

UNITED STATES
DEPARTMENT OF JUSTICE

UNITED STATES ATTORNEYS



FY 2023
CONGRESSIONAL JUSTIFICATION

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I. Overview of the United States Attorneys

A. Introduction

For FY 2023, the United States Attorneys request **\$2,772,350,000** and 12,397 positions, of which 6,610 are attorneys. The budget request includes program increases of 863 positions, including 597 Attorneys and \$158,473,000 to target violent crime and firearms prosecutions; prosecute the breach of the United States Capitol; address critical prosecutorial needs throughout Indian Country; combat cybercrime and bolster cybersecurity; fund personnel, training, and technology-based tools necessary to handle the processing, analysis, and presentation of evidence; build a sustainable level of civil and criminal civil rights prosecutions and civil enforcement actions; and address white collar crime and related enforcement matters.

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:

<https://www.justice.gov/doj/fy-2023-CJ>

The United States Attorneys serve as the nation’s principal litigators. In response to the mandates of the Constitution that required establishment of a system of federal courts, Congress enacted the Judiciary Act of 1789, directing the President to appoint, in each federal district, “a person learned in the law to act as an attorney for the United States.” Since 1870, the United States Attorneys have worked under the direction of the United States Department of Justice.

There are 94 United States Attorneys’ offices (USAOs) located throughout the continental United States, Hawaii, Alaska, Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands. The 93 United States Attorneys (Guam and the Northern Mariana Islands are under the direction of a single United States Attorney) are appointed by, and serve at the discretion of, the President of the United States, with the advice and consent of the United States Senate. The map on page 3 depicts the current district and branch office locations of each USAO.

The United States Attorneys report to the Attorney General through the Deputy Attorney General. Each United States Attorney serves as the chief federal law enforcement officer within his or her judicial district and, as such, is responsible for the prosecution of criminal cases brought by the Federal Government, the litigation and defense of civil cases in which the United States is a party, and the handling of criminal and civil appellate cases before United States Courts of Appeals. The United States Attorneys and Assistant United States Attorneys (AUSAs) represent the interests of the United States in cities, towns, and communities across the country and seek to ensure that justice is served throughout the nation. The USAOs conduct most of the trial work in which the United States is a party. Although caseloads vary by district, each USAO has a diverse docket of cases. Each United States Attorney exercises broad discretion in the use of his or her resources to further local priorities and to serve his or her community’s needs.



The Attorney General's Advisory Committee of United States Attorneys

United States Attorneys provide advice and counsel to the Attorney General and the Department's senior leadership through the Attorney General's Advisory Committee (AGAC) and its various subcommittees and working groups. The AGAC was established in 1973 to give United States Attorneys a voice in advising the Attorney General on Department policies. The Committee is comprised of approximately 15 members, representing various federal judicial districts, and geographic locations. The Committee members meet regularly with the Attorney General, the Deputy Attorney General, and the Associate Attorney General, and works to further the goals as set by the President of the United States. The AGAC's subcommittees and working groups plays an important role in addressing Administration priorities.

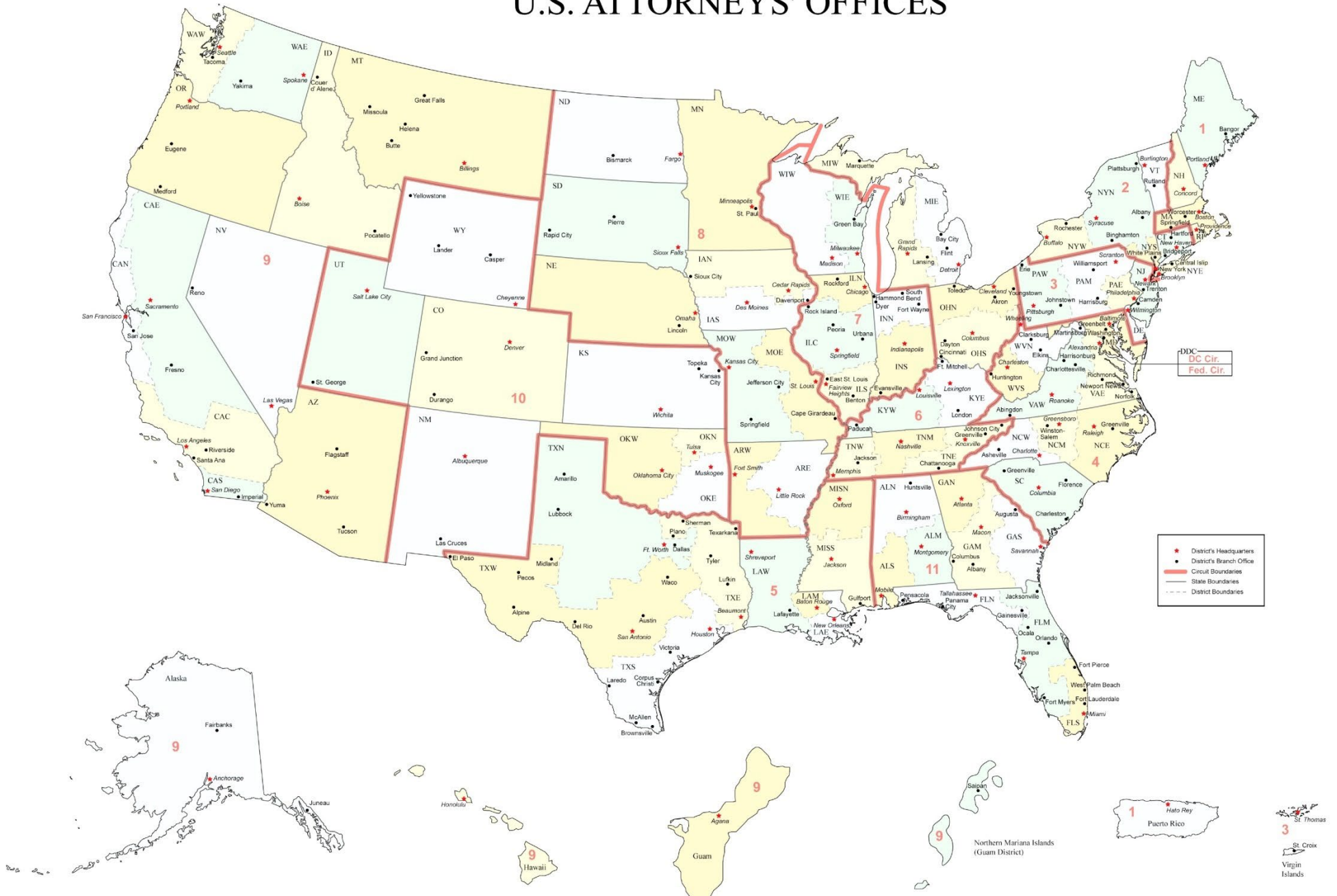
Examples of recent subcommittees include:

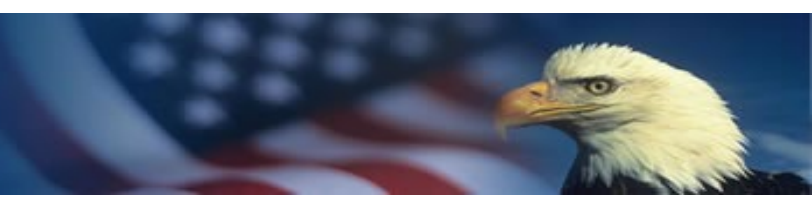
- Asset Recovery
- Border and Immigration Law Enforcement
- Controlled Substances
- Cyber/Intellectual Property
- Law Enforcement Coordination & Relations
- Management, People & Performance
- Native American Issues
- Service Members and Veterans Rights
- Terrorism & National Security
- Violent and Organized Crime
- White Collar/Fraud

The working groups include:

- Administrative Officers
- Appellate Chiefs
- Child Exploitation and Human Trafficking
- Civil Chiefs
- Criminal Chiefs
- Diversity Working Group
- Domestic Terrorism & Executive Committee
- Elder Justice
- Health Care Fraud
- Marijuana
- Opioids & Heroin
- Victim and Community Issues

U.S. ATTORNEYS' OFFICES





Executive Office for the United States Attorneys

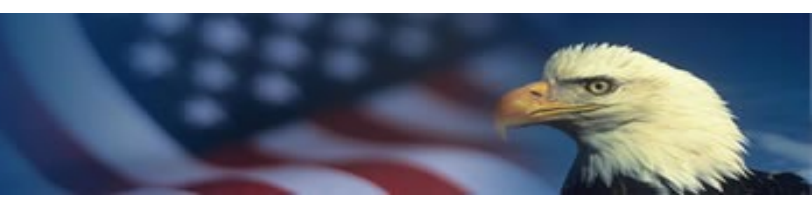
In 1953, Attorney General Order No. 8-53 established the Executive Office for United States Attorneys (EOUSA) to “provide general executive assistance and supervision to the offices of the United States Attorneys.” One of the original directives instructed EOUSA to “serve as liaison, coordinator, and expediter with respect to the Offices of the United States Attorneys, and between these offices and other elements of the Department [of Justice].” EOUSA provides the 94 USAOs with general executive assistance and supervision; policy guidance; administrative management direction and oversight; operational support; and coordination with other components of the Department and other federal agencies. EOUSA’s responsibilities encompass legal, budgetary, administrative, and personnel services, as well as continuing legal education. See Exhibit A for an organizational chart of EOUSA.

Under 28 CFR § 0.22, the Executive Office for United States Attorneys shall be under the direction of a Director who shall:

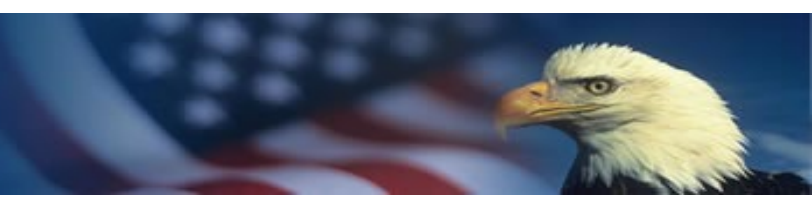
- A. Provide general executive assistance and supervision to the Offices of the U.S. Attorneys, including:
 - 1) Evaluating the performance of the Offices of the U.S. Attorneys, making appropriate reports and inspections, and taking corrective action where indicated.
 - 2) Coordinating and directing the relationship of the Offices of the U.S. Attorneys with other organizational units of the Department of Justice.
- B. Publish and maintain the Justice Manual for the internal guidance of the U.S. Attorneys’ offices and those other organizational units of the Department concerned with litigation.
- C. Supervise the operation of the Office of Legal Education, which shall provide training to all Department of Justice attorney and non-attorney legal personnel and publish the Department of Justice Journal of Federal Law and Practice.
- D. Provide the Attorney General’s Advisory Committee of United States Attorneys with such staff assistance and funds as are reasonably necessary to carry out the Committee’s responsibilities (28 CFR 0.10(d)).
- E. Establish policy and procedures for the satisfaction, collection, or recovery of criminal fines, special assessments, penalties, interest, bail bond forfeitures, restitution, and court costs in criminal cases.

The major functions of EOUSA are to:

- Provide support to the Deputy Attorney General regarding United States Attorney appointments.
- Provide general direction and supervision of the management and policy activities of the United States Attorneys’ financial litigation programs, including the establishment of policy and procedures for debt collection activities, affirmative civil enforcement and bankruptcy litigation, litigative and technical support, training, publication of newsletters, coordination and implementation of legislative initiatives and the establishment of guidelines, and procedures on criminal fine collection issues.



- Provide general legal interpretations, opinions, and advice to United States Attorneys in areas of recusals, cross-designations, outside activities, representation, allegations of misconduct, adverse actions, grievances, labor relations, and ethical and conflict of interest questions.
- Provide general support to the United States Attorneys in matters involving Assistant United States Attorney and Special Assistant United States Attorney appointments.
- Provide overall administrative management oversight and support to the United States Attorneys in the program areas of facilities management (to include acquisition of real property/space, construction, renovation, repair, and relocation); and support service programs (to include personal property management, small purchases procurement, motor vehicle support, telephone systems, printing, and records disposition).
- Provide overall management oversight and support to the United States Attorneys in the area of security programs (to include physical security, information security, communications, security, security awareness and safety).
- Analyze, design, and provide automated services and systems in support of the litigation mission and of selected administrative functions of the United States Attorneys' offices including development, implementation, and monitoring of policies and programs for office automation, systems development activities, and data base maintenance.
- Design, develop, and support the operations and software for caseload and collections systems and administrative/litigative applications in the districts and in central systems; provide technical assistance; produce the Annual Statistical Report; and monitor the quality of the data of the USAOs.
- Support the USAOs in the conduct of their law enforcement coordination programs.
- Serve as the liaison on victim-witness assistance activities within the USAOs, supporting the United States Attorneys in their work relating to these matters.
- Provide budget and fiscal assistance and guidance to the 94 USAOs.
- Respond to requests under the Freedom of Information Act and Privacy Act (FOIA/PA) on behalf of the USAOs, coordinate and respond to litigation arising from these matters, and provide advice and training to the United States Attorneys' staffs relating to FOIA/PA.
- Respond to inquiries from members of Congress and private citizens and review and comment on legislative and regulatory proposals relating to the activities of the USAOs.



CRIMINAL PROSECUTIONS

The USAOs investigate and prosecute the vast majority of criminal cases brought by the Federal Government – representing an incredibly diverse workload. The types of cases include violent crime and firearms; international and domestic terrorism; identity theft; public corruption; procurement, securities, and mortgage fraud; gangs and organized crime; drug enforcement; human trafficking; illegal immigration; southwest border enforcement; and criminal civil rights. Many of these cases involve multiple defendants and are extremely complex.

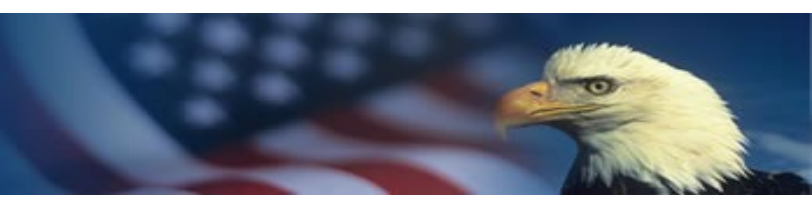


The United States Attorneys receive most of their criminal referrals, or “matters,” from federal investigative agencies, including the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA), the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the United States Immigration and Customs Enforcement (ICE), the United States Secret Service, and the United States Postal Inspection Service. The USAOs also receive criminal matters from state and local investigative agencies, and sometimes through reports from private citizens. Following careful consideration of each criminal matter, the United States Attorney must decide whether to present the matter to a grand jury for indictment.

Federal Law Enforcement Partners



Although historically a large percentage of criminal defendants have pled guilty prior to trial, a USAO must always be prepared to go to trial after the grand jury returns an indictment. Careful and diligent preparation for trial, including thorough pre-trial discovery and the litigation of pre-trial motions, helps to clarify issues, promote efficiency, and protect a defendant’s rights under the Constitution and the Speedy Trial Act. When a defendant does not plead guilty, however, a trial before a petit jury or a judge (a bench trial) becomes necessary. If the defendant is convicted after trial, the USAO must participate in a sentencing hearing and also defend the conviction in post-trial litigation and on appeal. The USAOs handle most criminal appeals before the United States Courts of Appeal. If there is a further appeal, the United States Attorney may be called upon to assist the Solicitor General in preparing the case for review by the United States Supreme Court.



CIVIL LITIGATION

The United States Attorneys initiate civil actions, referred to as “affirmative litigation,” to assert and protect the United States’ interests. They also defend the United States’ interests in lawsuits filed against the government, referred to as defensive civil litigation. In other civil cases, the United States is a third party, creditor, or intervener, such as representing the government’s interests in bankruptcy actions.

Examples of affirmative litigation include civil actions brought to enforce the nation’s environmental, admiralty, and civil rights laws; recoup money and recover damages resulting from federal program and other fraud; enforce administrative summonses; and forfeit assets seized by federal, state, and local law enforcement.

Defensive litigation includes actions seeking monetary damages for alleged torts, contract violations, and discrimination by the United States and its agents and employees. It also includes defending suits challenging government administrative actions, including Social Security disability determinations; habeas corpus petitions; and constitutional challenges to statutes and other federal policies. The USAOs represent and defend the government in its many roles – as employer, regulator, law enforcer, medical care provider, revenue collector, contractor, procurer, property owner, judicial and correctional systems managers, and administrator of federal benefits. When the United States is sued, the Department of Justice must be its legal representative.

Defensive civil work is unique because it is non-discretionary and non-delegable. Unlike criminal matters, defensive civil cases cannot be declined to manage or reduce an office’s caseload. All cases filed against the United States, its agencies, and employees in their official capacities must be defended.

CRIMINAL AND CIVIL APPEALS

Appeals require a thorough review of the entire record in the case, the filing of briefs, and in many instances, participation in oral argument before the United States Court of Appeals. In most appellate matters handled by the USAOs, the United States is the appellee and must respond to an appeal initiated by an opposing party. Accordingly, the appellate workload of the United States Attorneys fluctuates based on decisions outside their control. Furthermore, the complexity of appellate work and the time required to handle that work increases when the case presents complicated facts or novel questions of law.



CRIMINAL AND CIVIL DEBT COLLECTION

The USAOs are responsible for collecting both criminal and civil debt for the Federal Government. Each USAO has a Financial Litigation Program (FLP) responsible for criminal and civil debt collection activities as well as an Affirmative Civil Enforcement staff devoted to civil debt collection.

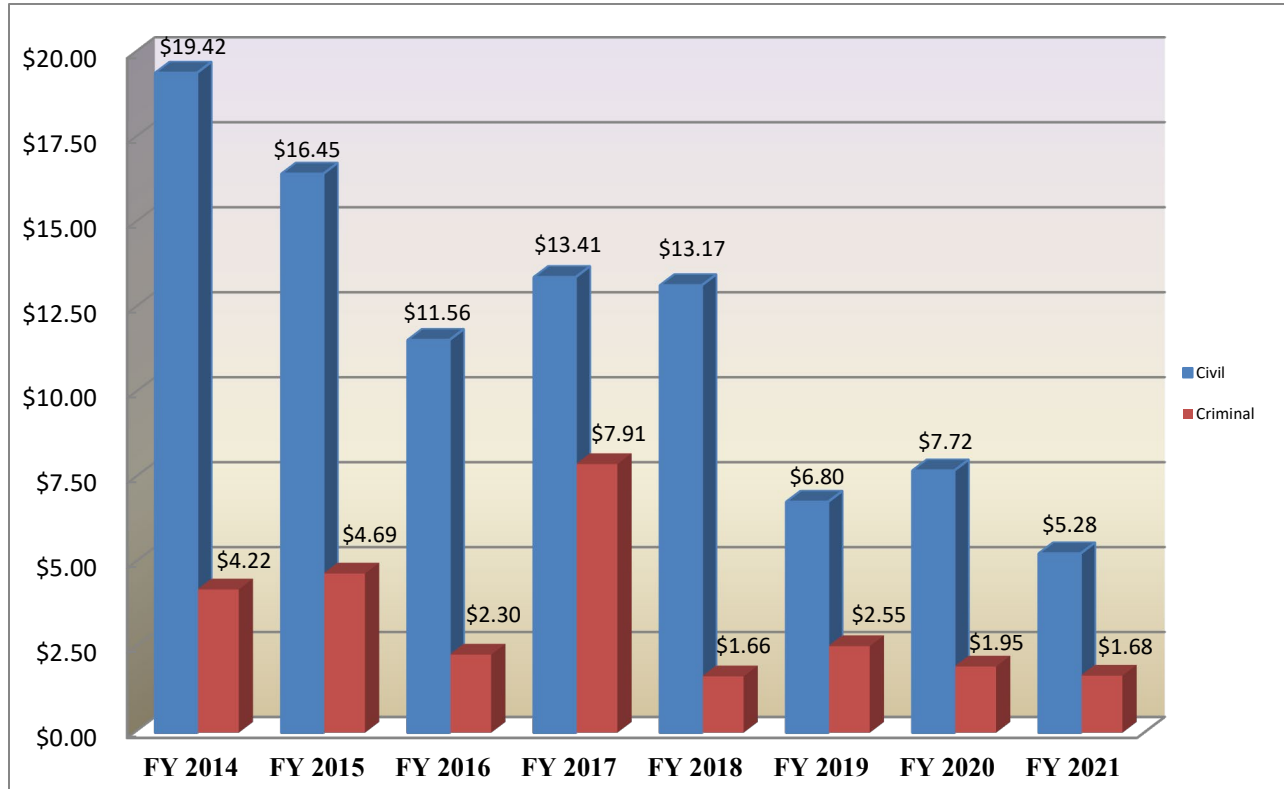
Debts are incurred by a criminal defendant when the defendant is sentenced by the court. These debts may be in the form of restitution to crime victims, fines imposed by the court, special assessments on each criminal conviction count, costs of prosecution and other costs, or forfeitures of appearance bonds. Interest may also be collected in certain cases. When restitution is ordered, the USAOs are involved in collecting federal restitution payments (owed to the United States) as well as non-federal restitution (owed to private individuals and entities). As a result of the Mandatory Victims Restitution Act (MVRA), courts must impose monetary restitution orders in all violent crimes and most property crimes, regardless of a defendant's ability to pay restitution. United States Attorneys are required to enforce restitution orders on behalf of all federal crime victims.

