Source: OIG analysis of LIONS data

**PUBLIC CORRUPTION CASEWORK  
FISCAL YEARS 2003 THROUGH 2007**

DISTRICT	MATTERS REFERRED FYs 2003-2007	(As of September 30, 2007)						DISTRICT SIZE
		NUMBER FILED	PERCENT FILED	NUMBER DECLINED	PERCENT DECLINED	NUMBER PENDING	PERCENT PENDING	
Alabama – Middle	14	9	64.29%	2	14.29%	3	21.43%	Small
Alabama – Northern	80	37	46.25%	23	28.75%	20	25.00%	Large
Alabama – Southern	15	4	26.67%	8	53.33%	3	20.00%	Small
Alaska	22	9	40.91%	7	31.82%	6	27.27%	Small
Arizona	129	27	20.93%	58	44.96%	44	34.11%	Extra-Large
Arkansas – Eastern	50	10	20.00%	21	42.00%	19	38.00%	Medium
Arkansas – Western	5	1	20.00%	1	20.00%	3	60.00%	Small
California – Central	156	66	42.31%	50	32.05%	40	25.64%	Extra-Large
California – Eastern	228	77	33.77%	45	19.74%	106	46.49%	Large
California – Northern	88	16	18.18%	29	32.95%	43	48.86%	Extra-Large
California – Southern	42	13	30.95%	14	33.33%	15	35.71%	Extra-Large
Colorado	39	18	46.15%	11	28.21%	10	25.64%	Large
Connecticut	40	19	47.50%	11	27.50%	10	25.00%	Large
Delaware	26	8	30.77%	7	26.92%	11	42.31%	Small
District of Columbia	232	71	30.60%	98	42.24%	63	27.16%	Extra-Large
Florida – Middle	111	27	24.32%	41	36.94%	43	38.74%	Extra-Large
Florida – Northern	58	15	25.86%	20	34.48%	23	39.66%	Medium
Florida – Southern	114	44	38.60%	34	29.82%	36	31.58%	Extra-Large
Georgia – Middle	30	12	40.00%	5	16.67%	13	43.33%	Medium
Georgia – Northern	97	40	41.24%	27	27.84%	30	30.93%	Large
Georgia – Southern	17	3	17.65%	4	23.53%	10	58.82%	Medium
Guam	33	7	21.21%	17	51.52%	9	27.27%	Small
Hawaii	40	19	47.50%	10	25.00%	11	27.50%	Medium
Idaho	16	3	18.75%	8	50.00%	5	31.25%	Small
Illinois – Central	45	8	17.78%	26	57.78%	11	24.44%	Medium
Illinois – Northern	88	36	40.91%	16	18.18%	36	40.91%	Extra-Large
Illinois – Southern	40	15	37.50%	15	37.50%	10	25.00%	Medium

PUBLIC CORRUPTION CASEWORK								
DISTRICT	MATTERS REFERRED FYs 2003-2007	(As of September 30, 2007)						DISTRICT SIZE
		NUMBER FILED	PERCENT FILED	NUMBER DECLINED	PERCENT DECLINED	NUMBER PENDING	PERCENT PENDING	
Indiana – Northern	53	28	52.83%	14	26.42%	11	20.75%	Medium
Indiana – Southern	17	3	17.65%	7	41.18%	7	41.18%	Medium
Iowa – Northern	2	0	0.00%	1	50.00%	1	50.00%	Small
Iowa – Southern	16	4	25.00%	6	37.50%	6	37.50%	Small
Kansas	17	6	35.29%	9	52.94%	2	11.76%	Medium
Kentucky – Eastern	43	17	39.53%	8	18.60%	18	41.86%	Medium
Kentucky – Western	22	2	9.09%	11	50.00%	9	40.91%	Medium
Louisiana – Eastern	92	40	43.48%	24	26.09%	28	30.43%	Large
Louisiana – Middle	25	8	32.00%	4	16.00%	13	52.00%	Small
Louisiana – Western	38	12	31.58%	18	47.37%	8	21.05%	Medium
Maine	8	1	12.50%	3	37.50%	4	50.00%	Small
Maryland	126	51	40.48%	46	36.51%	29	23.02%	Large
Massachusetts	230	57	24.78%	108	46.96%	65	28.26%	Extra-Large
Michigan – Eastern	110	33	30.00%	23	20.91%	54	49.09%	Extra-Large
Michigan – Western	50	32	64.00%	10	20.00%	8	16.00%	Medium
Minnesota	29	4	13.79%	12	41.38%	13	44.83%	Large
Mississippi – Northern	35	15	42.86%	10	28.57%	10	28.57%	Small
Mississippi – Southern	70	17	24.29%	23	32.86%	30	42.86%	Medium
Missouri – Eastern	78	24	30.77%	20	25.64%	34	43.59%	Large
Missouri – Western	40	13	32.50%	18	45.00%	9	22.50%	Large
Montana	49	31	63.27%	6	12.24%	12	24.49%	Small
Nebraska	28	8	28.57%	7	25.00%	13	46.43%	Medium
Nevada	22	6	27.27%	10	45.45%	6	27.27%	Large
New Hampshire	13	7	53.85%	1	7.69%	5	38.46%	Small
New Jersey	407	186	45.70%	79	19.41%	142	34.89%	Extra-Large
New Mexico	43	14	32.56%	15	34.88%	14	32.56%	Large
New York – Eastern	173	80	46.24%	25	14.45%	68	39.31%	Extra-Large
New York – Northern	38	7	18.42%	16	42.11%	15	39.47%	Medium
New York – Southern	143	51	35.66%	35	24.48%	57	39.86%	Extra-Large
New York – Western	69	11	15.94%	30	43.48%	28	40.58%	Large
North Carolina - Eastern	78	30	38.46%	18	23.08%	30	38.46%	Medium

PUBLIC CORRUPTION CASEWORK								
DISTRICT	MATTERS REFERRED FYs 2003-2007	(As of September 30, 2007)						DISTRICT SIZE
		NUMBER FILED	PERCENT FILED	NUMBER DECLINED	PERCENT DECLINED	NUMBER PENDING	PERCENT PENDING	
North Carolina – Middle	6	0	0.00%	3	50.00%	3	50.00%	Small
North Carolina – Western	30	11	36.67%	10	33.33%	9	30.00%	Medium
North Dakota	33	18	54.55%	14	42.42%	1	3.03%	Small
Ohio – Northern	135	49	36.30%	44	32.59%	42	31.11%	Large
Ohio – Southern	47	12	25.53%	20	42.55%	15	31.91%	Large
Oklahoma – Eastern	17	4	23.53%	4	23.53%	9	52.94%	Small
Oklahoma – Northern	14	4	28.57%	3	21.43%	7	50.00%	Medium
Oklahoma – Western	44	23	52.27%	13	29.55%	8	18.18%	Medium
Oregon	31	9	29.03%	12	38.71%	10	32.26%	Large
Pennsylvania – Eastern	103	45	43.69%	27	26.21%	31	30.10%	Extra-Large
Pennsylvania – Middle	41	17	41.46%	7	17.07%	17	41.46%	Medium
Pennsylvania – Western	37	9	24.32%	19	51.35%	9	24.32%	Large
Puerto Rico	85	32	37.65%	35	41.18%	18	21.18%	Large
Rhode Island	29	4	13.79%	12	41.38%	13	44.83%	Small
South Carolina	36	18	50.00%	8	22.22%	10	27.78%	Large
South Dakota	10	3	30.00%	5	50.00%	2	20.00%	Medium
Tennessee – Eastern	35	21	60.00%	8	22.86%	6	17.14%	Medium
Tennessee – Middle	44	14	31.82%	15	34.09%	15	34.09%	Medium
Tennessee – Western	51	25	49.02%	13	25.49%	13	25.49%	Medium
Texas – Eastern	23	8	34.78%	11	47.83%	4	17.39%	Large
Texas – Northern	95	27	28.42%	37	38.95%	31	32.63%	Large
Texas – Southern	143	45	31.47%	45	31.47%	53	37.06%	Extra-Large
Texas – Western	66	20	30.30%	22	33.33%	24	36.36%	Extra-Large
Utah	23	10	43.48%	5	21.74%	8	34.78%	Medium
Vermont	13	3	23.08%	7	53.85%	3	23.08%	Small
Virgin Islands	49	17	34.69%	18	36.73%	14	28.57%	Small
Virginia – Eastern	164	57	34.76%	54	32.93%	53	32.32%	Extra-Large
Virginia – Western	30	11	36.67%	13	43.33%	6	20.00%	Small
Washington – Eastern	22	6	27.27%	6	27.27%	10	45.45%	Medium
Washington – Western	46	12	26.09%	14	30.43%	20	43.48%	Large
West Virginia – Northern	9	2	22.22%	6	66.67%	1	11.11%	Small

