

U.S. Department of Justice



FY 2020 Annual Performance Report



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This Report's Purpose and Reporting Process

This document is the Department of Justice's Annual Performance Report (APR) for FY 2020. The APR provides past performance data and highlights some of the Department's accomplishments in FY 2020. The FY 2022 Annual Performance Plan (APP) will be issued under a separate cover, at a later date. The APP will focus on the Department's future performance plans and the Attorney General's priorities for the agency. Both the APR and APP represent a continuing step forward in the Department's efforts to implement the tenets of performance based management which is at the heart of the Government Performance and Results Modernization Act of 2010 (GPRA Modernization Act). The APR and APP enable the President, Congress, and the American public to both understand and assess the Department of Justice's annual performance. The APR and APP are prepared under the direction of the Department's Chief Financial Officer (CFO) and the Performance Improvement Officer (PIO). The APR is aligned to the Department's FY 2018 – FY 2022 Strategic Plan which is available on the Department's website at:

<https://www.justice.gov/jmd/page/file/1071066/download>

The FY 2018 – FY 2022 Strategic Plan includes 4 strategic goals and 11 strategic objectives that are highlighted throughout this report.

Organization of the Report

Section I – Overview

This section includes summary information regarding the Department's mission and organization, resources, and key performance measures.

Section II – Performance Information by Strategic Goal/Objective

This section reports on the Department's 39 key performance measures by program objective, including FY 2020 target and actual performance metrics, and whether targeted performance levels were or were not achieved.

Section III – Appendix

This section contains a list of acronyms used in this report and a list of Department websites.

Section I: Overview



Established July 1, 1870 (28 U.S.C. §§ 501 and 503), the Department of Justice (DOJ or the Department) is headed by the Attorney General of the United States.

The structure of the Department has changed over the years, with the addition of a Deputy Attorney General, Associate Attorney General, Assistant Attorneys General, and the formation of Divisions and components; unchanged is the Department's commitment and response to securing equal justice for all, enhancing respect for the rule of law, and making America a safer and more secure Nation.

Our Mission

The mission of the Department of Justice, as reflected in the Strategic Plan for fiscal years (FY) 2018 – 2022 is as follows:

To enforce the law and defend the interests of the United States according to the law; to ensure public safety against threats foreign and domestic; to provide federal leadership in preventing and controlling crime; to seek just punishment for those guilty of unlawful behavior; and to ensure fair and impartial administration of justice for all Americans.

In carrying out the Department's mission, we are guided by the following core values:

Equal Justice Under Law: Upholding the laws of the United States is the solemn responsibility entrusted to DOJ by the American people. The Department enforces these laws fairly and uniformly to ensure that all Americans receive equal protection and justice.

Honesty and Integrity: DOJ adheres to the highest standards of ethical behavior, cognizant that, as custodians of public safety, its motives and actions must be above reproach.

Commitment to Excellence: The Department seeks to provide the highest levels of service to the American people. DOJ is an effective and responsible steward of taxpayers' dollars.

Respect for the Dignity and Worth of Each Human Being: Those who work for the Department treat each other and those they serve with fairness, dignity, and compassion. They value differences in people and ideas. They are committed to the well-being of employees and to providing opportunities for individual growth and development.

Strategic Goals and Objectives

The Department's strategic and annual planning processes stem from our mission and core values. The Department understands that improved performance is realized through greater focus on mission, agreement on goals and objectives, and timely reporting of results. Thus, strategic planning is the first step in an iterative performance planning and implementation cycle. This cycle involves setting long-term goals and objectives, translating these goals and objectives into budgets and program plans, implementing programs, monitoring performance, and evaluating results. In this cycle, the Department's FY 2018 – FY 2022 Strategic Plan provides the overarching framework for component and function specific plans, as well as annual performance plans, budgets, and reports.

Performance Management

The GPRA Modernization Act aligns agency strategic planning to Presidential election and Administration transition cycles. As a result, the DOJ FY 2018 – FY 2022 Strategic Plan established a new set of strategic priorities that began in FY 2018. This year's Strategic Objective Review (SOR) focused on "performance and results," as well as actions taken to address management challenges, and recommendations to improve program outcomes and better position DOJ to achieve mission and associated, long-term goals and objectives. As part of the SOR process, DOJ is reenergizing its performance management approach to strengthen a results oriented culture. Thus, this year's SOR findings and assessments incorporated a strong emphasis on Enterprise Risk Management (ERM), including identifying both opportunities and areas of concern. This year's SOR also included a focus on evidence building activities and DOJ's ability to implement a Department-wide Evaluation Program in accordance with Evidence Act requirements.

Strategic Goals and Objectives



Secure the Borders and Enhance Immigration Enforcement and Adjudication

- ◆ 2.1 Prioritize criminal immigration enforcement
- ◆ 2.2 Ensure an immigration system that respects the rule of law, protects the safety of U.S. Citizens and serves the national interest



Promote Rule of Law, Integrity, and Good Government

- ◆ 4.1 Uphold the rule of law and integrity in the proper administration of justice
- ◆ 4.2 Defend first amendment rights to exercise religion and free speech
- ◆ 4.3 Pursue regulatory reform initiatives
- ◆ 4.4 Achieve management excellence

Enhance National Security and Counter the Threat of Terrorism

- ◆ 1.1 Disrupt and defeat terrorist operations
- ◆ 1.2 Combat cyber-based threats and attacks
- ◆ 1.3 Combat unauthorized disclosures, insider threats, and hostile intelligence activities



Reduce Violent Crime and Promote Public Safety

- ◆ 3.1 Combat violent crime, promote safe communities, and uphold the rights of victims of crime
- ◆ 3.2 Disrupt and dismantle drug trafficking organizations to curb opioid and other illicit drug

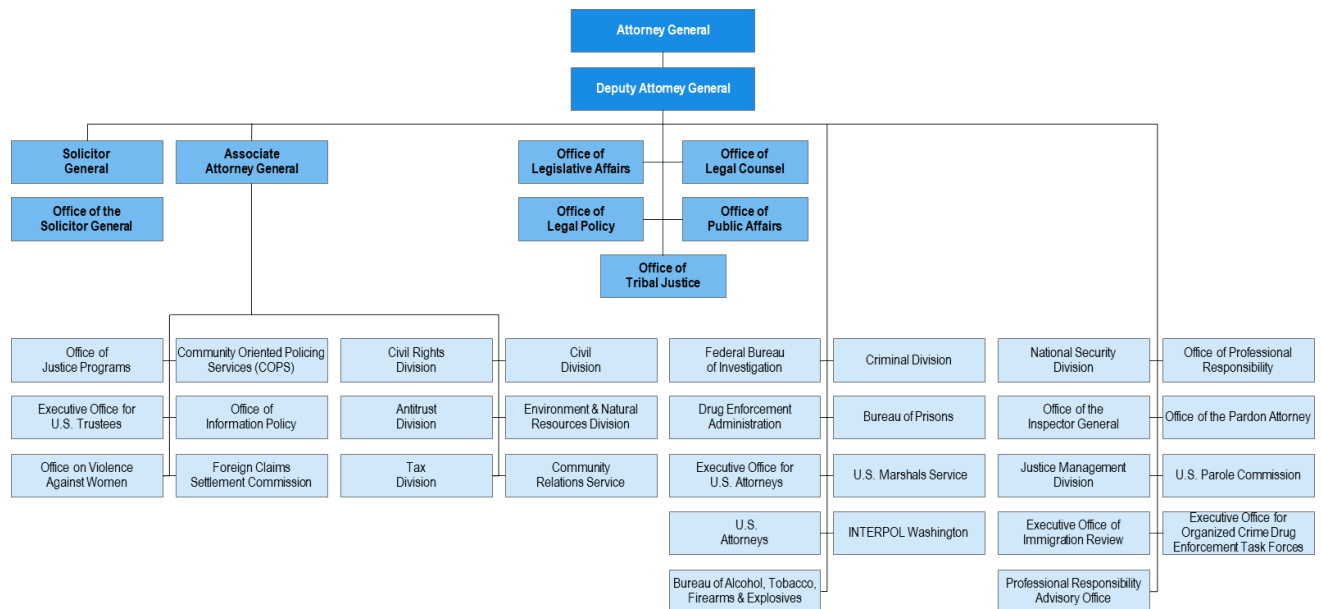


Organizational Structure

Led by the Attorney General, the Department is comprised of forty separate component organizations. There are over 115,000 employees who ensure that the individual component missions, and the overarching Department goals, are carried out. These include the U.S. Attorneys (USAs) who prosecute offenders and represent the United States government in court; the major investigative agencies – the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA), and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), which deter and investigate crimes and arrest criminal suspects; the U.S. Marshals Service (USMS), which protects the federal judiciary, apprehends fugitives, and detains persons in federal custody; the Federal Bureau of Prisons (BOP), which confines convicted offenders; and the National Security Division (NSD), which brings together national security, counterterrorism, counterintelligence, and foreign intelligence surveillance operations under a single authority.

The Department’s litigating divisions represent the rights and interests of the American people and enforce federal criminal and civil laws. The litigating divisions are comprised of the Antitrust (ATR), Civil (CIV), Civil Rights (CRT), Criminal (CRM), Environment and Natural Resources (ENRD), and Tax (TAX) Divisions. The Office of Justice Programs (OJP), the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) provide leadership and assistance to state, local, and tribal governments. Other major Departmental components include the Executive Office for U.S. Trustees (UST), the Justice Management Division (JMD), the Executive Office for Immigration Review (EOIR), the Community Relations Service (CRS), the Office of the Inspector General (OIG), and several offices that advise the Attorney General on policy, law, legislation, tribal justice matters, external affairs, and oversight. Headquartered in Washington, D.C., the Department conducts its work in offices located throughout the country and overseas.

Figure 1: Organization Chart



Financial Structure

The Department's financial reporting structure is comprised of nine principal components.