The United States Attorneys are also the legal representatives for other federal agencies to pursue repayment of debts. For example, when federal agencies lend money and the recipients default on repayment, or when federal agencies have paid on guaranteed loans that have not been repaid as provided for in the lending agreement, the United States Attorneys pursue repayment of the debt. The Departments of Agriculture, Education, Health and Human Services, Housing and Urban Development, Transportation, and Veterans Affairs, and the Small Business Administration are some of these client agencies. The United States Attorneys file suit to obtain judgments to collect debts, foreclose on real property, compel physicians to repay or fulfill their commitment to the Public Health Service in return for education grants, sue to set aside fraudulent transfers of property which could be used to satisfy defaulted loans, and manage debtor repayment schedules.



The table below illustrates the significant amount of debt collected each year from FY 2014 through the end of FY 2021.

Debt Collection Chart (in billions)



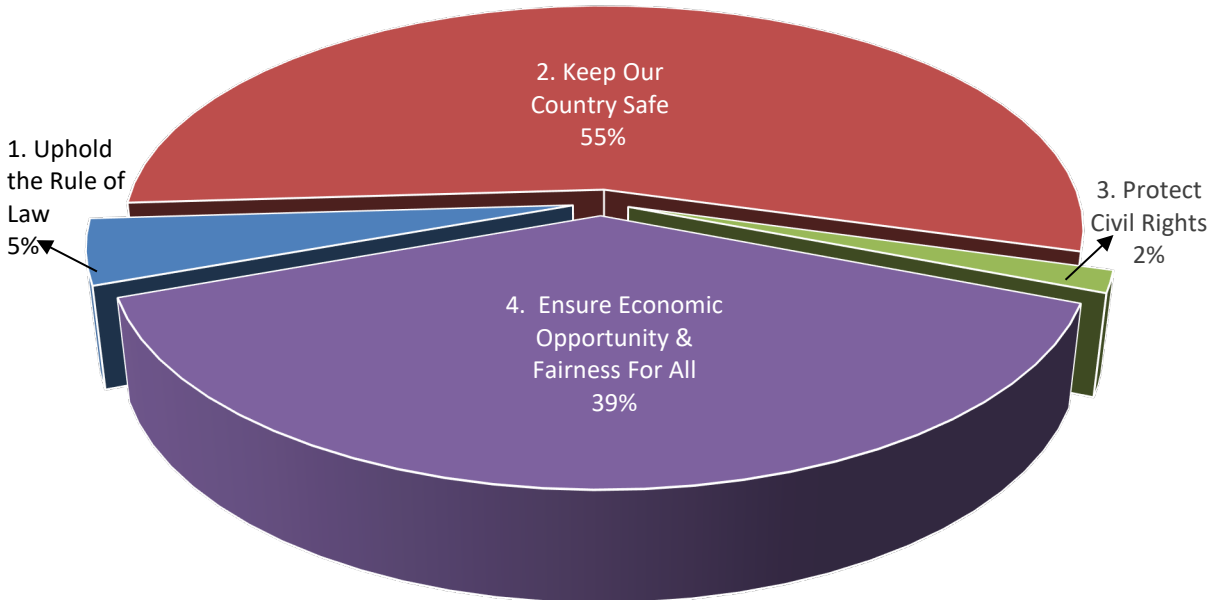
In FY 2021, the USAOs collected \$6.96 billion in criminal and civil debts. Of the total debts collected, USAOs recovered \$1.68 billion in criminal debts and \$5.28 billion in civil debts. The United States Attorneys’ FY 2021 collection efforts, handled by a very small percentage of the total workforce, returned to the Treasury a significant portion of funding as compared to the \$2.34 billion appropriated in the FY 2021 budget for the entire United States Attorneys’ community.



B. Issues, Outcomes, and Strategies

The following chart and descriptions provide a brief summary of the Department's Strategic Goals and Objectives in which the United States Attorneys play a role.

FY 2023 Total Budget Request by DOJ Strategic Goal



STRATEGIC GOAL 1: Uphold the Rule of Law = \$127,683,000

- Protect Our Democratic Institutions
- Promote Good Government.

STRATEGIC GOAL 2: Keep Our Country Safe = \$1,534,569,000

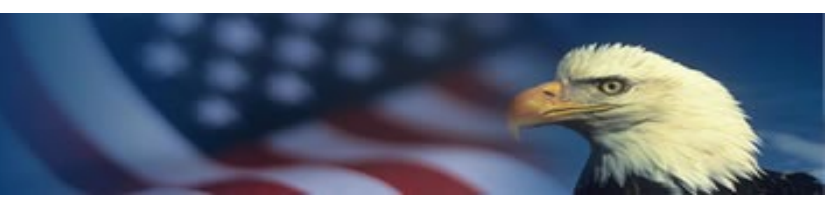
- Counter Foreign and Domestic Terrorism.
- Combat Violent Crime and Gun Violence.
- Enhance Cybersecurity and Fight Cybercrime.
- Combat Drug Trafficking and Prevent Overdose Deaths.
- Protect Vulnerable Communities.

STRATEGIC GOAL 3: Protect Civil Rights = \$42,442,000

- Combat Discrimination and Hate Crimes.

STRATEGIC GOAL 4: Ensure Economic Opportunity & Fairness = \$1,067,656,000

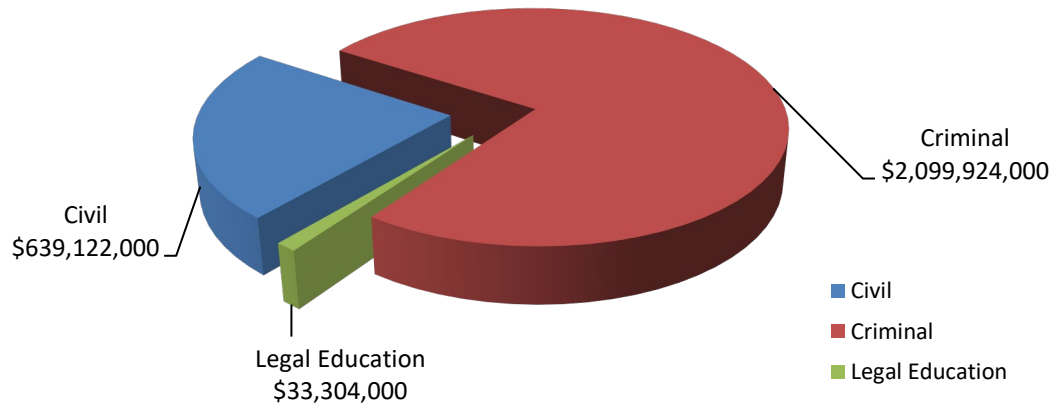
- Combat Corruption, Financial Crime, and Fraud.



C. Full Program Costs

The United States Attorneys' **\$2,772,350,000** budget request for FY 2023 is divided into three decision units: criminal, civil, and legal education.

FY 2023 Budget Request by Decision Unit



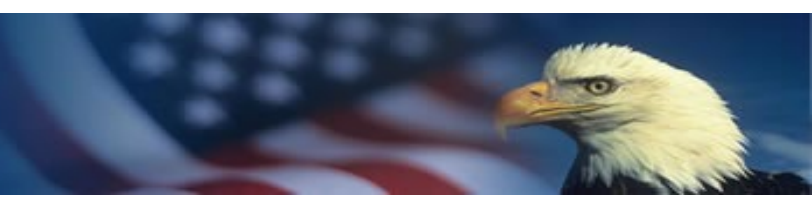
Some programs, as well as management and administration costs, cross decision units. The performance and resource tables for each decision unit reflect the total costs of achieving the strategies that the United States Attorneys will employ in FY 2023. Also included are the indirect costs of continuing activities, which are central to the operations of each decision unit. This request will fund the United States Attorneys' role in supporting the Department's Strategic Plan. We will continue to provide federal leadership in preventing and controlling crime and seeking just punishment of those found guilty of unlawful conduct.

D. Performance Challenges

The United States Attorneys face both external and internal challenges that can impact their ability to meet their goals. Some of these performance challenges are summarized below.

External Challenges

Coordinating with External Partners: Law enforcement is a central element of the United States Attorneys' mission, yet the ability and willingness of other federal, state, tribal, and local law enforcement partners to coordinate and share intelligence, resources, and personnel with one another can pose significant challenges. Ongoing efforts ensure that meaningful partnerships with local law enforcement, public officials, and leaders in communities to safeguard the public remain relevant and collaborative. Failure to coordinate and collaborate can impede the prosecution of complex criminal activity and even disrupt ongoing investigations. Thus, we must continually strive to enhance coordination with our law enforcement partners.



Identifying Emerging Criminal Activities: Criminal activity continues to evolve in response to new technologies and law enforcement efforts. The proliferation of synthetic drugs requires additional analytical resources to accurately identify and schedule the compounds. Persistent high levels of heroin abuse continue to put a strain on Department resources, particularly in terms of need for additional outreach and education to state and local communities. Increased diversions of pharmaceutical drugs create a challenge for prosecution, as the process is extremely technical, time-consuming and document intensive. Fraud schemes, which have become more sophisticated and complex over time, can have a significant impact on individual financial stability as well as our economy. As a result, the United States Attorneys and their investigative partners are working to identify these criminal activities as they emerge so law enforcement can address these crimes in a timely and comprehensive manner.

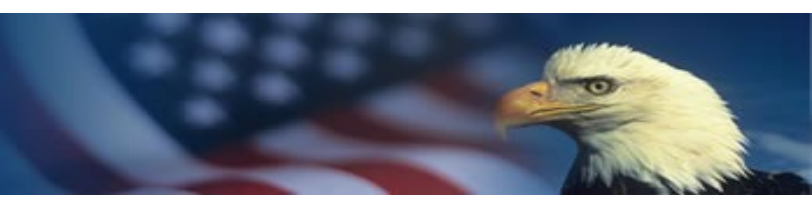
Keeping Pace with Technology: New technologies have generated cutting-edge methods for committing crimes, such as the use of the dark web and encryption. The USAOs must also keep pace with the exponentially increasing volume and complexity of data associated with a diverse range of cases. The United States Attorneys must continue to develop innovative practices to ensure that each office has the capacity to process, analyze, and leverage electronic information. For example, the USAOs have implemented eLitigation processes to move from paper evidence to electronic evidence, and to manage, examine, and transfer large amounts of casework data. The USAOs have used technologically advanced tools and processes in sophisticated cases, allowing for data integration from multiple source points, which is critical to organizing and prosecuting complex cases, such as healthcare fraud and securities fraud cases. The USAOs are looking to expand this support to other types of cases such as procurement fraud and data analytics capabilities.

Internal Challenges

Maintaining a Skilled Workforce: To address certain external changes and challenges, such as increasing amounts of electronic litigation (eLitigation), the United States Attorneys need

employees who can adapt to changes in the law, its practice, and the case analysis tools used in support of the United States Attorneys' mission. We must ensure that each USAO has sufficient access to qualified automated litigation support specialists and legal support staff who have the expertise necessary to consult with attorneys on technical issues and institute and follow defensible practices with respect to electronic data. This requires a significant effort focused on improving the competencies of existing employees through training and hiring new employees with the appropriate skill sets.

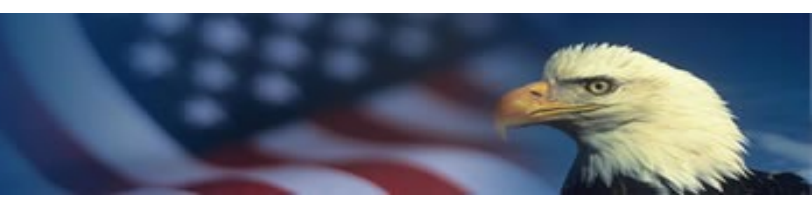
Adapting to Changing Technology: As technology has evolved, so have the types and amount of electronically stored information that comprises critical evidence in our investigations and cases. To keep pace with technological changes and to ensure that our criminal and civil cases are adequately supported, the United States Attorneys must develop an integrated approach to eLitigation that focuses on the protocols, best practices, and technological tools needed to identify, collect, process, review, analyze, and present electronic evidence.



II. Summary of Program Changes

For FY 2023, the United States Attorneys’ budget request is \$2,772,350,000, which includes program increases totaling 863 positions; 497 FTE; and \$158,473,000. The program increases are outlined in the chart below:

Item Name	Description				Page
	Purpose	Pos.	FTE	Dollars (\$000)	
Violent Crime Prosecutions	Funding will enhance violent crime and firearms prosecutions by focusing on the most dangerous criminal organizations and drug traffickers that are responsible for committing violent crime and gun-related deaths.	244	122	\$31,700	38
Capitol Prosecutions	Funding will be used for additional term prosecutors and associated litigation support to address the magnitude and complexity of the caseloads resulting from the January 6, 2021, breach of the United States Capitol.	130	130	\$34,144	41
Indian Country and <i>MvO</i> Prosecutions	Funding will be focused on addressing vital staffing needs of USAOs across the nation who help fulfill the Department’s mission in Indian Country.	312	156	\$40,400	46
Cyber Initiative	Funding will be used to combat cybercrime, secure critical information assets, and bolster cybersecurity resources.	50	25	\$15,267	49
eLitigation Modernization	Funding will be used to fund personnel, training, and technology-based tools necessary to handle the processing, analysis, and presentation of evidence.	52	26	\$26,795	54
Civil Rights Initiative	Funding is requested to create a sustainable level of civil and criminal civil rights enforcement in select United States Attorneys’ offices.	60	30	\$8,167	59
White Collar Crime Investigations	Funding will used to successfully investigate all forms of criminal white collar crimes and related enforcement matters across the country.	15	8	\$2,000	63
TOTAL		863	497	\$158,473	



III. Appropriations Language and Analysis of Appropriations Language

Appropriations Language

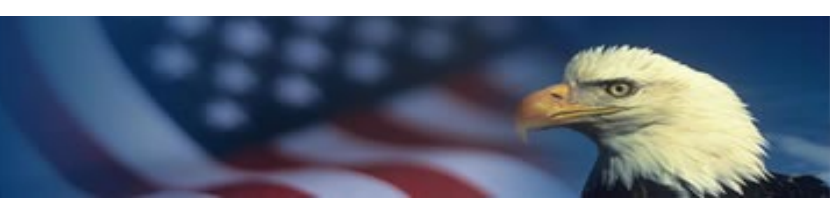
SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, [\$2,539,248,000] \$2,772,350,000: Provided, That of the total amount appropriated, not to exceed [7,200] \$19,600 shall be available for official reception and representation expenses: Provided further, That not to exceed [\$25,000,000] \$40,000,000 shall remain available until expended: Provided further, That each United States Attorney shall establish or participate in a task force on human trafficking.

Appropriations Language Analysis:

The United States Attorneys' re-propose an adjustment to the reception and representation funding limitation that was requested in prior Budget submissions. The establishment and maintenance of relationships with State and local officials is a critical component of the United States Attorneys' mission. Reception and representation activities better enable our United States Attorneys' offices (USAOs) to foster such relationships, which enhance cooperation with respect to common goals, such as reducing violent crime. The requested increase to \$19,600 will help ensure that reception and representation activities are available to a greater number of USAOs while ensuring that appropriated resources are utilized in the most effective manner.

The United States Attorneys propose an increase from the current carryover authority of \$25,000,000 until expended to \$40,000,000 until expended. Since this authority was last adjusted in 2008, the technology needs of the United States Attorneys have exponentially grown, as have the costs of goods and services, such as large-scale facility projects. The combined effect of growing needs, and the reduced purchasing power of \$25,000,000 over time (due to inflation), have created significant mission-impacting resource pressures. The requested increase will provide the necessary capacity to address critical investments that cross fiscal years, such as facility related projects and information technology acquisitions, as well as provide capacity to address ever growing extraordinary litigation. The additional capacity will ensure that mission related needs can be secured in the most cost-effective manner while maximizing the value extracted from funds already appropriated to the United States Attorneys. When this authority was last adjusted in 2008, it represented 1.4 percent of the annual appropriation. The requested authority level would update this figure to the same percentage of resources (1.4 percent at the requested level).

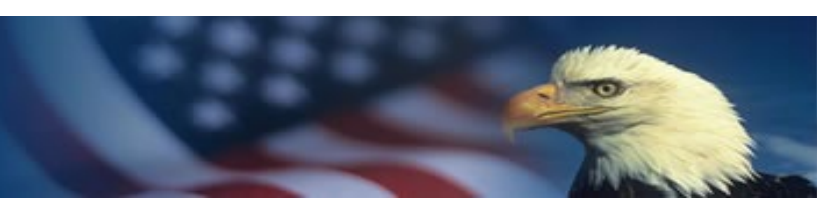


IV. Program Activity Justification

A. Criminal

Criminal Litigation	Perm. Pos.	FTE	Amount
2021 Enacted	8,619	7,721	\$1,763,880,000
2022 Annualized CR	8,619	7,700	\$1,763,880,000
2022 Rebaseline Adjustment	229	127	\$151,412,000
Adjustments to Base and Technical Adjustments	0	102	\$44,160,000
2023 Current Services	8,848	7,929	\$1,959,452,000
2023 Program Increases	798	465	\$140,472,000
2023 Request	9,646	8,394	\$2,099,924,000
Total Change 2022-2023	798	567	\$184,632,000

Criminal Litigation Information Technology Breakout	Perm. Pos.	FTE	Amount
2021 Enacted	310	310	\$136,237,000
2022 Annualized CR	310	310	\$136,237,000
2022 Rebaseline Adjustment	4	4	8,029,000
Adjustments to Base and Technical Adjustments	0	0	\$2,164,000
2023 Current Services	314	314	\$146,430,000
2023 Program Increase	1	1	\$18,659,000
2023 Request	315	315	\$165,089,000
Total Change 2022-2023	1	1	\$20,823,000



1. Program Description–Criminal Program Activity

The Department is committed to protecting national security and enforcing federal laws that protect public safety. To realize these goals, the Department has prioritized protecting the American people from the impact of domestic terrorism associated with deadly shootings, hate-based ideology, and holding accountable those who engage in such heinous criminal acts. In addition, violent crime, illegal firearms possession, drugs, and drug-related crime have been targeted nationwide to bring about safer communities. The United States Attorneys continue to play a vital role in combating these issues, in particular, concentrating on violent crime by taking a multi-agency focus on particularly hard-hit areas and using innovative means to locate individuals, organizations, and gangs within specific high crime jurisdictions.