<b>PUBLIC CORRUPTION CASEWORK</b>								
<b>DISTRICT</b>	<b>MATTERS REFERRED FYs 2003-2007</b>	<b>(As of September 30, 2007)</b>						<b>DISTRICT SIZE</b>
		<b>NUMBER FILED</b>	<b>PERCENT FILED</b>	<b>NUMBER DECLINED</b>	<b>PERCENT DECLINED</b>	<b>NUMBER PENDING</b>	<b>PERCENT PENDING</b>	
<b>West Virginia – Southern</b>	55	12	21.82%	27	49.09%	16	29.09%	Medium
<b>Wisconsin – Eastern</b>	33	17	51.52%	8	24.24%	8	24.24%	Medium
<b>Wisconsin – Western</b>	21	4	19.05%	7	33.33%	10	47.62%	Small
<b>Wyoming</b>	18	6	33.33%	7	38.89%	5	27.78%	Small

Source: OIG analysis of LIONS data

**ORGANIZED CRIME CASEWORK  
FISCAL YEARS 2003 THROUGH 2007**

DISTRICT	MATTERS REFERRED FY 2003-2007	(As of September 30, 2007)						DISTRICT SIZE
		NUMBER FILED	PERCENT FILED	NUMBER DECLINED	PERCENT DECLINED	NUMBER PENDING	PERCENT PENDING	
Alabama – Middle	0	N/A	N/A	N/A	N/A	N/A	N/A	Small
Alabama – Northern	0	N/A	N/A	N/A	N/A	N/A	N/A	Large
Alabama – Southern	2	1	50.00%	0	0.00%	1	50.00%	Small
Alaska	6	1	16.67%	3	50.00%	2	33.33%	Small
Arizona	2	1	50.00%	0	0.00%	1	50.00%	Extra-Large
Arkansas – Eastern	1	0	0.00%	1	100.00%	0	0.00%	Medium
Arkansas – Western	0	N/A	N/A	N/A	N/A	N/A	N/A	Small
California – Central	40	19	47.50%	11	27.50%	10	25.00%	Extra-Large
California – Eastern	6	3	50.00%	2	33.33%	1	16.67%	Large
California – Northern	95	28	29.47%	33	34.74%	34	35.79%	Extra-Large
California – Southern	9	1	11.11%	4	44.44%	4	44.44%	Extra-Large
Colorado	27	17	62.96%	7	25.93%	3	11.11%	Large
Connecticut	53	37	69.81%	8	15.09%	8	15.09%	Large
Delaware	0	N/A	N/A	N/A	N/A	N/A	N/A	Small
District of Columbia	6	3	50.00%	0	0.00%	3	50.00%	Extra-Large
Florida – Middle	60	31	51.67%	14	23.33%	15	25.00%	Extra-Large
Florida – Northern	2	0	0.00%	2	100.00%	0	0.00%	Medium
Florida – Southern	44	22	50.00%	6	13.64%	16	36.36%	Extra-Large
Georgia – Middle	0	N/A	N/A	N/A	N/A	N/A	N/A	Medium
Georgia – Northern	45	32	71.11%	9	20.00%	4	8.89%	Large
Georgia – Southern	0	N/A	N/A	N/A	N/A	N/A	N/A	Medium
Guam	2	1	50.00%	0	0.00%	1	50.00%	Small
Hawaii	29	16	55.17%	1	3.45%	12	41.38%	Medium
Idaho	0	N/A	N/A	N/A	N/A	N/A	N/A	Small
Illinois – Central	5	1	20.00%	1	20.00%	3	60.00%	Medium
Illinois – Northern	61	14	22.95%	9	14.75%	38	62.30%	Extra-Large
Illinois – Southern	0	N/A	N/A	N/A	N/A	N/A	N/A	Medium

ORGANIZED CRIME CASEWORK								
DISTRICT	MATTERS REFERRED FYs 2003-2007	(As of September 30, 2007)						DISTRICT SIZE
		NUMBER FILED	PERCENT FILED	NUMBER DECLINED	PERCENT DECLINED	NUMBER PENDING	PERCENT PENDING	
Indiana – Northern	6	1	16.67%	0	0.00%	5	83.33%	Medium
Indiana – Southern	0	N/A	N/A	N/A	N/A	N/A	N/A	Medium
Iowa – Northern	0	N/A	N/A	N/A	N/A	N/A	N/A	Small
Iowa – Southern	2	0	0.00%	1	50.00%	1	50.00%	Small
Kansas	1	1	100.00%	0	0.00%	0	0.00%	Medium
Kentucky – Eastern	0	N/A	N/A	N/A	N/A	N/A	N/A	Medium
Kentucky – Western	3	1	33.33%	2	66.67%	0	0.00%	Medium
Louisiana – Eastern	1	1	100.00%	0	0.00%	0	0.00%	Large
Louisiana – Middle	0	N/A	N/A	N/A	N/A	N/A	N/A	Small
Louisiana – Western	1	1	100.00%	0	0.00%	0	0.00%	Medium
Maine	0	N/A	N/A	N/A	N/A	N/A	N/A	Small
Maryland	27	16	59.26%	8	29.63%	3	11.11%	Large
Massachusetts	177	100	56.50%	19	10.73%	58	32.77%	Extra-Large
Michigan – Eastern	40	15	37.50%	0	0.00%	25	62.50%	Extra-Large
Michigan – Western	2	0	0.00%	2	100.00%	0	0.00%	Medium
Minnesota	0	N/A	N/A	N/A	N/A	N/A	N/A	Large
Mississippi – Northern	0	N/A	N/A	N/A	N/A	N/A	N/A	Small
Mississippi – Southern	4	1	25.00%	0	0.00%	3	75.00%	Medium
Missouri – Eastern	20	6	30.00%	4	20.00%	10	50.00%	Large
Missouri – Western	38	14	36.84%	10	26.32%	14	36.84%	Large
Montana	1	0	0.00%	1	100.00%	0	0.00%	Small
Nebraska	0	N/A	N/A	N/A	N/A	N/A	N/A	Medium
Nevada	44	20	45.45%	11	25.00%	13	29.55%	Large
New Hampshire	6	4	66.67%	2	33.33%	0	0.00%	Small
New Jersey	131	61	46.56%	15	11.45%	55	41.98%	Extra-Large
New Mexico	1	0	0.00%	1	100.00%	0	0.00%	Large
New York – Eastern	258	112	43.41%	49	18.99%	97	37.60%	Extra-Large
New York – Northern	11	6	54.55%	2	18.18%	3	27.27%	Medium
New York – Southern	190	125	65.79%	12	6.32%	53	27.89%	Extra-Large
New York – Western	69	40	57.97%	7	10.14%	22	31.88%	Large
North Carolina - Eastern	16	3	18.75%	11	68.75%	2	12.50%	Medium



ORGANIZED CRIME CASEWORK								
DISTRICT	MATTERS REFERRED FYs 2003-2007	(As of September 30, 2007)						DISTRICT SIZE
		NUMBER FILED	PERCENT FILED	NUMBER DECLINED	PERCENT DECLINED	NUMBER PENDING	PERCENT PENDING	
North Carolina – Middle	0	N/A	N/A	N/A	N/A	N/A	N/A	Small
North Carolina – Western	6	3	50.00%	3	50.00%	0	0.00%	Medium
North Dakota	1	0	0.00%	0	0.00%	1	100.00%	Small
Ohio – Northern	64	36	56.25%	20	31.25%	8	12.50%	Large
Ohio – Southern	10	2	20.00%	3	30.00%	5	50.00%	Large
Oklahoma – Eastern	1	0	0.00%	1	100.00%	0	0.00%	Small
Oklahoma – Northern	0	N/A	N/A	N/A	N/A	N/A	N/A	Medium
Oklahoma – Western	1	0	0.00%	1	100.00%	0	0.00%	Medium
Oregon	9	2	22.22%	2	22.22%	5	55.56%	Large
Pennsylvania – Eastern	99	55	55.56%	19	19.19%	25	25.25%	Extra-Large
Pennsylvania – Middle	2	1	50.00%	1	50.00%	0	0.00%	Medium
Pennsylvania – Western	24	19	79.17%	4	16.67%	1	4.17%	Large
Puerto Rico	2	0	0.00%	2	100.00%	0	0.00%	Large
Rhode Island	4	3	75.00%	1	25.00%	0	0.00%	Small
South Carolina	0	N/A	N/A	N/A	N/A	N/A	N/A	Large
South Dakota	0	N/A	N/A	N/A	N/A	N/A	N/A	Medium
Tennessee – Eastern	8	7	87.50%	1	12.50%	0	0.00%	Medium
Tennessee – Middle	2	2	100.00%	0	0.00%	0	0.00%	Medium
Tennessee – Western	1	0	0.00%	1	100.00%	0	0.00%	Medium
Texas – Eastern	2	0	0.00%	2	100.00%	0	0.00%	Large
Texas – Northern	3	1	33.33%	1	33.33%	1	33.33%	Large
Texas – Southern	29	12	41.38%	5	17.24%	12	41.38%	Extra-Large
Texas – Western	3	1	33.33%	1	33.33%	1	33.33%	Extra-Large
Utah	6	4	66.67%	2	33.33%	0	0.00%	Medium
Vermont	0	N/A	N/A	N/A	N/A	N/A	N/A	Small
Virgin Islands	0	N/A	N/A	N/A	N/A	N/A	N/A	Small
Virginia – Eastern	8	3	37.50%	2	25.00%	3	37.50%	Extra-Large
Virginia – Western	1	0	0.00%	0	0.00%	1	100.00%	Small
Washington – Eastern	9	0	0.00%	9	100.00%	0	0.00%	Medium
Washington – Western	16	8	50.00%	2	12.50%	6	37.50%	Large
West Virginia – Northern	1	0	0.00%	1	100.00%	0	0.00%	Small

