

U.S. Department of Justice

**FY 2012 PERFORMANCE BUDGET
Congressional Justification**

Law Enforcement Wireless Communications (LEWC)

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I. Overview: Law Enforcement Wireless Communications (LEWC) Appropriation

In FY 2012, the Department of Justice (DOJ) Wireless Management Office (WMO) requests a total of 35 positions, 35 FTE, and \$102,751,000 in no-year funding to support the operation, maintenance, and modernization of DOJ tactical radio systems. System improvements to be achieved include correcting security deficiencies, addressing mandated technical standards, and achieving communications standards that enable effective and secure communications among DOJ's four law enforcement components: Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF); Drug Enforcement Administration (DEA), Federal Bureau of Investigation (FBI), and U.S. Marshals Service (USMS).

The amount requested is an adjustment to base and program decrease of \$104,976,000 below the FY 2011 President's Budget level.

The primary objective of this program is to deploy secure, interoperable, and reliable radio communications equipment to law enforcement officers nationwide. Providing and supporting tactical law enforcement communications directly supports the Department's strategic goals:

- *Strategic Goal 1: Prevent Terrorism and Promote the Nation's Security* (e.g., tactical communications allow FBI agents to perform counterterrorism and counterintelligence investigations and response activities, as well as support Joint Terrorism Task Force operations);
- *Strategic Goal 2: Prevent Crime, Enforce Federal Laws and Represent the Rights and Interests of the American People* (e.g., tactical communications are necessary for the daily law enforcement activities of ATF, DEA, FBI, and USMS); and
- *Strategic Goal 3: Ensure the Fair and Efficient Administration of Justice* (e.g., tactical communications are used on a daily basis by the U.S. Marshals in the conduct of judicial protective details and transport of prisoners, including those charged with engaging in terrorist activities).

The LEWC appropriation is intended to provide funding for investment in new wireless communications, as well as operations and maintenance of operational systems and the support of special projects providing interoperability as needed. The FY 2012 funding will primarily cover expenditures for operations and maintenance of operational systems and Components' special projects.

Capital investments are underway to replace and modernize portions of the failing legacy radio systems in fiscal year 2011. The Integrated Wireless Network (IWN) program is the Department's strategic initiative to provide an improved wireless radio network that fixes security vulnerabilities, improves system reliability, and achieves interoperability. The IWN strategy is based upon consolidating and sharing existing government infrastructure wherever possible and modernizing the disconnected land mobile radio (LMR) networks across ATF, DEA, FBI, and USMS. The IWN program serves the Department's law enforcement components to implement updated communications capabilities. In fiscal year 2011, this program plans to consolidate, replace and upgrade conventional systems as well as implement a

new “trunked” systems in the National Capital Region.

In the operations and maintenance area, the LEWC account supports both the new systems as they are installed / upgraded as well as the existing legacy systems. The multiple and disparate legacy radio systems are currently used by ATF, DEA, FBI, and USMS. These systems are obsolete, costly to maintain, prone to operational failure, non-compliant with security standards, and do not support interoperable communications between law enforcement components. The Northwest and San Diego wireless communication systems funded and implemented in recent years under this appropriation are covered with operations and maintenance monies.

Special Projects address critical, “as required” projects to provide interoperable wireless communications across a variety of law enforcement elements. Projects include establishing the communications infrastructure for national security special events (e.g., the Super Bowl, Winter Olympics, national political conventions), implementing federal interoperability channels in major U.S. metropolitan areas, and responding to immediate and high-profile federal law enforcement communication needs (e.g., Joint Task Force operations, high-profile terrorism trials).

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 following address: <http://www.justice.gov/jmd/2012justification/>.

Background

In July 1998, Congress directed DOJ’s law enforcement components to consolidate their separate efforts to replace their respective Land Mobile Radio (LMR) systems and created the DOJ Narrowband Communications Account to centrally fund conversion to narrowband radio communications. In addition, Congress directed DOJ to serve as the central purchasing agent for all communications equipment and to develop an integrated, department-wide strategic plan to meet the narrowband conversion and interoperability requirements of DOJ law enforcement agencies.¹ In October 1998, in response to Congressional guidance, Attorney General Janet Reno created the Wireless Management Office within the Justice Management Division (JMD), Office of the Chief Information Officer (OCIO), to oversee and direct DOJ’s consolidated approach to wireless communications and to centrally manage the consolidated wireless account.