Violent crime is devastating to communities in ways that are long-lasting and exceedingly difficult to overcome. As the chief federal law enforcement officers in their districts, U.S. Attorneys play an important role in targeting street gangs and illicit traffickers in jurisdictions suffering from elevated violence, prosecuting gun crime cases that often figure prominently in overall violent crime, and working with our law enforcement and community partners to

implement effective anti-violent crime strategies. Through a unified and cohesive effort working with federal, state, local, Tribal, and territorial law enforcement, and community counterparts, USAOs endeavor to reverse surges in violent crime so that our neighborhoods can become safer places.

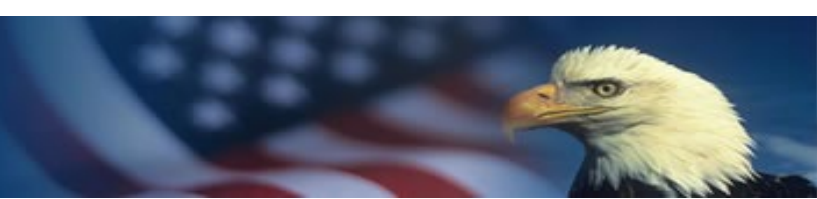
**USAO Success Story –
Domestic Terrorism**

United States v. Richard Holzer

In February 2021, in the **District of Colorado**, Richard Holzer was sentenced to more than 19 years in federal prison, followed by 15 years of supervised release. Holzer, who self-identifies as a Neo-Nazi and white supremacist, pled guilty to federal hate crime and explosives charges for plotting to blow up the Temple Emanuel Synagogue in Pueblo, Colorado, conduct that constituted acts of domestic terrorism.

Domestic Terrorism poses significant threats to our Nation. The term “domestic terrorism” is interpreted broadly and includes all violent criminal acts in furtherance of ideological goals stemming from domestic influences, such as racial bias, and anti-government sentiment. The USAOs play a critical role in identifying, disrupting, and holding accountable domestic terrorists who engage in criminal conduct. In confronting this threat, the Department will ensure that it is using all available tools while remaining steadfast in protecting civil liberties and the rule of law.

While prosecuting terrorism, both international and domestic, will remain a top priority, the USAOs investigate and prosecute a wide range of white collar crimes such as large-scale crimes committed in the financial sector, to cases involving employee embezzlement, fraudulent documents, insurance fraud, and schemes to defraud the public. Opioid and drug prosecutions will continue to be a priority, with a particular emphasis on the operations of large drug organizations. In addition, the USAOs are committed to pursuing justice in violence related to hate crimes, harassment, and discrimination on behalf of vulnerable members of our society.



The USAOs will also focus resources on targeting emerging threats in cybercrime and cybersecurity as these threats pose a significant and increasing risk to our national security, our economic security, and our personal security.

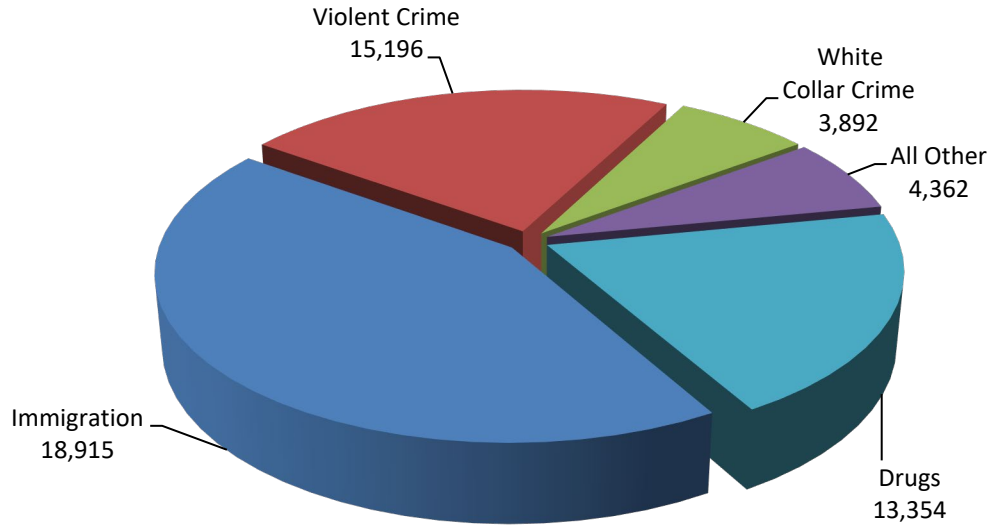
The following cases are examples of the breadth of United States Attorneys' criminal case successes:

- The USAO in the **Eastern District of New York**: In September 2021, a Brooklyn-based leader of the Rival Impact gang, Frank Smith, was sentenced to two mandatory life sentences plus an additional 20 years of imprisonment for racketeering, narcotics offences, and gang war-related double murder, including two counts of causing a death through the use of a firearm. Between 2000 and 2014, Smith was a member, and rose to become a leader, of the Rival Impact street gang in Coney Island. Smith and other members of the gang distributed heroin, crack, and other narcotics for over a decade and engaged in acts of violence in connection with their drug trafficking. By the late 2000s, Rival Impact was engaged in a war with members of Thirty-O, a rival street gang. After a high-ranking Rival Impact member was slain, purportedly by Thirty-O members, Smith and another Rival Impact member ambushed and killed two Thirty-O members they believed were responsible for the killing of the Rival Impact member. This case was brought as part of Project Safe Neighborhoods, which promotes the collaboration of law enforcement and the communities they serve to reduce violent crime. <https://www.justice.gov/usao-edny/pr/brooklyn-based-rival-impact-gang-member-sentenced-two-life-sentences-plus-20-years>
- The USAO in the **Western District of Washington** – In June 2021, Andrii Kolpakov, a Ukrainian national, was sentenced to seven years in prison for his role in the criminal work of the hacking group FIN7, and ordered to pay restitution in the amount of \$2,500,000. Kolpakov served as a high-level hacker, whom the group referred to as a “pen tester,” for FIN7. At the request of United States law enforcement, on June 28, 2018, Kolpakov was arrested in Lepe, Spain and extradited to the United States on June 1, 2019. In June 2020, he pleaded guilty to one count of conspiracy to commit wire fraud and one count of conspiracy to commit computer hacking. Since at least 2015, members of FIN7 (also referred to as Carbanak Group and the Navigator Group, among other names) engaged in a highly sophisticated malware campaign to attack hundreds of U.S. companies, predominantly in the restaurant, gambling, and hospitality industries. FIN7 hacked into thousands of computer systems and stole millions of customer credit and debit card numbers that were then used or sold for profit. According to court documents, victims incurred enormous costs that have been estimated to exceed \$1 billion. [United States v. Kolpakovhttps://www.justice.gov/usao-wdwa/pr/high-level-member-hacking-group-sentenced-prison-scheme-compromised-tens-millions-debit](https://www.justice.gov/usao-wdwa/pr/high-level-member-hacking-group-sentenced-prison-scheme-compromised-tens-millions-debit)



Criminal Workload

FY 2021 Felony Cases Filed – 55,719



In FY 2021, the USAOs filed 55,719 felony criminal cases against 71,390 defendants in United States District Court. The above chart shows the types of cases filed by the USAOs. In addition to a total of 55,719 cases filed, a total of 45,352 cases against 56,353 defendants were closed during FY 2021. Of the 56,353 defendants whose cases were closed, 92 percent, or 51,966, either pled guilty or were found guilty after a trial. Of these, 39,365 defendants received prison sentences; and 36 of these defendants received sentences of life imprisonment.

2. PERFORMANCE AND RESOURCE TABLE

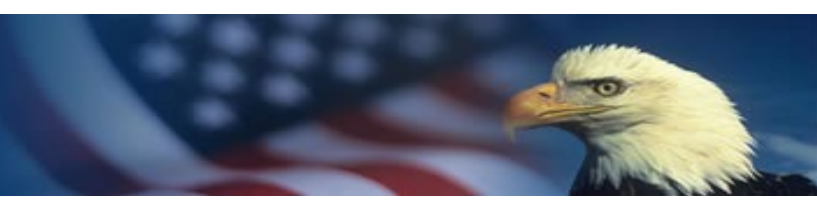
PERFORMANCE AND RESOURCES TABLE												
Decision Unit: Criminal												
RESOURCES (\$ in thousands)			Target		Actual		Target		Changes		Requested (Total)	
			FY 2021		FY 2021		FY 2022		Current Services Adjustments and FY 2023 Program Changes		FY 2023 Request	
Total Costs and FTE			FTE	\$0	FTE	\$0	FTE	\$0	FTE	\$0	FTE	\$0
			7,700	1,763,880	7,721	1,763,880	7,827	1,915,292	567	184,632	8,394	2,099,924
Reimbursable FTE and Costs: (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)												
			173	[47,685]	138	[46,802]	173	[88,310]	0	0	173	[88,310]
TYPE	STRATEGIC OBJECTIVE	PERFORMANCE	FY 2021	FY 2021	FY 2022	Current Services Adjustments and FY 2023 Program Changes	FY 2023 Request					
Workload Measure	2.2; 2.3; 2.4; 2.5; 2.6; 3.2; 4.2	Number of Cases - Defendants Handled	192,962	189,773	191,671	1,917	193,588					
Workload Measure	2.2; 2.3; 2.4; 2.5; 2.6; 3.2; 4.2	Total Defendants Terminated	69,426	56,353	56,917	569	57,486					
Workload Measure	2.2; 2.3; 2.4; 2.5; 2.6; 3.2; 4.2	Total Defendants Guilty	64,954	51,966	52,486	525	53,011					
Workload Measure	2.2; 2.3; 2.4; 2.5; 2.6; 3.2; 4.2	Percentage of Cases Favorably Resolved	90.00%	92.00%	90.00%	N/A	90.00%					
The United States Attorneys do not update the actuals on Performance Tables until the end of the year, as the data is validated at that time and ready for release.												
Data Definition, Validation, Verification, and Limitations: The United States Attorneys view data reliability and validity as critically important in the planning and assessment of its performance. Data is collected from the USA-5 monthly Resource Summary Report System, which summarizes the use of personnel resources allocated to USAOs. Data is also taken from the United States Attorneys' central Case Management System, which contains district information including criminal matters, cases, and appeals. The USAOs are required to submit bi-annual case data certifications to EOUSA. EOUSA makes every effort to constantly improve the completeness and reliability of its performance information. The data is reviewed by knowledgeable personnel such as supervisory attorneys and legal clerks in each district. Attorneys and support personnel are responsible for ensuring that local procedures are followed for maintaining the integrity of the data in the system.												

2. PERFORMANCE AND RESOURCE TABLE

Strategic Objective	PERFORMANCE MEASURE TABLE						
	Decision Unit: Criminal						
	Key Performance Measures			FY 2021	FY 2022		FY 2023
				Actual	Target	Actual	Target
	Agency Priority Goals	N/A					
2.3	Key Performance Indicator	Percent of Federal Violent Crime Defendants' Cases Favorably Resolved	92%	90%		90%	
2.3	Key Performance Indicator	Volume of USAOs records uploaded to the National Instant Criminal Background Check System	5%	5%		5%	
2.6	Key Performance Indicator	Percent of USAOs conducting training on trauma-informed and culturally sensitive approaches for attorneys, victim witness specialists, and support staff - Reported annually.	N/A	65%		70%	
2.6	Key Performance Indicator	Percent of Indian Country homicide cases and sexual abuse cases favorably resolved	95%	90%		90%	
3.2	Key Performance Indicator	Percent of USAOs leading hate crime alliances with community representatives and local civil rights leaders - Reported annually.	27%	65%		70%	
3.5	Key Performance Indicator	Percent of Environmental Justice Coordinators designated	N/A	100%		100%	
4.2	Key Performance Indicator	Percent of corporate criminal cases in which individual responsibility was evaluated - Reported annually	N/A	95%		95%	
4.2	Key Performance Indicator	Percent of corporate criminal resolutions containing compliance reporting obligations that are evaluated by DOJ at least annually	N/A	95%		95%	

The United States Attorneys do not update the actuals on Performance Tables until the end of the year, as the data is validated at that time and ready for release.

[N/A= Data Unavailable]



3. Performance, Resources, and Strategies

The Criminal Decision Unit contributes to the following Department Strategic Goals:

Strategic Goal 1: Uphold the Rule of Law. Within this priority area, the decision unit's resources address promoting good government through modernizing the processing of USAO knowledge, documents, and data required for today's litigation work.

Strategic Goal 2: Keep Our Country Safe. Within this priority area, the decision unit's resources address protecting national security, countering foreign and domestic terrorism, combating violent crime and gun violence, and enhancing cybersecurity and fighting cybercrime.

Strategic Goal 3: Protect Civil Rights. Within this priority area, the decision unit's resources address combating discrimination and hate crimes, advancing environmental justice, and protecting voting rights and fair elections.

Strategic Goal 4: Ensure Economic Opportunity and Fairness. Within this priority area, the decision unit's resources address combating corruption, financial crime, and fraud.

a. Performance Plan and Report for Outcomes

In the criminal area, the performance outcome measure for the United States Attorneys is the *percentage of criminal cases favorably resolved* during the fiscal year. The United States Attorneys' community has consistently met or exceeded its goal of 90 percent by successfully resolving each of its prosecutions. The United States Attorneys will continue to individually assess each case brought for criminal prosecution in a manner that promotes the ends of justice.

The United States Attorneys will continue to play a vital role in combating violent crime across the country. Protecting the American people from terrorism, both international and domestic, will remain a top priority of the Department. The United States Attorneys will use the resources provided to us to identify and disrupt threats and keep our communities safe.

The United States Attorneys will continue to prioritize cybercrime prosecutions, protecting Americans from future occurrences of computer hacking, data thefts and cyberattacks. Such threats can compromise national security and have the potential of crippling our nation's infrastructure. The USAOs handle a broad range of the cyber cases from cyber threats; transnational criminal groups; infrastructure and ransomware attacks; and the use of cryptocurrency and money laundering to finance and profit from cyber-based crimes.

Federal prosecution of crimes committed on our nation's northern and southwestern borders span a wide range of priorities, including felony and misdemeanor immigration cases, human trafficking, alien smuggling, firearms and ammunition trafficking, document fraud, drug offenses, and significant threats from designated criminal and terrorist organizations.

The United States Attorneys continue to address the illegal use of firearms and other acts of violence in our communities. Drug prosecutions will also continue to be a priority, with a particular emphasis on the operations of large drug organizations.



USAOs will leverage a multi-agency focus on reducing violent and gun-related crime in particularly hard-hit areas by using innovative means to locate individuals, organizations, and gangs within specific high crime jurisdictions. As part of the Project Safe Neighborhoods (PSN) program, and through partnerships with federal, state, and local law enforcement, the United States Attorneys will utilize the tools and resources available to develop and implement strategies for eradicating violent crime wherever it may occur.

Fraud, in any form, continues to be a Department of Justice priority. The USAOs' will make every effort to identify and prosecute those offenses that are designed to produce financial gain using some form of deception. The United States Attorneys expect the workload to rise dramatically in the coming years because of fraud associated with the COVID-19 pandemic and the unprecedented government spending for pandemic relief. It will take several years to discover and investigate sophisticated schemes, such as those involving large-dollar relief programs like the paycheck protection program (PPP), Economic Injury Disaster Loans (EIDL), and Unemployment Insurance (UI); and complex healthcare fraud schemes that take advantage of pandemic regulatory waivers, and fraud in healthcare provider payments. The USAOs' efforts continue to achieve tremendous results in combating fraud and protecting public rights and interests.

The following cases are additional examples of the United States Attorneys' criminal case successes:

- The USAO in the **Southern District of California** - In December 2021, John T. Earnest was sentenced to life followed by 30 years in prison after pleading guilty to a 113-count indictment that included 54 counts of violating the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act, 55 counts of violating the Church Arson Prevention Act, and four firearms offenses. In 2019, Earnest entered the Chabad of Poway synagogue, opened fire, killing one woman and injuring three other individuals, and attempted to kill 50 others. Earnest also admitted that he attempted to set fire to the Dar-ul-Arqam mosque in Escondido, California, because of his hatred of Muslims and the religious character of the building. <https://www.justice.gov/usao-sdca/pr/john-t-earnest-sentenced-life-plus-30-years-prison-federal-hate-crimes-related-2019>
- The USAO in the **Eastern District of Virginia**: In September 2021, the Virginia-based leader of an international robocall scam was sentenced to a consecutive 264 months in federal prison for defrauding over 4,000 U.S. victims out of more than \$10 million. According to court documents, the leader of the scam, Shehzadkhan Pathan, operated a call center in Ahmedabad, India, from which automated robocalls were made to victims in the United States. Pathan and his conspirators used a variety of schemes to convince victims to send money, including impersonating law enforcement officers from the FBI and DEA and representatives of other government agencies, such as the Social Security Administration, to threaten victims with severe legal and financial consequences. Conspirators also convinced victims to send money as initial installments for falsely promised loans. Co-defendants Pradipsinh Parmar and Sumer Patel, both of Ahmedabad, India, acted as money couriers during the scheme and were later sentenced to 14 years and three years and five months in



federal prison, respectively. <https://www.justice.gov/usao-edva/pr/leader-international-robocall-scam-sentenced-defrauding-over-4000-us-victims-out-more>

- The USAO in the **Eastern District of Oklahoma**: In August 2021, Jimcy McGirt was sentenced to life in prison for committing sex crimes against a 4-year-old child in Indian Country. In addition to the life sentence, in November 2020, a federal jury found McGirt, 72, guilty of two counts of Aggravated Sexual Abuse in Indian Country, and one count of Abusive Sexual Contact in Indian Country in violation of Title 18, United States Code, Sections 1151, 1153, 2241(c) and 2246(2). Each count is punishable by not less than 30 years and not more than life imprisonment. Evidence presented at trial proved that in August 1996 the defendant knowingly engaged in sexual acts upon a child who was four years old at the time. In 1997, McGirt was tried and convicted of First-Degree Rape by Instrumentation, Lewd Molestation, and Forcible Sodomy in Wagoner County for this same conduct. However, while serving two 500-year sentences and life without parole in the Oklahoma Department of Corrections, McGirt appealed his conviction, arguing the Creek Nation Reservation had not been disestablished and therefore the State of Oklahoma did not have jurisdiction to prosecute him because he is a member of the Seminole Nation. On July 9, 2020, the United States Supreme Court held the Creek Nation Reservation had not been disestablished and therefore the State of Oklahoma had been without jurisdiction over McGirt. McGirt was retried and convicted federally following the Supreme Court's decision. <https://www.justice.gov/usao-edok/pr/jimcy-mcgirt-found-guilty-aggravated-sexual-abuse-abusive-sexual-contact-indian-country>

USAO Success Story

United States v. Ree

Eastern District of Oklahoma – Miranda Lynne Ree was found guilty of Murder in the Second Degree for unlawfully killing Bryan James Chaney with a knife. The crime occurred in Wagoner County, within the boundaries of the Muscogee (Creek) Nation, and within the Eastern District of Oklahoma. The defendant was originally charged in the Oklahoma District Court of Wagoner with Murder in the First Degree, but the case was dismissed after the Supreme Court decision in *McGirt v. Oklahoma*. Once the state charge was dismissed, the United States Attorney's office prosecuted the case. The lead prosecutor in the case was an Assistant United States Attorney from the Middle District of Florida who had volunteered to prosecute cases in the Eastern District of Oklahoma to assist with the substantial increase in the volume of cases resulting from the *McGirt* decision.



b. Strategies to Accomplish Outcomes

The United States Attorneys play a central role in assisting the Department in accomplishing its core priorities by contributing to keeping our country safe; protecting civil rights; ensuring economic opportunity and fairness; managing excellence, and prioritizing immigration enforcement. In FY 2023, the United States Attorneys will continue to place a high priority on prosecutions related to combating violent crime and gun violence; national security, including domestic terrorism; fighting cybercrime, enhancing cybersecurity; dismantling violent drug trafficking gangs and cartels while addressing the problem of substance abuse, including the opioid epidemic, civil rights violations; prosecuting white collar crime including elder justice, health care, identity theft, public corruption, corporate and investment fraud, complex and multi-jurisdictional fraud and COVID Fraud; as well as addressing important priorities such as improving public safety in Indian Country, including *McGirt v. Oklahoma* related cases.