ORGANIZED CRIME CASEWORK								
DISTRICT	MATTERS REFERRED FYs 2003-2007	(As of September 30, 2007)						DISTRICT SIZE
		NUMBER FILED	PERCENT FILED	NUMBER DECLINED	PERCENT DECLINED	NUMBER PENDING	PERCENT PENDING	
West Virginia – Southern	2	0	0.00%	2	100.00%	0	0.00%	Medium
Wisconsin – Eastern	6	5	83.33%	1	16.67%	0	0.00%	Medium
Wisconsin – Western	0	N/A	N/A	N/A	N/A	N/A	N/A	Small
Wyoming	0	N/A	N/A	N/A	N/A	N/A	N/A	Small

Source: OIG analysis of LIONS data

**CIVIL RIGHTS CASEWORK  
FISCAL YEARS 2003 THROUGH 2007**

DISTRICT	MATTERS REFERRED FYs 2003-2007	(As of September 30, 2007)						DISTRICT SIZE
		NUMBER FILED	PERCENT FILED	NUMBER DECLINED	PERCENT DECLINED	NUMBER PENDING	PERCENT PENDING	
Alabama – Middle	6	0	0.00%	5	83.33%	1	16.67%	Small
Alabama – Northern	40	3	7.50%	33	82.50%	4	10.00%	Large
Alabama – Southern	7	1	14.29%	6	85.71%	0	0.00%	Small
Alaska	28	1	3.57%	18	64.29%	9	32.14%	Small
Arizona	51	4	7.84%	25	49.02%	22	43.14%	Extra-Large
Arkansas – Eastern	56	7	12.50%	41	73.21%	8	14.29%	Medium
Arkansas – Western	2	0	0.00%	2	100.00%	0	0.00%	Small
California – Central	336	18	5.36%	264	78.57%	54	16.07%	Extra-Large
California – Eastern	30	3	10.00%	18	60.00%	9	30.00%	Large
California – Northern	48	5	10.42%	29	60.42%	14	29.17%	Extra-Large
California – Southern	41	5	12.20%	31	75.61%	5	12.20%	Extra-Large
Colorado	12	1	8.33%	4	33.33%	7	58.33%	Large
Connecticut	22	2	9.09%	15	68.18%	5	22.73%	Large
Delaware	2	0	0.00%	2	100.00%	0	0.00%	Small
District of Columbia	745	6	0.81%	656	88.05%	83	11.14%	Extra-Large
Florida – Middle	104	11	10.58%	58	55.77%	35	33.65%	Extra-Large
Florida – Northern	31	8	25.81%	15	48.39%	8	25.81%	Medium
Florida – Southern	40	5	12.50%	21	52.50%	14	35.00%	Extra-Large
Georgia – Middle	39	2	5.13%	23	58.97%	14	35.90%	Medium
Georgia – Northern	45	8	17.78%	28	62.22%	9	20.00%	Large
Georgia – Southern	9	2	22.22%	3	33.33%	4	44.44%	Medium
Guam	6	2	33.33%	2	33.33%	2	33.33%	Small
Hawaii	19	6	31.58%	8	42.11%	5	26.32%	Medium
Idaho	52	1	1.92%	47	90.38%	4	7.69%	Small
Illinois – Central	12	3	25.00%	8	66.67%	1	8.33%	Medium
Illinois – Northern	33	5	15.15%	22	66.67%	6	18.18%	Extra-Large
Illinois – Southern	29	4	13.79%	17	58.62%	8	27.59%	Medium

CIVIL RIGHTS CASEWORK								
DISTRICT	MATTERS REFERRED FYs 2003-2007	(As of September 30, 2007)						DISTRICT SIZE
		NUMBER FILED	PERCENT FILED	NUMBER DECLINED	PERCENT DECLINED	NUMBER PENDING	PERCENT PENDING	
Indiana – Northern	15	3	20.00%	3	20.00%	9	60.00%	Medium
Indiana – Southern	28	2	7.14%	23	82.14%	3	10.71%	Medium
Iowa – Northern	11	0	0.00%	11	100.00%	0	0.00%	Small
Iowa – Southern	4	0	0.00%	4	100.00%	0	0.00%	Small
Kansas	12	1	8.33%	8	66.67%	3	25.00%	Medium
Kentucky – Eastern	29	6	20.69%	17	58.62%	6	20.69%	Medium
Kentucky – Western	22	1	4.55%	17	77.27%	4	18.18%	Medium
Louisiana – Eastern	55	3	5.45%	32	58.18%	20	36.36%	Large
Louisiana – Middle	29	0	0.00%	21	72.41%	8	27.59%	Small
Louisiana – Western	112	6	5.36%	86	76.79%	20	17.86%	Medium
Maine	26	0	0.00%	20	76.92%	6	23.08%	Small
Maryland	17	4	23.53%	12	70.59%	1	5.88%	Large
Massachusetts	82	4	4.88%	63	76.83%	15	18.29%	Extra-Large
Michigan – Eastern	107	7	6.54%	80	74.77%	20	18.69%	Extra-Large
Michigan – Western	4	1	25.00%	3	75.00%	0	0.00%	Medium
Minnesota	11	3	27.27%	3	27.27%	5	45.45%	Large
Mississippi – Northern	63	4	6.35%	47	74.60%	12	19.05%	Small
Mississippi – Southern	125	13	10.40%	102	81.60%	10	8.00%	Medium
Missouri – Eastern	37	7	18.92%	12	32.43%	18	48.65%	Large
Missouri – Western	27	4	14.81%	9	33.33%	14	51.85%	Large
Montana	10	0	0.00%	6	60.00%	4	40.00%	Small
Nebraska	19	2	10.53%	17	89.47%	0	0.00%	Medium
Nevada	32	6	18.75%	18	56.25%	8	25.00%	Large
New Hampshire	4	0	0.00%	2	50.00%	2	50.00%	Small
New Jersey	31	11	35.48%	9	29.03%	11	35.48%	Extra-Large
New Mexico	34	1	2.94%	30	88.24%	3	8.82%	Large
New York – Eastern	54	18	33.33%	14	25.93%	22	40.74%	Extra-Large
New York – Northern	61	1	1.64%	30	49.18%	30	49.18%	Medium
New York – Southern	10	2	20.00%	4	40.00%	4	40.00%	Extra-Large
New York – Western	38	2	5.26%	17	44.74%	19	50.00%	Large
North Carolina - Eastern	20	6	30.00%	7	35.00%	7	35.00%	Medium

CIVIL RIGHTS CASEWORK								
DISTRICT	MATTERS REFERRED FYs 2003-2007	(As of September 30, 2007)						DISTRICT SIZE
		NUMBER FILED	PERCENT FILED	NUMBER DECLINED	PERCENT DECLINED	NUMBER PENDING	PERCENT PENDING	
North Carolina – Middle	5	0	0.00%	4	80.00%	1	20.00%	Small
North Carolina – Western	10	4	40.00%	3	30.00%	3	30.00%	Medium
North Dakota	2	0	0.00%	2	100.00%	0	0.00%	Small
Ohio – Northern	75	6	8.00%	31	41.33%	38	50.67%	Large
Ohio – Southern	20	3	15.00%	7	35.00%	10	50.00%	Large
Oklahoma – Eastern	8	1	12.50%	4	50.00%	3	37.50%	Small
Oklahoma – Northern	6	1	16.67%	5	83.33%	0	0.00%	Medium
Oklahoma – Western	10	0	0.00%	9	90.00%	1	10.00%	Medium
Oregon	39	5	12.82%	27	69.23%	7	17.95%	Large
Pennsylvania – Eastern	15	3	20.00%	7	46.67%	5	33.33%	Extra-Large
Pennsylvania – Middle	19	0	0.00%	10	52.63%	9	47.37%	Medium
Pennsylvania – Western	64	0	0.00%	57	89.06%	7	10.94%	Large
Puerto Rico	4	1	25.00%	0	0.00%	3	75.00%	Large
Rhode Island	15	1	6.67%	13	86.67%	1	6.67%	Small
South Carolina	70	2	2.86%	44	62.86%	24	34.29%	Large
South Dakota	5	0	0.00%	5	100.00%	0	0.00%	Medium
Tennessee – Eastern	35	9	25.71%	23	65.71%	3	8.57%	Medium
Tennessee – Middle	28	9	32.14%	11	39.29%	8	28.57%	Medium
Tennessee – Western	34	10	29.41%	12	35.29%	12	35.29%	Medium
Texas – Eastern	118	4	3.39%	83	70.34%	31	26.27%	Large
Texas – Northern	133	4	3.01%	85	63.91%	44	33.08%	Large
Texas – Southern	225	13	5.78%	132	58.67%	80	35.56%	Extra-Large
Texas – Western	48	11	22.92%	30	62.50%	7	14.58%	Extra-Large
Utah	19	2	10.53%	6	31.58%	11	57.89%	Medium
Vermont	2	0	0.00%	2	100.00%	0	0.00%	Small
Virgin Islands	10	0	0.00%	3	30.00%	7	70.00%	Small
Virginia – Eastern	94	4	4.26%	61	64.89%	29	30.85%	Extra-Large
Virginia – Western	31	5	16.13%	7	22.58%	19	61.29%	Small
Washington – Eastern	12	0	0.00%	8	66.67%	4	33.33%	Medium
Washington – Western	65	5	7.69%	36	55.38%	24	36.92%	Large
West Virginia – Northern	11	0	0.00%	10	90.91%	1	9.09%	Small