Prior to FY 2002, the Departments of Justice and Treasury were independently pursuing solutions to meet the narrowband mandate. Due to the similar and complementary nature of their respective law enforcement missions and the co-location and overlapping geographic jurisdictions, the Departments of Justice and Treasury signed a MOU in November 2001, agreeing to improve communications interoperability between and among their law

¹ In 1995, the Department of Commerce’s National Telecommunications and Information Administration (NTIA) issued a mandate to all federal agencies to adopt new narrowband technologies that allow greater radio spectrum efficiency for all LMRs used by the federal government. This rule was issued to allow for more efficient use of existing radio spectrum as demands on federal communications expand causing increased congestion within the VHF and UHF spectrum bands.

enforcement components and with state, local, and other federal law enforcement agencies; achieve cost efficiencies; and meet the narrowband mandate.

The creation of the Department of Homeland Security (DHS) in November 2002 resulted in the transfer of several law enforcement agencies from Treasury and Justice to the new department, including components responsible for border protection, immigration, and customs enforcement. In June 2004, the chief information officers of the Departments of Homeland Security, Justice, and Treasury signed a MOU to develop, implement, and manage a joint wireless system. In January 2008, the agencies updated the MOU to reflect changes in geographic priorities and mission needs. The revised MOU was signed by the Deputy Secretaries of Homeland Security and Treasury and Justice's Deputy Attorney General. Consequently, the three agencies agreed to deploy shared systems where their respective interests and mission requirements overlap in order to maximize economies of scale, reduce utilization of radio spectrum, and optimize interoperability.

State of Legacy Communication Systems

In March 2007, the Department's Inspector General issued a report on the state of wireless communications within DOJ's law enforcement components: ATF, DEA, FBI, and USMS.² The report's findings highlighted significant vulnerabilities for agencies actively engaged in counter-terrorism and law enforcement missions, including:

- Agents' radio subscriber units are not narrow-band compliant;
- lack federally mandated security capabilities; and are
- obsolete and no longer supported by the original manufacturer.

The Inspector General also found that "two-thirds of the Law Enforcement Wireless Communications (LEWC) funding has been used to maintain antiquated legacy systems...and due to age these costs are expected to increase 5 percent per year."³ Additionally, the report stated that "failure to upgrade DOJ Components' antiquated communications represents an unnecessary risk to the safety of agents and operations,"⁴ which is of paramount importance. Communications capabilities are critical to the successful performance of the Department's programs.

In 2008, the Integrated Wireless Network (IWN) investment plan was initiated to provide a P25 standard based, NTIA compliant narrowband, VHF, NIST compliant AES encrypted, interoperable digital Land Mobile Radio (LMR) voice communications system for DOJ Law Enforcement Components.

² U.S. Department of Justice, Office of the Inspector General, *Progress Report on Development of the Integrated Wireless Network in the Department of Justice*, March 2007.

³ Ibid, xii.

⁴ Ibid, xvi.

Justification

The Department's legacy radio systems are obsolete and in many cases their life span is already way beyond the manufacturer's recommendation. For example, one component's legacy wide band radio systems average over 20 years old -- the manufacturer's recommended tech refresh is seven years.

In summary, the IWN investment does the following:

1. Provides new and upgraded mobile and portable (subscriber) radios to the agents and officers who desperately need them through a nationwide encrypted radio deployment to work on modern systems;
2. Removes and replaces the noncompliant portions of the existing FBI radio infrastructure to provide a P25 standards based, narrowband, AES encrypted, VHF LMR system to provide a nationwide modern system;
3. Adds additional capacity to the system to support the other components as required; and
4. Deploys in major metropolitan areas trunked LMR which is P25 standards based, narrowband, AES encrypted in the VHF band for all components to share.
5. The Department will continue to look for other cost effective technology as part of its strategic outlook.

Achievements

In the years following the establishment of the Wireless Management Office, DOJ and its law enforcement components developed significant expertise in planning, deploying, and maintaining tactical wireless communications networks, including the following examples.

National Capital Region (NCR)

Overall NCR performance milestones remain on schedule for achieving initial operating capability (IOC) in the second quarter of fiscal year 2011. Progress on deploying, testing, and government acceptance of NCR radio sites is on track, and substantial coverage will be achieved at IOC. Once IOC is achieved and the Department issues an Authority to Operate certification, components will begin transitioning agents from legacy systems to the new IWN system.

IWN San Diego

The IWN San Diego system supports law enforcement personnel from both the Departments of Justice and Homeland Security. IWN San Diego encompasses over 15,000 square miles of desert, forest, and mountain terrain and averages over 1,000,000 tactical radio calls a month.