Component

- | | |
|---|---|
| ◆ Assets Forfeiture Fund and Seized Asset Deposit Fund (AFF/SADF) | ◆ Federal Bureau of Investigation (FBI) |
| ◆ Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) | ◆ Federal Prison Industries, Inc. (FPI) |
| ◆ Federal Bureau of Prisons (BOP) | ◆ Office of Justice Programs (OJP) |
| ◆ Drug Enforcement Administration (DEA) | ◆ Offices, Boards and Divisions (OBDs)* |
| | ◆ U.S. Marshals Service (USMS) |

*OBDs Offices

- | | |
|--|---|
| ◆ Office of the Attorney General | ◆ Office of Legal Counsel |
| ◆ Office of the Deputy Attorney General | ◆ Office of Legal Policy |
| ◆ Office of the Associate Attorney General | ◆ Office of Legislative Affairs |
| ◆ Community Relations Service | ◆ Office of Professional Responsibility |
| ◆ Executive Office for Immigration Review | ◆ Office of Public Affairs |
| ◆ Executive Office for U.S. Attorneys | ◆ Office of the Inspector General |
| ◆ Executive Office for U.S. Trustees | ◆ Office of the Pardon Attorney |
| ◆ Executive Office for Organized Crime Drug Enforcement Task Force | ◆ Office of the Solicitor General |
| ◆ INTERPOL Washington | ◆ Office of Tribal Justice |
| ◆ Office of Community Oriented Policing Services | ◆ Office on Violence Against Women |
| ◆ Office of Information Policy | ◆ Professional Responsibility Advisory Office |
| | ◆ U.S. Attorneys |

Boards

- | | |
|--|--------------------------|
| ◆ Foreign Claims Settlement Commission | ◆ U.S. Parole Commission |
|--|--------------------------|

Divisions

- | | |
|-------------------------|--|
| ◆ Antitrust Division | ◆ Environmental and Natural Resources Division |
| ◆ Civil Division | ◆ Justice Management Division |
| ◆ Civil Rights Division | ◆ National Security Division |
| ◆ Criminal Division | ◆ Tax Division |

FY 2020 Resource Information

Figure 2: FY 2020 DOJ Employees On Board by Component
(Over 115,000 Employees)

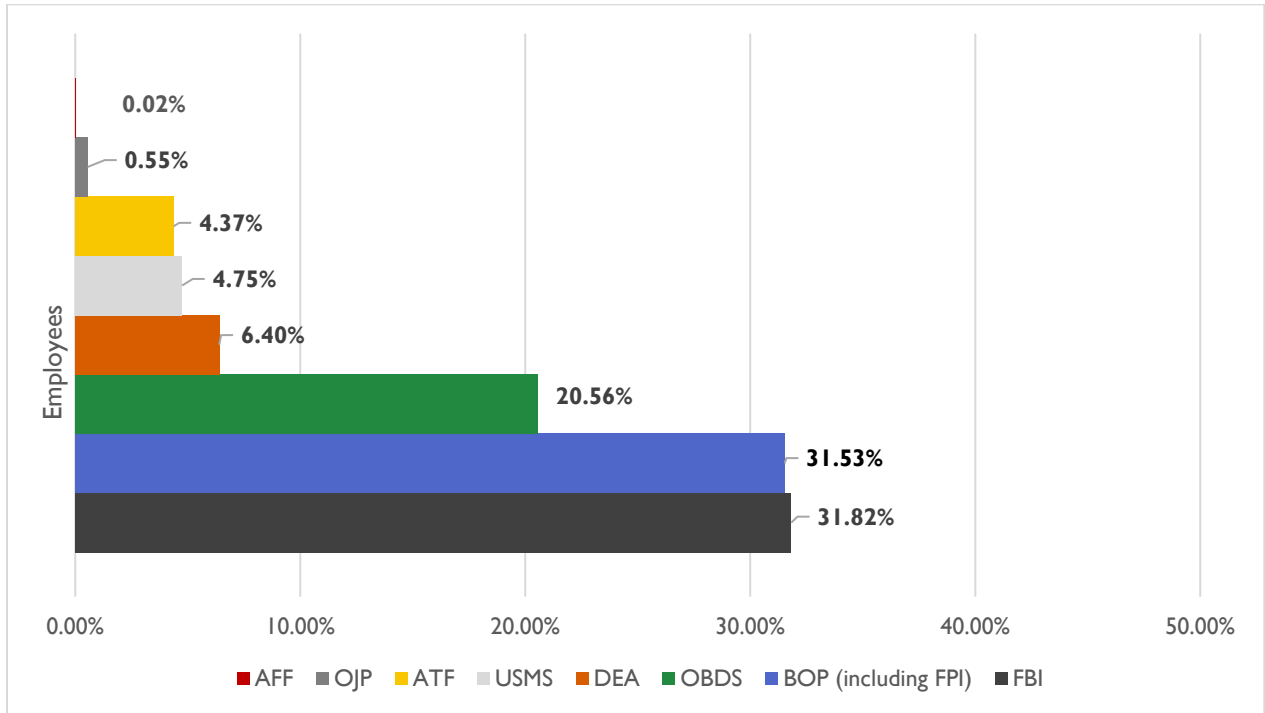
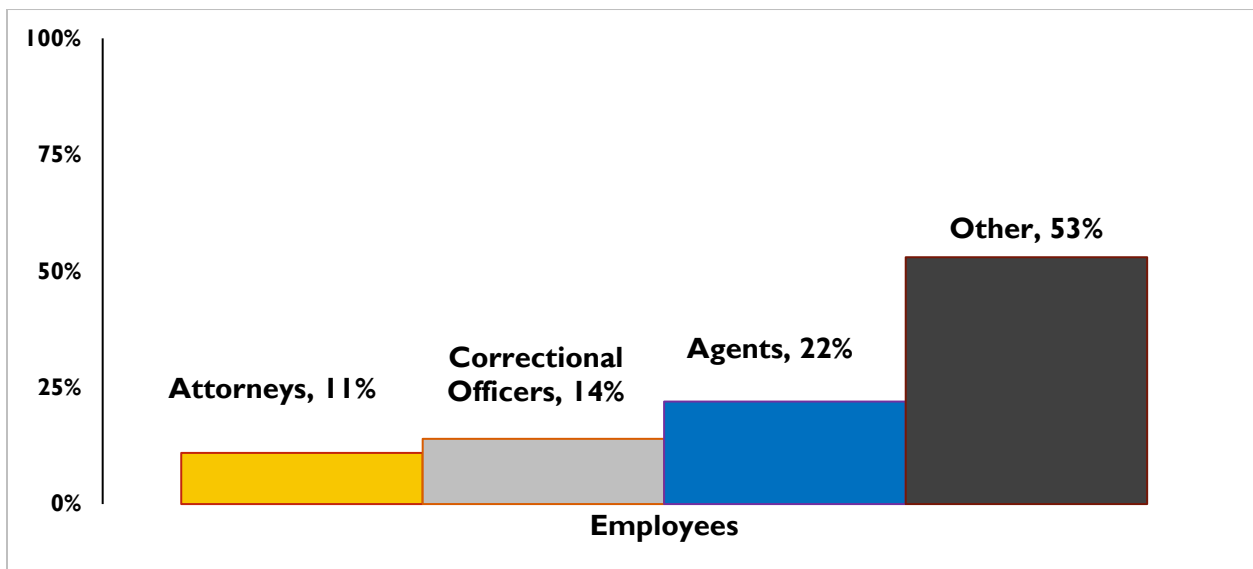


Figure 3: FY 2020 DOJ Employees On Board by Category
(Attorneys, Correctional Officers, Agents, and Other*)



*"Other" includes pay class categories such as paralegals, intelligence analysts, financial managers, procurement officers, evidence technicians, and security specialists

Table 1: Sources of DOJ Resources
(Dollars in Millions)

Source	FY 2020	FY 2019	% Change
Earned Revenue:	\$ 3,139	\$ 3,000	4.65%
Budgetary Financing Sources:			
Appropriations Received	33,762	31,355	7.68%
Appropriations Transferred-In/Out	948	971	(2.33%)
Nonexchange Revenues	583	909	(35.87%)
Donations and Forfeitures of Cash and Cash Equivalents	1,180	2,516	(53.09%)
Transfers-In/Out Without Reimbursement	(79)	(119)	33.79%
Other Adjustments	(217)	(1,072)	79.79%
Other Financing Sources:			
Donations and Forfeitures of Property	566	360	57.04%
Transfers-In/Out Without Reimbursement	(.6)	1.6	(138.10%)
Imputed Financing	819	1051	(22.05%)
Other Financing Sources	(15)	(11)	(35.05%)
Total DOJ Resources	\$ 40,687	\$ 38,961	4.43%

Table 2: How DOJ Resources Are Spent
(Dollars in Millions)

Strategic Goal	FY 2020	FY 2019	% Change
SG1: Enhance National Security and Counter the Threat of Terrorism			
Gross Cost	6,365	7,240	
Less: Earned Revenue	276	262	
Net Cost	6,089	6,978	(12.74%)
SG2: Secure the Borders and Enhance Immigration Enforcement and Adjudication			
Gross Cost	934	854	
Less: Earned Revenue	15	16	
Net Cost	919	838	9.64%
SG3: Reduce Violent Crime and Promote Public Safety			
Gross Cost	28,276	28,862	
Less: Earned Revenue	1,807	1,834	
Net Cost	26,468	27,028	(2.07%)
SG4: Promote Rule of Law, Integrity, and Good Government			
Gross Cost	5,566	5,844	
Less: Earned Revenue	1,040	887	
Net Cost	4,526	4,956	(8.68%)
Total Gross Cost	41,141	42,800	
Less: Total Earned Revenue	3,139	3,000	
Total Net Cost of Operations	38,002	39,800	(4.52%)

Figure 4: Comparison of Net Costs by Strategic Goal (SG) – FY 2020 and 2019
(Dollars in Millions)