CIVIL RIGHTS CASEWORK								
DISTRICT	MATTERS REFERRED FYs 2003-2007	(As of September 30, 2007)						DISTRICT SIZE
		NUMBER FILED	% FILED	NUMBER DECLINED	% DECLINED	NUMBER PENDING	% PENDING	
West Virginia – Southern	92	2	2.17%	73	79.35%	17	18.48%	Medium
Wisconsin – Eastern	34	5	14.71%	24	70.59%	5	14.71%	Medium
Wisconsin – Western	12	0	0.00%	7	58.33%	5	41.67%	Small
Wyoming	1	0	0.00%	1	100.00%	0	0.00%	Small

Source: OIG analysis of LIONS data

**ALL OTHER CRIMINAL CASEWORK  
FISCAL YEARS 2003 THROUGH 2007**

DISTRICT	MATTERS REFERRED FYs 2003-2007	(As of September 30, 2007)						DISTRICT SIZE
		NUMBER FILED	PERCENT FILED	NUMBER DECLINED	PERCENT DECLINED	NUMBER PENDING	PERCENT PENDING	
Alabama – Middle	685	190	27.74%	110	16.06%	385	56.20%	Small
Alabama – Northern	1,037	370	35.68%	176	16.97%	491	47.35%	Large
Alabama – Southern	425	200	47.06%	124	29.18%	101	23.76%	Small
Alaska	837	185	22.10%	241	28.79%	411	49.10%	Small
Arizona	3,333	1,437	43.11%	622	18.66%	1,274	38.22%	Extra-Large
Arkansas – Eastern	723	311	43.02%	261	36.10%	151	20.89%	Medium
Arkansas – Western	440	150	34.09%	89	20.23%	201	45.68%	Small
California – Central	5,186	1,613	31.10%	357	6.88%	3,216	62.01%	Extra-Large
California – Eastern	1,910	663	34.71%	331	17.33%	916	47.96%	Large
California – Northern	2,279	575	25.23%	454	19.92%	1,250	54.85%	Extra-Large
California – Southern	1,192	373	31.29%	62	5.20%	757	63.51%	Extra-Large
Colorado	965	287	29.74%	240	24.87%	438	45.39%	Large
Connecticut	712	226	31.74%	231	32.44%	255	35.81%	Large
Delaware	284	54	19.01%	109	38.38%	121	42.61%	Small
District of Columbia	687	216	31.44%	291	42.36%	180	26.20%	Extra-Large
Florida – Middle	2,562	745	29.08%	979	38.21%	838	32.71%	Extra-Large
Florida – Northern	674	211	31.31%	119	17.66%	344	51.04%	Medium
Florida – Southern	2,778	1,113	40.06%	325	11.70%	1,340	48.24%	Extra-Large
Georgia – Middle	1,325	170	12.83%	117	8.83%	1,038	78.34%	Medium
Georgia – Northern	1,691	444	26.26%	183	10.82%	1,064	62.92%	Large
Georgia – Southern	2,142	266	12.42%	132	6.16%	1,744	81.42%	Medium
Guam	285	136	47.72%	63	22.11%	86	30.18%	Small
Hawaii	1,462	164	11.22%	240	16.42%	1,058	72.37%	Medium
Idaho	658	200	30.40%	255	38.75%	203	30.85%	Small
Illinois – Central	780	571	73.21%	118	15.13%	91	11.67%	Medium
Illinois – Northern	1,487	522	35.10%	373	25.08%	592	39.81%	Extra-Large
Illinois – Southern	409	199	48.66%	133	32.52%	77	18.83%	Medium

ALL OTHER CRIMINAL CASEWORK								
DISTRICT	MATTERS REFERRED FYs 2003-2007	(As of September 30, 2007)						DISTRICT SIZE
		NUMBER FILED	PERCENT FILED	NUMBER DECLINED	PERCENT DECLINED	NUMBER PENDING	PERCENT PENDING	
Indiana – Northern	477	233	48.85%	120	25.16%	124	26.00%	Medium
Indiana – Southern	586	253	43.17%	205	34.98%	128	21.84%	Medium
Iowa – Northern	335	155	46.27%	77	22.99%	103	30.75%	Small
Iowa – Southern	316	176	55.70%	76	24.05%	64	20.25%	Small
Kansas	582	341	58.59%	107	18.38%	134	23.02%	Medium
Kentucky – Eastern	1,054	682	64.71%	150	14.23%	222	21.06%	Medium
Kentucky – Western	844	201	23.82%	181	21.45%	462	54.74%	Medium
Louisiana – Eastern	600	213	35.50%	122	20.33%	265	44.17%	Large
Louisiana – Middle	496	252	50.81%	62	12.50%	182	36.69%	Small
Louisiana – Western	3,015	327	10.85%	162	5.37%	2,526	83.78%	Medium
Maine	353	130	36.83%	143	40.51%	80	22.66%	Small
Maryland	797	290	36.39%	182	22.84%	325	40.78%	Large
Massachusetts	956	375	39.23%	205	21.44%	376	39.33%	Extra-Large
Michigan – Eastern	1,374	376	27.37%	250	18.20%	748	54.44%	Extra-Large
Michigan – Western	649	253	38.98%	172	26.50%	224	34.51%	Medium
Minnesota	521	212	40.69%	165	31.67%	144	27.64%	Large
Mississippi – Northern	324	124	38.27%	97	29.94%	103	31.79%	Small
Mississippi – Southern	945	355	37.57%	126	13.33%	464	49.10%	Medium
Missouri – Eastern	1,291	708	54.84%	288	22.31%	295	22.85%	Large
Missouri – Western	1,152	319	27.69%	231	20.05%	602	52.26%	Large
Montana	710	400	56.34%	157	22.11%	153	21.55%	Small
Nebraska	432	228	52.78%	92	21.30%	112	25.93%	Medium
Nevada	2,426	392	16.16%	266	10.96%	1,768	72.88%	Large
New Hampshire	444	203	45.72%	121	27.25%	120	27.03%	Small
New Jersey	1,778	546	30.71%	382	21.48%	850	47.81%	Extra-Large
New Mexico	855	381	44.56%	265	30.99%	209	24.44%	Large
New York – Eastern	2,855	1,243	43.54%	560	19.61%	1,052	36.85%	Extra-Large
New York – Northern	1,597	540	33.81%	246	15.40%	811	50.78%	Medium
New York – Southern	3,703	1,396	37.70%	616	16.64%	1,691	45.67%	Extra-Large
New York – Western	875	274	31.31%	257	29.37%	344	39.31%	Large
North Carolina - Eastern	965	305	31.61%	426	44.15%	234	24.25%	Medium



ALL OTHER CRIMINAL CASEWORK								
DISTRICT	MATTERS REFERRED FYs 2003-2007	(As of September 30, 2007)						DISTRICT SIZE
		NUMBER FILED	PERCENT FILED	NUMBER DECLINED	PERCENT DECLINED	NUMBER PENDING	PERCENT PENDING	
North Carolina – Middle	367	211	57.49%	112	30.52%	44	11.99%	Small
North Carolina – Western	634	279	44.01%	140	22.08%	215	33.91%	Medium
North Dakota	394	189	47.97%	142	36.04%	63	15.99%	Small
Ohio – Northern	1,377	435	31.59%	308	22.37%	634	46.04%	Large
Ohio – Southern	1,486	434	29.21%	197	13.26%	855	57.54%	Large
Oklahoma – Eastern	224	93	41.52%	58	25.89%	73	32.59%	Small
Oklahoma – Northern	302	164	54.30%	68	22.52%	70	23.18%	Medium
Oklahoma – Western	1,402	241	17.19%	162	11.55%	999	71.26%	Medium
Oregon	1,279	502	39.25%	249	19.47%	528	41.28%	Large
Pennsylvania – Eastern	756	341	45.11%	225	29.76%	190	25.13%	Extra-Large
Pennsylvania – Middle	1,071	419	39.12%	264	24.65%	388	36.23%	Medium
Pennsylvania – Western	897	362	40.36%	405	45.15%	130	14.49%	Large
Puerto Rico	848	311	36.67%	219	25.83%	318	37.50%	Large
Rhode Island	227	69	30.40%	97	42.73%	61	26.87%	Small
South Carolina	1,202	718	59.73%	262	21.80%	222	18.47%	Large
South Dakota	1,416	644	45.48%	601	42.44%	171	12.08%	Medium
Tennessee – Eastern	884	284	32.13%	152	17.19%	448	50.68%	Medium
Tennessee – Middle	329	118	35.87%	107	32.52%	104	31.61%	Medium
Tennessee – Western	724	437	60.36%	107	14.78%	180	24.86%	Medium
Texas – Eastern	1,127	554	49.16%	357	31.68%	216	19.17%	Large
Texas – Northern	1,782	818	45.90%	558	31.31%	406	22.78%	Large
Texas – Southern	2,077	1,067	51.37%	397	19.11%	613	29.51%	Extra-Large
Texas – Western	4,878	1,018	20.87%	466	9.55%	3,394	69.58%	Extra-Large
Utah	1,058	462	43.67%	239	22.59%	357	33.74%	Medium
Vermont	182	62	34.07%	75	41.21%	45	24.73%	Small
Virgin Islands	170	62	36.47%	34	20.00%	74	43.53%	Small
Virginia – Eastern	15,822	829	5.24%	675	4.27%	14,318	90.49%	Extra-Large
Virginia – Western	3,375	321	9.51%	159	4.71%	2,895	85.78%	Small
Washington – Eastern	619	317	51.21%	158	25.53%	144	23.26%	Medium
Washington – Western	3,852	582	15.11%	324	8.41%	2,946	76.48%	Large
West Virginia – Northern	329	126	38.30%	134	40.73%	69	20.97%	Small