The United States Attorneys will also increase the use of technology in our practice of law. Technology provides a means to increase the productivity of existing resources. As criminal cases are increasingly electronic, providing technical training and recruiting a workforce with the skill sets needed to fully utilize the electronic tools available to the community are critical to the successful furtherance of our mission.

Other strategies include:

- Regular reviews and monitoring of case and workload data.
- Continuing to look at operational efficiencies in order to preserve human capital, which is our most valuable resource.
- Continuing to address emerging training needs through the Office of Legal Education.

c. Priority Goals

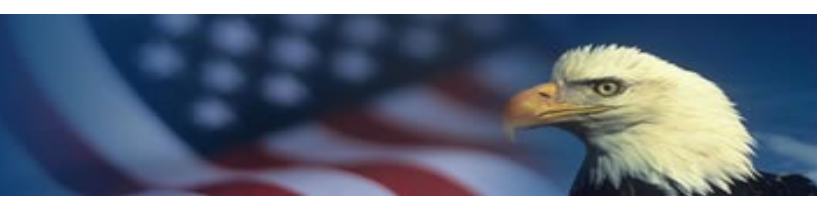
The Department has four new priority goals as part of the new FY 2022 – 2026 DOJ Strategic Plan: Ransomware, Violent Crime, Criminal Justice Reform, and Immigration.



B. Civil

Civil Litigation	Perm. Pos.	FTE	Amount
2021 Enacted	2,547	2,573	\$557,797,000
2022 CR	2,547	2,469	\$557,797,000
2022 Rebaseline Adjustment	86	32	\$36,842,000
Adjustments to base and Technical Adjustments	0	54	\$28,329,000
2023 Current Services	2,633	2,555	\$622,968,000
2023 Program Increases	65	32	\$16,154,000
2023 Request	2,698	2,587	\$639,122,000
Total Change 2022-2023	65	86	\$44,483,000

Civil Litigation Information Technology Breakout	Perm. Pos.	FTE	Amount
2021 Enacted	84	84	\$36,679,000
2022 CR	84	84	\$36,679,000
2022 Rebaseline Adjustment	3	3	\$4,564,000
Adjustments to Base and Technical Adjustments	0	0	\$619,000
2023 Current Services	87	87	\$41,862,000
2023 Program Increase	0	0	\$7,353,000
2023 Request	87	87	\$49,215,000
Total Change 2022-2023	0	0	\$7,972,000



1. Program Description–Civil Program Activity

Civil litigation pursued by the United States Attorneys falls into two basic categories: (1) affirmative civil litigation, in which the United States is the plaintiff; and (2) defensive civil litigation, in which the United States is the defendant. Affirmative civil litigation cases are actions taken by United States Attorneys to assert and protect the government’s interests. They include such issues as the enforcement of the nation’s environmental, admiralty, and civil rights laws, as well as the recovery of damages sustained by the government through fraud. The United States Attorneys also use affirmative civil litigation to recoup money owed and recover damages sustained by the government. In FY 2021, the USAOs collected \$5.28 billion in civil debts, which is more than two times the entire United States Attorneys’ FY 2021 budget. Defensive civil litigation includes actions seeking monetary damages for alleged torts, contract violations, and discrimination by the United States and its agencies and employees.

USAO Success Story

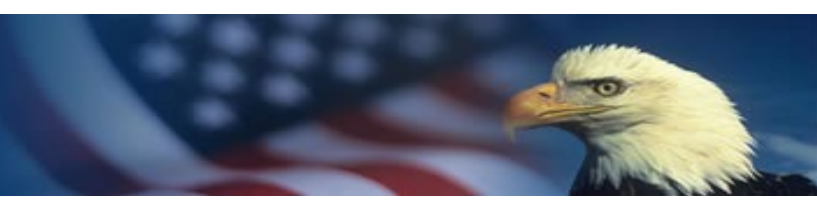
Brown University ADA Investigation

The USAO in the **District of Rhode Island**: In August 2021, the Department reached an agreement with Brown University to ensure that students with mental health disabilities have equal access to educational programs. The agreement resolved the Department’s findings that Brown violated Title III of the Americans with Disabilities Act (ADA) by not allowing students who took medical leave for mental health reasons to return to school despite them being ready to return to campus life. An investigation found that, between fall 2012 and spring 2017, dozens of undergraduate students were denied readmission to Brown after taking mental health-related medical leave. In the agreement, Brown committed to revise its undergraduate leave policies and practices to be consistent with Title III of the ADA, provide training on Title III of the ADA to all faculty and staff responsible for evaluating requests to take or return from leaves of absence, and pay \$684,000 to compensate those harmed.

The United States Attorneys may also be called upon to represent the United States in cases that are not clearly defined as either affirmative or defensive civil litigation, but in which the government has an interest, such as bankruptcy cases in which the United States is a party. One key difference between affirmative and defensive civil litigation is that, while United States Attorneys have some discretion in deciding which affirmative civil cases they will pursue, they must defend the government in all defensive civil litigation.

The United States Attorneys are also required to defend an increasing number of civil actions brought by immigration detainees who either are in deportation proceedings or are subject to final orders of deportation. Petitions for constitutionally required bond hearings brought by criminal aliens, challenges to denial of parole by arriving aliens, and

expedited removal proceedings with respect to arriving aliens, present a growing challenge in the border states and at other locations with major ports of entry. The USAOs effectively carry out the Department’s mission to “ensure fair and impartial administration of justice for all Americans,” and effectively defend against the rise in the number and complexity of immigration, prisoner litigation, and Freedom of Information Act (FOIA) cases.

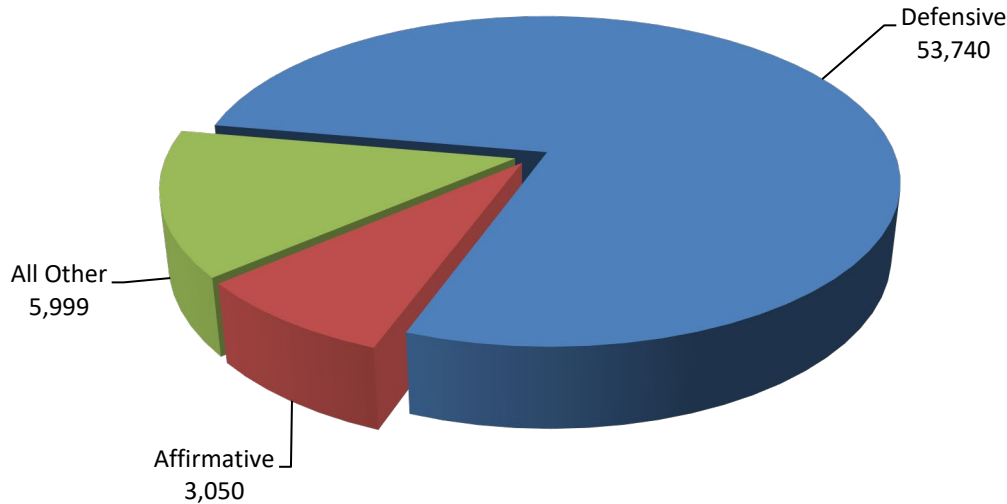


The following cases are examples of the United States Attorneys' civil casework successes:

- The USAO in the **Northern District of California**: In September 2021, the Department reached a settlement with San José State University (SJSU) following an investigation of Title IX violations in which the Department found that, for more than a decade, SJSU failed to respond adequately to reports of sexual harassment, including sexual assault, of female student-athletes by an athletic trainer then working at SJSU. The agreement requires SJSU to pay financial relief totaling \$1.6 million to individuals who were sexually harassed by the athletic trainer and to make major reforms to ensure that students can attend school and participate in college athletics free from sexual harassment, including sexual assault. <https://www.justice.gov/usao-ndca/pr/justice-department-reaches-16m-agreement-remedy-title-ix-violations-san-jos-state>
- The USAOs in the **Western District of Oklahoma** – In August 2021, the Department reached a \$1.25 million agreement to resolve a Fair Housing Act lawsuit alleging that Walter Ray Pelfrey sexually harassed female tenants and prospective tenants while owning or managing dozens of rental properties. The United States alleged that Pelfrey's harassment spanned a period of almost 20 years, through at least 2017, and included demanding that prospective tenants engage in sexual acts to obtain housing, offering to reduce rent and overlooking unpaid rent in exchange for sexual intercourse or contact, evicting and threatening to evict female tenants for refusing his sexual advances, groping and grabbing female tenants, making unwelcome sexual advances and comments, and entering the homes of female tenants unannounced and without their consent to further these advances. In addition to the monetary settlement, the defendants agreed to provide Fair Housing Act training for their employees, provide a complaint procedure to tenants, and release judgments obtained against victims whom Pelfrey wrongfully evicted. <https://www.justice.gov/usao-wdok/pr/justice-department-obtains-125-million-settlement-oklahoma-city-landlords-resolve>



Civil Workload FY 2021 Cases Filed/Responded To – 62,789



Civil matters and cases represent a significant part of the United States Attorneys’ workload. In FY 2021, the United States Attorneys received 69,518 civil matters, which represented 45 percent of all the 154,151 criminal and civil matters received during the fiscal year. Of the civil matters received, 78 percent or 54,255 were defensive matters, 11 percent or 7,787 were affirmative matters, and 11 percent or 7,476 were other civil matters.

The United States Attorneys filed or responded to 62,789 civil cases in FY 2021, which represented 53 percent of the 118,508 criminal and civil cases filed during the fiscal year. Of the civil cases filed, 86 percent or 53,740 were defensive cases; five percent or 3,050 were affirmative cases; and 10 percent or 5,999 were other civil cases.

The USAOs’ successes in defensive civil litigation preserves taxpayer dollars and enhances the efficient operation of the Federal Government by defending the policies and programs of federal agencies against individual and class action lawsuits challenging agency authority or compliance with federal laws and the constitution.

USAOs track the different types of cases where they can defend the Government and whether or not they are successfully resolved. In affirmative civil cases handled by USAOs, or jointly with the Civil Division, USAOs’ successes have resulted in the collection of billions of dollars for the Government and victims of fraud.

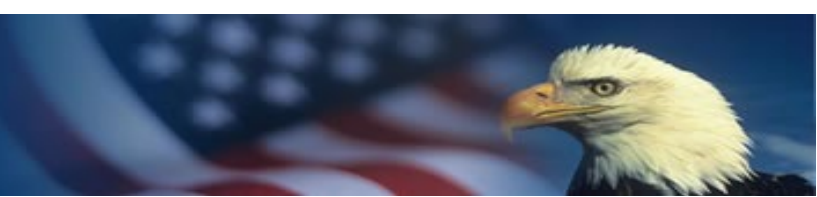
2. PERFORMANCE AND RESOURCE TABLE

PERFORMANCE AND RESOURCES TABLE												
Decision Unit: Civil												
RESOURCES (\$ in thousands)			Target		Actual		Target		Changes		Requested (Total)	
			FY 2021		FY 2021		FY 2022		Current Services Adjustments and FY 2023 Program Changes		FY 2023 Request	
Total Costs and FTE			FTE	\$0	FTE	\$0	FTE	\$0	FTE	\$0	FTE	\$0
			2,469	557,797	2,573	557,797	2,501	594,639	86	44,483	2,587	639,122
Reimbursable FTE and Costs: (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)												
			43	[11,921]	34	[11,700]	43	[22,078]	0	0	43	[22,078]
TYPE	STRATEGIC OBJECTIVE	PERFORMANCE	FY 2021		FY 2021		FY 2022		Current Services Adjustments and FY 2023 Program Changes		FY 2023 Request	
Workload Measure	2.4; 2.6; 3.2; 4.2	Number of Matters Handled	95,419		82,828		83,656		837		84,493	
Workload Measure	2.4; 2.6; 3.2; 4.2	Number of Total Judgments and Settlements	33,838		38,741		39,128		391		39,519	
Workload Measure	2.4; 2.6; 3.2; 4.2	Number of Judgments in Favor of the U.S. and Settlements	25,369		30,270		30,573		306		30,879	
Workload Measure	2.4; 2.6; 3.2; 4.2	Percentage of Cases Favorably Resolved	80.00%		80.00%		80.00%		N/A		80.00%	
The United States Attorneys do not update the actuals on Performance Tables until the end of the year, as the data is validated at that time and ready for release.												
Data Definition, Validation, Verification, and Limitations: The United States Attorneys view data reliability and validity as critically important in the planning and assessment of its performance. Data is collected from the USA-5 monthly Resource Summary Report System, which summarizes the use of personnel resources allocated to USAOs. Data is also taken from the United States Attorneys' central Case Management System, which contains district information including criminal matters, cases, and appeals. The USAOs are required to submit bi-annual case data certifications to EOUSA. EOUSA makes every effort to constantly improve the completeness and reliability of its performance information. The data is reviewed by knowledgeable personnel such as supervisory attorneys and legal clerks in each district. Attorneys and support personnel are responsible for ensuring that local procedures are followed for maintaining the integrity of the data in the system.												

2. PERFORMANCE AND RESOURCE TABLE

PERFORMANCE MEASURE TABLE							
Strategic Objective	Decision Unit: Civil						
	Key Performance Measures			FY 2021	FY 2022		FY 2023
				Actual	Target	Actual	Target
	Agency Priority Goals	N/A					
2.6	Key Performance Indicator	Percent of USAOs conducting training on trauma-informed and culturally sensitive approaches for attorneys, victim witness specialists, and support staff - Reported annually.			N/A	65%	70%
3.2	Key Performance Indicator	Percent of USAOs leading hate crime alliances with community representatives and local civil rights leaders - Reported annually.			27%	65%	70%
3.5	Key Performance Indicator	Percent of Environmental Justice Coordinators designated			N/A	100%	100%
The United States Attorneys do not update the actuals on Performance Tables until the end of the year, as the data is validated at that time and ready for release.							

[N/A= Data Unavailable]



3. Performance, Resources, and Strategies

The Civil Decision Unit contributes to the following Department' Priority Areas:

Strategic Goal 1: Uphold the Rule of Law. Within this priority area, the decision unit's resources modernize the processing of USAO knowledge, documents, and data required for today's litigation work.

Strategic Goal 3: Protect Civil Rights. Within this priority area, the decision unit's resources address our civil rights work.

Strategic Goal 4: Ensure Economic Opportunity and Fairness. Within this priority area, the decision unit's resources address all forms of fraud to protect consumers.

a. Performance Plan and Report for Outcomes

Prosecution of civil litigation is an essential and vital component of the mission of the United States Attorneys. Affirmative and Defensive civil litigation seeks redress for fraud, waste, and abuse in federal programs and ensures that the government is fully compensated for the losses and damages caused by those who have enriched themselves at the government's expense. In addition, all lawsuits filed against the Federal Government must be defended. The United States Attorneys' successes in civil litigation preserve taxpayer dollars and uphold the requirements and intent of federal laws and programs. The performance measure for civil litigation relates to the percentage of judgments and settlements resolved in favor of the government.

b. Strategies to Accomplish Outcomes

As civil cases are increasingly electronic – meaning that technology plays a major role in areas such as electronic case filing and eLitigation, the technological and resource needs of our civil cases continue to grow. To ensure the USAOs can prosecute cases in an efficient, cost-effective, and comprehensive manner, the United States Attorneys will further leverage technologically advanced tools and processes. These tools and processes allow prosecutors to manage, examine, and transfer large amounts of casework data, thereby improving efficiency and enhancing information flow organization-wide and with our partners.

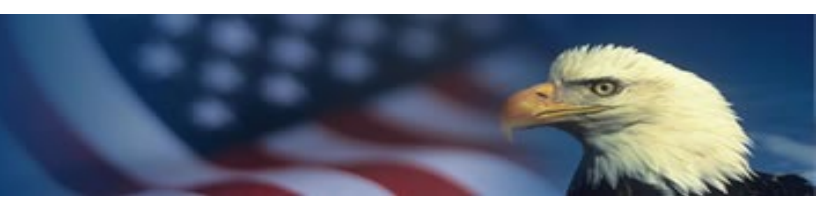
While technology provides a means to increase productivity, the successful implementation of advanced technological solutions necessitates hiring employees with the appropriate skill sets and providing relevant technical training. The United States Attorneys will maximize existing resources by hiring qualified individuals who have the expertise necessary to consult with attorneys on technical issues and institute and follow defensible practices with respect to electronic data. To manage electronic data efficiently and effectively in their cases, AUSAs and support staff will be trained on eLitigation issues, including but not limited to how to use existing and new technologies.



C. Legal Education

Legal Education	Perm. Pos.	FTE	Amount
2021 Enacted	53	53	\$20,500,000
2022 Annualized CR	53	53	\$20,500,000
2022 Rebaseline Adjustment	0	0	\$8,817,000
Adjustments to Base and Technical Adjustments	0	0	\$2,140,000
2023 Current Services	53	53	\$31,457,000
2023 Program Increase	0	0	\$1,847,000
2023 Request	53	53	\$33,304,000
Total Change 2022-2023	0	0	\$3,987,000

Legal Education Information Technology Breakout	Perm. Pos.	FTE	Amount
2021 Enacted	4	4	\$1,747,000
2022 Annualized CR	4	4	\$1,747,000
2022 Rebaseline Adjustment	0	0	\$26,000
Adjustments to Base and Technical Adjustments	0	0	\$27,000
2023 Current Services	4	4	\$1,800,000
2023 Program Increase	0	0	\$1,301,000
2023 Request	4	4	\$3,101,000
Total Change 2022-2023	0	0	\$1,328,000



1. Program Description–Legal Education

The Office of Legal Education (OLE) develops and conducts training for all Department attorney and non-attorney legal personnel [28 C.F.R. §0.22 (2019)]. OLE’s classroom training is conducted at the National Advocacy Center (NAC), a premier federal training facility in Columbia, South Carolina that features an integrated instructional and residential facility with rooms for up to 240 guests. Although distance education historically composed a small part of OLE’s overall training portfolio, that changed significantly during the pandemic.

The NAC was closed for residential training for the entirety of Fiscal Year (FY) 2021 due to the COVID-19 pandemic, yet by adapting training delivery methods, OLE reached its largest audience ever. FY 2021 marked a transition to fully online courses, which included interactive technology and breakout groups to ensure student engagement. OLE more than doubled training in its unique Virtual Classroom (VC) in its second year of operation and continued offering hundreds of timely and relevant webinars. In all, OLE sponsored 225 webinar trainings for 47,408 attendees and 84 full online courses for 17,477 attendees. Another 3,788 were trained in the VC.

