

# The Criminal Division



FY 2009  
Congressional  
Budget

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## **I. Overview for the Criminal Division**

### **A. FY 2009 Budget Summary**

The Criminal Division requests a total of 746 permanent positions, 751 direct Full-Time Equivalents (FTE), and \$164,061,000 in its Salaries and Expenses appropriation for Fiscal Year (FY) 2009. The Division's total requested program improvements for FY 2009 (2 attorney positions, 1 FTE, and \$289,000) will enable the Division's continued support of the Department's Strategic Goal Two: Prevent Crime, Enforce Federal Laws, and Represent the Rights and Interests of the People.

Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.usdoj.gov/jmd/2009justification>

### **B. Criminal Division Mission & Program Activities**

The Criminal Division develops, enforces, and supervises the application of all federal criminal laws (except those specifically assigned to other divisions). The Division performs four key program activities to fulfill its mission, through which it provides **leadership and coordination** in the Department's efforts to meet its strategic goals:

- **Litigating** cases (i.e. multi-jurisdictional & international cases);
- Providing **expert guidance and legal advice** (i.e. to the Attorney General, foreign counterparts, federal, state, and local law enforcement agencies, and U.S. Attorneys' offices);
- Reviewing and implementing **law enforcement tools** (i.e. Title III wiretaps, attorney fee forfeitures, correspondent banking subpoenas, and foreign legal frameworks); and
- Fostering and maintaining **global partnerships** (cross-cuts all activities).

The Criminal Division is requesting new investments to sustain and improve its support of the Department's top priority to reduce violent and organized crime, especially at the Southwest Border. If our request for additional positions in this critical area is funded, the resources will be well-spent and the impact will be felt well beyond the District of Columbia.

### **C. The Criminal Division's Role in Achieving Outcomes**

The Criminal Division supports and plays a substantial role in helping the Department to meet its targets for Strategic Goals 1 and 2, especially in the transnational arena. The Division has a wealth of experience in litigating and coordinating investigations and cases across borders, whether through domestic or international partnerships. Therefore, the Criminal Division stands at the forefront in identifying emerging national and transnational crime trends. We also play a leading role in developing and implementing global enforcement strategies and policy to combat these emerging criminal trends. Through its work and expertise, the Division focuses on national and transnational criminal enforcement, a focus that no other litigating component in the Justice Department shares.

The Division has identified five priority areas to ensure that the Division is effectively addressing the country's most critical justice needs on the national and transnational fronts:

- Supporting the National Security Mission
- Ensuring the Integrity of Government
- Reducing Violent and Organized Crime
- Protecting Children from Sexual Predators
- Safeguarding and Maintaining Confidence in our Marketplace

**KEEPING AMERICA SAFE:  
An Example of the Criminal Division's Role in  
Protecting Children from Sexual Predators**

On April 5, 2007, a federal jury in Miami found resident Kent Frank guilty of eight counts of child exploitation offenses related to his sexual abuse of three young females in Cambodia. He was sentenced to 40 years in prison on sex tourism and child pornography charges. He was also ordered to pay a \$25,000 fine and serve 15 years of supervised release. Frank was convicted of four counts of traveling in foreign commerce and engaging in illicit sexual conduct with a minor. The jury also found Frank guilty of three counts of purchasing a minor with the intent to produce child pornography and one count of traveling in foreign commerce for the purpose of engaging in illicit sexual conduct with a minor. The prosecution stemmed from the Jan. 1, 2004, arrest of Frank in Phnom Penh, Cambodia, by the Cambodian National Police (CNP), on debauchery charges. The case was jointly prosecuted by the U.S. Attorney's Office of the Southern District of Florida and the Criminal Division's Child Exploitation and Obscenity Section.

The activities of the Division are unique and varied. The Division investigates, disrupts, and prevents criminal activity; argues legal matters before the court; supervises the use of critical law enforcement tools; leverages and maintains global partnerships; coordinates multi-jurisdictional investigations and prosecutions; and provides training and consultation to U.S. Attorneys, as well as local, state, and foreign officials. No single U.S. Attorney's Office can accomplish these duties and responsibilities that make up the Division's daily operations. The Criminal Division's limited, but powerful, resources have been focused through the five priority areas listed above. The efforts of the Criminal Division help safeguard the lives and liberties of Americans and all who enjoy the freedoms that are the hallmarks of our society.

**KEEPING AMERICA SAFE:  
Examples of the Criminal Division's Role in  
Supporting the National Security Mission**

In 2006, the Division obtained a favorable extradition decision from the Czech court of a defendant (Oussama Kassir) wanted in the Southern District of New York for conspiring to establish and attempting to establish a jihad training camp in Oregon. In addition, the defendant is charged with establishing and operating numerous terrorist websites on the internet that instigated, assisted, and prepared individuals to commit large-scale terrorist acts and provided instructions for building bombs. The defendant is currently appealing the court's decision.

Examples of how the Division works to achieve outcomes in each priority area, through the four program activities enumerated previously, are described in the following table.

Division Priority	Litigating & Investigating Activities	Expert Guidance & Advice Activities	Law Enforcement Tool Activities	Global Partnership Activities
<b>Transnational Criminal Enforcement</b> <i>Identifying emerging cross-border crime trends and developing and implementing global enforcement strategies</i>	<ul style="list-style-type: none"> <li>▪ Coordination of bi-lateral investigations</li> <li>▪ Prosecutions between the U.S. and foreign governments</li> </ul>	<ul style="list-style-type: none"> <li>▪ Knowledge sharing through bi-lateral working groups</li> <li>▪ Training of foreign counterparts</li> </ul>	<ul style="list-style-type: none"> <li>▪ Obtaining evidence from or for foreign countries</li> <li>▪ Supporting trans-national cases</li> </ul>	<ul style="list-style-type: none"> <li>▪ Direct technical assistance on case-specific matters</li> <li>▪ Participating in international policy groups</li> </ul>
<b>Supporting the National Security Mission</b> <i>Catching potential terrorists before they attack by prosecuting them for their use of traditional criminal methods in their schemes</i>	<ul style="list-style-type: none"> <li>▪ Prosecuting cases to deter corruption of foreign officials</li> <li>▪ Supporting investigations to limit terrorist mobility</li> </ul>	<ul style="list-style-type: none"> <li>▪ Participating in government-wide anti-terrorism strategy groups</li> <li>▪ Providing expertise on freezing terrorist assets</li> </ul>	<ul style="list-style-type: none"> <li>▪ Negotiating Mutual Legal Assistance Treaties to obtain foreign evidence</li> <li>▪ Securing extradition of terrorist suspects</li> </ul>	<ul style="list-style-type: none"> <li>▪ Strengthening counter-terrorism ability of foreign counterparts</li> <li>▪ Working with other countries to disrupt terrorist travel networks</li> </ul>
<b>Ensuring the Integrity of Government</b> <i>Ensuring fair and uniform treatment of sensitive public corruption investigations to buoy citizen trust in officials</i>	<ul style="list-style-type: none"> <li>▪ Prosecuting cases where USAOs are precluded</li> <li>▪ Investigating pervasive corruption</li> </ul>	<ul style="list-style-type: none"> <li>▪ Providing assistance in sensitive cases</li> <li>▪ Ensuring election crime matters are handled uniformly</li> </ul>	<ul style="list-style-type: none"> <li>▪ Using asset forfeiture tools to take back ill-gotten proceeds</li> <li>▪ Providing oversight to sensitive operations</li> </ul>	<ul style="list-style-type: none"> <li>▪ Training foreign states in anti-corruption tactics</li> <li>▪ Securing good will by applying same standards to U.S. officials</li> </ul>