ALL OTHER CRIMINAL CASEWORK								
DISTRICT	MATTERS REFERRED FYs 2003-2007	(As of September 30, 2007)						DISTRICT SIZE
		NUMBER FILED	PERCENT FILED	NUMBER DECLINED	PERCENT DECLINED	NUMBER PENDING	PERCENT PENDING	
West Virginia – Southern	567	170	29.98%	212	37.39%	185	32.63%	Medium
Wisconsin – Eastern	517	204	39.46%	164	31.72%	149	28.82%	Medium
Wisconsin – Western	432	122	28.24%	124	28.70%	186	43.06%	Small
Wyoming	3,689	209	5.67%	113	3.06%	3,367	91.27%	Small

Source: OIG analysis of LIONS data

**CIVIL MATTERS BY USAO  
FISCAL YEARS 2003 THROUGH 2007**

DISTRICT	MATTERS REFERRED FYs 2003-2007	(As of September 30, 2007)				DISTRICT SIZE
		NUMBER FILED	PERCENT FILED	NUMBER PENDING	PERCENT PENDING	
Alabama – Middle	2,363	2,007	84.93%	356	15.07%	Small
Alabama – Northern	5,397	5,161	95.63%	236	4.37%	Large
Alabama – Southern	2,255	2,165	96.01%	90	3.99%	Small
Alaska	695	543	78.13%	152	21.87%	Small
Arizona	4,859	3,901	80.28%	958	19.72%	Extra-Large
Arkansas – Eastern	3,912	3,794	96.98%	118	3.02%	Medium
Arkansas – Western	2,456	2,429	98.90%	27	1.10%	Small
California – Central	16,668	14,465	86.78%	2,203	13.22%	Extra-Large
California – Eastern	4,975	4,532	91.10%	443	8.90%	Large
California – Northern	5,754	4,386	76.23%	1,368	23.77%	Extra-Large
California – Southern	4,059	3,224	79.43%	835	20.57%	Extra-Large
Colorado	5,552	4,856	87.46%	696	12.54%	Large
Connecticut	5,534	4,897	88.49%	637	11.51%	Large
Delaware	2,377	2,002	84.22%	375	15.78%	Small
District of Columbia	5,899	4,407	74.71%	1,492	25.29%	Extra-Large
Florida – Middle	17,355	16,402	94.51%	953	5.49%	Extra-Large
Florida – Northern	3,104	2,856	92.01%	248	7.99%	Medium
Florida – Southern	11,832	10,097	85.34%	1,735	14.66%	Extra-Large
Georgia – Middle	2,580	2,462	95.43%	118	4.57%	Medium
Georgia – Northern	7,108	6,164	86.72%	944	13.28%	Large
Georgia – Southern	5,791	5,389	93.06%	402	6.94%	Medium
Guam	258	182	70.54%	76	29.46%	Small
Hawaii	1,189	995	83.68%	194	16.32%	Medium
Idaho	1,272	915	71.93%	357	28.07%	Small
Illinois – Central	2,352	2,262	96.17%	90	3.83%	Medium
Illinois – Northern	11,177	10,281	91.98%	896	8.02%	Extra-Large
Illinois – Southern	2,483	1,791	72.13%	692	27.87%	Medium

<b>CIVIL CASEWORK</b>						
<b>DISTRICT OFFICE</b>	<b>MATTERS REFERRED FYs 2003-2007</b>	<b>(As of September 30, 2007)</b>				<b>DISTRICT SIZE</b>
		<b>NUMBER FILED</b>	<b>PERCENT FILED</b>	<b>NUMBER PENDING</b>	<b>PERCENT PENDING</b>	
Indiana – Northern	3,853	3,728	96.76%	125	3.24%	Medium
Indiana – Southern	5,623	5,325	94.70%	298	5.30%	Medium
Iowa – Northern	2,411	2,093	86.81%	318	13.19%	Small
Iowa – Southern	2,523	2,371	93.98%	152	6.02%	Small
Kansas	6,167	5,976	96.90%	191	3.10%	Medium
Kentucky – Eastern	7,267	6,817	93.81%	450	6.19%	Medium
Kentucky – Western	4,810	4,469	92.91%	341	7.09%	Medium
Louisiana – Eastern	2,481	2,135	86.05%	346	13.95%	Large
Louisiana – Middle	1,280	993	77.58%	287	22.42%	Small
Louisiana – Western	3,857	3,680	95.41%	177	4.59%	Medium
Maine	1,541	1,352	87.74%	189	12.26%	Small
Maryland	4,912	3,889	79.17%	1,023	20.83%	Large
Massachusetts	4,114	3,402	82.69%	712	17.31%	Extra-Large
Michigan – Eastern	6,065	5,271	86.91%	794	13.09%	Extra-Large
Michigan – Western	2,904	2,686	92.49%	218	7.51%	Medium
Minnesota	3,836	3,419	89.13%	417	10.87%	Large
Mississippi – Northern	1,536	1,398	91.02%	138	8.98%	Small
Mississippi – Southern	1,854	1,659	89.48%	195	10.52%	Medium
Missouri – Eastern	2,834	2,347	82.82%	487	17.18%	Large
Missouri – Western	4,052	3,728	92.00%	324	8.00%	Large
Montana	1,226	1,119	91.27%	107	8.73%	Small
Nebraska	2,230	1,971	88.39%	259	11.61%	Medium
Nevada	1,801	1,230	68.30%	571	31.70%	Large
New Hampshire	1,171	983	83.95%	188	16.05%	Small
New Jersey	12,216	10,930	89.47%	1,286	10.53%	Extra-Large
New Mexico	3,258	3,059	93.89%	199	6.11%	Large
New York – Eastern	11,196	10,727	95.81%	469	4.19%	Extra-Large
New York – Northern	5,789	5,554	95.94%	235	4.06%	Medium
New York – Southern	8,731	7,231	82.82%	1,500	17.18%	Extra-Large
New York – Western	6,905	6,294	91.15%	611	8.85%	Large
North Carolina - Eastern	4,987	4,639	93.02%	348	6.98%	Medium

<b>CIVIL CASEWORK</b>						
<b>DISTRICT OFFICE</b>	<b>MATTERS REFERRED FYs 2003-2007</b>	<b>(As of September 30, 2007)</b>				<b>DISTRICT SIZE</b>
		<b>NUMBER FILED</b>	<b>PERCENT FILED</b>	<b>NUMBER PENDING</b>	<b>PERCENT PENDING</b>	
North Carolina – Middle	1,753	1,615	92.13%	138	7.87%	Small
North Carolina – Western	1,940	1,569	80.88%	371	19.12%	Medium
North Dakota	972	896	92.18%	76	7.82%	Small
Ohio – Northern	14,920	12,125	81.27%	2,795	18.73%	Large
Ohio – Southern	12,144	10,991	90.51%	1,153	9.49%	Large
Oklahoma – Eastern	1,709	1,655	96.84%	54	3.16%	Small
Oklahoma – Northern	2,565	2,408	93.88%	157	6.12%	Medium
Oklahoma – Western	5,267	4,892	92.88%	375	7.12%	Medium
Oregon	5,001	4,572	91.42%	429	8.58%	Large
Pennsylvania – Eastern	4,855	4,195	86.41%	660	13.59%	Extra-Large
Pennsylvania – Middle	5,073	4,122	81.25%	951	18.75%	Medium
Pennsylvania – Western	6,060	5,617	92.69%	443	7.31%	Large
Puerto Rico	4,210	3,504	83.23%	706	16.77%	Large
Rhode Island	912	734	80.48%	178	19.52%	Small
South Carolina	10,670	9,031	84.64%	1,639	15.36%	Large
South Dakota	1,286	1,092	84.91%	194	15.09%	Medium
Tennessee – Eastern	2,514	2,352	93.56%	162	6.44%	Medium
Tennessee – Middle	1,545	1,337	86.54%	208	13.46%	Medium
Tennessee – Western	3,756	3,555	94.65%	201	5.35%	Medium
Texas – Eastern	5,253	5,088	96.86%	165	3.14%	Large
Texas – Northern	7,546	6,423	85.12%	1,123	14.88%	Large
Texas – Southern	10,044	9,123	90.83%	921	9.17%	Extra-Large
Texas – Western	8,806	7,487	85.02%	1,319	14.98%	Extra-Large
Utah	1,706	1,368	80.19%	338	19.81%	Medium
Vermont	1,228	1,018	82.90%	210	17.10%	Small
Virgin Islands	317	242	76.34%	75	23.66%	Small
Virginia – Eastern	6,474	5,198	80.29%	1,276	19.71%	Extra-Large
Virginia – Western	2,802	2,726	97.29%	76	2.71%	Small
Washington – Eastern	1,772	1,587	89.56%	185	10.44%	Medium
Washington – Western	5,422	4,925	90.83%	497	9.17%	Large
West Virginia – Northern	1,348	1,214	90.06%	134	9.94%	Small