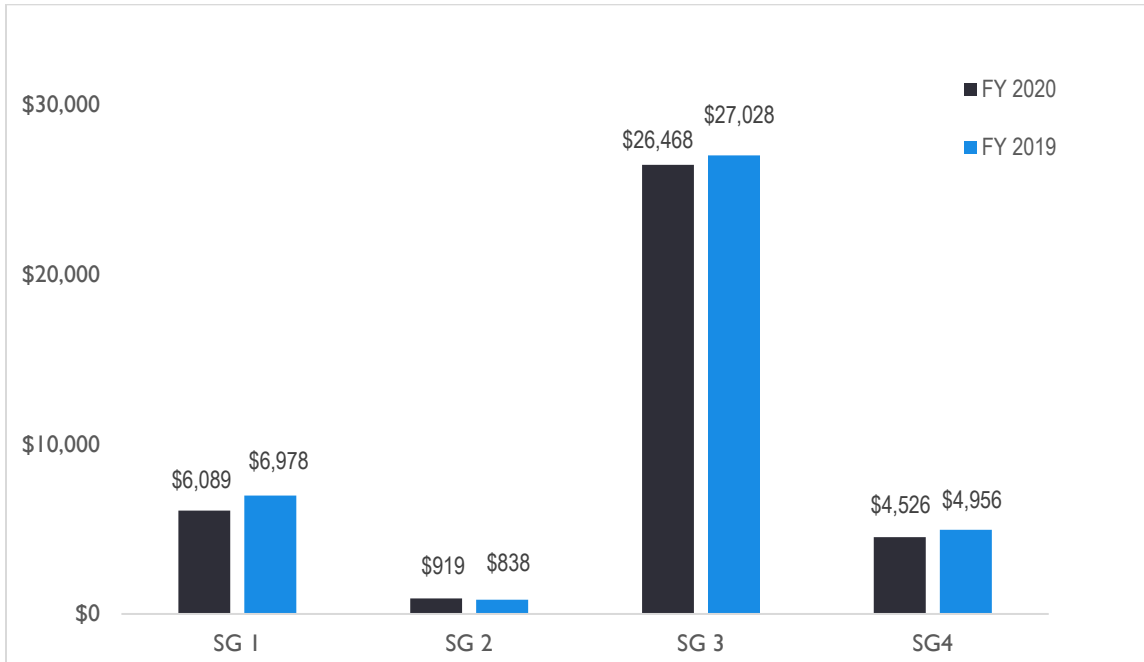
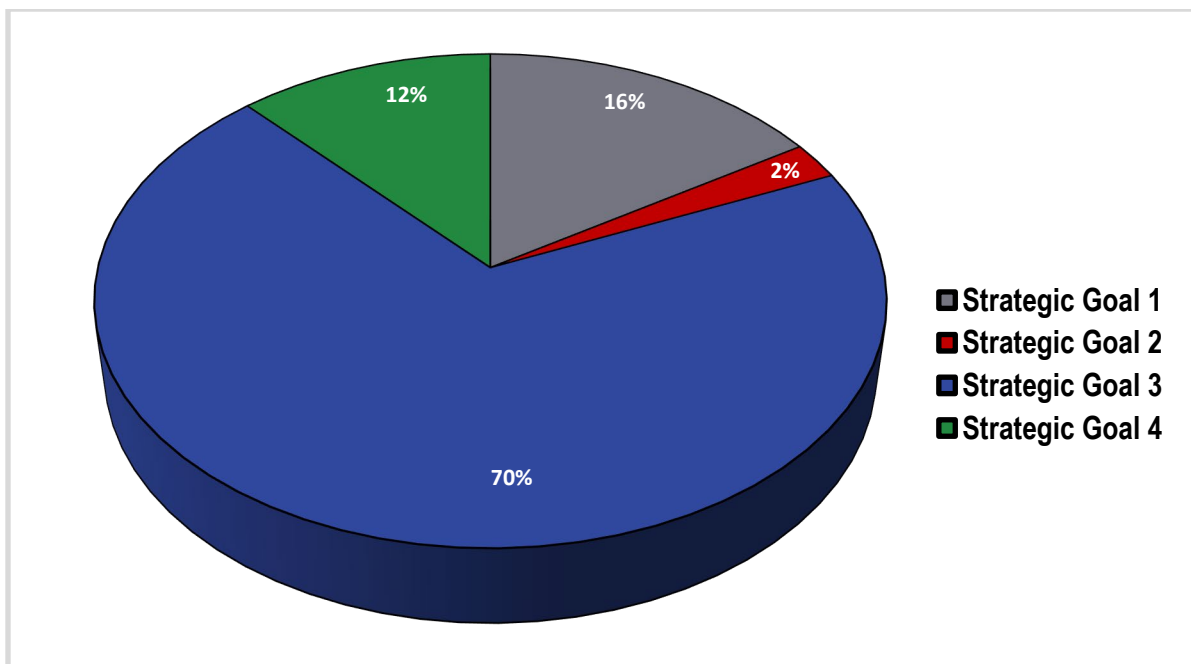


Figure 5: FY 2020 Percentage of Net Costs by Strategic Goal (SG)
(Dollars in Millions)



Analysis of Financial Statements

The Department's financial statements received an unmodified audit opinion for the fiscal years ended September 30, 2020 and 2019. These statements were prepared from the accounting records of the Department in accordance with the accounting principles generally accepted in the United States and the Office of Management and Budget (OMB) Circular A-136, *Financial Reporting Requirements*. These principles are the standards promulgated by the Federal Accounting Standards Advisory Board (FASAB).

The following information highlights the Department's financial position and results of operations in FY 2020.

Assets: The Department's Consolidated Balance Sheet as of September 30, 2020, shows \$51.5 billion in total assets, a decrease of \$4.3 billion over the previous year's total assets of \$55.8 billion. The decrease was primarily due to payments made to Crime Victims Fund (CVF) claimants and lower short term yields in overnight securities. Fund Balance with Treasury (FBWT) was \$34.1 billion, which represented 66.2% of total assets.

Liabilities: Total Department liabilities were \$17.2 billion as of September 30, 2020, a decrease of \$3.8 billion from the previous year's total liabilities of \$21.0 billion. The United States Victims of State Sponsored Terrorism Act Fund (USVSSTF) collections decreased by \$1.0 billion in FY 2020. The Victims Compensation Fund (VCF) liability decreased by \$1.3 billion due to increase in claim payments in FY 2020, and a decrease in claims awaiting an award decision compared to FY 2019. Also, in FY 2020, custodial collections decreased by \$0.8 billion.

Net Cost of Operations: The Consolidated Statement of Net Cost presents the Department's gross and net cost by strategic goal. The net cost of the Department's operations totaled \$38.0 billion for the fiscal year ended September 30, 2020, a decrease of \$1.8 billion from the previous year's net cost of operations of \$39.8 billion. The decrease is primarily attributed to a decrease of \$1.1 billion of USVSSTF payments in FY 2020 that were accrued for in FY 2019.

Budgetary Resources: The Department's FY 2020 Combined Statement of Budgetary Resources shows \$56.1 billion in total budgetary resources, a decrease of \$0.2 billion from the previous year's total budgetary resources of \$56.3 billion.

Net Agency Outlays: The Department's FY 2020 Combined Statement of Budgetary Resources shows \$40.4 billion in net agency outlays, an increase of \$2.9 billion from the previous year's total net agency outlays of \$37.5 billion. The increase is primarily due to the overall increase in spending authority for the Department's operations from 36.7 billion in FY 2019 to \$40.0 billion in FY 2020. Additionally, in FY 2020, \$1.0 billion of Coronavirus Aid, Relief, and Economic Security (CARES) Act supplemental appropriations funding was made available to the Department.

Office of the Inspector General's Top Management Challenges

The Office of the Inspector General reports annually on DOJ Top Management and Performance Challenges. The OIG report for FY 2019 can be found at: <https://oig.justice.gov/challenges/> The DOJ response to these OIG identified challenges can be found at: <https://www.justice.gov/doj/page/file/1218576/download#page=175>

Limitations of the Financial Statements

The principal financial statements are prepared to report the financial position and results of operations of the Department of Justice, pursuant to the requirements of 31 U.S.C. § 3515(b).

While the statements have been prepared from the books and records of the Department in accordance with U.S. generally accepted accounting principles for federal entities and the formats prescribed by the OMB, the statements are in addition to the financial reports used to monitor and control budgetary resources, which are prepared from the same books and records

The statements should be read with the realization that they are for a component of the United States Government, a sovereign entity.

Data Reliability and Validity

The Department views data reliability and validity as critically important in the planning and assessment of its performance. As such, the Department makes every effort to ensure completeness and improve reliability of its performance information by performing “data scrubs” (routine examination of current and historical data sets, as well as looking toward the future for trends) to ensure the data we rely on to make day-to-day management decisions are as accurate and reliable as possible and targets are ambitious enough given the resources provided. To communicate our data limitations and commitment to providing accurate data, this document includes a discussion of data validation, verification, and any identified data limitations for each performance measure presented.

The Department ensures each reporting component providing data for this report meets the following criteria:

- ◆ At a minimum, performance data are considered reliable if transactions and other data that support reported performance measures are properly recorded, processed, and summarized to permit the preparation of performance information in accordance with criteria stated by management. Performance data need not be perfect to be reliable, particularly if the cost and effort to secure the best performance data possible will exceed the value of any data so obtained.

Forward-Looking Information

The Department of Justice faces challenges and risks every day as we work to meet our diverse mission. Some challenges and risks are recognizable and obvious, others are subtle, or are on the horizon. In a complex world where events and actions are happening simultaneously, the Department is employing forward-thinking and agile approaches to address our critical role of maintaining and strengthening the nation's liberty, safety, and prosperity.

One approach the Department is implementing to manage risks and challenges is an Enterprise Risk Management (ERM) capability that looks across the enterprise to address the full spectrum of the Department's significant risks as an interrelated portfolio, which includes strategic, operational, and compliance risks. DOJ is using a streamlined methodology to facilitate risk-informed decision-making through identification and mitigation activities that aligns strategy, processes, people, technology, and knowledge for the purpose of evaluating and managing uncertainties in executing our diverse missions.

ERM enables the Department's leadership to manage uncertainty (risks) and challenges more effectively to ensure its programs and activities continue to focus on meeting the dynamic demands, presently, and in the future, of its complex legal, economic, and technological environment.

National Security

Cyber Threat: Cybercrime is one of the greatest threats facing our country, and has enormous implications for our national security, economic prosperity, and public safety. The range of threats and challenges cybercrime presents for law enforcement expands as rapidly as technology evolves. The Department of Justice itself is under constant cyber-attack. The threat is pervasive and persistent, and the methods of adversaries are always evolving.

Foreign Intelligence and Insider Threat: Both international and domestic terrorists threaten Americans at home and abroad. Foreign governments and state-sponsored actors threaten U.S. national security through foreign operations and espionage.

Lawful Access (formerly Going Dark): Criminals and terrorists are using encryption and other anonymous or hidden services to avoid detection, identification and capture. Conducting court-approved intercepts has become more challenging. Providers offer encryption as a selling point. Even when legal authority exists, technical ability is lacking, as are storage and data retention policies. A coordinated strategic response is urgently needed.

Law Enforcement

Opioid Epidemic: The opioid epidemic affects a broad, cross-section of the United States population without regard for age, gender, race, ethnicity, or economic status. Communities across the United States, including those in rural, suburban, and urban jurisdictions, have been hit by the opioid epidemic. More than 67,000 Americans died from drug overdoses in 2018, of which 70% were opioid-related.¹

State, Local and Tribal: Federal law enforcement officers constitute only 15% of the total number of law enforcement officers nationwide; the remaining 85% of law enforcement support comes from strong partners in state and local law enforcement, who collect, maintain and share critical intelligence about violent crime in their communities, and whose actions are crucial in the fight against violent crime and the opioid epidemic.