<b>Division Priority</b>	<b>Litigating &amp; Investigating Activities</b>	<b>Expert Guidance &amp; Advice Activities</b>	<b>Law Enforcement Tool Activities</b>	<b>Global Partnership Activities</b>
<p><b>Reducing Violent &amp; Organized Crime</b> <i>Performing critical coordinating functions in the fight to reduce the threat of violence in communities</i></p>	<ul style="list-style-type: none"> <li>▪ Prosecuting precedent-setting cases</li> <li>▪ Coordinating transnational operations on violent gangs</li> </ul>	<ul style="list-style-type: none"> <li>▪ Training USAOs on effectively using the law to prosecute gangs</li> <li>▪ Working to create a coordinated global approach to fighting gangs</li> </ul>	<ul style="list-style-type: none"> <li>▪ Providing oversight of the use of electronic surveillance</li> <li>▪ Enabling protection of witnesses</li> </ul>	<ul style="list-style-type: none"> <li>▪ Improving relations with countries that historically harbor gang leaders and violent criminals</li> </ul>
<p><b>Protecting Children from Sexual Predators</b> <i>Employing collaborative methods to bring our expertise to every neighborhood in the fight against sexual predators</i></p>	<ul style="list-style-type: none"> <li>▪ Prosecuting high-profile and dangerous deviants</li> <li>▪ Coordinating PSC investigations</li> </ul>	<ul style="list-style-type: none"> <li>▪ Training PSC field units in prosecution techniques</li> <li>▪ Advising foreign counterparts on conducting complex investigations</li> </ul>	<ul style="list-style-type: none"> <li>▪ Running a high-tech lab to assist law enforcement in gathering critical evidence</li> <li>▪ Developing strategies to effectively capture digital evidence</li> </ul>	<ul style="list-style-type: none"> <li>▪ Working to form international strategies to combat child sexual exploitation</li> <li>▪ Working to make child exploitation issues a global priority</li> </ul>
<p><b>Safeguarding &amp; Maintaining Confidence in our Marketplace</b> <i>Conquering global thieves that permeate our economic infrastructure</i></p>	<ul style="list-style-type: none"> <li>▪ Prosecuting those who attempt to defraud taxpayers</li> <li>▪ Conducting sensitive and complex investigations against corrupt corporations</li> </ul>	<ul style="list-style-type: none"> <li>▪ Training thousands of foreign officials on combating intellectual property crimes</li> <li>▪ Participating in national policy groups to develop anti-corruption strategies</li> </ul>	<ul style="list-style-type: none"> <li>▪ Developing regulations to allow investigators to get the evidence they need</li> <li>▪ Providing oversight to ensure fair application of powerful law enforcement tools</li> </ul>	<ul style="list-style-type: none"> <li>▪ Establishing international working groups to combat intellectual property crimes</li> <li>▪ Creating working relationships with traditionally closed countries, including China</li> </ul>

## **D. Challenges to Achieving Outcomes**

Many factors, both external and internal, impact the Criminal Division's level of success and its capacity to accomplish its goals. While some of these factors are beyond our control, the Division has always strived to navigate these obstacles successfully to lessen the negative impact that these factors could have on the Division's critical mission.

### **External Challenges**

There are many external challenges that affect the Division's ability to achieve our goals successfully. They include the following:

1. **Globalization of Crime:** The increasing globalization of crime and the emergence of transnational threats will continue to bring new challenges to law enforcement at home and abroad. The Criminal Division is committed to the ongoing fight against emerging transnational threats and will continue to be the Department's global headquarters so that the U.S. can more effectively develop criminal policies and legislation and monitor national and transnational crime trends. The Division has the experience and the unique capability to build global partnerships essential to successfully combating transnational crimes, but needs critical resources to keep up with increasing demand for its services.
2. **Advances in Technology:** New technologies have generated cutting-edge methods for committing crimes, such as identity theft through the Internet and sharing child pornography real-time through peer-to-peer software programs. These technologies pose many challenges to law enforcement and prosecutors alike; it is the Division's job to keep up with these cutting-edge methods and to provide training and assistance to other prosecutors and investigators.
3. **Weak International Rule of Law:** Some countries lack effective legislative measures, policies, laws, and judicial means to investigate and prosecute criminals in their countries. This creates problems for the Division as we try to bring these criminals to justice and seize their ill-gotten profits.

### **Internal Challenges**

The Criminal Division faces a number of internal challenges. These include the following:

1. **Decentralized Working Conditions:** Division personnel are currently located in five buildings. The Department's plan to consolidate all personnel into one building will require sufficient funding and a well-planned logistical strategy to prevent any disruption to operations.
2. **Creation of Central Department Litigation Tracking System:** The Department's Litigation Case Management System (LCMS) will be a shared case management system for the Executive Office for United States Attorneys (EOUSA), the 94 United States Attorneys Offices (USAOs), and all the litigating divisions, including the Criminal

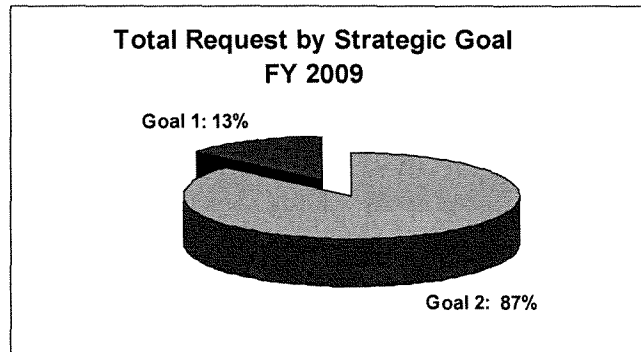


Division. This new system will create new requirements for not only our IT personnel, but also for our attorney and support personnel, who will be required to learn new definitions and a new data entry system.

3. **Information and Network Security:** To stay one-step ahead of criminals, the Division needs to acquire the most advanced IT equipment and software available. Additionally, we need to ensure that we are secure, not vulnerable to any cyber attacks or computer intrusions.

### **E. Budget & Performance Integration**

This budget demonstrates how the Criminal Division's resources directly support the achievement of the Department's strategic goals and priorities and how the additional resources requested in this budget, if approved, will positively impact performance – both nationally and internationally.



The Division reports as a single decision unit; therefore, its resources are presented in this budget as a whole. Total costs represent both direct and indirect costs, including administrative functions and systems. The performance and resource table in Section IV of this budget provides further detail on the Division's performance-based budget.

### ***PART Assessment Ratings Summary***

The Criminal Division was assessed through the Office of Management and Budget's (OMB) Program Assessment Rating Tool (PART) along with five other litigating components — the Antitrust, Civil, Civil Rights, Environment and Natural Resources, and Tax Divisions. The program received satisfactory ratings and recommended three follow-up actions to improve the program. The Criminal Division continues to work with the Department to implement the follow-up actions in a timely manner. See the *Performance, Results, and Strategies* section of this request for more detailed information on the Division's PART progress.

## II. Summary of Program Changes

Item Name	Description				Page
	Goals of Requested Enhancements	Pos.	FTE	Dollars (\$000)	
<b>Reducing Violent and Organized Crime</b>	Neutralize the most dangerous members of society through the following strategies: <ul style="list-style-type: none"> <li>• Implement a comprehensive gang strategy</li> <li>• Create a strategy to end violence and crime related to the southwest border</li> </ul>	<b>2</b>	<b>1</b>	<b>\$289</b>	<b>18</b>

### **III. Appropriations Language and Analysis of Appropriations Language**

#### **Appropriations Language**

Not Applicable

#### **Analysis of Appropriations Language**

Not Applicable

## IV. Decision Unit Justification

### A. Enforcing Federal Criminal Laws

<b>Enforcing Federal Criminal Laws TOTAL</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount (\$000)</b>
2007 Enacted with Rescissions	744	750	\$136,829
2007 Supplementals	0	0	\$1,648
2007 Enacted w/Rescissions & Supplementals	744	750	\$138,477
2008 Enacted	744	750	\$148,979
Adjustments to Base and Technical Adjustments	0	0	\$14,793
2009 Current Services	744	750	\$163,772
2009 Program Increases	2	1	\$289
2009 Request	746	751	\$164,061
<b>Total Change 2008-2009</b>			

#### 1. Program Description

The mission of the Criminal Division is to develop, enforce, and supervise the application of all federal criminal laws except those specifically assigned to other divisions. The Criminal Division is situated at headquarters to work in partnership with domestic and international law enforcement. While United States Attorneys and state and local prosecutors serve a specific jurisdiction, the Criminal Division addresses the need for centralized coordination, prosecution, and oversight.