<b>CIVIL CASEWORK</b>						
<b>DISTRICT</b>	<b>MATTERS REFERRED FYs 2003-2007</b>	<b>(As of September 30, 2007)</b>				<b>DISTRICT SIZE</b>
		<b>NUMBER FILED</b>	<b>PERCENT FILED</b>	<b>NUMBER PENDING</b>	<b>PERCENT PENDING</b>	
<b>West Virginia – Southern</b>	2,324	2,101	90.40%	223	9.60%	Medium
<b>Wisconsin – Eastern</b>	6,017	5,791	96.24%	226	3.76%	Medium
<b>Wisconsin – Western</b>	3,018	2,703	89.56%	315	10.44%	Small
<b>Wyoming</b>	623	535	85.87%	88	14.13%	Small

Source: OIG analysis of LIONS data

## CASELOADS PER ATTORNEY FTE

CRIMINAL AND CIVIL CASELOADS PER ATTORNEY FTE FISCAL YEARS 2003 AND 2007					
DISTRICT	CRIMINAL		CIVIL		DISTRICT SIZE
	FY 2003	FY 2007	FY 2003	FY 2007	
Alabama – Middle	16.21	18.93	103.45	97.37	Small
Alabama – Northern	13.78	13.63	77.27	86.50	Large
Alabama – Southern	14.31	23.20	76.93	64.16	Small
Alaska	11.32	7.21	34.93	36.20	Small
Arizona	37.55	55.63	48.33	71.83	Extra-Large
Arkansas – Eastern	14.18	25.35	727.14	112.36	Medium
Arkansas – Western	14.74	19.69	206.13	97.49	Small
California – Central	13.18	18.20	83.36	79.17	Extra-Large
California – Eastern	26.49	27.60	65.76	78.42	Large
California – Northern	18.49	18.66	48.23	53.32	Extra-Large
California – Southern	25.19	29.30	36.85	37.00	Extra-Large
Colorado	17.49	16.04	62.01	97.93	Large
Connecticut	9.64	10.05	138.86	79.80	Large
Delaware	11.76	16.75	199.29	378.61	Small
District of Columbia	3.45	3.01	44.59	43.36	Extra-Large
Florida – Middle	21.12	24.29	210.46	294.58	Extra-Large
Florida – Northern	13.99	15.93	103.81	115.22	Medium
Florida – Southern	21.48	23.89	139.46	83.48	Extra-Large
Georgia – Middle	14.86	19.38	76.00	73.36	Medium
Georgia – Northern	14.04	13.42	77.47	72.39	Large
Georgia – Southern	12.86	17.49	69.42	68.27	Medium
Guam	24.37	28.59	58.61	39.90	Small
Hawaii	24.58	15.23	76.66	57.77	Medium
Idaho	15.15	13.43	31.06	36.07	Small
Illinois – Central	30.26	22.03	89.20	102.83	Medium
Illinois – Northern	12.97	13.68	183.98	175.89	Extra-Large
Illinois – Southern	9.92	10.12	53.06	58.40	Medium
Indiana – Northern	12.42	17.66	95.08	100.96	Medium
Indiana – Southern	10.60	10.24	148.34	162.13	Medium
Iowa – Northern	24.84	16.90	86.76	106.61	Small
Iowa – Southern	16.84	27.26	64.06	86.56	Small
Kansas	23.60	30.21	75.10	72.16	Medium
Kentucky – Eastern	12.88	12.58	169.54	154.61	Medium
Kentucky – Western	11.70	16.61	109.95	98.72	Medium
Louisiana – Eastern	8.79	12.34	46.42	50.86	Large
Louisiana – Middle	21.57	21.64	53.45	58.69	Small
Louisiana – Western	10.32	13.19	71.42	73.36	Medium
Maine	11.26	8.92	102.01	95.67	Small
Maryland	12.15	13.66	108.77	115.78	Large
Massachusetts	9.59	9.59	50.05	82.02	Extra-Large

<b>CRIMINAL AND CIVIL CASELOADS PER ATTORNEY FTE FISCAL YEARS 2003 AND 2007</b>					
<b>DISTRICT</b>	<b>CRIMINAL</b>		<b>CIVIL</b>		<b>DISTRICT SIZE</b>
	<b>FY 2003</b>	<b>FY 2007</b>	<b>FY 2003</b>	<b>FY 2007</b>	
Michigan – Eastern	13.43	12.43	57.03	66.69	Extra-Large
Michigan – Western	11.15	15.00	299.61	256.78	Medium
Minnesota	12.71	17.15	61.00	66.00	Large
Mississippi – Northern	8.89	13.84	45.06	48.66	Small
Mississippi – Southern	16.30	16.42	54.32	62.83	Medium
Missouri – Eastern	13.76	15.09	46.57	61.24	Large
Missouri – Western	15.48	18.58	68.92	53.58	Large
Montana	26.19	25.01	54.83	39.27	Small
Nebraska	32.89	30.98	43.84	45.97	Medium
Nevada	29.61	24.48	42.93	46.72	Large
New Hampshire	15.70	19.28	28.61	30.00	Small
New Jersey	11.42	12.64	262.80	386.91	Extra-Large
New Mexico	33.70	35.36	61.33	45.45	Large
New York – Eastern	20.56	29.64	123.09	121.32	Extra-Large
New York – Northern	19.78	20.73	288.86	447.34	Medium
New York – Southern	24.45	30.63	123.94	96.12	Extra-Large
New York – Western	13.58	16.39	225.56	308.06	Large
North Carolina - Eastern	16.47	19.19	115.46	118.12	Medium
North Carolina – Middle	12.47	19.28	77.49	62.06	Small
North Carolina – Western	20.03	39.44	64.97	44.66	Medium
North Dakota	10.56	12.40	67.57	33.53	Small
Ohio – Northern	9.15	9.67	182.04	248.83	Large
Ohio – Southern	11.31	13.67	152.87	249.80	Large
Oklahoma – Eastern	10.62	6.69	155.93	89.22	Small
Oklahoma – Northern	10.82	9.47	86.69	129.67	Medium
Oklahoma – Western	7.39	9.80	102.52	41.94	Medium
Oregon	25.87	26.65	79.07	108.48	Large
Pennsylvania – Eastern	10.62	11.65	55.82	49.54	Extra-Large
Pennsylvania – Middle	21.19	28.85	130.59	53.35	Medium
Pennsylvania – Western	14.57	19.32	190.78	71.76	Large
Puerto Rico	12.55	17.04	116.63	79.52	Large
Rhode Island	6.61	6.15	79.38	129.83	Small
South Carolina	28.32	30.03	158.84	186.79	Large
South Dakota	14.71	21.73	48.38	50.26	Medium
Tennessee – Eastern	18.00	16.85	231.24	249.80	Medium
Tennessee – Middle	21.89	16.06	164.85	72.97	Medium
Tennessee – Western	20.60	26.92	98.63	134.82	Medium
Texas – Eastern	15.27	19.37	130.77	91.63	Large
Texas – Northern	19.59	15.99	55.53	53.37	Large
Texas – Southern	37.59	40.31	83.64	174.11	Extra-Large
Texas – Western	44.87	50.74	137.89	179.90	Extra-Large
Utah	25.11	27.84	38.06	43.44	Medium
Vermont	18.47	23.26	36.14	32.08	Small
Virgin Islands	10.04	14.61	55.73	62.43	Small



<b>CRIMINAL AND CIVIL CASELOADS PER ATTORNEY FTE FISCAL YEARS 2003 AND 2007</b>					
<b>DISTRICT</b>	<b>CRIMINAL</b>		<b>CIVIL</b>		<b>DISTRICT SIZE</b>
	<b>FY 2003</b>	<b>FY 2007</b>	<b>FY 2003</b>	<b>FY 2007</b>	
<b>Virginia – Eastern</b>	11.71	12.20	34.81	26.69	Extra-Large
<b>Virginia – Western</b>	19.02	18.08	215.64	98.61	Small
<b>Washington – Eastern</b>	30.92	29.74	85.25	52.92	Medium
<b>Washington – Western</b>	11.23	13.50	133.68	102.57	Large
<b>West Virginia – Northern</b>	9.91	24.39	63.20	68.35	Small
<b>West Virginia – Southern</b>	10.69	9.23	118.49	104.96	Medium
<b>Wisconsin – Eastern</b>	10.61	14.59	125.60	145.44	Medium
<b>Wisconsin – Western</b>	11.24	11.14	108.09	188.85	Small
<b>Wyoming</b>	18.22	17.02	58.50	69.90	Small