¹ These are the numbers reflected on the CDC website, as August 2020, <https://www.cdc.gov/drugoverdose/index.html>

Transnational Organized Crime: Transnational criminal organizations pose a great threat to national security and the safety of American citizens. One area of increased transnational crime is elder fraud schemes which pose a serious threat to the financial security of older Americans. Through tech-support, government-imposter, lottery, romance and other types of schemes, fraudsters solicit and extort at least \$3 billion a year from seniors. And such fraud is on the rise – today, more seniors are reporting being the targets of fraud than at any prior time.

Immigration

Increasing Workload: At the end of FY 2020, there were 1,252,028 cases pending in immigration courts nationwide, marking another year of increased backlogs.²

Illegal Aliens: An increase in the Department of Homeland Security (DHS) apprehensions will result in more fugitive investigations for individuals with immigration warrants; more protective investigations and details for members of the judiciary; and more prisoners to receive, process, and detain.

Immigration Enforcement Prosecutors: Federal prosecution of border crime is an essential part of the nation's defense and security and critical to public safety. U.S. Attorneys' Offices address the criminal and civil caseloads generated by law enforcement activities to ensure aggressive enforcement of all immigration statutes.

COVID/Pandemic

COVID-19, along with the potential danger it poses to the community and the federal workforce, continues to impact how the Department operates to carry out its mission. The challenges COVID-19 presents to the Department have led to a shift in law enforcement operations, court proceedings, and an overall change in the workforce environment. The Department must also address the emergence of new COVID-related fraud cases.

Hiring and Staffing

The Department is working to address challenges associated with recruiting, retaining, and developing a highly skilled, diverse workforce to address mission critical needs and to respond to law enforcement issues, litigation matters, grant requirements, management challenges and operational needs.

Unpredictable

Changes in federal laws may affect responsibilities and workload.

Much of the litigation caseload is defensive. The Department has little control over the number, size, and complexity of the civil lawsuits it must defend.

² The pending numbers are subject to change due to the data entry lag. <https://www.justice.gov/eoir/workload-andadjudication-statistics>.

Summary of FY 2020 Performance

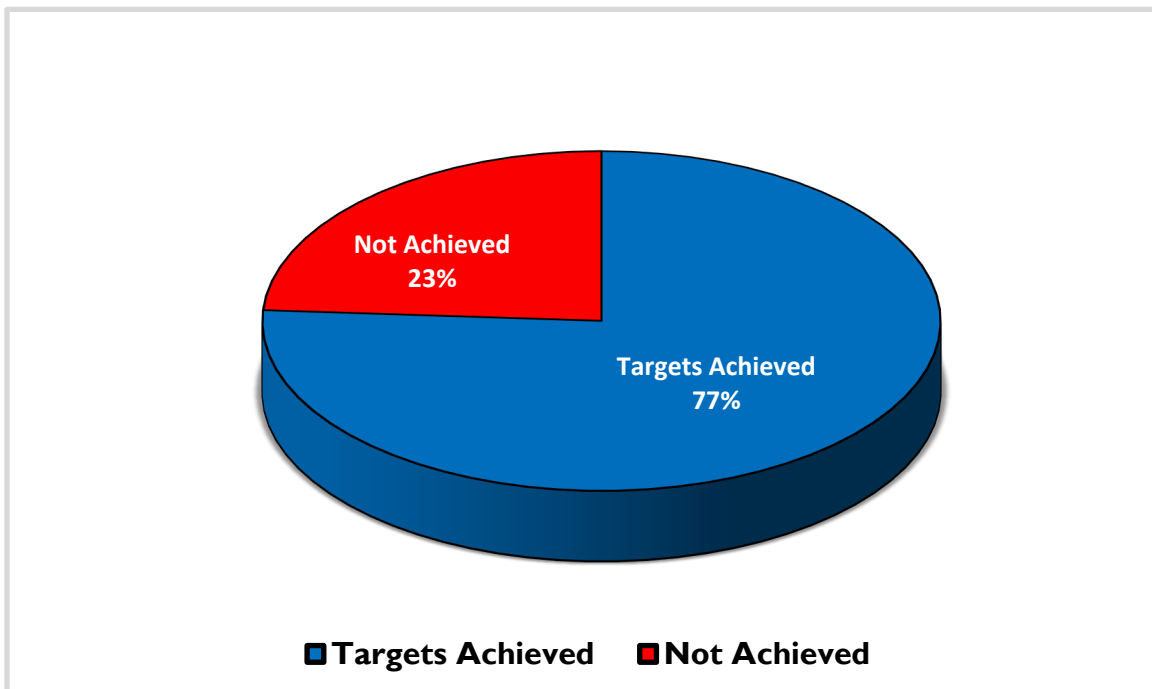
The Government Performance and Results Modernization Act of 2010 (GPRA Modernization Act) requires an agency's Strategic Plan to be updated every four years and to cover a period of no less than four years forward from the fiscal year in which it is submitted.

The Department's FY 2018 – 2022 Strategic Plan contains four strategic goals and includes 39 key performance measures that address DOJ's priorities toward achieving those long-term, outcome goals. As FY 2018 was the first year of this Strategic Plan, the Department also developed baselines for areas with new measures. The Department strives to present the highest-level outcome-oriented measures available. Key performance measures are summarized throughout this document.

During FY 2020, Departmental components have worked to improve the quality and timeliness of financial and performance information that inform quarterly status reporting and operating plans. This year, COVID-19 impacted the Department's operations. For example, sensitive law enforcement operations that typically involve close, publicly-based activities were temporarily disrupted by the COVID-19 pandemic. As a result, the Department did not meet several key performance targets that were set prior to the pandemic.

The chart below and the table that follows summarize the Department's achievement of its FY 2020 long-term outcome goals (key performance measures).

Figure 6: FY 2020 Achievement of Key Performance Measures



Goal 1: Enhance National Security and Counter the Threat of Terrorism

Strategic Objective	[] Designates the reporting entity	FY 2020 Target	FY 2020 Actual	Status
1.1	Number of terrorism disruptions affected through investigations [FBI]	400	561	Target Achieved
1.1	Number of incidents reported to the United States Bomb Data Center via the Bomb Arson Tracking System [ATF]	32,000	33,538	Target Achieved
1.1	Percentage of counterterrorism defendants whose cases were favorably resolved [NSD]	90%	91%	Target Achieved
1.1	Number of assistance activities conducted with the goal of building the capacity of foreign law enforcement, prosecutors, and judicial systems to disrupt and dismantle terrorist actions and organizations [CRM]	850	11,113	Target Achieved
1.2	Number of computer intrusion program deterrences, detections, disruptions and dismantlements [FBI]	8,000	15,427	Target Achieved
1.2	Percentage of cyber defendants whose cases were favorably resolved [NSD, CRM and USAO]	90%	100%	Target Achieved
1.3	Number of counterintelligence program disruptions and dismantlements [FBI]	400	365	Not Achieved
1.3	Percentage of espionage defendants whose cases are favorably resolved [NSD]	90%	96%	Target Achieved

Goal 2: Secure the Borders and Enhance Immigration Enforcement and Adjudication

Strategic Objective	[] Designates the reporting entity	FY 2020 Target	FY 2020 Actual	Status
2.1	Percentage of criminal immigration dispositions that are successfully resolved [USAO]	90%	99.7%	Target Achieved
2.1	Percentage of federal denaturalization of dispositions that are successfully resolved [USAO, CIV]	80%	96%	Target Achieved
2.2	Percentage of criminal immigration-related benefits fraud dispositions that are successfully resolved [USAO]	90%	99.6%	Target Achieved
2.2	Percentage of employer sanctions, immigration related unfair employment practices, and immigration related document fraud cases completed within the established time frame [EOIR]	90%	100%	Target Achieved
2.2	Percentage of Immigration and Nationality Act (INA) Section 274B Protecting U.S. Workers Initiative discriminatory or unlawful hiring practice enforcement actions successfully resolved [CRT]	75%	100%	Target Achieved
2.2	Clearance rate for detained and non-detained cases [EOIR]	50%	63%	Target Achieved

Goal 3: Reduce Violent Crime and Promote Public Safety

Strategic Objective	[] Designates the reporting entity	FY 2020 Target	FY 2020 Actual	Status
3.1	Percentage of Federal violent crime defendants whose cases were favorably resolved [CRM, USAO]	90%	92%	Target Achieved
3.1	Number of National Integrated Ballistic Information Network (NIBIN) "hits/leads" that is the linkage of two or more crime scene investigations based upon comparisons of the marking made on fired ammunition recovered from the crime scenes [ATF]	88,000	110,981	Target Achieved
3.1	Number of victims of a violent crime that received services through the Victim Assistance Program [OJP]	5,000,000	6,662,909	Target Achieved
3.1	Percentage of extraditions received related to violent criminals [CRM]	20%	28.8%	Target Achieved
3.1	Percentage increase of non-Consolidated Organization Target (non-CPOT) gang/criminal enterprise dismantlements [FBI]	15%	-6.6%	Not Achieved
3.1	Reduce violent crime [Department-wide] (Reporting Cycle Calendar Year (CY) : 2019)	-2%	-1%	Not Achieved*
3.1	Stop and reverse rise in homicides [Department-wide] (Reporting Cycle Calendar Year (CY) : 2019)	-3%	-0.2%	Not Achieved*
3.2	Reduce Drug Overdose Deaths [Department-wide] (Reporting Cycle Calendar Year (CY) : 2019)	-8%	4.8%	Not Achieved*
3.2	Reduce Opioid Prescriptions by 30% [DEA]	-30%	-37.2%	Target Achieved
3.2	Number of disruptions and dismantlements of Drug Trafficking Organizations (DTOs) linked to Consolidated Priority Organization Targets (CPOT) [OCDETF]	285	289	Target Achieved
3.2	Number of disruptions and dismantlements of Priority Threat Organizations (PTOs) not linked to CPOTs [DEA]	1,533	1,635	Target Achieved
3.2	Number of Scheduled Diversion Investigations completed [DEA]	1,357	1,267	Not Achieved
3.2	Number of Consolidated Priority Organization Target (CPOT)-linked investigations with one or more defendants convicted [OCDETF]	320	269	Not Achieved

* Target and Actual data are for CY 2019.