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

Appellate Section, Asset Forfeiture and Money Laundering Section, Child Exploitation and Obscenity Section, Computer Crime and Intellectual Property Section, Domestic Security Section, Executive Office of the Organized Crime Drug Enforcement Task Force, Fraud Section, International Criminal Investigative Training Assistance Program, Narcotic and Dangerous Drug Section, Office of Administration, Office of the Assistant Attorney General, Office of Enforcement Operations, Office of International Affairs, Office of Policy and Legislation, Office of Special Investigations, Organized Crime and Racketeering Section, and Public Integrity Section.

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

<b>PERFORMANCE AND RESOURCE TABLE</b>											
Decision Unit: Enforcing Federal Criminal Laws											
DOJ Strategic Goal/Objective: Goal One: Prevent Terrorism and Promote the Nation's Security 1.1 Prevention, 1.2 Partnership, 1.3 Investigation/Prosecution Goal Two: Prevent Crime, Enforce Federal Laws, and Represent the Rights and Interests of the People 2.2 Violent Crime, 2.3 Crimes against Children, 2.4 Drug, 2.5 Corruption/Fraud, 2.6 Constitutional Rights											
<b>WORKLOAD/RESOURCES</b>		<b>Final Target</b>		<b>Actual</b>		<b>Projected</b>		<b>Changes</b>		<b>Requested (Total)</b>	
		FY 2007		FY 2007		FY 2008 Enacted		Current Services Adjustments and FY 2009 Program Changes		FY 2009 Request	
Total Costs and FTE (reimbursable FTE are included)		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		857	\$136,829	893	\$136,227	858	\$148,979	16	\$15,082	874	\$164,061
<b>TYPE/ Strategic Objective</b>	<b>PERFORMANCE</b>	<b>FY 2007</b>		<b>FY 2007</b>		<b>FY 2008 Enacted</b>		<b>Current Services Adjustments and FY 2009 Program Changes</b>		<b>FY 2009 Request</b>	
Program Activity	1. Litigation	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		370	\$65,193	380	\$64,906	371	\$70,982	1	7,279	372	\$78,261
Workload	Cases Opened	461		546		476		27		503	
Workload	Cases Closed	316		433		320		(9)		311	
Workload	Cases Pending	1,105		1,102		1,186		191		1,377	
Workload	Appellate Work - Opened	4,871		4,898		4,715		0		4,715	
Workload	Appellate Work - Closed	4,481		4,543		4,375		0		4,375	

Workload	Appellate Work - Pending	2,198		2,047		2,387		340		2,727	
Workload	Matters Opened	596		857		802		59		861	
Workload	Matters Closed	470		603		508		(7)		501	
Workload	Matters Pending at EOY	1,294		1,391		1,683		360		2,043	
Program Activity	2. Expert Guidance and Legal Advice	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		329	\$44,594	351	\$44,398	329	\$48,554	15	\$4,864	344	\$53,418
Workload	Number of Legislative and Policy Analysis Matters Completed	11,867		18,841		12,411		120		12,531	
Workload	Number of Programmatic Coordination Activities	1,542		1,962		1,843		88		1,931	
Workload	Number of Legal Advisory Matters Completed	15,900		19,661		13,835		523		14,358	
Workload	Number of Training Sessions/ Presentations	2,920		2,926		2,157		(44)		2,113	
Program Activity	3. Law Enforcement Tools	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		158	\$27,042	162	\$26,923	158	\$29,443	0	\$2,939	158	\$32,382
Workload	Number of Mandatory Reviews Completed	22,671		25,168		20,758		472		21,230	

EFFICIENCY MEASURE	Ratio of Administrative Costs to Program Costs	69.60%	70.40%	69.90%	0	69.90%
OUTCOME	Favorably Resolve Criminal Cases	90%	97%	90%	0	90%
OUTCOME	Favorably Resolve Civil Cases	80%	87%	80%	0	80%

**Data Definition, Validation, Verification, and Limitations: Definitions:** Litigation: This program activity includes cases or investigatory matters in which the Criminal Division has sole or shared responsibility. The case breakouts include cases from the following Sections/Offices: Fraud Section, Public Integrity Section, Computer Crimes and Intellectual Property Section, Child Exploitation and Obscenity Section, Organized Crime and Racketeering Section, Narcotic and Dangerous Drug Section, Asset Forfeiture and Money Laundering Section, Office of Special Investigations, Domestic Security Section, and Gang Squad Unit (beginning FY 08). Appeals: Appellate Section. Data before FY 2007 included the Counterespionage and Counterterrorism Sections, which were transferred to the National Security Division at the conclusion of FY 2006. Data prior to FY 2008 included data from Capital Case Unit, which has been reclassified as Expert Guidance and Legal Advice beginning FY 2008. Expert Guidance & Legal Advice: This program activity includes oral and written advice and training to federal, state, local and foreign law enforcement officials; coordination and support of investigations, prosecutions, and programs at the national, international and multi-district levels; and oral and written analysis of legislation and policy issues, development of legislative proposals, advice and briefing to Departmental and external policy makers, and participation in inter-agency policy coordination and discussions. Law Enforcement Tools: This program activity includes the work the Division does in specific areas of criminal law in reviewing and approving the use of law enforcement tools throughout the law enforcement community.

**Validation:** In FY 2002, CRM initiated a multi-phased workload tracking improvement initiative. To date, improvements include definition and policy clarifications, uniform guidance and reporting, case tracking database improvements for end user benefit, and a regular data validation process to ensure system integrity. The Division is currently working on improving data entry standards and the validation of quarterly data.

<b>PERFORMANCE MEASURE TABLE</b>											
<b>Decision Unit: Enforcing Federal Criminal Laws</b>											
<b>Performance Report and Performance Plan Targets</b>		<b>FY 2001</b>	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>FY 2007*</b>		<b>FY 2008</b>	<b>FY 2009</b>
		<b>Actual</b>	<b>Actual</b>	<b>Actual</b>	<b>Actual</b>	<b>Actual</b>	<b>Actual</b>	<b>Target</b>	<b>Actual</b>	<b>Target</b>	<b>Target</b>
<b>OUTCOME Measure</b>	Favorably Resolved Criminal Cases**	N/A	N/A	97%	94%	96%	98%	90%	97%	90%	90%
<b>OUTCOME Measure</b>	Favorably Resolve Civil Cases**	N/A	N/A	100%	100%	100%	90%	80%	87%	80%	80%
<b>Efficiency Measure</b>	Ratio of Administrative Costs to Program Costs	N/A	N/A	N/A	N/A	69.61%	70.27%	69.90%	70.40%	69.90%	69.90%

N/A = Data unavailable

\* Beginning Fiscal Year 2007, the workloads of the Counterterrorism and Counterespionage Sections will not be included in the Criminal Division.