**EXECUTIVE OFFICE FOR U.S. ATTORNEYS RESPONSE**

**U.S. Department of Justice**

*Executive Office for United States Attorneys  
Office of the Director*

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*Main Justice Building, Room 2261  
950 Pennsylvania Avenue, NW  
Washington, DC 20530*

*(202) 514-2121*

**MEMORANDUM**

DATE: October 16, 2008

TO: Raymond J. Beaudet  
Assistant Inspector General for Audit

FROM: Kenneth E. Melson  
Director  
Executive Office for United States Attorneys

SUBJECT: Response to OIG's Report Entitled: *Resource Management of United States Attorneys' Offices*

This memorandum is submitted by the Executive Office for United States Attorneys (EOUSA) in response to the audit report by the Office of Inspector General (OIG) entitled, "*Resource Management of United States Attorneys' Offices.*"

EOUSA appreciates the significant work and effort that the OIG put into this review, as well as the important issues addressed in the report. American taxpayers have a right to the continued efficient and effective use of funds when it comes to the enforcement of federal criminal and civil laws. It is in this spirit that EOUSA has reviewed the OIG's report and accepts, and will endeavor to carry out to the best of its ability, OIG's recommendations.

As an initial matter, it is important to note the unique nature of the relationship between EOUSA and the United States Attorneys' Offices (USAOs), and the status of EOUSA/USAO as a component within the Department of Justice.

Unlike most other DOJ components, EOUSA and the USAOs do not constitute a single hierarchical organization with a headquarters office directing policy decisions and resource management. Rather, each United States Attorney (USA) is the chief law enforcement officer in his or her district. Each USA, unless serving in an acting or interim capacity, is appointed by the President and confirmed by the Senate. As a holder of high office, the USA is afforded significant discretion to manage his or her office according to locally perceived priorities and needs, albeit within the umbrella of overarching Departmental priorities. The 94 USAOs vary in size from 20 employees to over 800 employees. Each office has a unique identity and local "office cultures" vary greatly.

It is in this context that EOUSA interacts with the USAOs to "[p]rovide general executive assistance and supervision to the offices of the U.S. Attorneys." 28 C.F.R. § 0.22. A primary part of EOUSA's role is to allocate to each USAO its annual resources and budget. When allocating new FTE among USAOs, EOUSA makes its own initial assessment based on case data, USA-5 data, and other factors. But EOUSA has sought, and will continue to seek, input from the United States Attorneys as part of the resource allocation process.

EOUSA can and does track both the allocation of resources to USAOs, as well as the utilization of those resources by individual USAOs. The re-allocation of resources from one USAO to another, that is, moving FTEs from one office to another, has traditionally proven difficult to effect, given the desire by individual USAs to maintain or increase, but not to decrease, the level of FTEs within that office.

As the OIG report noted, EOUSA has taken recent, further steps to effectuate more flexible resource allocation. In particular, EOUSA has allocated most of the Congressionally authorized FY 2008 FTE in the form of two-year term positions. EOUSA will assess the effectiveness of these term positions at the close of FY 2009 and 2010. The USAOs will be on notice that if these positions are better utilized in other districts, they are subject to removal. We note that, while term positions form part of the solution for more flexible resource allocation, term positions are not without drawbacks, as they can create significant tension within a small office as the term position incumbents vie for permanent slots.

The report also states that several districts exceeded their annual FTE allocation. We note that virtually all of these cases arose as a result of EOUSA's policy that allowed districts to hire a full time, permanent employee to replace employees who were placed on temporary details. These new hires were subjected to a "next vacancy" provision,

which meant that the district would be allowed to exceed its allocation until the next attorney vacancy occurred in the district.

Over the past few years, EOUSA has generally avoided the use of “next vacancy” slots and, instead, provides term attorney positions to fill vacancies created by temporary details. This policy has reduced the likelihood that districts will exceed their allocations for a significant period of time.

With regard to OIG’s findings concerning deficiencies in the USA-5 time system and the LIONS data system, EOUSA welcomes this review as an opportunity to make improvements in these areas. Better and more frequent data entry at the USAO level will enhance the reliability of the data.

While better data is a key factor in better resource allocation, it is also important to note the sensitivities surrounding the use of “matters investigated” and “cases filed” as a measure of efficiency and productivity in a USAO. The investigation of cases and the filing of charges is indeed an objective measure of work done in a USAO, and such statistics will continue to form an important part of how resources are allocated. However, case statistics can never form the ultimate criteria for resource allocation because the goal of a USAO and the Department of Justice is to do justice, and it may be that not filing a case or forbearing from taking action is the appropriate course in any given case. Too much emphasis on case filings alone may lead to a charge of “bounty hunting.” Thus, EOUSA will appropriately balance case statistics with other measures, including time spent as billed under the USA-5 system, to evaluate resource allocation.

### Recommendations

EOUSA will endeavor to implement all of the below recommendations to the best of its ability. We believe that each of the recommendations is intended to help enhance EOUSA’s ability to better identify trends in resource utilization, and thereby allow EOUSA to better allocate those resources. In some cases the recommendation will be relatively simple to implement, and we hope such recommendations will prove effective. In other cases, as discussed below, the recommendation will likely prove more challenging to implement.

1. *Establish a standardized process for tracking time to cases involving multiple offenses to more accurately reflect attorney utilization.*

EOUSA agrees that implementation of such a system as envisioned in this recommendation could advance EOUSA’s ability to identify actual resource utilization.

## APPENDIX XXII

However, parsing out the amount time that should be attributed to a particular issue or count in an investigation, indictment, or trial is not without its complexities. For instance, time spent investigating underlying facts that ultimately lead to a firearms, narcotics, and immigration charge in a single case might, in hindsight, be billed to all three areas of time equally. But should the time be billed before knowing what the ultimate charges will be? While a system delineating such determinations can be created and implemented, it must be simple and not unduly complicated or it will not be utilized. Such simplification will likely reduce its accuracy. EOUSA is presently assessing the best way to carry out this recommendation.

2. *Implement a policy requiring USAO personnel to record time in the USA-5 system on at least a weekly basis, as well as to record all time to a USA-5A category when such a category is available.*

EOUSA agrees that more timely entry of data into the USA-5 system will improve the accuracy and utility of the USA-5 data. EOUSA would like to receive and assess feedback from the USAOs as to how often AUSAs will realistically input their time into the USA-5 system. EOUSA agrees to make recording of time in the USA-5A system mandatory.

3. *Develop a more user friendly electronic form for USAO personnel to report their time in the USA05 system.*

EOUSA agrees to develop and implement a more user friendly electronic form for entry of time into the USA-5 system.

4. *Implement a standardized approach among USAOs for categorizing cases within LIONS and the USAOs' new case management system - Litigation Case Management System.*

EOUSA will endeavor to implement this recommendation, although it is inherently difficult to carry out. EOUSA already has numerous, well defined LIONS program category codes. Each USAO currently applies the same LIONS program category code definitions. Application of these codes to individual cases, however, necessarily requires some degree of interpretation. There are legitimate disagreements as to whether a particular code does or does not apply to a given case. For instance, should a case that prosecutes hacking into a university computer system be labeled as a "computer fraud" case or a "national security/critical infrastructure" case? Should a case against an alien entering the country with drugs be labeled as a narcotics case or an immigration case? The USAOs are presently permitted to label cases with up to three

different LIONS codes. EOUSA will, in any event, attempt to delineate a default coding for those commonly charged cases where coding issues might arise.

5. *Ensure that “reopened” cases are not reflected in the statistical reports in the fiscal years in which the cases were reopened.*

EOUSA agrees to ensure that reopened cases are not reflected in the statistical reports in the fiscal years in which the cases were reopened.

6. *More closely monitor the casework data transmitted by USAOs to ensure it is accurate and complete.*

EOUSA agrees to more closely monitor the LIONS casework transmitted by USAOs to ensure it is accurate and complete.

7. *Re-emphasize to the USAOs the importance of utilization and casework data, how the data is used, and the necessity of accurately capturing this data.*

EOUSA agrees to re-emphasize to the USAOs the importance of utilization and casework data, how the data is used, and the necessity of accurately capturing this data.

8. *Examine the current staffing levels of USAOs, and develop methods to reallocate resources among USAOs.*

EOUSA is in the process of examining the current staffing levels of USAOs, and will continue to do so. EOUSA will also endeavor to implement to the best of its ability the recommendation to develop a method to reallocate resources among USAOs. This latter recommendation is inherently difficult, however, as the report makes clear, given the reluctance of individual USAOs to part with FTE.