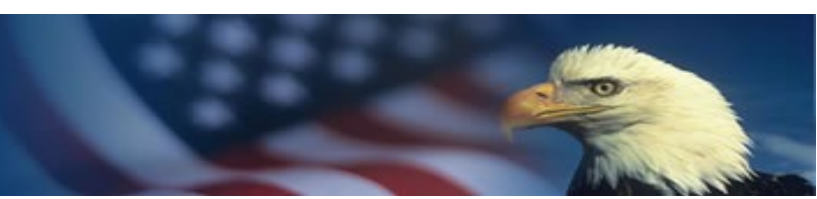
While expanding live, synchronous training, OLE also provided extensive asynchronous (on-demand) training. New videos posted on learnDOJ and WestLegalEd Center received nearly 75,000 views and provided thousands of hours of on-demand information and CLE credit. OLE continued uninterrupted its prolific annual output of new Blue Books, bimonthly Journals, weekly DOJBook podcasts and daily DOJBook updates. The DOJBook, which OLE updates daily, continues to be the most accessed resource, with 334,208 views in FY 2021. OLE updated “The Prosecutor’s Reference Guide for Trial Problems” Blue Book and shipped 4,235 books and journals. OLE published six issues of the DOJ Journal, and they were viewed 4,834 times.

Unit Work Descriptions

OLE’s Publications Unit continues to maintain and update the DOJBook, the most-viewed online legal resource available on the Department intranet. DOJBook is also the repository of DOJ policy and guidance on priority topics such as the CARES Act. DOJBook’s podcasts, first launched in September of 2018, remain popular.

The Criminal training team delivers residential and distance learning training programs for federal criminal prosecutors of all levels. In FY 2021, the team redesigned critical courses for virtual delivery that included well-attended and well-received training on trial advocacy, the federal sentencing guidelines, and combatting all kinds of crime including cybercrime, drug offenses, violent offenses, and white collar crime.

The National Security training team responds to a broad array of training needs relating to security, international and domestic terrorism, and crisis management. During FY 2021, the team worked with DOJ’s National Security Division to deliver extensive training on investigating and prosecuting both domestic and international terrorism. An increase in demand for this training is expected beyond FY 2021.



The National Indian Country Training Initiative (NICTI) team reached thousands through its Criminal Jurisdiction in Indian Country (CJIC) training program. The NICTI Coordinator, as co-chair of the Department’s Missing or Murdered Indigenous Persons Initiative (MMIP) training working group, provided critical training on this program to thousands more. The team also teamed with the Publications Unit to produce two Journals addressing MMIP.

The Legal Programs, Civil Law & Advocacy Training (LPCA) team executed multi-day courses on trial advocacy, deposition skills and motions practice. It also hosted training for DOJ personnel who bring civil enforcement actions on behalf of the United States and for DOJ civil attorneys who defend the United States against suits under the Federal Claims Act, Federal Tort Claims Act and more.

The Litigation Technology and Support training team (LTS Team) continues to offer litigation technology training for attorneys and non-attorneys and to teach attorneys and legal support staff to use all of DOJ’s available eLitigation tools to litigate their cases more skillfully and efficiently. It will continue to play a key role in achieving the Department’s eLitigation goals.

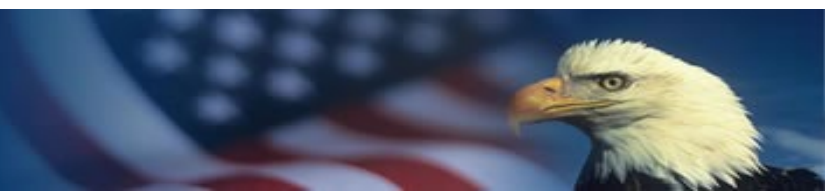
Finally, OLE continues its tradition of providing training support to Department of Justice personnel by assisting foreign judges and prosecutors who provide peer training in their respective countries through the Criminal Division’s Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT). The major focus was on assisting OPDAT in its transition from international face-to-face training to conducting training webinars and courses online. In FY 2021, OLE assisted DOJ’s individual Resident Legal Advisors (RLAs) who serve these communities around the globe by providing train-the-trainer courses, by sharing advice and strategies for transitioning from traditional face-to-face training to distance education and providing them the training resources needed to succeed.

Looking Ahead to the Return of Residential Training

Throughout the pandemic, OLE’s audiences reiterated how, despite the superb quality of its distance training, they looked forward to returning to the NAC for the unique experience, partnership building, and developmental opportunity it provides. USAO leaders from around the country gather for conferences to meet and exchange ideas. Attorneys with common areas of expertise and responsibility share strategies and best practices with their colleagues in seminars. Contacts can put a face to a name and develop long-term connections with other Department personnel. Some training events must also be held in person, like mock trials in advocacy courses and seminars at which Secret and Top-Secret information is discussed. For all these reasons, OLE expects high demand for residential training when it reopens. Simultaneously, demand for virtual training and CLE is also expected to remain at levels far above the pre-COVID demand. Therefore, OLE is prepared to address its new challenge of meeting pent-up demand for residential training in key areas like advocacy skills and national security while continuing the output of distance training the community has come to expect.

2. PERFORMANCE AND RESOURCE TABLE

PERFORMANCE AND RESOURCES TABLE												
Decision Unit: Legal Education												
RESOURCES (\$ in thousands)			Target		Actual		Target		Changes		Requested (Total)	
			FY 2021		FY 2021		FY 2022		Current Services Adjustments and FY 2023 Program Changes		FY 2023 Request	
Total Costs and FTE			FTE	\$0	FTE	\$0	FTE	\$0	FTE	\$0	FTE	\$0
			53	20,500	53	20,500	53	29,317	0	3,987	53	33,304
Reimbursable FTE and Costs: (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)												
			0	[0]	0	[0]	0	[0]	0	[0]	0	[0]
TYPE	STRATEGIC OBJECTIVE	PERFORMANCE	FY 2021		FY 2021		FY 2022		Current Services Adjustments and FY 2023 Program Changes		FY 2023 Request	
Workload Measure	All	Number of Students Trained through Residential and Virtual Instruction	N/A		68,673		N/A		N/A		N/A	
The United States Attorneys do not update the actuals on Performance Tables until the end of the year, as the data is validated at that time and ready for release.												



3. Performance, Resources, and Strategies

The Legal Education Decision Unit contributes to all the Department's Strategic Goals.

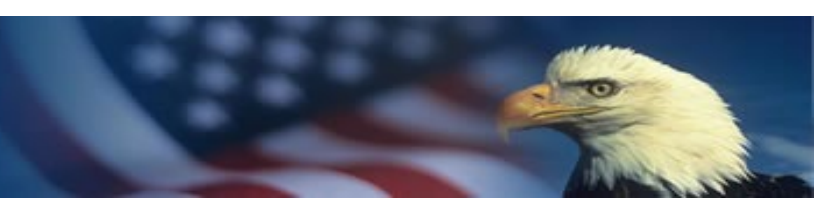
a. Performance Plan and Report for Outcomes

The performance measure for this decision unit is the number of students trained. In FY 2021, OLE trained 68,673 individuals virtually through a mix of WebEx, Virtual Classroom, and Webinars.

OLE continues its comprehensive plan to measure the effectiveness and impact of its training. By gathering and analyzing data regarding the efficacy of training events, OLE confirmed their relevance and usefulness. Across all delivery methods, OLE's programs received consistently high scores and participants were overwhelmingly satisfied, with an average of 94 percent of respondents recommending OLE's courses to others. Feedback shows students consistently cited examples of how they would apply knowledge and skills obtained to improve performance.

b. Strategies to Accomplish Outcomes

OLE will continue to offer high quality legal education through a combination of distance learning and classroom instruction when face to face interaction is necessary or optimal to achieve training objectives. It will continue to serve as a premiere and secure training venue for trial practice training and gatherings of USAO and DOJ personnel. It will continue using valid instructional design methods to increase engagement and learning retention and to tailor methods of instruction to meet identified objectives. OLE will meet the anticipated ongoing high demand for synchronous distance training through continued use of online courses, webinars, and its Virtual Classroom. It will meet demand for asynchronous training with written resources and videos on demand, including ones eligible for CLE credit. Finally, in FY 2022, OLE launched USAflix, a new user-friendly platform it developed for asynchronous viewing of videos.



V. Program Increases by Item

Item Name: Violent Crime Prosecutions

Budget Decision Unit(s): Criminal Litigation

Program Increase: Positions **244** Attorney **157** FTE **122** Dollars **\$31,700,000**

Description of Item

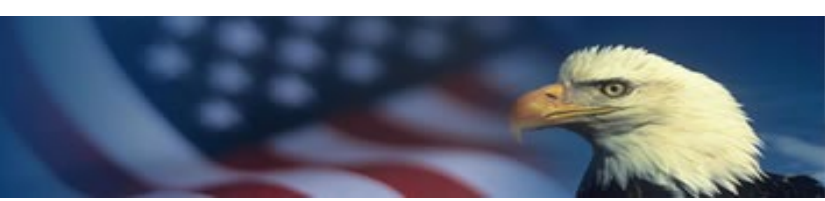
Keeping the American people safe is a top priority for the Department of Justice and the focus of the Department's violent crime reduction strategy announced in May 2021. The United States Attorneys request **\$31.7 million** and **244 positions (157 Attorneys)** to address the increase in violent crime in communities across the country. These resources will enhance violent crime and firearms prosecutions by focusing on the most dangerous criminal organizations and drug traffickers that are responsible for committing violent crime and gun-related deaths.

The requested Assistant United States Attorney (AUSA) positions would increase the United States Attorneys' offices' (USAOs) ability to target priority violent street gangs and drug traffickers in jurisdictions that are suffering from elevated levels of violence; accept more high priority firearms cases for federal prosecution; shut down pipelines feeding illegally trafficked firearms into regions affected by gun violence around the country; and implement holistically effective approaches that reduce violent crime and strengthen community and partner relations.

The impacts of violent crime are devastating to communities across the country. Through a unified and cohesive effort of federal, state, and local law enforcement – backed by additional prosecution resources – individuals who inflict the greatest harm on our population can be taken off the streets, recent surges in violent crime can be reversed, and neighborhoods can become safer places.

Justification

According to the FBI's Uniform Crime Reporting data, from 2019-2020, the nation's violent crime increased approximately 5 percent and the expanded homicide offense count (murders and nonnegligent manslaughter) increased by over 22 percent. In response to rising levels of violent crime, in May 2021, the Department launched a comprehensive violent crime reduction strategy to protect American communities from the increase in violent crimes, especially focusing on the gun violence that is often at its core. Working with law enforcement and community partners, the USAOs strengthened their crime reduction strategies to focus on the most significant drivers of violent crime in their jurisdictions. The Department's strategy was designed to address violent crime from all areas by incorporating targeted enforcement, data-driven methods, and



programming that reaches every aspect of the problem, from the earliest prevention strategies and violence interruption approaches to post-conviction reentry services. The strategy recognizes that we are most successful when we work closely with state, local, Tribal, and territorial counterparts – and when we serve as a force multiplier for their frontline efforts.

To bolster the Department’s violent crime reduction strategy, the USAOs need the requested resources to target the sources of the crime and increase and build upon cooperative efforts with law enforcement agencies and regional partners to combat violent crime. Resources are required to ramp up support to prosecute those accountable for the increased violent crime in areas that are hardest hit. In addition, AUSAs are needed to address other critical areas of the strategy such as building partnerships; instituting evidence-based crime prevention and intervention programs; and pursuing all mechanisms and research that provide insight into the most effective methods to reduce violent crime.

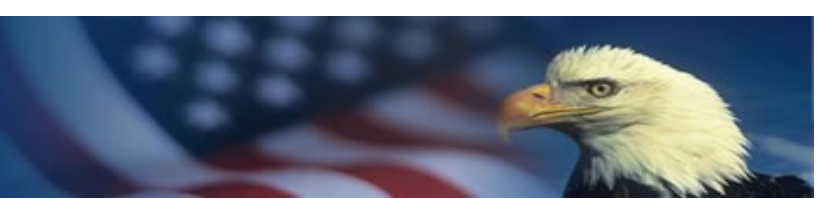
With the resources requested, the USAOs in districts with jurisdictions facing the most serious recent spikes and those with sustained high levels of violence will be able to fully use all the federal statutory tools to combat violent drug traffickers and gangs as well as increase their violent-crime prosecutions. Moreover, these resources will allow the USAOs to fully implement the Department’s strategy of thoroughly collaborating with our law enforcement and community partners to further reduce violent crime in the places we call home.

Impact on Performance

Additional resources will better position the United States Attorneys with the necessary staff and tools to assist the Department’s goals in responding directly to increases in violent crime. The additional positions requested will be used to support increased violent-crime and firearms prosecution efforts.

The requested resources will address the following Strategic Goals and Objectives:

Goal II: Keep Our Country Safe; Objective: 2.3: Combat Violent Crime and Gun Violence.



Violent Crime Prosecutions Funding

Base Funding

FY 2021 Enacted				FY 2022 President's Budget*				FY 2023 Current Services			
Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)
738	446	738	\$130,280	667	401	667	\$114,612	738	446	738	\$130,280

**The FY 2022 President's Budget levels were planned at FY 2021 estimates (not actuals).*

Personnel Increase Cost Summary

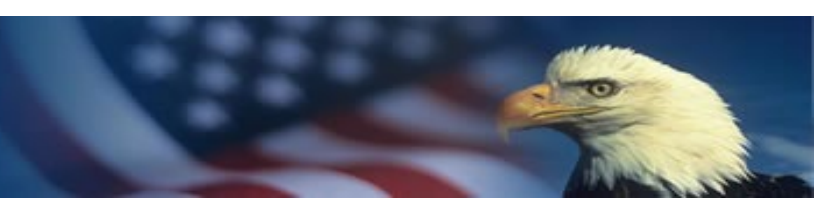
Type of Position/Series	Positions Requested	Annual Costs per Position (\$000)			FY 2023 Request (\$000)	Annualizations (\$000)	
		1st Year Adjusted Cost	2nd Year Adjusted Cost	3rd Year Full Cost (Modular)		FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
Attorneys (0905)	157	136.1	101.3	237.4	21,372	15,901	0
Paralegals (0950)	87	68.6	57.6	146.3	5,967	5,011	1,753
Total Personnel	244				\$27,339	\$20,912	1,753

Non-Personnel Increase Cost Summary

Non-Personnel Item	FY 2023 Request (\$000)	Unit Cost (\$000)	Quantity	Annualizations (\$000)	
				FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
Contract Support and Training	4,361	0	0	0	0
Total Non-Personnel	\$4,361	0	0	0	0

Total Request for this Item

Category	Positions			Amount Requested (\$000)			Annualizations (\$000)	
	Count	Agt/Atty	FTE	Personnel	Non-Personnel	Total	FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
Current Services	738	446	738	130,280	0	130,280	0	0
Increases	244	157	122	27,339	4,361	31,700	20,912	1,753
Grand Total	982	603	860	\$157,619	\$4,361	\$161,980	\$20,912	1,753



Item Name: Capitol Prosecutions

Budget Decision Unit(s): Criminal

Program Increase: Positions **130** Attorneys **80** FTE **130** Dollars **\$34,144,000**

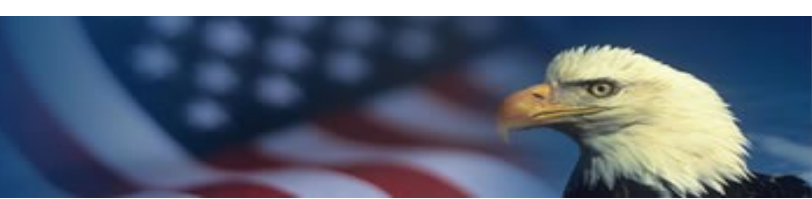
Description of Item

The United States Attorneys request **\$34.1 million** and **130 term positions (80 term Attorneys)** to address the increasing caseloads resulting from the January 6, 2021, breach of the United States Capitol that disrupted a Joint Session of the U.S. Congress in the process of affirming the 2020 presidential election results. The prosecution efforts, which are being led by the United States Attorney’s Office for the District of Columbia (USAO-DC), are ongoing. The cases are unprecedented in scale and is expected to be among the most complex investigations prosecuted by the Department of Justice. In response to the breach, the USAO-DC has undertaken an extraordinary effort to hold accountable those who engaged in criminal acts. The funding will be used for additional term prosecutors and associated litigation support to address the magnitude and complexity of the casework.

Justification

The January 6, 2021, riot at the U.S. Capitol has resulted in hundreds of complex and resource-intensive cases charging defendants from around the nation with a broad range of offenses from basic violations such as unlawful entry to more complex charges like conspiracy. The Department is strongly committed to resolving these cases. Funding is critically needed to provide the USAO-DC with additional prosecutors and support personnel to respond to the increased caseload, litigation costs, and other court proceedings arising from these cases. Without the requested temporary resources, the USAO community will have to continue carrying the resource burden of performing these duties in FY 2023 at the expense of base operations. Lacking additional funds, each of the 94 USAOs would need to incur a budget reduction to fund these prosecutions from within the USA’s current services level. This will have a detrimental impact on the United States Attorneys’ ability to backfill vacancies and prosecute important cases in other jurisdictions.

Nearly one year after the breach of the Capitol, approximately 750 defendants have been arrested nationwide. The vast majority of those defendants have been charged in federal court in the District of Columbia with various crimes, including but not limited to assaulting, resisting, or impeding officers or employees; using a deadly or dangerous weapon or causing serious bodily injury to an officer; and corruptly obstructing, influencing, or impeding an official proceeding, or attempting to do so. More than 210 defendants have pleaded guilty to a variety of federal misdemeanors and/or felonies and will face incarceration when sentenced. More than 95 federal



defendants have had their cases adjudicated and have been sentenced for their criminal activity on January 6th. Thirty-nine defendants have been sentenced to periods of incarceration. Approximately 30 defendants have been sentenced to a period of home detention, and the other defendants have been sentenced to probation with no term of incarceration. The number of defendants charged will continue to increase as prosecutors diligently review video footage, social media posts, phone location data, and tips from the public.

Multiple defendants have pleaded guilty to felony obstruction of an official proceeding before Congress. Such defendants include:

- [Jacob Chansley](#), widely known as the “QAnon Shaman,” of Phoenix, Arizona. Mr. Chansley, who was one of the first rioters to unlawfully enter the U.S. Capitol, was shirtless, wearing a Viking hat with fur and horns, red, white, and blue face paint, and carrying an American flag tied to a pole with a sharp object at the tip and a bullhorn. He proceeded to the Gallery of the Senate and the Senate floor and scaled the Senate dais, taking the seat that Vice President Pence had occupied an hour earlier.
- [Josiah Colt](#) of Meridian, Idaho. Mr. Colt, who brought a gas mask, helmet, and a Glock .43 pistol with him to Washington D.C. with him, knowingly and unlawfully entered the U.S. Capitol and made his way to the Senate chamber, where he was photographed hanging off a balcony and landing on the Senate chamber floor. He also appeared in a video posted to Facebook in which he claimed he was the first person to sit in the House Speaker’s chair and called House Speaker Pelosi a “traitor.” Mr. Colt was actually seated in the Senate chair reserved for the Vice President.
- [Graydon Young](#) of Englewood, Florida. Mr. Young, a member of the Oath Keepers, planned and forcibly entered the U.S. Capitol carrying a radio and wearing a reinforced vest, helmet, and Oath Keepers shirt. He and others pushed against a line of riot police officers guarding the hallway connecting the rotunda to the Senate. He later posted to Facebook, “We stormed and got inside.” Two days later, Mr. Young deleted his Facebook account.