\*\* Denotes inclusion in the DOJ *Performance & Accountability Report*



### 3. Performance, Resources, and Strategies

<b>Criminal Division: Enforcing Federal Criminal Laws</b>	
<b>Department Goal(s)</b>	<p><i>Strategic Goal 1: Prevent Terrorism and Promote the Nation's Security</i></p> <p><i>Strategic Goal 2: Prevent Crime, Enforce Federal Laws, and Represent the Rights and Interests of the People</i></p>
<b>Department Objective(s)</b>	<p><i>Strategic Objective 1.1: Prevent, disrupt, and defeat terrorist operations before they occur</i></p> <p><i>Strategic Objective 1.2: Strengthen partnerships to prevent, deter, and respond to terrorist incidents</i></p> <p><i>Strategic Objective 1.3: Investigate and prosecute those who have committed, or intend to commit, terrorist acts in the United States</i></p> <p><i>Strategic Objective 2.2: Reduce the threat, incidence, and prevalence of violent crime</i></p> <p><i>Strategic Objective 2.3: Prevent, suppress, and intervene in crimes against children</i></p> <p><i>Strategic Objective 2.4: Reduce the threat, trafficking, use, and related violence of illegal drugs</i></p> <p><i>Strategic Objective 2.5: Combat public and corporate corruption, fraud, economic crime, and cybercrime</i></p> <p><i>Strategic Objective 2.6: Uphold the civil and constitutional rights of all Americans</i></p>

#### a. Performance Plan and Report for Outcomes

The Departmental long-term outcome goal for the litigating divisions, including the Criminal Division, is the percentage of criminal and civil cases favorably resolved in the Fiscal Year. The goals are 90 percent (criminal) and 80 percent (civil). In FY 2006, the Division reported that it favorably resolved 98 percent of its criminal cases and 90 percent of its civil cases. In FY 2007, the Division favorably resolved 97 percent of its criminal cases and 87 percent of its civil cases, again exceeding our goals from a performance standpoint, the Division has consistently exceeded the Departmental long-term outcome goal for the litigating divisions.

#### *Litigation Workload*

Litigation includes complex case and investigatory matter work. Certain litigation requires the Division's expertise for the following reasons: it involves work of national significance, requires international coordination, has precedent-setting implications, involves cross-jurisdictional investigations, or requires intensive resource needs due to the magnitude of the case. Although Counterterrorism and Counterespionage Sections transferred to the newly created National Security Division effective FY 2007, the Division's litigation workload increased, reflecting the increasing demand for the Division's expertise in other areas of crime (including computer and high-technology crime, child exploitation, organized crime, and public corruption cases).

#### *Other Critical Division Workload*

Actively litigating and investigating cases and matters make up a small part of the Division's

total critical contributions to achieving the Department's goals. The Division also provides expert guidance and legal advice and performs mandatory reviews of critical law enforcement tools. Expert guidance and legal advice pertains to legal advisory matters, legislative and policy analysis work, training, and programmatic coordination. Critical law enforcement tools refer to the facilitation and review of requests for wiretaps, witness security, prisoner transfers, extraditions, mutual assistance, etc.

The Division is projecting the following workload from FY 2008 to FY 2009:

- 1% increase in the number of legislative and policy analysis matters completed
- 5% increase in the number of programmatic coordination activities completed
- 4% increase in the number of legal advisory matters completed
- 2% decrease in the number of training sessions and presentations completed
- 2% increase in the number of mandatory reviews completed

b. Strategies to Accomplish Outcomes

The Criminal Division's mission is to develop, enforce, and exercise general oversight for all federal criminal laws. In fulfilling this mission, the Division plays a central role in assisting the Department in accomplishing its Strategic Goals One and Two. Section I (Overview) of this budget fully discusses the Division's current strategies to accomplish these outcomes.

c. Results of Program Assessment Rating Tool (PART) Reviews

The Criminal Division was assessed through the Office of Management and Budget's (OMB) Program Assessment Rating Tool (PART) along with five other litigating components—Antitrust, Civil, Civil Rights, Environment and Natural Resources, and Tax Divisions. At the end of the assessment, OMB found that the Program:

- Effectively achieves its goal of resolving cases in favor of the government;
- Collaborates effectively with its partners, notably the US Attorneys Offices; and
- Exhibits good management practices, including
  - Strong financial management
  - Collecting and using performance information to make decisions; and
  - Holding managers accountable for program performance.

To further improve the Program, the Division will pursue three follow-up actions:

- Implementing a plan to conduct an independent evaluation;
- Establishing a leadership training and mentoring program to continue improving the quality of program management; and,
- Working with the Department's Chief Information Officer to evaluate and purchase litigation software that will improve productivity and efficiency.

The Criminal Division, along with the other litigating components, is working with the Department's Justice Management Division, Budget Staff, to explore options for conducting an

evaluation study for the group. Additionally, the Division, through its training center, developed a detailed, comprehensive leadership and management training plan for implementation during FY 2007. The Division has selected vendors to provide leadership and management training and even conducted several training courses in FY 2007. Finally, the Department is planning to implement a unified litigating case management system for all litigating components and U.S. Attorneys' Offices across the country. The Division is working closely with the CIO's office in this endeavor. In fact, the Division is active member of the Department's Litigation Case Management System (LCMS) Cross-Component Issues (CCI) Working Group.

**Item Name:** Reducing Violent Crime and Organized Crime

Budget Decision Unit(s): Enforcing Federal Criminal Laws

Strategic Goal(s) & Objective(s): DOJ Goal II, Prevent Crime, Enforce Federal Laws and Represent the Rights and Interests of the American People  
Strategic Objective 2.2, Reduce the Threat, Incidence, and Prevalence of Violent Crime  
Strategic Objective 2.4, Reduce the Threat, Trafficking, Use and Related Violence of Illegal Drugs

Organizational Program: The Criminal Division

Program Increase: Positions 2 Atty 2 FTE 1 Dollars \$ 289,000

Description of Item

The Criminal Division requests two attorney positions and \$289,000 to enhance its efforts to support the Attorney General’s goal of reducing, and ultimately ending, violent and organized crime. The Criminal Division is perfectly positioned to be highly effective in investigating and prosecuting the most dangerous members of society, but lacks the crucial resources to fully develop this position. Resources are particularly needed to develop and implement a comprehensive national gang strategy and to create a strategy to end violence and crime related to the southwest border.

Justification

Gang members now operate across state and international borders, and their conduct has become a global issue. In fact, Gangs are no longer confined to a single region and are oftentimes the vehicles that deliver drugs across the country. This is why the Criminal Division remains focused on reducing the violent crime and gang activity that plagues our nation’s neighborhoods. Furthermore, gangs and the transport of methamphetamine along the southwest border of the U.S. are serious problems that impact the entire country. This enhancement request will enable the Department and the Administration to dedicate more resources to prosecuting violent crimes and gang members that prosper throughout our country and particularly along the southwest border.

In September 2006, the Criminal Division created the Gang Squad to better focus its expertise and resources to target gang violence. Gang Squad is a specialized group of federal prosecutors that use their expertise to develop and implement strategies to attack the most significant national and international gangs operating in the United States. They also prosecute select gang cases of national importance, and provide leadership and assistance to U.S. Attorneys’ Offices in multi-district

In the short period of time since its inception, Gang Squad has aggressively investigated and prosecuted gangs and their members. Gang Squad is currently working on 34 cases and matters related to the investigation and prosecution of the most dangerous gangs in the nation.

cases.

Gang Squad prosecutors work hand-in-hand with the National Gang Targeting, Enforcement, and Coordination Center (GangTECC) to comprehensively target and coordinate multi-jurisdictional gang investigations and prosecutions and develop national strategies to disrupt and dismantle these dangerous organizations. GangTECC is the Department's national anti-gang task force comprised of multiple Department of Justice components, U.S Immigration and Customs Enforcement (ICE), and state and local law enforcement agencies across the country. Through the collaborative efforts of the participating agencies, GangTECC members combat gangs through enforcement, policy initiatives, training, prevention efforts, and intelligence sharing.

#### Example of Gang Squad's Ongoing work

On December 21, 2007 in Philadelphia an Information was filed against Juan Sanchez, a.k.a. "King Macho", 24, charging him with conspiracy to conduct and participate in the racketeering enterprise activities of the Almighty Latin King and Queen Nation, a.k.a. the Latin Kings. The information alleges that from 1999 through 2007, Sanchez and others participated in a conspiracy to commit racketeering activity, including murder, attempted murder and conspiracy to commit murder, as well as interference with commerce by threats or violence, and drug trafficking. The Latin Kings is a national criminal organization with tens of thousands of members organized in chapters throughout the United States. The information alleges that Sanchez was an officer of the Palmetto Tribe of the Latin Kings located in the Tampa, Fla. area, and was active in the gang in both Florida and in Philadelphia.