Goal 4: Promote Rule of Law, Integrity, and Good Government

Strategic Objective	[] Designates the reporting entity	FY 2020 Target	FY 2020 Actual	Status
4.1	Percentage of illicit market defendants whose cases were favorably resolved [CRM, USAO]	85%	91.5%	Target Achieved
4.1	Percentage of the Office of Professional Responsibilities (OPR) inquiries resolved within one year, and investigations within two years	Inquiries 50% Investigations 50%	Inquiries 96% Investigations 95%	Target Achieved Target Achieved
4.2	Increase the number of statements of interest involving First Amendment or religious liberty [CRT]	10%	50%	Target Achieved
4.2	Increase the number of Religious Land Use and Institutionalized Persons Act (RLUIPA) matters opened [CRT]	10%	3%	Not Achieved
4.3	Ratio of deregulatory actions to regulatory actions [OLP]	2 to 1	1 to 0	Target Achieved
4.3	Cost of regulations per fiscal year is below OMB cost cap [OLP]	-\$1.689M	-\$1.692M	Target Achieved
4.4	Ethics training for DOJ employees conducted by the Departmental Ethics Office (DEO) and the timely review of financial disclosures [JMD]	Training 100% Disclosures 100%	Training 100% Disclosures 97%	Target Achieved Not Achieved
4.4	Time-To-Hire (measured in calendar days) for Mission Critical Occupations (MCOs) [JMD]	169 days	160 days	Target Achieved
4.4	Percentage of unmodified audit opinions achieved [JMD]	100%	100%	Target Achieved
4.4	Number of DOJ systems moved to the Cloud [JMD]	3	4	Target Achieved

Priority Goals

The Department is committed to the Administration's performance management strategy – using performance information to lead, learn, and improve outcomes. As a key part of this strategy, the Administration directed agencies to identify a limited number of Priority Goals. A Priority Goal is a measurable commitment to a specific result that the agency will deliver for the American people. The Goals represent high priorities for both the Administration and the agency, have high relevance to the public, reflect the achievement of key agency missions, and will produce significant results over a 12- to 24- month period. The Priority Goals directly support the Department's FY 2018 – FY 2022 Strategic Plan; however, they reflect a limited number of priorities, and do not fully reflect the entirety of the agency's strategic goals or mission.

FY 2020 – FY 2021 Priority Goals

The Department's Priority Goals are a subset of those used to regularly monitor and report performance. To view the full set of performance information, visit: <https://www.justice.gov/doj/budget-and-performance>. The Department's four FY 2020 – FY 2021 Priority Goals were³:

Priority Goal 1: Combat Cyber-Enabled Threats and Attacks

Cybercrime is one of the greatest threats facing our country, and has enormous implications for our national security, economic prosperity, and public safety. The range of threats and challenges cybercrime presents for law enforcement expands just as rapidly as technology evolves. By September 30, 2021, the Department of Justice will combat cybercrime threats and attacks by conducting 16,000 computer intrusion program deterrences, detections, disruptions and dismantlements; favorably resolving 90% of prosecutions of cyber defendants; and increasing the percentage of private sector losses recovered by the FBI's Internet Crime Complaint Center (IC3) to 78%. The result from FY 2018 (73%) serves as a baseline for the Department's new IC3 measure.

Status

The FY 2020 – 2021 Combat Cyber-Enabled Threats and Attacks Priority Goal tracks three performance measures. Each measure has quarterly and annual targets. The Department exceeded its annual targets for all measures for FY 2020.

The FBI exceeded its annual target (8,000) for FY 2020 by 93% – successfully deterring, detecting, disrupting or dismantling a total of 15,427 computer intrusion programs in the fiscal year.

The Department exceeded its target of favorably resolving at least 90% of its cyber defendants' cases, by successfully resolving each of its prosecutions of 105 cyber defendants in FY 2020. Cyber cases tend to involve other related criminal conduct under which the matter could be coded in the Executive Office for U.S. Attorneys' case management database. U.S. Attorneys will continue to individually assess each case brought for criminal prosecution in a manner that promotes the ends of justice.

In FY 2018, the FBI officially established the Internet Crime Complaint Center (IC3). In FY 2019, the IC3 began reporting on the percentage of private sector losses they recovered. The purpose of this new metric is to capture data that measures IC3's ability to recover private sector losses. For FY 2020, the FBI's IC3 exceeded its annual target (77%) by successfully recovering 85% of private sector losses in the fiscal year – 11% higher than the projected target. This successful outcome was due to prompt reporting by victims and collaborative, established relationships with financial institutions.

³ FY 2021 Performance reporting for the Priority Goals is paused while the Biden Administration establishes new goals, priorities, and a management agenda.

Priority Goal 2: Violent Crime Reduction, Specifically Gun Violence

The Department aims to strengthen and recommit its efforts to reducing gun violence through the launch of Project Guardian. By September 30, 2021, the Department will provide to state law enforcement fusion centers biweekly reports 100% of the time on NICS denials that are reported to ATF and increase the number of U.S. Attorney's Office federal firearms prohibitor records submitted to NICS by 10%.

Status

The FY 2020 – FY 2021 Violent Crime, Specifically Gun Violence Priority Goal tracks two performance measures and key milestones as part of the Department's Project Guardian Initiative. Both of the measures have met the annual target set for FY 2020.

Biweekly reports on NICS denials to state law enforcement fusion centers 100% of the time is a new performance measure; the denials are reported by the ATF, both quarterly and annually. The FY 2020 target (50%) was based on the modernization and operational improvements scheduled to be complete by the end of the fiscal year. The ATF is expected to provide biweekly reports on NICS denials 100% of the time by FY 2021.

For FY 2020, the ATF reported that biweekly reports on NICS denials were provided to state law enforcement fusion centers 50% of the time, throughout the fiscal year. The ATF met its annual target (50%) for this measure.

The number of USAO federal firearms prohibitor records submitted to NICS is also a new performance measure; the records are reported by the USAOs both quarterly and annually. To achieve a 10% increase in the number of USAO records submitted to NICS by the end of FY 2021, the Department will work toward a 5% increase each fiscal year.

For FY 2020, the number of USAO records uploaded to NICS increased by a total of 5.4% - exceeding the annual target (5%). From October 1, 2019 to September 30, 2020, the total number of USAO records uploaded to NICS increased from 1,355,401 to 1,428,946. Although, the COVID-19 pandemic impacted some activities of the USAOs, as well as the Department's ability to reach some of its quarterly targets, the USAOs were able to increase the overall number of records submitted to NICS.

The Department completed most of its Project Guardian milestone activities by February 4, 2020. Specifically, the following milestones have been achieved:

- ◆ *Each USA appointed a Project Guardian Point of Contact*
- ◆ *Each USA consulted with ATF regarding these prosecution guidelines*
- ◆ *Each USA developed a Project Guardian plan*
- ◆ *USAOs met with local ATF offices to devise or review existing plans to maximize crime-gun technology and fully exploit crime-gun intelligence within the USAOs' districts*
- ◆ *Each USA consulted with relevant district stakeholders to assess the feasibility of adopting a disruption and early engagement program*

Milestones:

As part of Project Guardian, the United States Attorneys, in consultation with the ATF Special Agent in Charge (SAC) in their Districts, will complete certain activities by September 30, 2020 and others by September 30, 2021.

The Department will fully implement Project Guardian by:

- ◆ enhancing prosecution coordination with all law enforcement partners;
- ◆ enforcing federal firearms laws and background checks;
- ◆ improving information sharing with state, local, and tribal partners regarding the National Instant Criminal Background Check System (NICS) denials, and coordinating responses to address mental health issues; and
- ◆ using NICS results to reduce future gun violence and emphasizing the prosecution of prohibited persons who attempted to obtain firearms unlawfully.

Due to COVID-19, other activities have been postponed including assessing disruption and early engagement programs related to mental health denials.

One of the Department's key strategies to reduce gun violence is to respond in a coordinated manner to mental health denials. As part of the strategy, each U.S. Attorney's Office was to consult with relevant district stakeholders, including ATF and state or local law enforcement and mental health departments, to assess the feasibility of adopting disruption and early engagement programs. The intent of these programs and other methods and protocols is to prevent mental-health-prohibited individuals from acquiring a firearm and to counter the threat of mass shootings.

While every USAO has "assessed," at least preliminarily, the feasibility of adopting disruption and early engagement programs, the COVID-19 crisis temporarily interrupted the ability of the USAOs to progress with further planning. At least one USAO had a productive meeting with stakeholders early in 2020 and was on track to develop a local disruption and early engagement initiative, but the USAO has not been able to meet again since maximum teleworking began in March 2020. Other USAOs planned to learn more about disruption and early engagement programs at the National Project Safe Neighborhood (PSN) Conference, originally set for April 2020, and had expected to further assess the feasibility of setting up these programs after obtaining additional information at the conference. The PSN Conference, which would have highlighted disruption and early engagement programs, was postponed indefinitely. However, in 2020, the Department launched a page on DOJ Book, which the Office of Legal Education maintains, addressing these programs at <https://dojnet.doj.gov/usao/eousa/ole/tables/subject/shooter.htm>. The information and resources on this page – which provide a template for setting up these programs, briefings on the programs, and analyses that support them – are available to all USAOs and DOJ components.

Priority Goal 3: Combat the Opioid Crisis

The opioid epidemic affects a broad cross-section of the United States population without regard for age, gender, race, ethnicity, or economic status. Communities across the United States, including those in rural, suburban, and urban jurisdictions, have been hit by the opioid epidemic. By September 30, 2021, the Department of Justice will reduce illicit opioid overdoses by: increasing the percentage of opioid-related Priority Target Organizations (PTOs) disrupted and dismantled by 3% as compared to the FY 2019 baseline (35.7%); increasing the percentage of opioid-related PTO investigations initiated by 3% as compared to the FY 2019 baseline (39.2%); increasing the number of diversion criminal cases initiated by 3% as compared to the FY 2019 baseline (1,725); and increasing the number of training, outreach and public education events completed by 34% as compared to the FY 2019 baseline (3,125).

Status

The FY 2020 – FY 2021 Combat the Opioid Crisis Priority Goal tracks four performance measures and key milestones as part of the Department's goal to reduce drug overdose deaths. While all of the measures report progress towards meeting the annual goal, due to the COVID-19 pandemic and the federal, state and local guidelines put in place, the Department has only met one of its four annual targets for FY 2020.

For FY 2020, the Department exceeded its annual target (36.2%) for Opioid-related PTOs disrupted and dismantled. DEA increased its overall sum of disruption and dismantlements of Opioid-related PTOs by 38.5% in FY 2020. DEA reports 796 of 2,065 PTO disruptions and dismantlements for FY 2020 were opioid related. The percentage of disruptions and dismantlements of Opioid-related PTOs is a new performance measure, established in FY 2020. The intent of this measure is to increase the overall sum of disruptions and dismantlements of PTOs each fiscal year.

Sensitive law enforcement operations typically involve close, publicly-based activities that the COVID-19 pandemic temporarily disrupted. The impact of COVID-19 on law enforcement operations resulted in a reduction in the overall number of cases initiated, the number of diversion criminal cases initiated and the number of opioid related investigations. The DEA spent the past few months evaluating how to best move investigations forward and pivoted to alternate methods where feasible and appropriate, such as conducting scheduled, regulatory investigations virtually.