IWN Northwest

In December 2004, DOJ launched the IWN Northwest system, which initially provided radio coverage from Seattle to Blaine, at the Washington border with Canada. The system met the requirements for a consolidated, multi-agency approach for the wireless communication needs of the DOJ and its partners. Since then, the pilot system has been expanded to provide coverage throughout most of Washington State and south through Portland, Oregon to the northern California border. The IWN Northwest system was utilized during the 2010 Winter Olympics. The system currently supports 1,500 users from DOJ, DHS, Treasury, and other federal agencies. According to users, the system better supports the operations of the agents than any of the agency-specific systems it has replaced. The Inspector General's March 2007 report validated these findings through interviews with representatives from the ATF, FBI, and USMS and listed the following specific benefits:⁵

- Ease of use (no need to change channels when moving from one channel's coverage area to another and capable of over-the-air re-keying);
- Increased officer safety due to increased radio usage and an emergency alert button on the hand-held radios that allows an officer to notify the dispatcher of an emergency situation by pressing the button;
- Better coverage than the legacy systems;
- Improved clarity of the audio;
- Improved interoperability with state and local agencies (no need to swap radios) for planned events and operations; and
- Better support for workgroup communications.

Efficiency

The success of the IWN Northwest project also demonstrated the Department's potential to maximize scarce fiscal and radio spectrum resources through consolidation of component-specific communications systems, implementation of new multi-agency systems, and deployment of multi-agency interoperability solutions, such as those deployed through the 25 Cities Project.⁶ These efforts have yielded noteworthy results, including a 50 percent reduction in radio spectrum usage, a 40 percent reduction in radio transmission sites, elimination of redundant legacy systems, and radio coverage beyond any single agency's previous capability.⁷

⁵ Ibid, 12.

⁶ The Department launched the 25 Cities Project at the request of House and Senate appropriations staff in 2003 (Commerce, Justice, & Science subcommittee) to provide federal law enforcement/homeland security personnel with interoperable communications capabilities with local authorities in twenty five high risk metropolitan areas.

⁷ DOJ Inspector General, *op. cit.*, page 10.

Performance Challenges

The WMO has been addressing numerous deployment challenges to meet aggressive goals, including:

- Flexible long-term planning that incorporates deployment efficiencies and industry innovation;
- Management of parallel efforts in diverse geographic locations;
- Transitioning agents and radio support personnel from multiple legacy systems in overlapping field office areas onto a single, unified system;
- Maintaining legacy systems long enough to ensure a smooth transition and quickly enough to reduce redundant operating costs;
- Managing the transformation of operations and maintenance work from component-specific to system-wide; and
- Deployment of new systems with minimal down-time.

Furthermore, the Department is significantly overdue in meeting NTIA's deadlines for federal agencies to migrate radio systems that operate on VHF and UHF bands (i.e., wideband systems) to narrowband frequency utilization.⁸

⁸ The NTIA narrowband mandate required federal agencies to convert their LMR systems to operate on 12.5 kHz channels by January 1, 2005. DOJ is the largest federal user of VHF frequencies and has converted the lowest percentage of its systems. The NTIA mandate for UHF narrowband conversion was January 1, 2008.

II. Summary of Program Changes

Item Name	Description			Page
	Pos.	FTE	Dollars (\$000)	
Administrative Efficiencies	0	0	(\$6)	15
Extend Tech Refresh	0	0	(\$11)	16
Development and Operations	0	0	(\$105,000)	17

III. Appropriations Language and Analysis of Appropriations Language

Appropriations Language

For the costs of developing and implementing communications systems supporting Federal law enforcement, and for the costs of operations and maintenance of existing communications systems, \$102,751,000, to remain available until expended: Provided, That the Attorney General shall transfer to this account all funds made available to the Department of Justice for the purchase of portable and mobile radios: Provided further, That any transfer made under the preceding proviso shall be subject to the notice provisions of section 505 of this Act.

Note. – A full-year 2011 appropriation for this account was not enacted at the time the budget was prepared; therefore, this account is operating under a continuing resolution (P.L. 111-242, as amended). The amounts included for 2011 reflect the annualized level provided by the continuing resolution.

Analysis of Appropriations Language

No substantive changes proposed.

Note: The FY 2012 President's Budget uses the FY 2011 President's Budget language as a base so all language is presented as new.