GangTECC requires that prosecutors and agents travel frequently across the United States to target and tackle the nation's gang problem. Currently there are nine special agents assigned to GangTECC. Travel to various locations for investigative case coordination meetings, conferences and operational planning is a basic and essential need for the success of GangTECC. Currently this travel is unfunded and being paid by each of the participating agencies when and if they can afford it. The Criminal Division is requesting additional travel resources (domestic and international travel) for the GangTECC Director who is a Criminal Division Attorney.

Overall, the Division does important, unique, and highly complicated work related to ending violent and organized crime. These enhancements will enable the Division to continue to investigate and prosecute violent crimes across the country and specifically along the southwest border. With this small increase in resources, the Division can make substantial progress in investigating, prosecuting, and ultimately ending violent gang activity.

According to the FBI about 30,000 violent street gangs, motorcycle gangs, and prison gangs with approximately 800,000 members operate in the U.S. today. Many are sophisticated and well organized; all use violence to control neighborhoods and boost their illegal money-making activities, which include drug trafficking, robbery, theft, fraud, extortion, prostitution rings, and gun trafficking.

### Impact on Performance (Relationship of Increase to Strategic Goals)

The Criminal Division works in direct support of the Attorney General's goal two and objectives 2.2 and 2.4. By granting this enhancement, the Division will be able to implement strategies to continue its mission critical work of ending violent and organized crime.

- These additional resources will lead to increased and cohesive strategy development and implementation, enabling the Division to conduct more advanced and detailed investigations leading to stronger case development and prosecution of criminal enterprises.
- Without increased resources the Criminal Division's workload will only continue to grow resulting in the inability to effectively respond to the threat that dangerous gangs and organized criminals pose to the U.S.
- The southwest border will continue to be a violent staging area for the trafficking of dangerous drugs including methamphetamine to communities across America. These program increases will help target and dismantle these violent criminal enterprises.
- The rampant trafficking of drugs will enable gangs and organized crime groups to continue their illegal and dangerous activities that plague neighborhoods across America.

## Funding

### Base Funding

FY 2007 Enacted (w/resc./supps)				FY 2008 Enacted				FY 2009 Current Services			
Pos	atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)	Pos	atty	FTE	\$(000)
1	1	1	\$ 150	1	1	1	\$154	1	1	1	\$167

### Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2009 Request (\$000)	FY 2010 Net Annualization (change from 2009) (\$000)
GS-14 Attorney	\$120	2	\$239	\$195
Total Personnel		2	\$239	\$195

### Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2009 Request (\$000)	FY 2010 Net Annualization (Change from 2009) (\$000)
Travel	\$50	1	\$50	\$0
Total Non-Personnel	\$50	1	\$50	\$0

### Total Request for this Item

	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)
Current Services	1	1	1	\$167	0	\$167
Increases	2	2	1	\$239	\$50	\$289
Grand Total	3	3	2	\$406	\$50	\$456

**V. E-Government Initiatives**

The Justice Department is fully committed to the President’s Management Agenda (PMA) and the E-Government initiatives that are integral to achieving the objectives of the PMA. The E-Government initiatives serve citizens, business, and federal employees by delivering high quality services more efficiently at a lower price. The Department is in varying stages of implementing E-Government solutions and services including initiatives focused on integrating government wide transactions, processes, standards adoption, and consolidation of administrative systems that are necessary tools for agency administration, but are not core to DOJ’s mission. To ensure that DOJ obtains value from the various initiatives, the Department actively participates in the governance bodies that direct the initiatives and we communicate regularly with the other federal agencies that are serving as the “Managing Partners” to ensure that the initiatives meet the needs of the Department and its customers. The Department believes that working with other agencies to implement common or consolidated solutions will help DOJ to reduce the funding requirements for administrative and public-facing systems, thereby allowing DOJ to focus more of its scarce resources on higher priority, mission related needs. DOJ’s modest contributions to the Administration’s E-Government projects will facilitate achievement of this objective.

**A. Funding and Costs**

The Department of Justice participates in the following E-Government initiatives and Lines of Business:

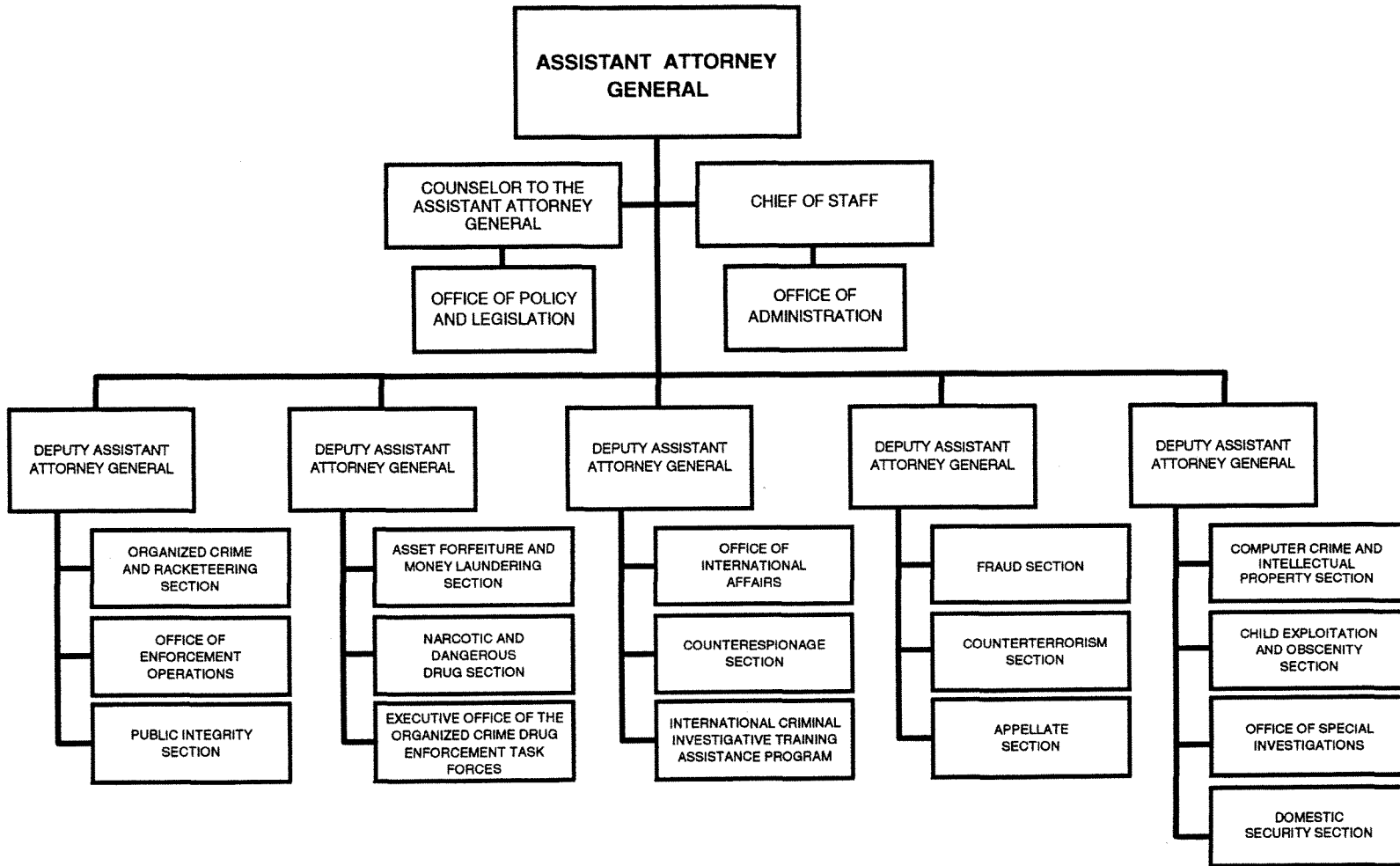
Business Gateway	E-Travel	Integrated Acquisition Environment	Case Management LoB
Disaster Assistance Improvement Plan	Federal Asset Sales	IAE - Loans & Grants - Dunn & Bradstreet	Geospatial LoB
Disaster Assist. Improvement Plan - Capacity Surge	Geospatial One-Stop	Financial Mgmt. Consolidated LoB	Budget Formulation and Execution LoB
E-Authentication	GovBenefits.gov	Human Resources LoB	IT Infrastructure LoB
E-Rulemaking	Grants.gov	Grants Management LoB	

The Department of Justice E-Government expenses – i.e. DOJ’s share of e-Gov initiatives managed by other federal agencies – are paid for from the Department’s Working Capital Fund. These costs, along with other internal E-Government related expenses (oversight and administrative expenses such as salaries, rent, etc.) are reimbursed by the components to the WCF. The Criminal Division’s reimbursement amount is based on the anticipated or realized benefits from an e-Government initiative. As such, the Criminal Division’s E-Government reimbursement to the WCF is \$187,000 for FY2008. The anticipated Criminal Division e-Government reimbursement to WCF is \$105,000 for FY2009.