All three defendants are awaiting sentencing and face up to 20 years in prison for obstruction of Congress, three years of supervised release, and a \$250,000 fine.

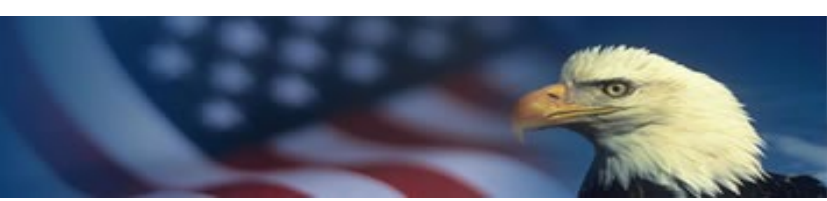
- [Paul Hodgkins](#) of Tampa, Florida, pleaded guilty to felony obstruction of an official proceeding before Congress and was sentenced on July 19, 2021, to eight months in prison followed by two years of supervised release. Mr. Hodgkins entered the U.S. Capitol illegally. He carried a backpack that had, among other items, protective eye goggles and white latex gloves. Mr. Hodgkins entered the Senate chamber, walked among the desks, took “selfie-style” photographs with his cell phone, and put on and then removed white latex gloves. He also walked down to the Senate well and stood near others who were shouting, praying, and commanding the attention of those in the Senate chamber.



- [Scott Fairlamb](#) of Stockholm, New Jersey, pleaded guilty to one felony count of obstruction of an official proceeding and aiding and abetting and one count of assaulting, resisting, or impeding certain officers, and was sentenced on November 10, 2021, to 41 months in prison followed by three years of supervised release. Mr. Fairlamb followed a large crowd that, moments earlier, had forcibly pushed through a line of police officers and metal barricades. He obtained a collapsible police baton from the ground and posted a video to Facebook displaying the baton. In the video he said, “What Patriots do? We f***** disarm them and then we storm the f***** Capitol.” He carried the police baton when he illegally entered the Capitol. Once he exited the Capitol, Fairlamb inserted himself into a line of Metropolitan Police Department officers where he, without provocation, shoved and punched an officer.

Multiple defendants have also pleaded guilty to assaulting, resisting, or impeding officers with a dangerous weapon:

- [Nicholas Languerand](#) of Little River, South Carolina. Mr. Languerand was among a crowd of individuals on the lower west terrace who were pushing against and assaulting Metropolitan Police Department (MPD) officers and U.S. Capitol Police (USCP) officers in the tunnel leading into the U.S. Capitol. While standing near the archway, Mr. Languerand threw various objects at MPD and USCP officers, including an orange traffic barrier and two stick-like objects. The officers were protecting the lower west terrace entrance of the Capitol. Mr. Languerand later took possession of a police riot shield, struck it against the ground, and held it in front of him as he confronted police. Mr. Languerand was sentenced on November 3, 2021, to 44 months in prison followed by two years of supervised release.
- [Devlyn Thompson](#) of Seattle, Washington. Mr. Thompson yelled obscenities at police and threw objects and projectiles at the officers, including flag poles, and grabbed and stole the officers’ riot shields to prevent them from defending themselves against the violence. Mr. Thompson later picked up a metal baton from the floor of the tunnel and swung it overhead and downward against the police line in an apparent effort to knock a can of pepper spray from an officer’s hand and stop the officer from pepper-spraying the rioters. After more pepper spray was deployed by the rioters and the officers, Mr. Thompson retreated from the archway area. Mr. Thompson was sentenced on December 20, 2021, to 46 months in prison followed by three years of supervised release.
- [Robert Palmer](#) of Largo, Florida. Mr. Palmer threw a wooden plank at the MPD and USCP officers. Subsequently, while at the front line of rioters confronting the officers located within the lower west terrace archway, Mr. Palmer sprayed the contents of a fire extinguisher at the officers until it was empty. He then threw the fire extinguisher at the officers. Although no specific injury was tied to this conduct, based on the size and weight of the objects, and the speed and force with which Mr. Palmer threw them, the objects were capable of inflicting serious bodily injury. Mr. Palmer was sentenced on December 17, 2021, to 63 months in prison followed by three years of supervised release.
- [Cleveland Meredith, Jr.](#) of Hayesville, North Carolina, pleaded guilty to interstate communication of threats, and was sentenced on December 14, 2021, to 28 months in



prison followed by three years of supervised release. Mr. Meredith, Jr. traveled from Colorado to Washington D.C. and arrived late in the evening of January 6, 2021, after the riots at the U.S. Capitol had ended. He had planned to arrive in Washington on January 5 and attend various rallies. On January 7, while at a hotel in Washington, D.C., he sent a text message to one of his relatives who was then in Georgia. The text message included a threat directed toward House Speaker Pelosi. The relative contacted Mr. Meredith, Jr.'s mother, who then contacted the FBI. The same day, the FBI located Mr. Meredith, Jr. at a hotel approximately one mile from the U.S. Capitol and arrested him. He gave consent to search his phone, truck, and trailer, which was physically present at the hotel. The FBI found a 9mm semi-automatic firearm, an assault-style rifle with a telescopic sight, approximately 2,500 rounds of ammunition, and multiple large-capacity ammunition feeding devices inside the trailer.

Impact on Performance

The funding is necessary for the continued prosecutions of the growing number of cases related to this breach of the U.S. Capitol that has left the Department with an immense task of finding and charging those responsible for the attacks.

The requested resources will address the following Strategic Goals and Objectives:

Goal II: Uphold the Rule of Law; Objective: 1.1: Protect Our Democratic Institutions.



Capitol Prosecutions Funding

Base Funding

FY 2021 Enacted*				FY 2022 President's Budget				FY 2023 Current Services			
Pos	Agt/Atty	FTE	Amount (\$000)	Pos	Agt/Atty	FTE	Amount (\$000)	Pos	Agt/Atty	FTE	Amount (\$000)
[68]	[38]	[68]	[15,003]	0	0	0	0	0	0	0	0

*The FY 2021 Enacted amounts were funded from temporary, internal reductions across the USAOs for resources dedicated to Capitol Prosecutions. These resources are not expected to extend into future Fiscal Years.

Personnel Increase Cost Summary

Type of Position/Series	Positions Requested	Annual Costs per Position (\$000)			FY 2023 Request (\$000)	Annualizations (\$000)	
		1st Year Full Year Cost	2nd Year Full Year Cost	3rd Year Full Cost Modular		FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
Attorney (0905)	80	245.1	237.4	237.4	13,748	0	0
Paralegal (0950)	40	152.1	149.2	149.2	6,085	0	0
Intelligence Specialist (0132)	10	152.1	149.2	149.2	1,521	0	0
Total Personnel	130				\$27,214	0	0

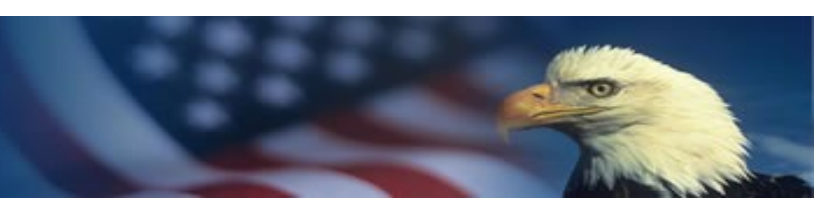
*Note: The 130 term positions were calculated at full year costs.

Non-Personnel Increase/Reduction Cost Summary

Non-Personnel Item	FY 2023 Request (\$000)	Unit Cost (\$000)	Quantity	Annualizations (\$000)	
				FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
eLitigation Support and Training	6,930	0	0	0	0
Total Non-Personnel	\$6,930	0	0	0	0

Total Request for this Item

Category	Positions			Amount Requested (\$000)			Annualizations (\$000)	
	Count	Agt/Atty	FTE	Personnel	Non-Personnel	Total	FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
Current Services	0	0	0	0	0	0	0	0
Increases	130	80	130	27,214	6,930	34,144	0	0
Grand Total	130	80	130	27,214	6,930	34,144	0	0



Item Name: Indian Country and *MvO* Prosecutions

Budget Decision Unit(s): Criminal Litigation

Program Increase: Positions **312** Attorney **199** FTE **156** Dollars **\$40,400,000**

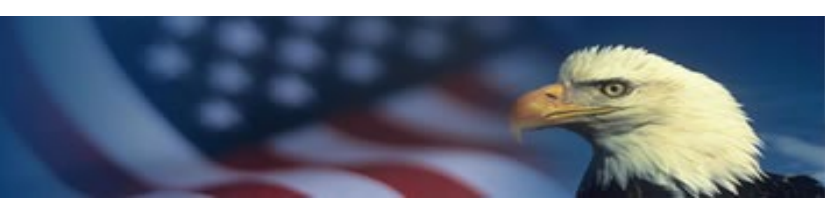
Description of Item

The United States Attorneys request **\$40.4 million** and **312 permanent positions** (199 Attorneys) to handle critical prosecutorial needs throughout Indian Country. On November 15, 2021, the President's signed an Executive Order that focuses on improving public safety and criminal justice for all Native Americans. The Department of Justice remains committed to fulfilling the direction outlined in the Executive Order and ensuring that felonies, such as violent crime and sexual abuse, are addressed across the nation, including throughout Indian Country. Several Indian Country areas are experiencing tremendous hardships to public safety, such as in Oklahoma following the Supreme Court's decision on *McGirt v. Oklahoma (MvO)*, which led to an unprecedented surge in caseloads. The requested resources will be focused on addressing vital staffing needs of the USAOs across the nation who help fulfill the Department's mission in Indian Country.

Justification

On July 9, 2020, the Supreme Court decided *MvO*, which held that Congress did not disestablish the Muscogee Creek Nation Reservation and that, as a consequence, the State of Oklahoma never had jurisdiction to prosecute crimes committed by or against an Indian on the land included within the Reservation. Accordingly, subsequent crimes committed by or against an Indian within the Reservation are now within the exclusive jurisdiction of either the United States or the tribal authorities of the Creek Nation. Subsequent court decisions have further expanded *MvO* to include the Five Civilized Tribes in Oklahoma (Cherokee, Chickasaw, Choctaw, Creek, and Seminole). As a result of *MvO* and following court decisions, the Department and its dedicated employees face an unprecedented challenge in serving justice in Oklahoma.

Criminal felony caseloads in the USAOs for the Eastern and Northern Districts of Oklahoma have increased exponentially, and will continue to increase, as the *MvO* decision remains in effect. Between July 2020 and August 2021, the USAOs in Oklahoma received a combined total of approximately 6,700 referrals from law enforcement. For perspective, this is more than a 400 percent increase compared to all matters received annually prior to the *MvO* decision. Based on the continuous nature of these elevated referrals, it is estimated that the USAOs in Oklahoma will need to handle up to 4,400 additional felony defendants per year – or 366 per month.



Due to limited resources, the USAOs in Oklahoma are prioritizing violent felonies under the Major Crimes Act and referring hundreds of misdemeanors and non-violent felonies to Tribal authorities, which are also not equipped to handle the heavy influx of cases. Despite herculean efforts by the Department’s workforce, the resource constraints have limited the Eastern and Northern Districts of Oklahoma to opening only 22 percent and 31 percent of all felony referrals from law enforcement as of the end of fiscal year 2021. As enforcement of non-violent crime is relatively low, Oklahoma communities may see a surge in such crimes, and many people may not be held accountable for their criminal conduct due to resource constraints.

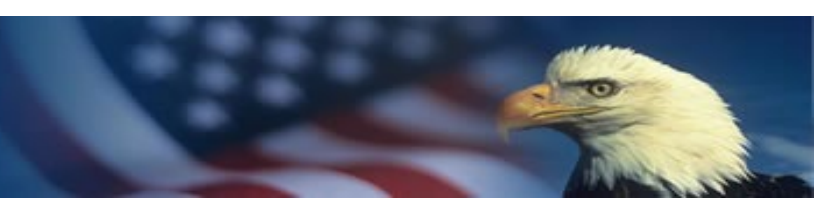
The President’s November 15th Executive Order called for the Department to prevent and respond to violence against Native Americans. As part of a comprehensive strategy to fulfill this commitment, aside from addressing the surge in cases stemming from the *MvO* decision, the requested resources will also be utilized to combat violent crime in Indian Country outside of Oklahoma. Over 50 USAOs have federally recognized tribes in their jurisdiction, such as the District of Arizona and the District of Montana. In addition to addressing public safety in Oklahoma following *MvO*, the United States Attorneys will also focus these resources on offices facing the greatest Indian Country needs, such as those serving large tribal populations that are also experiencing high levels of violent crime.

Impact on Performance

The requested investment is critical to leading the effort to ensure and promote public safety in tribal areas. These resources will give much needed support to address violent crime and other criminal acts across Indian Country, while also being properly responsive to the Department’s recently expanded mission requirements in Oklahoma.

The requested resources will address the following Strategic Goals and Objectives:

Goal II: Keep Our Country Safe; Objective: 2.6: Protect Vulnerable Communities.



Indian Country and MvO Prosecutions Funding

Base Funding

FY 2021 Enacted*				FY 2022 President's Budget				FY 2023 Current Services			
Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)
0	0	[147]	[18,639]	0	0	0	\$33,000	0	0	0	(\$33,000)

*Note: The FY 2021 Enacted amounts were funded from temporary internal reductions across the USAOs that are intended to be restored upon receipt of the requested increase. The FY 2022 President's Budget request was for resources to support detailees pending a longer-term solution and were non-recurred for FY 2023.

Personnel Increase Cost Summary

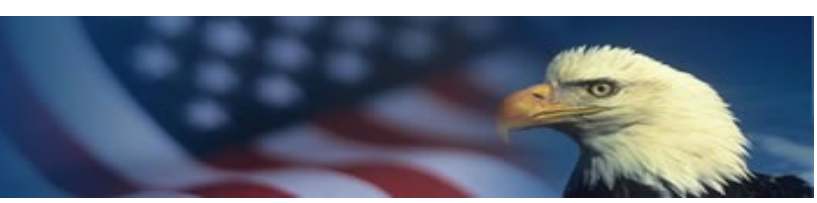
Type of Position/Series	Positions Requested	Annual Costs per Position (\$000)			FY 2023 Request (\$000)	Annualizations (\$000)	
		1st Year Adjusted Cost	2nd Year Adjusted Cost	3rd Year Full Cost (Modular)		FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
Attorneys (0905)	199	136.1	101.3	237.4	27,089	20,154	0
Paralegals (0950)	51	68.6	57.6	146.3	3,498	2,938	1,028
Witness Support (0300)	11	68.6	57.6	146.3	755	634	222
Legal Assistant (0900)	51	57.6	39.5	97.0	2,935	2,012	0
Total Personnel	312				\$34,277	\$25,738	1,249

Non-Personnel Increase Cost Summary

Non-Personnel Item	FY 2023 Request (\$000)	Unit Cost (\$000)	Quantity	Annualizations (\$000)	
				FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
New Space and Training	6,123	0	0	0	0
Total Non-Personnel	\$6,123	0	0	0	0

Total Request for this Item

Category	Positions			Amount Requested (\$000)			Annualizations (\$000)	
	Count	Agt/Atty	FTE	Personnel	Non-Personnel	Total	FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
Current Services	0	0	0	(25,228)	(7,772)	(\$33,000)	0	0
Increases	312	199	156	34,277	6,123	40,400	25,738	1,249
Grand Total	312	199	156	\$34,277	\$6,123	\$40,400	\$25,738	1,249



Item Name: Cyber Initiative

Budget Decision Unit(s): Criminal

Program Increase: Positions **50** Attorney **50** FTE **25** Dollars **\$15,267,000**

Description of Item

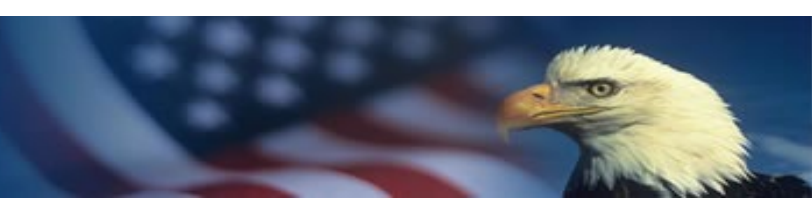
The United States Attorneys request **\$15.3 million** and **50 positions** (50 Attorneys) to counter the growing threat posed by cybercrime and secure critical United States Attorney information assets. The increased positions will address the need to pursue the rising malicious activities that threaten illegal interception of data, compromise network integrity and availability, and infringe on intellectual property. The request will also provide essential baseline training on cybercrime and digital evidence for all criminal prosecutors so that they have the knowledge and tools necessary to analyze and present digital evidence across all types of criminal cases, and ensure that forensic resources are available to prosecutors throughout the lifecycle of cybercrime cases. In addition, this request seeks cybersecurity resources that will support the defense of the data, information technology infrastructure, and applications that ensure the United States Attorney community can achieve its litigation mission.

Justification

There is widespread agreement that cybercrime is one of the greatest threats facing our country and has enormous implications for our national security, economic prosperity, and public safety. It also is clear that cyber threats are on the rise.

Recent events have demonstrated the dire threat that cybercriminals pose to our nation and the Department's need for greater resources to combat this threat. In 2020, the United States learned that the federal government and Fortune 500 companies were hacked as part of the SolarWinds breach. As part of this breach, an Advanced Persistent Threat (APT) group of Russian origin gained access to highly sensitive servers within the federal government. This unprecedented cyberattack was just one of many. Within a few months, United States companies and municipalities found themselves besieged by cybercriminals engaged in a historic number of ransomware attacks, culminating in the Colonial Pipeline incident.

These events came after a record-breaking year of cybercrime during the COVID-19 pandemic. The FBI's 2020 Internet Crime Report includes information from 791,790 complaints of suspected internet crime – an increase of more than 300,000 complaints from 2019. It is estimated that these crimes cost businesses over \$4.2 billion in lost profit. Cybercriminals victimize about one in four American households each year. Only a fraction of those crimes is ever reported, let alone successfully prosecuted. Cybercrime is one of the most prevalent forms of crime in America. The perpetrators of these cybercrimes include casual hackers using tools readily available on the dark web, hacktivists motivated by extreme ideologies, transnational



criminal organizations, and nation states. The Department requires greater resources to combat these cybercriminals.

To attack the cybercrime problem, the Department has created robust networks of attorneys across the country. Each USAO has at least one Computer Hacking and Intellectual Property (CHIP) attorney who is responsible for: (1) prosecuting computer crime and intellectual property offenses; (2) serving as the district’s legal counsel on matters relating to those offenses, and the collection of electronic or digital evidence; (3) training prosecutors and law enforcement personnel in the district; and (4) conducting public and industry outreach and awareness activities. In 2012, the Department established the National Security Cyber Specialists (NSCS) Network to coordinate the response to cyber threats – including economic espionage and trade secret theft – being conducted by nation-state actors, terrorists, or in a manner that otherwise significantly impacts national security. Each USAO has at least one NSCS attorney who provides technical and specialized assistance to his or her colleagues within the district and is a point of contact for the National Security Division (NSD) and the Criminal Division’s Computer Crime and Intellectual Property Section (CCIPS) for information sharing and deconfliction purposes. While these efforts have enhanced the Department’s ability on cyber-related cases, they have not kept up with the unprecedented rise of cybercriminals and the rapidly proliferating cybercrime tools available to anyone with an internet connection.