IV. Decision Unit Justification

A. Law Enforcement Wireless Communications

<i>[Name of Decision Unit]</i>	Perm. Pos.	FTE	Amount
2010 Enacted with Rescissions			206,143
2011 CR			206,143
Adjustments to Base and Technical Adjustments			1,625
2012 Current Services			207,768
2012 Program Offsets			105,017
2012 Request			102,751
Total Change 2010-2012			103,392

1. Program Description

The Department of Justice maintains a range of secure and reliable wireless voice communications services to support law enforcement investigative and surveillance operations as well as emergency response and task force operations. Tactical wireless communications services are essential to the performance of the Department's law enforcement and national security functions by ATF, DEA, FBI, and USMS personnel (e.g., surveillance, arrest operations, task force operations). Many of the Department's radio systems are between 10 and 20 years old. Funding provided by Congress enables the Department to maintain these fragmented, obsolete systems.

For FY 2011, DOJ has six projects underway, and has specified performance metrics that it anticipates achieving as described below. The plan assumes the Department continues to operate under a full-year continuing resolution for the remainder of FY 2011.

1. IWN/National Capital Region (NCR) system deployment – the IWN system will be deployed in the National Capital Region with an initial operating capability and the first group of users transitioned onto the system.
 - a. Metric: Transition 700 agents (approximately 20% of total agents in the NCR) to the IWN/NCR system
2. Expand the IWN/NCR system to cover the Baltimore, Norfolk and Richmond metropolitan areas as well as the state of Delaware.
 - a. Metric: Complete design of Baltimore and Eastern Shore/Delaware modules
 - b. Metric: Award task order for deployment of Baltimore and Eastern Shore/Delaware modules
3. Begin upgrading FBI conventional radio systems to achieve secure, narrowband operations and consolidate ATF, DEA and U.S. Marshals users onto a common system.
 - a. Metric: Complete circuit installation and begin ordering radio infrastructure equipment installation at all six Southwest border modules: Dallas, Houston, San Antonio, El Paso, Albuquerque, and Phoenix
 - b. Metric: Order circuits and infrastructure equipment to upgrade 17 additional high priority metropolitan areas: Oklahoma City, Chicago, Detroit, Springfield, St. Louis, Milwaukee, Indianapolis, Cleveland, Cincinnati, Louisville, Minneapolis,

Kansas City, Omaha, Pittsburgh, Jacksonville, Tampa, Miami

4. Deploy secure Project 25 standard compliant radios.
 - a. Metric: Acquire 6,900 new or upgraded portable radios for agents and 3,700 mobile radios for vehicles
 - b. Metric: Deploy radios to component field offices for agent use on upgraded or new IWN systems in FY11 system deployment areas (NCR, Area 11, Southwest border)

5. Begin deployment of IWN trunked radio systems in the major metropolitan areas of Chicago and Detroit.
 - a. Metric: Begin Chicago design phase
 - b. Metric: Initiate Detroit Integrated Project Team

6. Deploy enhanced IWN interoperability solutions to participating state and local law enforcement agencies in the National Capital Region and the Department of Defense.
 - a. Metric: Establish Interoperability agreements with participating agencies (up to seventeen in NCR)
 - b. Metric: Install circuits and establish system-to-system connectivity between IWN and participating agencies' radio systems

2. Performance and Resource Tables

PERFORMANCE AND RESOURCES TABLE											
Decision Unit:											
WORKLOAD/ RESOURCES		Final Target		Estimate		Projected		Changes		Requested (Total)	
		FY 2010		FY 2010		FY 2011 CR		Current Services Adjustments and FY 2012 Program Changes		FY 2012 Request	
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		35	\$ 206,143	35	\$ 206,143	35	\$ 206,143		\$ (103,392)	35	\$ 102,751
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2010		FY 2010		FY 2011 President's Budget		Current Services Adjustments and FY 2012 Program Changes		FY 2012 Request	
Performance Measure	% Justice units converted to Narrowband compliant (portable and mobiles)	70% portable; 81% Mobiles		70% portable; 81% Mobiles		74% portable; 83% Mobiles				74% portable; 83% Mobiles	
OUTCOME	Cost avoidance by procuring in bulk quantities		10%		15%		12%				12%

Data Definition, Validation, Verification, and Limitations: *Use this section to discuss data terms, data sources, how the information is collected, how the information is verified, and data limitations to include how well the indicator measures performance in this area.*