Due to COVID-19 impacts, for FY 2020, the Department only achieved 94% of its annual target (39.8%) for Opioid-related PTO investigations initiated. DEA reports 736 of 1,970 (37.4%) PTO investigations initiated for FY 2020 were Opioid-related. The Department's Percentage of Opioid PTOs investigations initiated is a new performance measure established in FY 2020.

Due to COVID-19 impacts, for FY 2020, DEA initiated a total of 1,515 Diversion Criminal Cases – 87% of its annual target (1,750).

The Department's outreach efforts necessitates many interactive, publicly-based activities (meetings, presentations, trainings, etc.). Due to the COVID-19 pandemic, and in accordance with social distancing guidelines, several outreach events were postponed. While some events, especially those conducted at the Headquarters level, are capable of being administered virtually, not all events can be done in this manner at this time. In particular, many of the DEA's outreach efforts are done through partnerships between the field offices and local or state entities. Due to state and local COVID-19 guidelines, the majority of these engagements were cancelled, which has directly affected the performance for this metric.

Additionally, DEA has seen a surge in methamphetamine in the United States, with some areas impacted more heavily than others. In those areas, the outreach efforts have been more focused on methamphetamine, rather than opioids, as that has been driving overdose deaths in such areas.

COVID-19 and associated social distancing guidelines had a significant impact on the performance for this metric. For FY 2020, the Department completed 2,228 outreach and public education events – 60% of the annual target (3,700).

Priority Goal 4: Prevent and Disrupt Transnational Elder Fraud

The Department of Justice and its law enforcement partners will reduce the devastating effects of transnational elder fraud schemes on older Americans through increased disruption and coordination among government and private stakeholders, and outreach to older Americans. By September 30, 2021, 90% of the U.S. Attorney's Offices (USAOs) will file an elder fraud case or take other action to disrupt elder fraud and 100% of the USAOs will conduct elder fraud outreach. The Department will conduct at least 375 elder fraud-related outreach events for state and/or local government officials (including law enforcement and/or protective and social services); 275 elder fraud-related outreach events with senior citizens and/or organizations representing seniors; and over 155 elder fraud-related outreach events with industry groups and/or representatives.

Status

The FY 2020 – FY 2021 Prevent and Disrupt Transnational Elder Fraud tracks five performance measures, as part of the Department's goal to reduce the impact of fraud schemes on elderly Americans. All of the measures for this priority goal are new and were established in FY 2020. The Department has exceeded all five of its annual targets for FY 2020.

For this two year priority goal (FY 2020 – FY 2021), the Department exceeded its mid-term (FY 2020) annual target (48%) for percentage of USAOs that filed an elder fraud case or took some other action to disrupt elder fraud. For FY 2020, 79% of the 93 USAOs filed an elder fraud case or took an action to disrupt elder fraud. The intent of this measure is to increase the percentage of USAOs that file cases or take other actions to disrupt elder fraud every year.

For this two year priority goal (FY 2020 – FY 2021), the Department exceeded its mid-term (FY 2020) annual target (52%) for percentage of USAOs that conducted elder fraud outreach. For FY 2020, 77% of the 93 USAOs conducted elder fraud outreach events. The intent of this measure is to increase the percentage of USAOs that conduct elder fraud outreach every year.

Throughout FY 2020, the Department exceeded each of its quarterly targets for number of elder fraud-related outreach events with state and/or local government officials. For FY 2020, the Department conducted a total of 595 outreach events with state and/or local governments and exceeded the total FY 2020 – 2021 APG (375). The intent of this measure is to increase the number of outreach events with state and/or local government officials every year.

Throughout FY 2020, the Department exceeded each of its quarterly targets for number of elder fraud-related outreach events with seniors and/or organizations representing seniors. For FY 2020, the Department conducted a total of 578 outreach events with seniors and/or organizations representing seniors and exceeded the FY 2020 – 2021 APG (275). The intent of this measure is to increase the number of seniors and and/or organizations representing seniors every year.

Throughout FY 2020, the Department exceeded each of its quarterly targets for number of elder fraud-related outreach events with industry groups and/or representatives. For FY 2020, the Department conducted a total of 256 outreach events with industry groups and/or representatives and exceeded the total FY 2020 – 2021 APG (155). The intent of this measure is to increase the number of elder fraud-related outreach events with industry groups and/or representatives every year.

Section II: Performance Information by Strategic Goal/Objective

Strategic Goal 1: Enhance National Security and Counter the Threat of Terrorism



Protecting national security and combating terrorism are priorities of the Department of Justice (DOJ or the Department). A key tenet of these objectives is to ensure that law enforcement and intelligence agencies are able to use all available tools to investigate and prevent acts of terror.

The nation also faces an array of cyber threats to our national security and public safety. The DOJ investigates, disrupts, and prosecutes large scale data breaches and other serious cyberattacks. As technology evolves and our adversaries' abilities increase in sophistication, the Department's capabilities must evolve as well. This requires expanding our toolsets and investigative abilities to deter and disrupt those threats and enhance lawful and efficient information sharing among public and private sector partners.

Strategic Objective 1.1: Disrupt and defeat terrorist operations

The Department of Justice’s top priority is combating terrorism, whether via deterrence, disruption, or prosecution. It uses intelligence and law enforcement resources to enforce the rule of law and provide justice to terrorism victims and uses other tools to disrupt and hold accountable those responsible for plots and acts of terrorism worldwide.

Key Performance Indicators		
Total Measures	Total Measures Achieved	Percent Achieved
4	4	100%
Risks		
+	JTTF Task Force Collaboration	
-	Lawful Access	
-	COVID-19	

Summary of Progress

The Department of Justice, in consultation with the Office of Management and Budget, has determined that performance toward this objective is making noteworthy progress.

Highlights

- ◆ **U.S. v. Hasson:** The case of *U.S. v. Hasson* illustrates the persistent threat from racially or ethnically motivated violent extremists, as well as the government’s ability to prosecute acts of violence committed by domestic terrorism subjects by charging non-terrorism offenses. In October 2019, Hasson pleaded guilty to four charges involving the illegal possession of silencers and firearms. Evidence presented in the case demonstrated that Hasson, a self-described “White Nationalist,” was preparing to take violent action before his arrest on gun and drug charges. In January 2020, Hasson was sentenced to 160 months in prison, followed by four years of supervised release.
- ◆ **U.S. v. Abdullahi:** On October 24, 2019, in response to an extradition request that the Criminal Division’s Office of International Affairs (OIA) handled, Canada surrendered Abdullahi Ahmed Abdullahi to face charges in the U.S. District Court for the Southern District of California, of conspiracy to provide material support to terrorists engaged in violent activities in Syria.
- ◆ **U.S. v. Molina:** In September 2020, the FBI arrested two subjects, Jaylyn Molina and Kristopher Matthews, on charges involving conspiracy to provide material support to the designated foreign terrorist organization ISIS. Both subjects allegedly pledged allegiance to Abu Ibrahim al-Hashimi al-Qurashi and used encrypted messaging platforms to discuss plans for executing attacks using firearms and explosives. Following the grand jury indictment in October 2020, Matthews pled guilty to a conspiracy charge to provide material support and faces up to 20 years in federal prison upon sentencing. Molina remains in federal custody and faces up to 40 years in federal prison if convicted.
- ◆ **U.S. v. Solomon:** In September 2020, two Minneapolis-based individuals, Michael Robert Solomon and Benjamin Ryan Teeter, were arrested and indicted by a federal grand jury for charges involving conspiracy to provide material support to the designated foreign terrorist organization Hamas. As self-proclaimed “Boogaloo Bois,” Solomon and Teeter espoused anti-government violent extremist ideology. In October 2020, a four-count superseding indictment added firearms violations charges. Solomon and Teeter remain in custody pending further proceedings.
- ◆ **Domestic Terrorism – Hate Crimes Fusion Cell:** Many Domestic Terrorism cases involve the perpetration of hate crimes. Increased information sharing and coordination between the FBI’s Counterterrorism Division (CTD) and Criminal Investigative Division (CID) was required to combat these

persistent threats. The FBI formally established the Domestic Terrorism – Hate Crimes Fusion Cell to address the intersection of the FBI’s mission to combat domestic terrorism and provide justice to victims of hate crimes. This enabled the FBI to apply the expertise, dedication, and resources of both the Counterterrorism and Criminal Investigative Divisions to these overlapping threats, bringing the force of the FBI to bear against any event that may fall into these categories. The Fusion Cell creates more opportunities for investigative creativity, provides program coordination, helps ensure seamless information sharing, and enhances investigative resources to combat the Domestic Terrorism threat, ensuring that the focus is not solely on the current or most recent threat or attack, but is also on preventing the next attack.

- ◆ **Battlefield Evidence:** The investigation and prosecution of Foreign Terrorist Fighters (FTFs) involves specific challenges relating to the collection, preservation, and sharing of “battlefield evidence” that is admissible in a civilian criminal court. The term “battlefield evidence” refers to information and materials collected or received by the military in conflict zones, which later may become relevant for use as evidence in a civilian terrorism prosecution. Over the last few years, DOJ, and particularly the National Security Division, in collaboration with multiple partners, including the Department of Defense and the Department of State, have developed best practices for the collection, use, and dissemination of battlefield evidence for use in civilian criminal courts both domestically and internationally.
- ◆ **Criminal Case Deconfliction and Coordination:** Jurisdictional and interagency conflicts sometimes occur in large domestic and international investigations. In response to this challenge, in February 2020, the Deputy Attorney General (DAG) issued a memorandum mandating that criminal case deconfliction and coordination be conducted by DEA’s Special Operations Division (SOD) in an effort to address coordination/deconfliction of investigations and other law enforcement challenges. This deconfliction occurs early in investigations, and is augmented by on-site, full-time DOJ attorneys assigned the task of coordinating prosecutions occurring simultaneously in multiple judicial districts.