A. Organizational Chart

# CRIMINAL DIVISION



Approved by  Date: 6-20-02  
JOHN D. ASHCROFT  
Attorney General

**B: Summary of Requirements**

**Summary of Requirements**  
 Criminal Division  
 Salaries and Expenses  
 (Dollars in Thousands)

	FY 2009 Request		
	Perm. Pos.	FTE	Amount
<b>2007 Enacted (with Rescissions, direct only)</b>	744	750	136,829
2007 Supplementals			1,648
<b>Total 2007 Revised Continuing Appropriations Resolution (with Rescissions)</b>	744	750	138,477
<b>2008 Enacted (with Rescissions, direct only)</b>	744	750	148,979
2008 Supplementals			0
<b>Total 2008 Requirements (with Rescissions and Supplementals)</b>	744	750	148,979
<b>Adjustments to Base</b>			
Increases:			
2009 pay raise (2.9%)			1,813
2008 pay raise annualization (3.5%)			782
Law Enforcement FERS Contribution (1% increase)			1
Retirement			104
Health Insurance Premiums			179
Employee Compensation Fund			3
Rental Payments to GSA			3,051
Moving Lease Expirations			2,100
DHS Security			28
Base Program Adjustment			1,959
Postage			10
Security Investigations			20
Printing and Reproduction			2
2009 WCF JUTNet			424
ICASS			167
Capital Security Cost Sharing (CSCS)			4,390
Government Leased Quarters			4
Education Allowance			61
Subtotal Increases	0	0	15,098
Decreases:			
Change in Compensation Days			-305
Subtotal Decreases			-305
Total Adjustments to Base	0	0	14,793
Total Adjustments to Base and Technical Adjustments	0	0	14,793
<b>2009 Current Services</b>	744	750	163,772
Program Changes			
Increases			
Increase 1: Reducing Violent and Organized Crime	2	1	289
Total Program Changes	2	1	289
<b>2009 Total Request</b>	746	751	164,061
2008 - 2009 Total Change	2	1	15,082

**Summary of Requirements**  
**Criminal Division**  
**Salaries and Expenses**  
(Dollars in Thousands)

Estimates by budget activity	2007 Appropriation Enacted			2008 Enacted			2009 Adjustments to Base and Technical Adjustments			2009 Current Services			2009 Increases			2009 Offsets			2009 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Enforcing Federal Criminal Laws	744	750	138,477	744	750	148,979	0	0	14,793	744	750	163,772	2	1	289	0	0	0	746	751	164,061
<b>Total</b>	<b>744</b>	<b>750</b>	<b>138,477</b>	<b>744</b>	<b>750</b>	<b>148,979</b>	<b>0</b>	<b>0</b>	<b>14,793</b>	<b>744</b>	<b>750</b>	<b>163,772</b>	<b>2</b>	<b>1</b>	<b>289</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>746</b>	<b>751</b>	<b>164,061</b>
Reimbursable FTE		107			108			0		108				15						123	
Total FTE		857			858			0		858				16						874	
Other FTE:																					
LEAP								0						0							
Overtime		[2]			[2]			0		[2]				0						[2]	
Total Comp. FTE		857			858			0		870				16						874	

**C: Program Increases/Offsets By Decision Unit**

**FY 2009 Program Increases/Offsets By Decision Unit**

Criminal Division  
(Dollars in Thousands)

Program Increases	Location of Description by Decision Unit	Enforcing Federal Criminal Laws				Total Increases
		Pos.	Agt./Atty.	FTE	Amount	
Increase 1: Reducing Violent and Organized Crime	Enforcing Federal Criminal Laws	2	2	1	289	289
<b>Total Program Increases</b>		<b>2</b>	<b>2</b>	<b>1</b>	<b>\$289</b>	<b>\$289</b>

D: Resources by DOJ Strategic Goal and Strategic Objective

**Resources by Department of Justice Strategic Goal/Objective**  
**Criminal Division**  
(Dollars in Thousands)

Strategic Goal and Strategic Objective	2007 Appropriation Enacted		2008 Enacted		2009 Current Services		2009				2009 Request	
	Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s	Increases		Offsets		Direct, Reimb. Other FTE	Direct Amount \$000s
							Direct Other FTE	Amount \$000s	Direct Other FTE	Amount \$000s		
<b>Goal 1: Prevent Terrorism and Promote the Nation's Security</b>												
1.1 Prevent, disrupt, and defeat terrorist operations before they occur	53	6,140	53	6,685	53	7,349	4	0	0	0	57	7,349
1.2 Strengthen partnerships to prevent, deter, and respond to terrorist incidents	42	6,038	42	4,779	42	5,254	4	0	0	0	46	5,254
1.3 Prosecute those who have committed, or intend to commit, terrorist acts in the United States	47	8,000	47	8,711	47	9,576	0	0	0	0	47	9,576
<b>Subtotal, Goal 1</b>	<b>142</b>	<b>20,178</b>	<b>142</b>	<b>20,175</b>	<b>142</b>	<b>22,179</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>150</b>	<b>22,179</b>
<b>Goal 2: Prevent Crime, Enforce Federal Laws and Represent the Rights and Interests of the American People</b>												
2.2 Reduce the threat, incidence, and prevalence of violent crime	139	24,076	139	26,213	139	28,816	2	145	0	0	141	28,961
2.3 Prevent, suppress, and intervene in crimes against children	86	10,896	87	11,864	87	13,041	1	0	0	0	88	13,041
2.4 Reduce the threat, trafficking, use, and related violence of illegal drugs	182	30,511	182	33,220	182	36,519	1	144	0	0	183	36,663
2.5 Combat public and corporate corruption, fraud, economic crime, and cybercrime	288	51,202	288	55,750	288	61,285	2	0	0	0	290	61,285
2.6 Uphold the civil and Constitutional rights of all Americans	20	1,614	20	1,757	20	1,932	2	0	0	0	22	1,932
<b>Subtotal, Goal 2</b>	<b>715</b>	<b>118,299</b>	<b>716</b>	<b>128,804</b>	<b>716</b>	<b>141,593</b>	<b>8</b>	<b>289</b>	<b>0</b>	<b>0</b>	<b>724</b>	<b>141,882</b>
<b>GRAND TOTAL</b>	<b>857</b>	<b>\$138,477</b>	<b>858</b>	<b>\$148,979</b>	<b>858</b>	<b>\$163,772</b>	<b>16</b>	<b>\$289</b>	<b>0</b>	<b>\$0</b>	<b>874</b>	<b>\$164,061</b>

## E. Justification for Base Adjustments

### Justification for Base Adjustments Criminal Division

#### Increases

2009 pay raise. This request provides for a proposed 2.9 percent pay raise to be effective in January of 2008 (This percentage is likely to change as the budget formulation process progresses.) This increase includes locality pay adjustments as well as the general pay raise. The amount requested, \$1,813,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$1,305,000 for pay and \$508,000 for benefits).