The cybercrimes prosecuted by CHIP and NSCS AUSAs include, but are not limited to, the following:

- Violations of the Computer Fraud and Abuse Act (CFAA).
- Unlawful access to stored communications in violation of the Electronic Communications Privacy Act.
- Illegal interception of electronic communications in violation of Title III
- Satellite signal piracy.

The number of cybercrime cases and defendants charged by the USAOs has dramatically increased in recent years. From FY 2016 to FY 2019, the number of cases filed increased by 94 percent and the number of defendants charged increased by 133 percent.¹ In FY 2020, despite delays due to the pandemic, there was a more than 30 percent increase in the number of defendants charged over FY 2016 numbers.

In addition to these offenses, there has been an uptick in criminal conduct that is “cyber-facilitated” or “cyber-related” and are cybercrime matters. Although these cases are not captured as cybercrime cases in the USAO case management system because cyber techniques are the means rather than the ultimate goal of the criminal activity, they nevertheless require a familiarity and skill with cybercrime techniques to properly investigate and prosecute. These cases include complex fraud schemes that use the internet and other technologies to victimize their targets, digital identity theft rings, dark web drug traffickers, and cryptocurrency money launderers.

¹ FY 2016: 153 cases filed against 247 defendants; FY 2017: 182 cases filed against 249 defendants; FY 2018, 242 cases filed against 403 defendants; and FY 2019: 297 cases filed against 576 defendants.



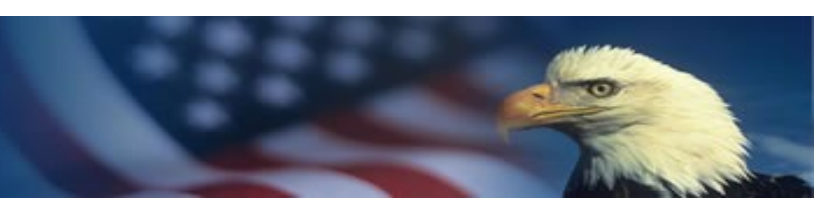
Given the growing number, scope, and complexity of the cybercrime cases being presented for prosecution to the USAOs, the United States Attorneys community requires new attorney positions that it can allocate to districts where the needs are greatest. These dedicated positions will allow the Department to increase the number of cybercrime prosecutions it handles on an annual basis, broaden the capacity of the USAOs to engage in outreach, and assist other AUSAs with cyber and digital evidence issues in their cases.

The following examples demonstrate the type of diverse and significant cybercrime prosecutions that additional resources will support and enhance:

- The USAO in the ***Eastern District of Missouri***: In September 2020, the United Kingdom (UK) extradited UK citizen Nathan Wyatt to face charges of conspiracy against the United States, aggravated identity theft, and threatening damage to a protected computer, and conspiring to commit those and other computer fraud offenses, related to his role in a computer hacking collective known as “The Dark Overlord,” which targeted victims in the St. Louis, Missouri, area beginning in 2016. <https://www.justice.gov/usao-edmo/pr/judge-sentences-uk-national-role-dark-overlord-hacking-group>
- The USAO in the ***Northern District of Georgia***: In February 2020, A federal grand jury returned an indictment charging four members of the Chinese People’s Liberation Army (PLA) with hacking into the computer systems of the credit reporting agency Equifax and stealing Americans’ personal data and Equifax’s valuable trade secrets. The nine-count indictment alleges that Wu Zhiyong, Wang Qian, Xu Ke and Liu Lei were members of the PLA’s 54th Research Institute, a component of the Chinese military. They allegedly conspired with each other to hack into Equifax’s computer networks, maintain unauthorized access to those computers, and steal sensitive, personally identifiable information of approximately 145 million American victims. <https://www.justice.gov/usao-ndga/pr/chinese-military-personnel-charged-computer-fraud-economic-espionage-and-wire-fraud>

As the frequency of cybercrime has increased, digital evidence has become ubiquitous in the prosecution of nearly every type of crime. The dark web – including darknet marketplaces and secured criminal forums – facilitate a wide range of crimes, including the distribution of illicit drugs and child pornography, the sale of forged identity documents, and the acquisition of malware. Evidence found on smart phones, tablets, computers, and other digital devices is instrumental to prosecuting all types of crimes. Despite this development, many prosecutors do not have sufficient baseline knowledge to understand how to effectively handle the ever-growing amount of digital evidence.

To ensure that digital evidence is successfully accessed, analyzed, and used in criminal cases of every variety, all prosecutors need basic training on a range of cyber topics. In particular, prosecutors must receive an overview of the types of digital evidence available, the law that governs the collection of that evidence, and the issues and techniques that allow that evidence to be effectively presented in a courtroom in cyber and non-cyber cases. Moreover, annual refresher training is necessary to ensure that prosecutors keep up with ever increasing types of digital evidence and the evolving law applicable to that evidence.



Cybersecurity

The United States Attorneys have made significant investments in foundational cybersecurity programs to protect the community and safeguard our enterprise information, personnel, and information technology infrastructure. Yet, the persistence and increasing sophistication of malicious cyber campaigns require continued investment into best-in-class cybersecurity capabilities that improve our ability to detect, deter, protect against, and respond to advanced cyber threats and incidents. Cybersecurity strives to modernize critical security requirements by improving network monitoring and continued incident responses, increasing situational awareness, conducting formal security authorizations, securing operations of interrelated systems, managing security vulnerabilities at an acceptable risk level, and documenting security guidelines. In December 2020, a Texas-based IT firm, SolarWinds, was reported as the immediate target of a complex and sophisticated cyberattack. Cybercriminals used routine computer updates as a Trojan horse to install malicious software targeting up to 18,000 SolarWinds customers, many of which are Federal agencies. Cyber threats like the SolarWinds hacking incident are constantly evolving and require the identity management, device security, threat analytics, and endpoint responses supported by this request.

The President's Executive Order 14028 of May 12, 2021, *Improving the Nation's Cybersecurity* requires the adoption of security best practices that lead to a Zero Trust Architecture (ZTA). This request provides the needed resources to develop new and expanded capabilities to reach that goal. As part of this effort, the requested resources will be leveraged to improve the United States Attorneys' threat analytics, identity management, and device and data security. These critical investments will increase our ability to monitor and manage internal information technology assets and defend them against cyberattacks and inside threats.

Impact on Performance

The requested funding is necessary to allow the USAOs to prosecute the growing number of cybercrime cases; monitor software vulnerabilities; continue to strengthen the cybersecurity tools and techniques; and expand the reach of the Department's cybercrime efforts through training and outreach; and to safeguard the data, systems, and networks essential for the United States Attorneys to meet its mission.

The requested resources will address the following Strategic Goals and Objectives:

Goal II: Keep Our Country Safe; Objective: 2.4: Enhance Cybersecurity and Fight Cybercrime.



Cyber Initiative Funding

Base Funding

FY 2021 Enacted				FY 2022 President's Budget*				FY 2023 Current Services			
Pos	Agt/ Atty	FTE	Amount (\$000)	Pos	Agt/ Atty	FTE	Amount (\$000)	Pos	Agt/ Atty	FTE	Amount (\$000)
242	193	242	64,167	252	204	252	64,167	242	193	242	64,167

*The FY 2022 President's Budget levels were planned at FY 2021 estimates (not actuals).

Personnel Increase Cost Summary

Type of Position/Series	Positions Requested	Annual Costs per Position (\$000)			FY 2023 Request (\$000)	Annualizations (\$000)	
		1st Year Adjusted Cost	2nd Year Adjusted Cost	3rd Year Full Cost (Modular)		FY 2024 (net change from 2023)	FY 2025 (net change from 2023)
Attorney (0905)	50	136.1	101.3	237.4	6,806	5,064	
Total Personnel	50				6,806	5,064	

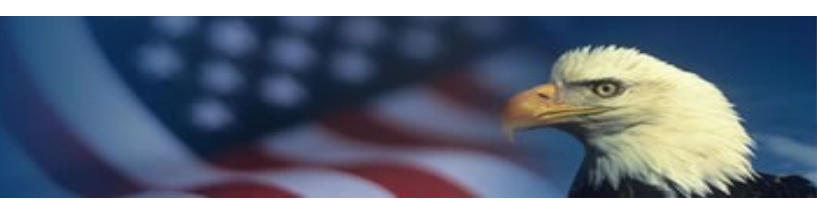
Non-Personnel Increase/Reduction Cost Summary

Non-Personnel Item	FY 2023 Request (\$000)	Unit Cost (\$000)	Quantity	Annualizations (\$000)	
				FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
Training	1,000	0	0	0	0
Cyber Security	7,461	0	0	0	0
Total Non-Personnel*	8,461	0	0	0	0

*The U.S. Attorneys will need the above non-personnel funding to address IT requirements to keep pace with cybersecurity technologies, deploy technologies across enterprise computer networks and to defend against cyber and insider threats.

Total Request for this Item

Category	Positions			Amount Requested (\$000)			Annualizations (\$000)	
	Count	Agt/ Atty	FTE	Personnel	Non-Personnel	Total	FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
Current Services	242	193	242	64,167	0	64,167	0	0
Increases	50	50	25	6,806	8,461	15,267	5,064	0
Grand Total	292	243	267	70,973	8,461	79,434	5,064	0



Item Name: **eLitigation Modernization**

Budget Decision Unit(s): Criminal Litigation, Civil Litigation, and Legal Education

Program Increase: Positions **52** Attorney **51** FTE **26** Dollars **\$26,795,000**

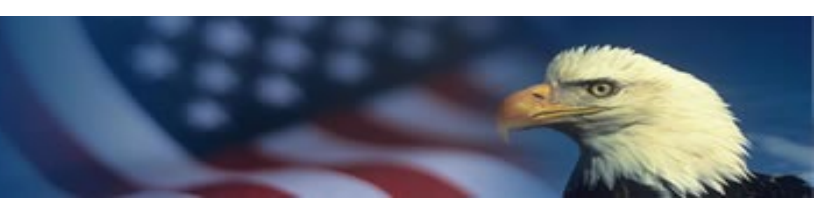
Description of Item

The United States Attorneys request **\$26.8 million** and **52 positions** (51 Attorneys) to tackle the single largest technological and procedural challenge impacting the full span of prosecutions – eLitigation. The term eLitigation refers to an integrated approach to litigating in the 21st century that encompasses the skills, training, and best practices, as well as the tools necessary to handle the processing, analysis, and presentation of evidence. This stride forward will require the United States Attorneys’ community to focus on three key areas: people, processes, and technology.

Justification

In today’s digital world, the vast majority of cases in the USAOs involve electronic evidence, and USAOs are collecting it at a rapidly growing rate. As a result, the extensive growth in quantity, complexity, and use of data in both civil and criminal prosecutions is presently taxing their abilities to execute their missions. For example, nearly every violent crime case now involves capturing, storing, and processing electronically stored information. The search of just one violent offender’s 64 GB mobile phone can equate to 4.8 million pages worth of data spread over numerous different formats such as phone call records, voice mail messages, text messages, contact lists, communications made via chat applications, photographs, videos, social media posts, internet searches, location data, trips made with ride applications, and records of purchases. Over the last six years, numerous similar cases along with the explosion of Body Worn Camera (BWC) and pole camera data have led the USAOs’ storage system to swell to more than 4 petabytes, representing more than a ten-fold increase in data storage. By 2023, the need is expected to double in size as cases continue to grow larger, thereby exceeding current storage capacity if no action is taken and threatening the access and integrity of critical case data. To effectively accommodate the imminently large inflow of data, it is essential to sufficiently scale up storage space.

While storage needs are swelling, the USAOs are playing catch-up with the rest of the legal world regarding the paradigm shift in how data is stored and managed. Private practices have moved to secure unified cloud storage and processing solutions while the USAOs continue to use outdated systems and processes to maintain case knowledge and documents. The current patchwork of storing and organizing key USAO documents includes using local computer hard drives, local district shared and non-shared servers, and district-specific cloud drive storage



space. This patchwork results in limited access to key information, lack of version control to understand case history, potential non-compliance with records retention and information management regulations, no standard approach to query or search for enterprise-wide information, and increased costs to maintain multiple, potentially duplicative document management solutions. It is essential to modernize the storage and organization of USAO knowledge, documents, and data by shifting to a secure document management system (DMS) which will provide the ability to quickly access, search, retrieve, and effectively use the information enterprise-wide.

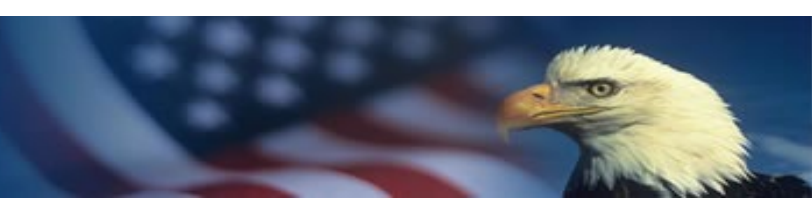
The Department recognizes the paradigm shift and has taken steps to emphasize the importance of eLitigation to the Department's mission. In 2020, the Attorney General ordered improvements to the Department's eLitigation capabilities. The Attorney General explained that the Department must have skilled personnel, acquire advanced technology, employ sound practices, develop integrated systems, and provide comprehensive training to advance its electronic litigation capabilities. Subsequent to the Attorney General's order, the Department added [Justice Manual Section 1-11.000](#), which provides that Department employees must develop and maintain eLitigation skills and that subject matter experts are expected to promote eLitigation proficiency within their components by providing training, guidance, and supervision to support effective eLitigation practices. Each USAO is required to designate criminal, civil, and technical eLitigation Coordinators.

To meet the challenges presented by this evolving landscape, and be consistent with the Department's guidance, EOUSA and the USAOs have focused on making improvements in three key areas: people, processes, and technology. While the USAOs are making great strides in areas, they also need investments in all areas to help with the shift from litigation to eLitigation and stay abreast of private practice changes in technology management.

People: \$7.9 million

We must develop attorneys and support staff who have the knowledge and skills needed to use existing and new eLitigation tools and to adapt to the ever-changing landscape of eLitigation. Attorneys are an integral part to building an effective and comprehensive eLitigation program because of their knowledge and experience with office-wide discovery and case management practices; litigation support and consultation at all stages of litigation; and engagement with law enforcement partners, client agencies, opposing counsel, and the court.

To effectively implement the USAO-wide eLitigation solution, the United States Attorneys require attorneys to serve as full-time eLitigation attorneys in the USAOs. Their role will be to guide attorneys, support staff, law enforcement, and client agencies through eLitigation; lead local eLitigation management; and draft USAO-specific policies and procedures for managing electronic case data. These individuals will serve as the subject matter experts described in the new Justice Manual provision and will lead eLitigation change in the USAOs. The positions will also assist the USAOs with the nationwide configuration, implementation, and steady-state activities associated with this initiative. Lastly, they will play an essential role in providing



programmatic support regarding eLitigation policies, resources, and best practices; meeting federal regulations for cybersecurity; and providing operational support for cloud-based eLitigation solutions.

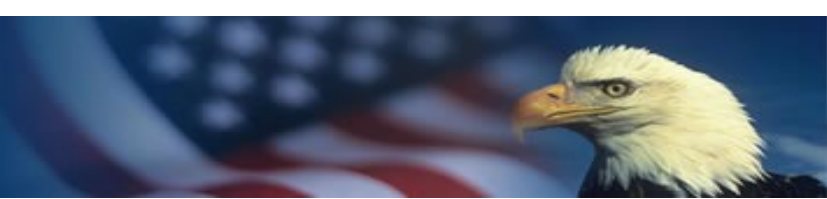
Processes: \$1.5 Million

Even with dedicated eLitigation support staff, the USAOs need sound office practices and structures to manage electronic case data. USAO managers must develop and enforce district-wide practices and litigation workflows that make full and best use of our people and technology. This also requires intensive training of the USAO managers and staff who have limited experience using the tools available in their offices. To be effective, such training is best delivered through a mix of distance, regional, and classroom methods. To ensure that attorneys and support staff possess the appropriate skills to conduct eLitigation in a defensible manner, our request is to supplement current training efforts:

- To promote the understanding and adoption of defensible eLitigation practices in the USAOs, EOUSA must offer regional, in-district baseline training, which allows the USAO personnel to learn the fundamentals of eLitigation in a setting that facilitates discussion and is tailored to the specific needs of various judicial districts. The baseline training would target approximately 200 key stakeholder employees, both attorney and support positions, across multiple regional sessions.
- To prioritize eLitigation training for the USAOs, EOUSA must offer new and additional eLitigation residential courses at the National Advocacy Center (NAC) on a regular basis. The training would target the approximately 200 employees each year and feature material tailored to attorney and support positions.
- To reach more users across our geographically expansive community, EOUSA must expand its existing Virtual Classroom technology, which enables attorneys and support staff to receive real-time, hands-on training on eLitigation tools at their local desktops. At a minimum, this training would target in excess of 600 individuals each year, including initial eLitigation basic training, as well as advanced coursework for more experienced USAO personnel.

Technology: \$17.4 Million

To meet the challenges eLitigation presents to USAOs, the community must obtain reliable and modern eLitigation tools while also increasing the infrastructure to support them. Private practice is moving away from the types of desktop applications used by the USAOs, and many eDiscovery vendors are no longer offering on-premises digital solutions. During the initial stages of this private-sector driven transition, EOUSA will need significant resources in FY 2023 to implement, deploy, and operate tools and cloud-based technologies to support eLitigation in the USAOs:

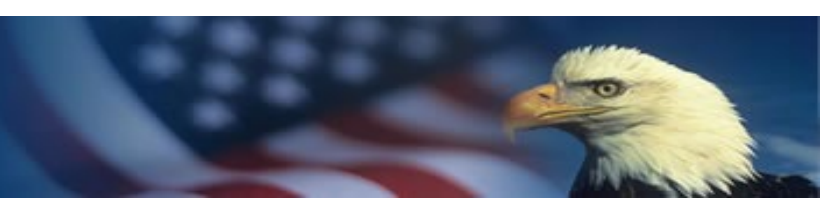


- The USAOs require a robust, cloud-based document review and eDiscovery platform that provides end-to-end self-service functionality across the processing, review, and production stages of the eDiscovery lifecycle.
- Implementation of a DMS is critical to modernizing the storage and organization of USAO knowledge, documents, and data. Serving as a secure repository for electronic documents that integrates with most common applications and the existing case management system, the DMS will centralize all necessary records for robust queries and searches while also providing key version control functionality. In addition, the DMS solution will comply with the *May 12, 2021, Executive Order on Improving the Nation's Cyber Security* which directed all federal agencies to accelerate movement to secure cloud services including Software as a Service (SaaS). The implementation of a single SaaS in all 94 USAOs will secure, centralize, and streamline access to the data stored and received by those offices.

Impact on Performance

To create an integrated approach to litigating in the 21st century, additional resources are necessary to avoid or minimize any serious litigation risks for the Department.