Other Accomplishments, Innovations, Collaborations, and Leading Practices

- ◆ **International Virtual Forensics Excellence:** The Criminal Division’s International Criminal Investigative Training Assistance Program (ICITAP) expanded its “virtual presence” significantly during 2020 to mitigate COVID-related restrictions and continue to support its Forensics Development Missions, in Mexico and Central America, to engage with forensics laboratories throughout the Western Hemisphere. Through a sophisticated network of virtual platforms, ICITAP provided training and mentoring in such forensic disciplines as Chemistry, Ballistics, Fingerprints, Genetics, and Questioned Documents. This distance/virtual presence contributed to considerable cost savings and efficiencies for the State Department, ICITAP, and ICITAP host-country counterparts. ICITAP’s assistance in this area expanded the USG-supported forensics network and a relevant community of excellence to 15 countries within the Spanish-speaking world.
- ◆ **Prison Intelligence Units:** ICITAP continued to work with foreign correctional institutions on developing procedures and tools to plan, collect, analyze, and disseminate intelligence to address correctional system threats, to identify connections between convicted and suspected criminals, and to uncover prison staff corruption. In Indonesia, for example, ICITAP assisted the Director General of Corrections in developing an analytical team at DGC headquarters, trained to use analytical software. As a first phase, these capabilities were expanded by incorporating new intelligence units placed in five specialized prisons. In Kosovo, ICITAP assisted the General Director of the Kosovo Correctional Service (KCS) with the establishment of its first Correctional Intelligence Unit and helped develop capacity to collect and analyze

relevant information of intelligence value, produce raw and finished products for KCS decision makers, and exchange intelligence with law enforcement.

- ◆ **Fusion Center Integration:** The FBI upgraded its Guardian system to streamline the dissemination of threat information to state and local fusion centers. Now when a tip indicating a Threat to Life (TTL) is received by the FBI's national call center, that tip is dual routed to both the local FBI Field Office and the state or local fusion center.
- ◆ **Explosives Detection Canine (EDC) Training:** In FY 2020, for the first time in over 7 years, ATF's National Canine Division (NCD) conducted an Explosives Detection Canine (EDC) training course for state and local agencies.
- ◆ **Disruption and Early Engagement Program (DEEP):** Announced in October 2019, DEEP demonstrates a promising new approach to prevent domestic terrorism and other mass-shooting events. DOJ hopes to utilize multiple data points and investigative tools, normally reserved for international terrorism cases, to help identify indicators that could determine a suspect's actual propensity for violence and to prevent these tragedies in the future.

Performance Measure

Number of terrorism disruptions affected through investigations [FBI]

	FY 2018	FY 2019	FY 2020
Target	200	250	400
Actual	540	518	561

Discussion of FY 2020 Results

In FY 2020, the FBI's Counterterrorism Division (CTD) exceeded its target of affecting 400 terrorism disruptions with an actual count of 561.

The FBI's ability to exceed its disruption target, despite the effects of the COVID-19 pandemic, was due to the efforts of FBI analysts and special agents who continued to proactively and rigorously investigate terrorism threats. Specifically, FBI CTD continued to conduct training of its Counter Terrorism workforce, and effectively used advanced technology, diligent program management, and efficient stewardship of all available resources to successfully disrupt terrorist operations.

Lawful access continues to pose a risk and interfere with law enforcement's ability to disrupt domestic and international terrorist actors. Accessing communications or data held by known or suspected terrorists, pursuant to judicially authorized warrants, is increasingly difficult. For example, following the December 2019 shooting at Naval Air Station Pensacola, the FBI relentlessly pursued lawful access to the information in the subject's phones, during which time the FBI did not know whether he was a lone wolf attacker or if his associates had been plotting additional attacks.

Disrupting Terrorist Organizations

Noteworthy disruptions included the arrest of a subject on federal charges of attempting to obstruct religious exercise by force using explosives, and the arrests of several subjects throughout the year on charges of material support to foreign terrorist organizations, including ISIS and al-Qa'ida. Arrests are one of a number of ways the FBI's Counterterrorism Division disrupts terrorist organizations

Definition

A *disruption* is defined as interrupting or inhibiting a threat actor from engaging in criminal or national security-related activity. A disruption is the result of direct actions and may include, but is not limited to, the arrest, seizure of assets, or impairment of the operational capabilities of threat actors.

Data Validation, Verification, and Limitations

The FBI Counterterrorism Division's operational priorities are classified. Therefore, it is only possible to report aggregate data that lacks significant detail. Data is regularly collected, stored on a classified enterprise platform, and manually validated and verified.

Performance Measure

Number of incidents reported to the United States Bomb Data Center via the Bomb Arson Tracking System (BATS) [ATF]

	FY 2018	FY 2019	FY 2020
Target	40,000	32,000	32,000
Actual	38,241	38,594	33,538

Discussion of FY 2020 Results

There was a noticeable increase in the number of incidents being reported by federal agencies (outside of ATF) in the Bomb Arson Tracking System (BATS) in FY 2019, and that participation continued in FY 2020. The total number includes ALL incidents that were *created* in BATS during FY 2020 and includes the following incident types: Explosion, Fire, Fire Alarm, Fire Code Violations, Hoax, Loss of Explosives, Malicious Destruction of Property, Notification, Recovery, Suspicious Package, Thefts of Explosives, Threat, and Wildland.

Definition

This measure is focused on increasing the reporting of bomb incidents to the U.S. Bomb Center via BATS.

Data Validation, Verification, and Limitations

Data validation and verification are accomplished via quarterly reviews by ATF. Agencies have the capability to add an incident in BATS at any time and backdate it to the actual date of the incident.

Performance Measure

Percentage of counterterrorism defendants whose cases were favorably resolved [NSD]

	FY 2018	FY 2019	FY 2020
Target	90%	90%	90%
Actual	90%*	95%*	91%

**The Actual data previously reported for this measure has been updated based on additional review and data verification.*

Discussion of FY 2020 Results

The Department’s National Security Division (NSD) handled a total of 35 counterterrorism defendant cases in FY 2019. Of those, 32 (91%) were favorably resolved.

Since May 2020, with the significant increase in social unrest and civil disturbances, there has been an increase in investigations of individuals and groups who foment violence to further disparate, ideological goals. NSD worked closely and collaboratively with task forces established by Attorney General Barr, the Domestic Terrorism Operations Section of the FBI and U.S. Attorneys’ Offices nationwide to respond to the violence and threats against federal property and personnel throughout the country.

The following is a highlight from the Department’s recent counterterrorism cases:

U.S. v. Kourani: The case of Ali Kourani (“Kourani”) is an example of the ongoing threat faced by the United States and allies from Hezbollah, a foreign terrorist organization. In December 2019, in the Southern District of New York, Kourani was sentenced to 40 years in prison and 5 years of supervised release after he was convicted on eight counts in the indictment; he was charged with terrorism, sanctions, and immigration offenses for his illicit work as an operative for Hezbollah’s external attack-planning component, the Islamic Jihad Organization (IJO). IJO assigned Kourani an IJO handler who was responsible for providing him with taskings, debriefings, and arranging training which he understood to be aimed at preparing for potential future Hezbollah attacks.

Multiple Forfeiture Complaints and a Criminal Complaint Targeting Terrorist Financing

In August 2020, in the District of Columbia, the United States unsealed three forfeiture complaints and a criminal complaint representing the government’s largest-ever seizure of cryptocurrency in the terrorism context. These actions highlight the inherent risks associated with the use of cryptocurrency for illicit activities, including use by terrorist organizations.

Definition

Defendants whose cases were favorably resolved include those defendants whose cases resulted in court judgments favorable to the government.

Data Validation, Verification, and Limitations

Data validation and verification were accomplished via quarterly reviews by NSD. There are no identified data limitations.

Performance Measure

Number of assistance activities conducted with the goal of building the capacity of foreign law enforcement, prosecutors, and judicial systems to disrupt and dismantle terrorist actions and organizations [CRM]

	FY 2018	FY 2019	FY 2020
Target	541	947	850
Actual	958	952	11,113

Discussion of FY 2020 Results

In FY 2020, the Criminal Division's two international programs, the International Criminal Investigative Training Assistance Program (ICITAP) and the Office of Overseas Prosecutorial Development Assistance and Training (OPDAT), together exceeded the Division's forecasted goals by working collaboratively within the Department of Justice and in close partnership with its primary interagency partner, the State Department's Bureau of Counterterrorism (DOS/CT).

Across the globe, the Criminal Division's OPDAT provides counterterrorism-focused capacity building efforts by providing expert assistance to numerous foreign countries to enhance their ability to prevent, detect, investigate, prosecute, and adjudicate terrorism and terrorism financing activities. OPDAT has taken the lead to ensure that battlefield evidence (collected enemy material for potential use in civilian terrorism trials) regarding terrorist activities is available to our foreign counterparts. The following are three illustrative examples of capacity building activities:

Financial Technology (FINTech) engagements to counter the financing of terrorism: New, global electronic finance applications chip away at the borders that previously defined regulatory agencies' jurisdiction and the banking activities they oversee. Though these new systems of payment are useful for lawful actors, they also threaten to create a global "wild west" for malign actors who seek to finance terrorist activity. OPDAT is working with public and private financial entities and justice sector stakeholders to address these challenges. Key areas of activity include capacity building with partner governments to investigate terrorism financing crimes, and engagements with Financial Intelligence Units focused on Financial Action Task Force compliance.

Accessing Collected Enemy Material (Battlefield Evidence): OPDAT is working with key partner countries to support civilian justice sector actors as they deal with the complexities of Foreign Terrorist Fighters (FTF) returning on their own or through repatriation. OPDAT teams work with justice sector partners to utilize publicly available information, as well as CEM/BE pulled from conflict zones, terrorist safe havens, and attack sites globally, to successfully identify, investigate, interdict, and prosecute terrorists operating or detained within their country. Through close coordination, training, and mentorship, OPDAT works with counterterrorism law enforcement teams and prosecutorial organizations to create an advanced cadre of data analysts, law enforcement personnel, and criminal justice experts who can capably triage, share, investigate, and prosecute terrorism crimes through use of evidence.

Five-Phase Initiative to Counter *Lebanese Hezbollah*: In response to the increasingly transnational nature of terrorist activity and support for terrorism, OPDAT developed a five-phase program focusing on one transnational terrorist network: *Lebanese Hezbollah*.

Terrorist Investigator Training: Together with CRM's ICITAP, OPDAT trained justice sector actors in Côte d'Ivoire to investigate terrorist groups at various stages of activity. For example, identifying petty crimes in furtherance of terrorist organizations; investigating terrorist organizations to include the various levels of activity and leadership; and, best practices to investigate and prosecute terrorist attacks. This initiative was first implemented in Côte d'Ivoire and has been adapted for use in other places such as the Gulf Region and Tri-Border Area in Latin America.

Definition

The performance measure is the number of assistance activities conducted with the goal of building the capacity of foreign law enforcement, prosecutors and judicial systems to disrupt and dismantle terrorist organizations.

Data Validation, Verification, and Limitations

CRM captures all data in internal systems. Data is validated quarterly by OPDAT's and ICITAP's Directors.

Strategic Objective 1.2: Combat cyber-based threats and attacks

From attacks on critical infrastructure to the theft of sensitive information and intellectual property, our adversaries seek to use cyberspace to their military and competitive advantage. In collaboration with federal, state, local, and foreign partners, as well as the private sector, the Department continues to ensure that our nation's networks and infrastructure remain a safe and secure conduit for commerce, the free expression of ideas, and essential services.