PERFORMANCE MEASURE TABLE

Decision Unit: Law Enforcement Wireless Communications

Performance Report and Performance Plan Targets		FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010		FY 2011	FY 2012
		Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target
Performance Measure	% of Justice units converted to Narrowband compliant (portable and mobiles)	26% portable; 40% mobiles	33% portable; 44% mobiles	35% portable; 45% mobiles	48% portable; 62% mobiles	52% portable; 64% mobiles	56% portable; 68% mobiles	70% portable; 81% mobiles	70% portable; 81% mobiles	70% portable; 81% mobiles	74% portable; 83% mobiles	74% portable; 83% mobiles
OUTCOME Measure	Cost avoidance by procuring in bulk quantities	\$4,623	\$9,280	\$2,411	\$3,888	\$1,300	3% discount of total contract purchase price	7% discount of total contract purchase price	10% discount of total contract purchase price	15% discount of total contract purchase price	12% discount of total contract purchase price	12% discount of total contract purchase price

N/A = Data unavailable

*** Denotes inclusion in the DOJ Annual Performance Plan**

V. Program Offsets by Item

Item Name: **Administrative Efficiencies**

Budget Decision Unit(s): LEWC

Strategic Goal(s) & Objective(s): Enabling/Administrative

Organizational Program: LEWC

Program Offset: Positions 0 Atty 0 FTE 0 Dollars (\$6,000)

Description of Item

Department-wide administrative efficiencies.

Summary Justification

The Department is continually evaluating its programs and operations with the goal of achieving across-the-board economies of scale that result in increased efficiencies and cost savings. In FY 2012, the Department is focusing on areas in which savings can be achieved, which includes: printing, publications, travel, conferences, supplies, and general equipment. For LEWC, these administrative efficiencies will result in an offset of \$6,000.

Impact on Performance (Relationship of Decrease to Strategic Goals and High Priority Performance Goals – (HPPGs))

Not Applicable.

Item Name: **Extend Tech Refresh**

Budget Decision Unit(s): LEWC

Strategic Goal(s) & Objective(s): Enabling/Administrative

Organizational Program: LEWC

Program Offset: Positions 0 Atty 0 FTE 0 Dollars (\$11,000)

Description of Item

Extend the period of technology refresh by one year.

Summary Justification

As desktops and laptops are used primarily for basic office automation applications (e.g., spreadsheets and word processing), replacing this inventory at a slower rate is expected to have minimal impact on Department operations. In FY 2012, the Department is proposing to extend the refresh rate of all desktops and laptops by one year, resulting in an offset of \$11,000 for LEWC.

Impact on Performance (Relationship of Decrease to Strategic Goals and High Priority Performance Goals – (HPPGs))

Not Applicable.

Item Name: **Development and Operations**

Budget Decision Unit(s): LEWC
Strategic Goal(s) & Objective(s): Enabling/Administrative
Organizational Program: LEWC

Program Offset: Positions 0 Atty 0 FTE 0 Dollars (\$105,000,000)

Description of Item

Reduce the LEWC program funding request.

Summary Justification

The majority of the reduction will be applied to new development. The department will focus most of its resources on planned deployment areas rather than in significant additional expansion during FY 2012. This will allow the department sufficient time to evaluate best practices based on the results of the NCR and surrounding area deployments in FY 2010 - FY 2012.

As noted, additional technical platforms will also be assessed for possible deployment solutions. During FY 2012, the Department will evaluate different alternatives in order to determine the best forward approach. The Department will also use its funds to continue paying for the operations and maintenance cost of legacy systems.

Funding

Base Funding

FY 2010 Enacted (w/resc./supps)				FY 2011 CR				FY 2012 Current Services			
Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)	Pos	agt/ atty	FTE	\$(000)
35	1	35	206,143	35	1	35	206,143	35	1	35	207,768

Non-Personnel Reduction Cost Summary

Non-Personnel Item	Unit	Quantity	FY 2012 Request (\$000)	FY 2013 Net Annualization (change from 2012) (\$000)	FY 2014 Net Annualization (change from 2013) (\$000)
Administrative Efficiencies	LEWC		-6		
Extend Tech Refresh	LEWC		-11		
Development and Operations	LEWC		-105,000		
Total Non-Personnel			-105,017		

Total Request for this Item

	Pos	Agt/Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2013 Net Annualization (change from 2012) (\$000)	FY 2014 Net Annualization (change from 2013) (\$000)
Current Services	35	1	35	5,916	201,852	207,768		
Decreases	0	0	0	0	-105,017	-105,017		
Grand Total	35	1	35	5,916	96,835	102,751		

VI. EXHIBITS

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- M. Status of Congressionally Requested Studies - **Not Applicable**
- N. Modular Costs for New Positions - **Not Applicable**
- O. Information on Overseas Staffing - **Not Applicable**