Annualization of 2008 pay raise. This pay annualization represents first quarter amounts (October through December) of the 2008 pay increase of 3.5 percent included in the 2008 President's Budget. The amount requested, \$782,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$563,000 for pay and \$219,000 for benefits).

FERS Law Enforcement Retirement Contribution. Effective October 1, 2007, the FERS contribution for Law Enforcement retirement increased from 25.1% to 26.2%, or a total of 1.1% increase. The amount requested, \$1,000, represents the funds needed to cover this increase.

Retirement. Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on OPM government-wide estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 3 percent per year. The requested increase of \$104,000 is necessary to meet our increased retirement obligations as a result of this conversion.

Employees Compensation Fund: The \$3,000 increase reflects payments to the Department of Labor for injury benefits paid in the past year under the Federal Employee Compensation Act. This estimate is based on the first quarter of prior year billing and current year estimates.

Health Insurance: Effective January 2007, this component's contribution to Federal employees' health insurance premiums increases by 6.2 percent. Applied against the 2008 estimate of \$2,888,000, the additional amount required is \$179,000.

General Services Administration (GSA) Rent. GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$3,051,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of an automated system, which uses the latest inventory data, including rate increases to be effective in FY 2009 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied. Rate increases have been formulated based on GSA rent billing data.

DHS Security Charges. The Department of Homeland Security (DHS) will continue to charge Basic Security and Building Specific Security. The requested increase of \$28,000 is required to meet our commitment to DHS. The costs associated with DHS security were derived through the use of an automated system, which uses the latest space inventory data. Rate increases expected in FY 2009 for Building Specific Security have been formulated based on DHS billing data. The increased rate for Basic Security costs for use in the FY 2009 budget process was provided by DHS.

Moves (Lease Expirations). GSA requires all agencies to pay relocation costs associated with lease expirations. This request provides a portion of the costs associated with new office relocations caused by the expiration of leases in FY 2008 and the Department's decision to consolidate all of the Criminal Division staff into one location. Funding of \$2,100,000 is required for this account.

Base Program Cost Adjustment: This base program cost adjustment in the amount of \$1,959,000 provides base program resources in addition to the 2008 Enacted appropriation

Postage: Effective May 14, 2007, the Postage Service implemented a rate increase of 5.1 percent. This percentage was applied to the 2008 estimate of \$190,000 to arrive at an increase of \$10,000.

Security Investigations: The \$20,000 increase reflects payments to the Office of Personnel Management for security reinvestigations for employees requiring security clearances.

Government Printing Office (GPO): GPO provides an estimate rate increase of 4%. This percentage was applied to the FY 2008 estimate of \$73,000 to arrive at an increase of \$2,000.

JUTNet. The Justice United Telecommunications Network (JUTNet) is a new system will provide a more reliable, secure, and economic connectivity among the many local office automation networks deployed throughout the Department, as well as a trusted environment for information sharing with other government agencies and remote users, field agents, and traveling staff personnel. JUTNet will utilize uniform security, updated encryption protocols, and eliminate network inefficiencies existing with the current systems. Funding of \$424,000 is required for this account.

International Cooperative Administrative Support Services (ICASS). Under the ICASS, an annual charge is made by the Department of State for administrative support based on the overseas staff of each federal agency. This request is based on the initial \$167,000 billing for post invoices and other ICASS costs.

Capital Security Cost Sharing (CSCS) - object class 12.1 or 25.2

The Department of State (DOS) has embarked on a 14-year, \$17.5 billion embassy construction program financed through a Capital Security Cost Sharing (CSCS) Program in which each agency contributes funding based on the number of positions that are authorized for overseas personnel. DOS and the Office of Management and Budget (OMB) established per capita charges, by position type (CAA, non-CAA, etc.), which reflect the costs of construction of the various types of space. The per capita charge is fixed and is being phased in over a five-year period, from FY 2005 (20%) to FY 2009 (100%). Funding of \$4,390,000 is requested for this account.

Government Leased Quarters (GLQ) Requirement - object class 12.1

GLQ is a mandatory program managed by the Department of State (DOS) and provides government employees stationed overseas with housing and utilities. DOS exercises authority for leases and control of the GLQs and negotiates the lease for components. \$4,000, reflects the change in cost to support existing staffing levels.

Decreases

Changes in Compensable Days: The decrease costs of one compensable day in FY 2009 compared to FY 2008 is calculated by dividing the FY 2008 estimated personnel compensation \$68,462,000 and applicable benefits \$11,331,000 by 261 compensable days. The cost decrease of one compensable day is \$305,000.



**F: Crosswalk of 2007 Availability**

**Crosswalk of 2007 Availability**

Criminal Division  
Salaries and Expenses  
(Dollars in Thousands)

Decision Unit	FY 2007 Enacted Without Rescissions			Rescissions			Supplementals			Reprogrammings / Transfers			Carryover/ Recoveries			2007 Availability		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Enforcing Federal Criminal Laws	744	750	136,829					1,648					1,101			744	750	139,578
<b>TOTAL</b>	<b>744</b>	<b>750</b>	<b>\$136,829</b>	<b>0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>0</b>	<b>\$1,648</b>	<b>0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>0</b>	<b>\$1,101</b>	<b>744</b>	<b>750</b>	<b>\$139,578</b>
Reimbursable FTE		107															107	
Total FTE		857			0			0			0			0			857	
Other FTE																		0
LEAP																		0
Overtime		[2]																[2]
Total Compensable FTE		857			0			0			0			0			857	

Enacted Rescissions. Funds rescinded as required by the Revised Continuing Appropriations Resolution, 2007 (P.L. 110-5).

Supplementals. Funds received from U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110-28).

Unobligated Balances. Funds were carried over from FY 2006 from multiple accounts. The Criminal Division brought forward \$1,101,000 which remain available until expended.

**G: Crosswalk of 2008 Availability**

**Crosswalk of 2008 Availability**

Criminal Division  
Salaries and Expenses  
(Dollars in Thousands)

Decision Unit	FY 2008 Enacted			Rescissions			Supplementals			Reprogrammings / Transfers			Carryover/ Recoveries			2008 Availability		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Enforcing Federal Criminal Laws	744	750	148,979										102			744	750	149,081
<b>TOTAL</b>	<b>744</b>	<b>750</b>	<b>\$148,979</b>	<b>0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>0</b>	<b>\$102</b>	<b>744</b>	<b>750</b>	<b>\$149,081</b>
Reimbursable FTE		108																108
Total FTE		858			0			0			0			0				858
Other FTE																		0
LEAP																		[2]
Overtime		[2]																[2]
Total Compensable FTE		858			0			0			0			0				858

**H: Summary of Reimbursable Resources**

**Summary of Reimbursable Resources**

Criminal Division  
Salaries and Expenses  
(Dollars in Thousands)

Collections by Source	2007 Enacted			2008 Planned			2009 Request			Increase/Decrease		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
U.S. Department of State	68	68	186,430	68	68	192,023	83	83	197,784	15	15	5,761
Interagency Crime and Drug Enforcement (ICDE)	39	39	11,412	40	40	20,048	40	40	24,702	0	0	4,654
All Other Reimbursable Resources	0	0	3,932	0	0	4,049	0	0	4,170	0	0	121
<b>Budgetary Resources:</b>	<b>107</b>	<b>107</b>	<b>\$201,774</b>	<b>108</b>	<b>108</b>	<b>\$216,120</b>	<b>123</b>	<b>123</b>	<b>\$226,656</b>	<b>15</b>	<b>15</b>	<b>\$10,536</b>

The Criminal Division is requesting adding 15 reimbursable positions/FTE from the Department of State. In the last few years, the Division has received significant increases in reimbursable positions for its international training programs, but has not requested new reimbursable positions/FTE. This one-time increase will allow the Division to correct this gap.