The requested resources will support all the Strategic Goals and Objectives.



eLitigation Modernization Funding

Base Funding

FY 2021 Enacted				FY 2022 President's Budget				FY 2023 Current Services			
Pos	Agt/Atty	FTE	Amount (\$000)	Pos	Agt/Atty	FTE	Amount (\$000)	Pos	Agt/Atty	FTE	Amount (\$000)
160	6	160	36,081	275	6	189	56,081	275	6	275	66,744

Personnel Increase Cost Summary

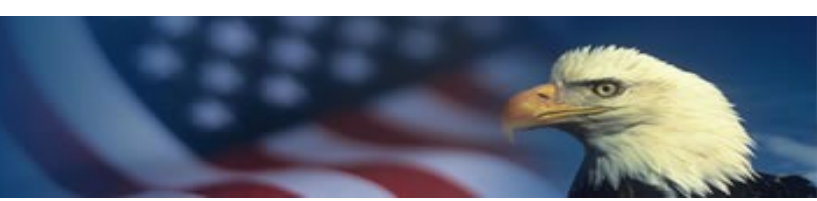
Type of Position/Series	Positions Requested	Annual Costs per Position (\$000)			FY 2023 Request (\$000)	Annualizations (\$000)	
		1st Year Adjusted Cost	2nd Year Adjusted Cost	3rd Year Full Cost (Modular)		FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
Attorney (0905)	51	136.1	101.3	237.4	6,942	5,114	0
Info Technology Mgmt. (2210)	1	117.5	88.0	205.5	118	88	0
Total Personnel	52				\$7,060	\$5,202	0

Non-Personnel Increase/Reduction Cost Summary

Non-Personnel Item	FY 2023 Request (\$000)	Unit Cost (\$000)	Quantity	Annualizations (\$000)	
				FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
Data Storage, Bandwidth Increase, and software, Contractor Funding	18,235	0	0	0	0
Training	1,500	0	0	0	0
Total Non-Personnel	\$19,735	0	0	0	0

Total Request for this Item

Category	Positions			Amount Requested (\$000)			Annualizations (\$000)	
	Count	Agt/Atty	FTE	Personnel	Non-Personnel	Total	FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
Current Services	275	6	275	39,379	27,366	66,744	0	0
Increases	52	51	26	7,060	19,735	26,795	5,202	0
Grand Total	327	57	301	46,439	47,101	93,539	5,202	0



Item Name: Civil Rights Initiative

Budget Decision Unit(s): Criminal Litigation and Civil Litigation

Program Increase: Positions 60 Attorney 60 FTE 30 Dollars \$8,167,000

Description of Item

The United States Attorneys request **\$8.2 million** and **60 positions** (60 Attorneys) to build a sustainable level of civil and criminal civil rights prosecutions and civil enforcement actions in select USAOs. This investment will institutionalize the Department's civil rights priority and ensure a lasting increase in enforcement levels nationally.

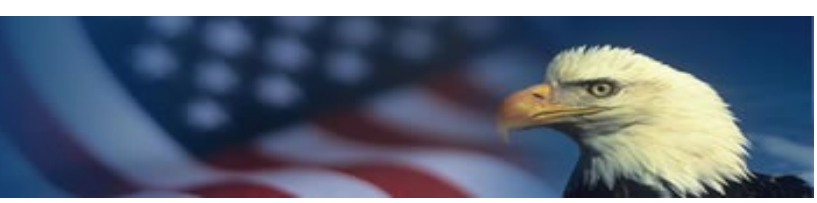
The USAOs, in their partnership with the Civil Rights Division (Division), have historically worked to support a core mission of the Department to protect our most vulnerable populations. Providing the requested position allocations for USAOs will enable them to assign more attorneys to focus their efforts on civil rights work, which will support local communities and reflect the Department's commitment to society's most vulnerable members.

Justification

In the existing partnership between the United States Attorneys and the Division, the USAOs add value as force multipliers in civil rights prosecutions and civil enforcement actions. The United States Attorneys have led, supported, and partnered on a broad range of civil rights enforcement issues including, but not limited to: hate crimes; human trafficking; disability rights, including *Olmstead* enforcement; fair housing; employment; servicemembers' and veterans' rights; religious land use; civil rights of institutionalized persons; violent crime control and law enforcement (Section 14141 cases); educational issues involving bullying and the school to prison pipeline; and voting rights and election cases.

Hate Crimes

The requested civil rights resources will support the Department's efforts to combat hate crimes and enhance the USAOs' ability to meet the Attorney General's call to strengthen the Department's hate crime response. On May 20, 2021, the President signed the COVID-19 Hate Crimes Act and Jabara-Heyer NO HATE Act into law (P.L. 117-13). At the same time, the Department underwent an Attorney General-directed review to determine how the Department can better combat hate crime. One week later, the Attorney General announced a series of actions to implement the Act's provisions and to counter hate crime and hate incidents. The USAOs will participate in these efforts in several ways, such as by assisting the increase in local reporting of hate crimes and incidents, designating both civil and criminal attorneys as local



Civil Rights Coordinators and creating district-wide alliances against hate to deepen partnerships between law enforcement agencies and communities. To be successful, the USAOs must proactively engage with the communities they serve to build trust and increase the likelihood that citizens will report acts of hate when they occur. Further, a successful prosecution strategy involves partnering with state and local officials, since many hate crime reports start at the local level. Additional attorney positions dedicated to civil rights will enable the USAOs to employ attorneys to focus on prosecuting hate crimes, as well as dedicate time to these important partnership efforts.

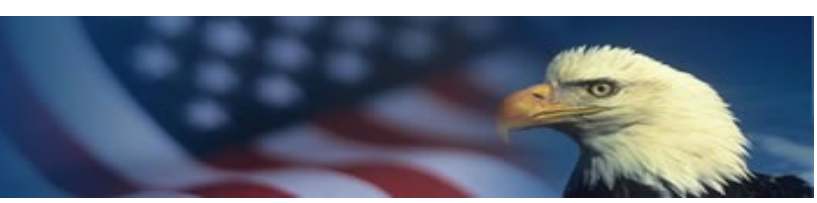
Civil Enforcement

Civil attorney resources will support the critical partnership with the Civil Rights Division on civil enforcement matters. In stark contrast to criminal enforcement, attorneys and support staff on the civil side typically conduct their own investigations; this requires significant time and effort as cases are developed. Consequently, additional civil attorneys dedicated to civil rights work will enable USAOs to conduct and supervise more investigations and bring more successful enforcement actions. The USAOs will leverage these attorney positions to increase their work on various civil enforcement initiatives such as preventing sexual harassment in housing, ensuring every person has a safe place to worship, and enforcing veterans' rights. Civil attorneys will also partner with the Civil Rights Division in support of important voting rights matters and police pattern and practice investigations, both of which are complex enforcement subject areas that require a deep level of involvement from the USAO attorneys. Dedicated resources will enable this intense level of participation by the USAOs.

Civil enforcement is also an important aspect of an effective hate crimes prevention program, and additional attorneys will enhance the USAOs' hate crime efforts in two ways. First, acts of hate do not always rise to the level of federal hate crimes, and attorneys can utilize civil enforcement in situations when civil statutes provide remedies when federal hate crime statutes do not. And second, civil rights enforcement attorneys are often the USAO personnel who are most involved in ongoing civil rights outreach to affected communities, and therefore, they are well-positioned to participate in outreach relative to hate crimes.

Criminal Enforcement

In addition to enhancing the Department's hate crime work, new criminal positions will enable USAOs to tackle more complex and challenging human trafficking cases. All trafficking cases require extensive resources, but labor trafficking cases, in particular, require deep prosecutor involvement in investigations. To address this need, the USAOs and the Civil Rights Division's Human Trafficking Prosecution Unit participate in Anti-Trafficking Coordination Teams (ACTeams) that place special emphasis on the labor trafficking threat. These teams are headed by a USAO attorney and are comprised of prosecutors and agents from multiple federal enforcement agencies who have developed strategic action plans to combat human trafficking. These ACTeams currently exist in a handful of the USAOs, and additional attorney resources would enable this program to grow. In addition to the ACTeams, all other USAOs participate in task forces to combat sex and/or labor trafficking—often with state and local law enforcement



partners, community groups, and victim service organizations—and more prosecutors would strengthen this work. Attorneys would raise awareness of trafficking, educate the community about potential trafficking indicators and teach community members how to report suspected trafficking. Collaboration with the community and victim service partners is critical to developing successful human trafficking cases, and it takes significant effort. New resources would allow more work toward developing these important partnerships, while maintaining or increasing prosecutions.

Community Engagement and Outreach

While the primary focus of the USAO civil rights efforts in support of the Division is the litigation of civil rights issues specific to their individual districts, the USAOs also have the opportunity, skill, and ability to conduct local outreach and to assist the Department by having a local representative present to address issues that need immediate attention. The USAOs know their local communities and can perform effective engagement and outreach in coordination with the Division and the Community Relations Service (CRS). Indeed, the Attorney General’s recent memorandum on hate crimes requires the USAOs to undertake such activities. While some USAOs have partnered with federal agencies, community leaders, law enforcement officials, educators, and other stakeholders to educate the community to prevent civil rights violations, many offices are unable to devote resources to such initiatives due to their caseloads. With additional resources, the USAOs can increase their civil rights outreach initiatives in various ways including:

- Leading outreach that builds community resilience against ideologically based extremist violence.
- Conducting hate crime forums designed to educate the public about the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act and to increase reporting.
- Pursuing civil rights training for state and local law enforcement officers.
- Engaging with local schools on anti-bullying presentations, specifically geared at preventing harassment in the schools based on race, religion, sexual orientation.

Impact on Performance

Dedicated civil rights positions will enable the USAOs to focus their efforts on fighting hate crimes and developing more complicated trafficking cases, as prosecutors will not be required to split their time with other criminal dockets such as white collar, gang, or drug cases. The United States Attorney community is committed to serving as partners with the Civil Rights Division in this work to protect the most vulnerable in our communities.

The requested resources will address the following Strategic Goals and Objectives:

Goal III: Protect Civil Rights; Objective: 3.2: Combat Discrimination and Hate Crimes.



Civil Rights Initiative Funding

Base Funding

FY 2021 Enacted				FY 2022 President's Budget*				FY 2023 Current Services			
Pos	Agt/ Atty	FTE	Amount (\$000)	Pos	Agt/ Atty	FTE	Amount (\$000)	Pos	Agt/ Atty	FTE	Amount (\$000)
142	118	142	\$34,275	130	108	130	\$31,961	142	118	142	\$34,275

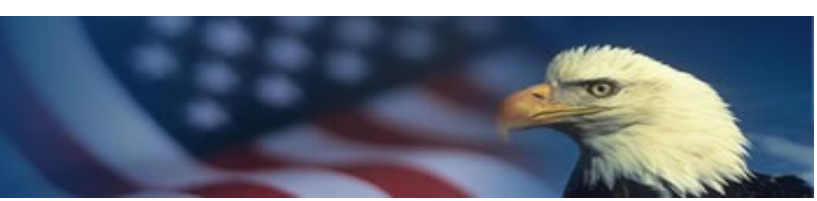
* The FY 2022 President's Budget levels are based on FY 2021 estimates (not actuals).

Personnel Increase Cost Summary

Type of Position/Series	Positions Requested	Annual Costs per Position (\$000)			FY 2023 Request (\$000)	Annualizations (\$000)	
		1st Year Adjusted Cost	2nd Year Adjusted Cost	3rd Year Full Cost (Modular)		FY 2024 (net change from 2023)	FY 2025 (net change from 2023)
Attorneys (0905)	60	136.1	101.3	237.4	8,167	6,077	
Total Personnel	60				8,167	6,077	

Total Request for this Item

Category	Positions			Amount Requested (\$000)			Annualizations (\$000)	
	Count	Agt/ Atty	FTE	Personnel	Non- Personnel	Total	FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
Current Services	142	118	142	34,275	0	34,275	0	0
Increases	60	60	30	8,167	0	8,167	6,077	0
Grand Total	202	178	172	42,442	0	42,442	6,077	0



Item Name: **White Collar Crime Investigations**

Budget Decision Unit(s): Criminal

Program Increase: Positions **15** Attorneys **0** FTE **8** Dollars **\$2,000,000**

Description of Item

The United States Attorneys request **\$2.0 million** and **15 positions** to successfully investigate all forms of criminal white collar crimes and related enforcement matters. This funding will ensure that USAOs are equipped with positions to adequately address the varying forms of white collar crimes, to include financial institution fraud, corporate fraud, health care fraud, procurement fraud, intellectual property violations, and other financial crimes (insurance, telemarketing, and identity theft). These crimes are characterized by deceit, concealment, or violation of trust and are not dependent on the application or threat of physical force or violence. The motivation behind these crimes is most often financial, to obtain or avoid losing money, property, or services or to secure a personal or business advantage. The United States Attorneys will make every effort to ensure a sustained economic recovery by deterring the nation's white collar offenders.

Justification

There is widespread agreement that white collar crime, especially corporate and financial crimes, remains a significant threat facing our economic prosperity, and public safety. The United States Attorneys continue to make white collar crime a priority for enforcement and serve a unique and essential role in the Department of Justice's fight against sophisticated economic crimes, corporate criminal cases, and multi-jurisdictional investigations and prosecutions. Many of these types of crimes are difficult to prosecute because the perpetrators use sophisticated means to conceal their activities through a series of complex transactions. These schemes can have a significant impact on individual financial stability as well as our economy. The United States Attorneys and their investigative partners are working to identify these criminal activities as they emerge so law enforcement can address these crimes in a timely and comprehensive manner.

USAOs work frequently with federal and local law enforcement, regulatory, and other prosecutorial partners to identify, investigate, and prosecute sophisticated white collar crime. These partners include federal regulators such as the United States Securities and Exchange Commission (SEC), the Commodity Futures Trading Commission, and the Federal Deposit Insurance Corporation, as well as local law enforcement partners such as state attorney general offices and local police departments. The USAOs have formed and participated in a variety of working groups and task forces to combat white collar crime such as securities fraud, bankruptcy fraud, healthcare fraud, elder abuse, and pandemic-related fraud.

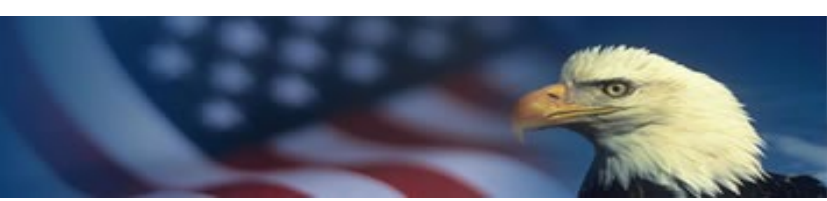


While these partnerships are extremely valuable, the USAOs need additional investigative capacity specific to white collar cases. The requested funding will allow the USAOs to investigate and prosecute white collar cases that would not otherwise have been brought due to a lack of investigative resources. Furthermore, these investigative positions will be allocated to districts that handle the most white collar matters in order to maximize their impact. These districts tend to be more highly populated urban districts where there are greater opportunities to commit such offenses due to the greater presence of financial institutions, investors, large business communities and corporations, and medical facilities. These districts also tend to have the highest competing demands for investigative resources due to, among other types of crime, opioid trafficking and violent crime.

The funding will also assist the USAOs with civil enforcement actions. Some USAO investigative partners, such as the FBI, are unable to provide support to civil enforcement actions, which are critical to recovering taxpayer funds and holding bad actors accountable in situations where criminal charges may not be appropriate. The funding would have significant impact on the ability of the USAOs to bring such matters.

USAOs around the country have made progress over the past several years in uncovering and prosecuting white collar crime. Several recent investigations have shown that when financial crimes are perpetrated, it costs investors billions of dollars and thousands of workers lose their jobs. Corporate fraud has become a significant problem. Losses in these types of cases have ranged from millions to billions of dollars and white collar crime and fraud impact a growing number of our citizens.

- The USAO in the ***Northern District of Illinois***: In August 2021, a Chicago financial adviser, Marcus Boggs was sentenced to three and a half years in federal prison for swindling more than \$3 million from clients, including a man who received compensation from the State of Illinois in a wrongful conviction settlement. Boggs represented to clients and his employer, an investment advisory firm, that he would use client funds to buy and sell securities. Boggs spent more than \$3 million of his clients' funds over a 10-year period to pay his personal credit cards and the mortgage on his residence. His credit card purchases included international vacations, expensive dinners at restaurants, and rent for multiple apartments that Boggs leased in Chicago. One of the defrauded clients lost over \$800,000 in proceeds from a civil settlement related to a wrongful conviction suit after retaining Boggs to manage and invest his money. <https://www.justice.gov/usao-ndil/pr/financial-adviser-sentenced-three-and-half-years-prison-swindling-millions-clients>
- The USAO in the ***Eastern District of Virginia***: In September 2021, Daryl Bank, a former Virginia Beach investment advisor was sentenced to 35 years in prison, for his role in a nationwide investment fraud scheme that resulted in over \$25 million in losses to more than 300 victims, most of whom were elderly. Bank, along with his co-conspirators, deceived hundreds of unsuspecting investors, most of whom were at or near retirement age, by fraudulently convincing them to invest in companies owned and controlled by Bank. Bank and his co-conspirators made material misrepresentations and omissions to sell illiquid,



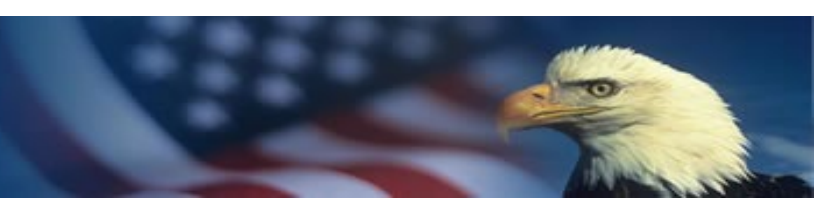
highly speculative investment vehicles. Based on these fraudulent representations, unsuspecting investors cashed out of 401(k) and other retirement accounts to invest in Bank’s investments, without knowing that Bank immediately transferred 20–70 percent of the investors’ funds to other companies that he controlled in the form of purported “fees,” much of which he ultimately spent on luxury and designer goods. <https://www.justice.gov/usao-edva/pr/virginia-beach-investment-advisor-and-williamsburg-attorney-sentenced-25-million>

Impact on Performance

The funding is necessary to allow the USAOs to investigate white collar criminal crimes throughout the country. These are not victimless crimes, as a single scam can destroy a company, devastate families by wiping out their life savings, or cost investors billions of dollars. The USAOs will continue to achieve tremendous results in combating these crimes by using its skills to track down the culprits and stop scams.

The requested resources will address the following Strategic Goals and Objectives:

Goal IV: Ensure Economic Opportunity & Fairness; Objective: 4.2: Combat Corruption, Financial Crime, and Fraud.



White Collar Crime Investigations Funding

Base Funding

FY 2021 Enacted				FY 2022 President's Budget				FY 2023 Current Services			
Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)	Pos	Atty	FTE	\$(000)
1,328	903	1,328	248,268	1,328	903	1,328	248,268	1,328	903	1,328	248,268

Personnel Increase Cost Summary

Type of Position/Series	Positions Requested	Annual Costs per Position (\$000)			FY 2023 Request (\$000)	Annualizations (\$000)	
		1st Year Adjusted Cost	2nd Year Adjusted Cost	3rd Year Full Cost (Modular)		FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
Investigative Specialist (1801)	15	98.7	74.0	172.7	1,480	1,110	0
Total Personnel	15				\$1,480	\$1,110	0

Non-Personnel Increase Cost Summary

Non-Personnel Item	FY 2023 Request (\$000)	Unit Cost (\$000)	Quantity	Annualizations (\$000)	
				FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
Training	520	0	0	0	0
Total Non-Personnel	\$520	0	0	0	0

Total Request for this Item

Category	Positions			Amount Requested (\$000)			Annualizations (\$000)	
	Count	Agt/Atty	FTE	Personnel	Non-Personnel	Total	FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
Current Services	1,328	903	1,328	248,268	0	248,268	0	0
Increases	15	0	8	1,480	520	2,000	1,110	0
Grand Total	1,343	903	1,336	\$249,748	\$520	\$250,268	\$1,110	0



VII. EXHIBITS