9. *Perform comprehensive assessments on a regular basis of the number of attorneys utilized on specific types of matters within each USAO, including a comparison to where the resources were allocated.*

EOUSA has begun the process of creating program assessments for key program areas that would review attorney utilization, as measured by USA-5 time as well as other factors. EOUSA expects to produce assessment results at the end of the current fiscal year. In anticipation of these assessments, as they relate to the new term positions that have been allocated, USAOs will be on notice of the criteria on which the new positions will be assessed. Each program area will be assessed according to specific criteria. Some areas, such as immigration prosecutions, will rely on traditional factors such as time according to USA-5 as well as cases filed, according to LIONS. Other areas, such as health care fraud, will not utilize a “cases filed” measure, because such measures are not relevant for prosecutions that typically take years to build.

10. *Ensure that a comprehensive review of each USAO’s casework is performed annually, including a comparison of data maintained in individual LIONS databases to the information reflected in the National LIONS.*

EOUSA understands that the data in the LIONS database needs to be as reliable and accurate as possible. EOUSA agrees to look for ways to increase the effectiveness and comprehensiveness of case data reviews, which are presently undertaken bi-annually by each USAO. EOUSA staff does not and cannot review the LIONS entries from individual districts to compare them to data entries in the national LIONS. In FY 2008, there were well over 300,000 civil and criminal case and matter entries within the national LIONS system. It simply is not feasible for EOUSA staff to review these entries individually.

EOUSA continues to closely investigate the results of the 50 case survey that is the subject of the discussion on pages 40 and 41 in the report. As indicated in the report, EOUSA did identify a problem with the transmission of case data during the last 12 hours of a given fiscal year and the first 12 hours of the subsequent fiscal year. That issue affects a very limited number of cases and EOUSA has now solved the problem going forward. More importantly, EOUSA does not now believe that this data transmission issue affected any of the 50 cases involved in the survey and discussed in the text. Rather, EOUSA is currently investigating a basic premise of the 50 case survey, namely, whether the cases chosen by OIG were in fact reported as pending in national LIONS. As part of the survey, districts were told that certain cases were showing as pending in national LIONS. These cases were pulled from the “raw data” in the national LIONS system, but may not have been reported as pending in national LIONS due to the operation of certain business rules within the LIONS system. Some districts reported that these cases were showing in their local LIONS database as closed, not pending. If, however, the case was not in fact reported as pending in national LIONS, then the results of the survey would need to be re-assessed. EOUSA will report further to OIG once it has had a complete opportunity to review the data used for the survey. EOUSA will

work assiduously to eliminate any data discrepancies that it can confirm in the LIONS system.



## OFFICE OF THE INSPECTOR GENERAL ANALYSIS AND SUMMARY OF ACTIONS NECESSARY TO CLOSE THE REPORT

The OIG provided a draft of this audit report to EOUSA. EOUSA's response is incorporated as Appendix XXII of this final report. EOUSA stated that it agreed with all 10 of our recommendations. Based on EOUSA's response, the OIG considers the report resolved. The OIG's analysis and summary of actions necessary to close the report is presented below.

### Status of Recommendations

1. **Resolved.** EOUSA concurred with our recommendation to establish a standardized process for recording time to cases involving multiple offenses to more accurately reflect attorney utilization. Specifically, EOUSA stated that implementing this recommendation could advance its ability to identify actual resource utilization data. However, EOUSA also stated that attorneys are not always able to record time to various prosecutorial areas because the ultimate charges on cases are not always defined when the attorneys begin working on the matters. As a result, EOUSA stated that it is continuing to assess the best way to implement this recommendation.

To close this recommendation, please provide us with EOUSA's plans to develop a standardized process for recording time to multiple offenses. In addition, once developed, please provide evidence that the process has been implemented and the USAOs have been trained on this new process.

2. **Resolved.** EOUSA concurred with our recommendation to implement a policy requiring USAO personnel to record time in the USA-5 system on at least a weekly basis, as well as to record all time to a USA-5A category when such a category is available. EOUSA stated that requiring more timely entry of data into the USA-5 system will improve the accuracy and utility of utilization data. To assist in establishing such a requirement, EOUSA stated that it intends to obtain feedback from the USAOs to determine how often AUSAs should input their time into the USA-5 system. EOUSA further stated that it will make recording of time to a USA-5A category mandatory.

To close this recommendation, please provide evidence that a policy requiring USAO personnel to record time on at least a weekly basis has been implemented and communicated to the USAOs. Further, please provide documentation that all personnel have been informed

that the use of the USA-5A categories is mandatory and evidence that the use of the USA-5A categories has increased.

3. **Resolved.** EOUSA concurred with our recommendation to develop a more user-friendly electronic form for USAO personnel to report their time in the USA-5 system.

To close this recommendation, please provide us with the new, more user-friendly electronic USA-5 form and evidence that the new form is being used throughout the USAOs.

4. **Resolved.** EOUSA concurred with our recommendation to implement a standardized approach among USAOs for categorizing cases within LIONS and the USAOs' new case management system – Litigation Case Management System. EOUSA stated that each USAO currently uses the same LIONS program category code definitions and that each USAO can currently categorize a case with up to three different LIONS codes. However, EOUSA further stated that it will be difficult to fully implement a standardized process because the categorization of cases requires some degree of interpretation. Nonetheless, EOUSA stated that it would attempt to develop a standardized categorization scheme for those commonly charged cases where coding issues might arise.

To close this recommendation, please provide documentation that shows EOUSA's identification of cases in which coding issues commonly arise. In addition, please provide documentation explaining how these cases should be coded and evidence that this information has been disseminated to each USAO.

5. **Resolved.** EOUSA concurred with our recommendation to ensure that "reopened" cases are not reflected in the statistical reports in the fiscal years in which the cases were reopened. To close this recommendation, please provide evidence that a process has been developed and implemented that prevents reopened cases from being included as new case filings in the fiscal years in which the cases were reopened.

6. **Resolved.** EOUSA concurred with our recommendation to more closely monitor the LIONS casework transmitted by USAOs to ensure that it is accurate and complete. To close this recommendation, please provide documentation detailing EOUSA's process of monitoring LIONS casework data transmitted by USAOs, which should include an assessment of information contained in mandatory fields,

as well as an evaluation on the completeness of data provided by each USAO.

7. **Resolved.** EOUSA concurred with our recommendation to re-emphasize to the USAOs the importance of utilization and casework data, how the data is used, and the necessity of accurately capturing this data. To close this recommendation, please provide evidence that USAOs have been notified about the uses of USAO utilization and casework data and instructed on the importance of accurately reporting this information.
  
8. **Resolved.** EOUSA concurred with our recommendation to examine the current staffing levels of USAOs and develop methods to reallocate resources among USAOs. In its response, EOUSA stated that it is currently examining and will continue to examine the current staffing levels of USAOs. EOUSA also commented that it will attempt to develop, to the best of its ability, a method for reallocating resources among USAOs.

To close this recommendation, please provide evidence of EOUSA's efforts to examine the staffing levels of USAOs. In addition, please provide documentation on EOUSA's efforts to develop methods for reallocating USAO resources, as well as the results of any reallocation implementation efforts.

9. **Resolved.** EOUSA concurred with our recommendation to perform regular, comprehensive assessments of the number of attorneys utilized on specific types of matters within each USAO, including a comparison to where the resources were allocated. EOUSA stated that it has begun creating a process for reviewing attorney resource utilization in key program areas. EOUSA further stated that this process includes the use of USA-5 data and other factors in making its assessment and expects to have the results of these assessments by the end of FY 2009. In addition, EOUSA stated that each USAO will be informed of the criteria for which new positions will be assessed and that the criteria will vary depending on the particular program area.

To close this recommendation, please provide evidence of the attorney utilization assessments being performed by EOUSA, including the assessment results, once available, and any corrective actions taken based upon these results. In addition, please provide documentation of the specific criteria used for allocating new positions to USAOs during FY 2009.

10. **Resolved.** EOUSA concurred with our recommendation to ensure that a comprehensive review of each USAO's casework is performed annually, including a comparison of the data maintained in individual district LIONS databases to the information reflected in the National LIONS. EOUSA stated that it will endeavor to develop processes for increasing the effectiveness and comprehensiveness of case data reviews, which are currently performed biannually by each USAO. EOUSA stated, however, that it does not and cannot review individual data records in local district LIONS databases for comparison to those records maintained in the National LIONS because the universe of records is too voluminous. EOUSA further commented that it is continuing to review the 50 pending matters that were discussed in Chapter 4 of our report. In particular, EOUSA stated that it is reviewing the matters to determine the cause of the data discrepancies identified during our review, will further report to the OIG once it completes this review, and will then take necessary corrective action to resolve the problems.

To close this recommendation, please provide evidence that EOUSA is performing comprehensive casework reviews of each USAO, including the number and types of cases handled by individual USAOs, as well as the processes developed for improving the effectiveness and comprehensiveness of the case data reviews. Additionally, please provide information on EOUSA's efforts to develop a feasible process to compare data maintained in individual district LIONS databases to the information reflected in the National LIONS, possibly on a sample basis. Further, please provide an update on EOUSA's review of our sample of 50 pending matters, including the causes of the identified data discrepancies and any corrective actions taken.