**I: Detail of Permanent Positions by Category**

**Detail of Permanent Positions by Category**  
Criminal Division  
Salaries and Expenses

Category	2007 Enacted		2008 Enacted		ATBs	2009 Request				
	Total Authorized	Total Reimbursable	Total Authorized	Total Reimbursable		Program Increases	Program Decreases	Total Pr. Changes	Total Authorized	Total Reimbursable
Intelligence Series (132)	0	0	0	0		0	0	0	0	0
Personnel Management (200-299)	15	0	15	0		0	0	0	15	0
Clerical and Office Services (300-399)	150	54	150	55		0	0	0	150	60
Accounting and Budget (500-599)	6	10	6	10		0	0	0	6	10
Attorneys (905)	438	35	438	35		2	0	2	440	45
Paralegals / Other Law (900-998)	77	4	77	4		0	0	0	77	4
Information & Arts (1000-1099)	1	1	1	1		0	0	0	1	1
Business & Industry (1100-1199)	3	0	3	0		0	0	0	3	0
Forensic Scientists (1301)	0	1	0	1		0	0	0	0	1
Library (1400-1499)	3	0	3	0		0	0	0	3	0
Equipment/Facilities Services (1600-1699)	0	0	0	0		0	0	0	0	0
Miscellaneous Inspectors Series (1802)	0	0	0	0		0	0	0	0	0
Criminal Investigative Series (1811)	1	0	1	0		0	0	0	1	0
Supply Services (2000-2099)	0	0	0	0		0	0	0	0	0
Travel Services Spec (2101)	0	1	0	1		0	0	0	0	1
Information Technology Mgmt (2210)	22	1	22	1		0	0	0	22	1
Security Specialists (080)	18	0	18	0		0	0	0	18	0
Soc. Science, Economics, & Kindred (100-199)	10	0	10	0		0	0	0	10	0
<b>Total</b>	<b>744</b>	<b>107</b>	<b>744</b>	<b>108</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>746</b>	<b>123</b>
Headquarters (Washington, D.C.)	731	52	731	53		2	0	2	733	60
U.S. Field	0	0	0	0		0	0	0	0	0
Foreign Field	13	55	13	55		0	0	0	13	63
<b>Total</b>	<b>744</b>	<b>107</b>	<b>744</b>	<b>108</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>746</b>	<b>123</b>

# J: Financial Analysis of Program Changes

## Financial Analysis of Program Changes

Criminal Division  
Salaries and Expenses  
(Dollars in Thousands)

Grades:	Inc. 1: Violent Crime		Offset		Program Changes	
	Pos.	Amount	Pos.	Amount	Pos.	Amount
SES	0	0	0	0	0	0
GS-15	0	0	0	0	0	0
GS-14	2	226	0	0	2	226
GS-13	0	0	0	0	0	0
GS-12	0	0	0	0	0	0
GS-11	0	0	0	0	0	0
GS-10	0	0	0	0	0	0
GS-9	0	0	0	0	0	0
GS-8	0	0	0	0	0	0
GS-7	0	0	0	0	0	0
GS-5	0	0	0	0	0	0
Total positions & annual amount	2	226	0	0	2	226
Lapse (-)	(1)	113	0	0	(1)	113
Other personnel compensation	0	0	0	0	0	0
					0	0
					0	0
Total FTE & personnel compensation	1	113	0	0	1	113
	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>
Personnel benefits		32	0	0	0	32
Travel and transportation of persons		62	0	0	0	62
Transportation of things		2	0	0	0	2
GSA rent		0	0	0	0	0
Rental Payments to Others		0	0	0	0	0
Communication, rents, and utilities		6	0	0	0	6
Printing		0	0	0	0	0
Other services		6	0	0	0	6
Purchases of goods & services from Government accounts		10	0	0	0	10
Supplies and materials		2	0	0	0	2
Equipment		34	0	0	0	34
Buildout		22	0	0	0	22
<b>Total, 2009 program changes requested</b>	<b>1</b>	<b>\$289</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>289</b>

Exhibit J - Financial Analysis of Program Changes

**K: Summary of Requirements by Grade**

**Summary of Requirements by Grade**

Criminal Division  
Salaries and Expenses

Grades and Salary Ranges	2007 Enacted		2008 Enacted		2009 Request		Increase/Decrease	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
SES, \$111,676 - \$168,000	34		34		34		0	
GS-15, \$110,363 - 143,471	416		416		416		0	
GS-14, \$93,822 - 121,967	57		57		59		2	
GS-13, \$79,397 - 103,220	41		41		41		0	
GS-12, \$66,767 - 86,801	38		38		38		0	
GS-11, \$55,706 - 72,421	52		52		52		0	
GS-10, 50,703 - 65,912	6		6		6		0	
GS-9, \$46,041 - 59,852	39		39		39		0	
GS-8, 41,686 - 54,194	25		25		25		0	
GS-7, \$37,640 - 48,933	23		23		23		0	
GS-6, \$33,872 - 44,032	9		9		9		0	
GS-5, \$30,386 - 39,501	4		4		4		0	
<b>Total, appropriated positions</b>	<b>744</b>		<b>744</b>		<b>746</b>		<b>2</b>	
<b>Average SES Salary</b>		<b>\$139,838</b>		<b>\$144,033</b>		<b>\$148,354</b>		
<b>Average GS Salary</b>		<b>\$104,281</b>		<b>\$107,409</b>		<b>\$110,642</b>		
<b>Average GS Grade</b>		<b>13</b>		<b>13</b>		<b>13</b>		

## L: Summary of Requirements by Object Class

### Summary of Requirements by Object Class

Criminal Division  
Salaries and Expenses  
(Dollars in Thousands)

Object Classes	2007 Actuals		2008 Enacted		2009 Request		Increase/Decrease	
	FTE	Amount	Amount	FTE	Amount	FTE	Amount	
11.1 Direct FTE & personnel compensation	610	64,761	637	65,999	638	70,382	1	4,383
11.3 Other than full-time permanent	159	7,112	111	7,248	111	7,717	0	469
11.5 Total, Other personnel compensation	2	1,269	2	1,293	2	1,377	0	84
<i>Overtime</i>	[2]	0	[2]	0	[2]	0	0	0
<i>Other Compensation</i>	0	0	0	0	0	0	0	0
11.8 Special personal services payments	0	205	0	209	0	222	0	13
<b>Total</b>	771	73,347	750	74,749	751	79,698	1	4,949
Other Object Classes:								
12.0 Personnel benefits		17,399		17,731		18,911		1,180
13.0 Benefits for Former Personnel		481		490		522		32
21.0 Travel and transportation of persons		6,064		5,009		5,395		386
22.0 Transportation of things		1,054		1,074		1,146		72
23.1 GSA rent		20,761		22,358		26,878		4,520
23.2 Rental Payments to Others (Moving/Lease Expirations/Contract Parking)		324		9,280		11,981		2,701
23.3 Comm., util., & other misc. charges		2,966		3,023		3,224		201
24.0 Printing and reproduction		123		125		133		8
25.1 Advisory and assistance services		4,656		4,745		5,052		307
25.2 Other services		2,749		1,349		1,334		(15)
25.3 Purchases of goods & services from Government accounts (Antennas, DHS Sec. Etc..)		4,322		4,405		4,700		295
25.4 Operation and maintenance of facilities		117		119		127		8
25.5 Research and development contracts		0		0		0		0
25.6 Medical Care		49		50		53		3
25.7 Operation and maintenance of equipment		2,687		2,738		2,916		178
26.0 Supplies and materials		895		912		973		61
31.0 Equipment		907		924		1,018		94
42.0 Insurance Claims and Indemnities		0		0		0		0
<b>Total obligations</b>		\$ 138,901		\$ 149,081		\$ 164,061		\$ 14,980
Unobligated balance, start of year		\$ 1,102		\$ 102				
Unobligated balance, expiring		\$ 576						
Unobligated balance, end of year		\$ 102						
Recoveries of prior year obligations								
<b>Total DIRECT requirements</b>		138,477		148,979		164,061		15,082
Reimbursable FTE:								
Full-time permanent	122	0	108	0	123	0	15	0
23.1 GSA rent (Reimbursable)		3,157		3,708		4,009		301
25.3 DHS Security (Reimbursable)		24		36		39		3