Key Performance Indicators		
Total Measures	Total Measures Achieved	Percent Achieved
2	2	100%
Risks		
+	Private Sector Engagement	
-	Lawful Access (formerly Going Dark)	
-	Growth in Bad Actors' Cyber Capacity	

Summary of Progress

The Department of Justice, in consultation with the Office of Management and Budget, has determined that performance toward this objective is on track.

Highlights

- ◆ **U.S. v. Shan Shi, et al.:** In February 2020, Shan Shi, a Houston businessman, was sentenced to sixteen months in prison and ordered to forfeit \$342,424.96 for theft of trade secrets from a Houston-based company, Trelleborg Offshore, relating to syntactic foam, a strong, lightweight material with commercial and military uses that is essential for deep-sea oil and gas drilling. Shi sought to obtain information about syntactic foam for the benefit of CBM-Future New Material Science and Technology Co. Ltd., a Chinese company based in Taizhou, China, and for the ultimate benefit of the People's Republic of China.
- ◆ **U.S. v. Alexander Konovolov:** In December 2019, three members of the GozNym cybercrime network were sentenced in parallel, multi-national prosecutions in Pittsburgh, PA, and Tbilisi, Georgia. The GozNym network, led by Georgian national Alexander Konovolov, used GozNym malware in an attempt to steal an estimated \$100 million from unsuspecting victims in the United States and around the world by controlling more than 41,000 victim computers. Konovolov and co-conspirator Marat Kazandjian were sentenced in Georgia to seven and five years' imprisonment, respectively. Co-conspirator Krasimir Nikolov was sentenced in the U.S. to 39 months' imprisonment and deportation.
- ◆ **Chinese/Malaysian Cyber Actors Indictments:** On September 16, 2020, DOJ and FBI unsealed three indictments against Chinese and Malaysian actors charging them with computer intrusion and conspiracy. The five indicted Chinese nationals are alleged responsible for computer intrusions affecting over 100 victim companies in the United States and abroad. Two Malaysian businessmen were also charged with conspiring with two of the Chinese hackers to profit from computer intrusions targeting the video game industry in the United States and abroad.
- ◆ **Iranian Cyber Actors Indictments:** During the week of September 14, 2020, the FBI, Department of Homeland Security, and Department of the Treasury engaged in a coordinated effort to disrupt and deter malicious cyber activities by actors associated with the Islamic Republic of Iran's (Iran) Ministry of Intelligence and Security (MOIS) and Islamic Revolutionary Guard Corps (IRGC), as well as other Iran-based individuals. During the coordination, three indictments were unsealed in three different districts.

Other Accomplishments, Innovations, Collaborations, and Leading Practices

- ◆ **CLOUD Act:** The first Clarifying Lawful Overseas Use of Data (CLOUD) Act Agreement was signed by the U.S. and U.K. at the beginning of FY 2019. The Agreement provides CRM access to data stored by different providers, like VPN services, to obtain the needed information directly without going through the Mutual Legal Assistance Treaty (MLAT) process. By decreasing the number of MLAT requests, the CLOUD Act Agreement can lead to greater efficiency.
- ◆ **Operation DisrupTor:** On September 22, 2020, the Department of Justice joined Europol in announcing the results of Operation DisrupTor, a coordinated international effort to disrupt opioid trafficking on the Darknet. The operation, which was conducted across the United States and Europe, demonstrated the continued partnership between DOJ's Joint Criminal Opioid and Darknet Enforcement (JCODE) team and Europol against the illegal sale of drugs and other illicit goods and services. Operation DisrupTor built on the previous success of Operation SaboTor and the coordinated law enforcement takedown of the Wall Street Market, one of the largest illegal online markets on the dark web. Operation DisrupTor led to 121 arrests in the United States, including two in Canada at the request of the United States, forty two in Germany, eight in the Netherlands, four in the United Kingdom, three in Austria, and one in Sweden. A number of investigations are still ongoing to identify the individuals behind dark web accounts.
- ◆ **Cyberspace Solarium Commission:** Created by Congress two years ago, the Cyberspace Solarium Commission is tasked with making recommendations on the Government's approach to cybersecurity and deterrence of cyber threats. Several Department components worked closely with the Commission, including NSD and CRM (specifically, CCIPS and OIA). The Commission issued a report related to the impact that COVID-19 had on the Commission's recommendations.

Performance Measure

Number of computer intrusion program deterrences, detections, disruptions, and dismantlements [FBI]

	FY 2018	FY 2019	FY 2020
Target	4,200	8,000	8,000
Actual	11,540	15,897*	15,427

**The Actual data previously reported for this measure has been updated based on additional review and data verification.*

Discussion of FY 2020 Results

In FY 2020, FBI's Cyber Division (CyD) successfully achieved a total of 15,427 operational and preventative outcomes related to detections, deterrences, disruptions, and dismantlements. The number of detections, deterrences, disruptions, and dismantlements exceeded the FY 2020 target due to significant emphasis placed on FBI Field Offices to achieve judicial, operational, and preventative outcomes through the annual Field Office Strategic Plan (FOSP) creation and evaluations processes.

The FBI consulted with the Office of the Director of National Intelligence (ODNI) and state and local election officials to develop a new internal policy outlining how the FBI will notify state and local election officials of cyber-attacks directed against election infrastructure. The FBI, ODNI, and Department of Homeland Security (DHS) also held an Elections Tabletop Exercise in January 2020.

FBI Director Wray served as a statutory member of the Cyberspace Solarium Commission alongside three other executive branch officials, four members of Congress, and six non-governmental designees to "develop a consensus on a strategic approach to defending the United States in cyberspace against cyberattacks of significant consequences...." The Commission deliberated from April 2019 until March 2020, culminating in a report containing a range of recommendations including protecting systemically important critical infrastructure, ensuring a resilient economy, structuring reforms in both the executive and legislative branches, and deterring adversaries with a defend forward approach. Several of the report's recommendations underscored the important role DOJ and FBI play in countering malicious cyber activity and suggested statutory changes to support the Department's mission.

Benefits of Co-location

The co-location of the FBI, U.S. Intelligence Community (USIC), private sector partners, and non-profits in Huntsville, AL, made it possible for the FBI to share information, develop operational leads, and conduct cross-agency training.

Definitions

Detect is the FBI identification of a threat actor and/or criminal or national security related activity. *Deter* is the FBI prevention of a threat actor from engaging in criminal or national security related activity through defensive countermeasures that are implemented by the FBI or by strategic partners due to FBI engagement. *Disruption* is interrupting or inhibiting a threat actor from engaging in criminal or national security related activity. *A dismantlement* occurs when the targeted organization's leadership, financial base, and supply network has been destroyed, such that the organization is incapable of operating and/or reconstituting itself.

Data Validation, Verification, and Limitations

The FBI Cyber Division's operational priorities are classified. Therefore, it is only possible to report aggregate data that lacks significant detail. Data is collected routinely and stored on a classified enterprise platform and is validated and verified manually.

Performance Measure

Percentage of cyber defendants whose cases were favorably resolved [NSD, CRM and USAOs]

	FY 2018	FY 2019	FY 2020
Target	90%	90%	90%
Actual	98%	100%	100%

Discussion of FY 2020 Results

Confronting and combating malicious cyber activity is one of the Department’s top priorities, and the Department will continue to focus its attention and resources on successfully addressing this persistent threat.

The Department exceeded its annual target of favorably resolving at least 90% of its cyber defendants’ cases by successfully resolving all of its prosecutions of 105 cyber defendants in FY 2020.

The Department has successfully prosecuted cyber cases despite the majority of national security cyber threat actors being located abroad (often protected by their governments) and becoming increasingly sophisticated in their efforts to avoid detection, identification, and capture by U.S. law enforcement and the Intelligence Community. The case of *U.S. v. Zhiyong, et al* is an example of the Department’s successful prosecution of cyber cases.

U.S. v. Zhiyong, et al.

In February 2020, in the Northern District of Georgia, an indictment was unsealed charging four members of China’s People’s Liberation Army (PLA) with the 2017 hack of Equifax’s computer systems and stealing nearly 150 million Americans’ personal data along with Equifax’s valuable trade secrets.

Definition

Defendants whose cases were “favorably resolved” include those defendants whose cases resulted in court judgments favorable to the government, such as convictions after trial or guilty pleas. Cases dismissed based on government endorsed motions were not categorized as either favorable or unfavorable for purposes of this calculation. Such motions may be filed for a variety of reasons to promote the interest of justice.

Data Validation, Verification, and Limitations

Data validation and verification is accomplished via quarterly reviews performed by the Counterintelligence and Export Control Section. The Criminal Division (CRM) captures all litigation data in its Automated Case Tracking System (ACTS). Cases with cyber defendants in ACTS were validated quarterly by the Computer Crime and Intellectual Property Section’s (CCIPS) Section Chief. CRM relies on its own data collection as well as that of the USAOs, particularly when the case was handled as a partnership with a USAO. USAO data is entered locally by each district, where district personnel were responsible for following procedures to maintain the integrity of data in the system. Data is collected nationally in CaseView (formerly, the Legal Information Online Network System), which contains information on matters, cases, and appeals handled by all USAOs. Many cases concerning cybercrime may not be captured under these statistics, as there was not a single statute to prosecute criminal cyber conduct. Cyber cases tend to involve other related criminal conduct under which the matter could be coded in the database. USAOs routinely examine current and historical data sets, as well as look for trends to confirm that the data is accurate and reliable.

Strategic Objective 1.3:

Combat unauthorized disclosures, insider threats, and hostile intelligence activities

The U.S. government faces a significant and real threat that an insider will use authorized access, wittingly or unwittingly, to harm the security of the United States. Additionally, the United States faces a broad, rising threat from hostile intelligence activities. Foreign nations take a broad spectrum approach, in which traditional and nontraditional intelligence collectors seek to acquire vital U.S. assets to give our adversaries an economic or national security advantage.

Key Performance Indicators		
Total Measures	Total Measures Achieved	Percent Achieved
2	1	50%
Risks		
+	Foreign Partnerships	
-	Lawful Access (formerly Going Dark)	
-	Insider Threat	

Summary of Progress

The Department of Justice, in consultation with the Office of Management and Budget, has determined that performance toward this objective is on track.

Highlights

- ◆ **U.S. v. Henry Kyle Frese:** On February 20, 2020, former Defense Intelligence Agency employee, Henry Kyle Frese, pleaded guilty in the U.S. District Court for the Eastern District of Virginia to one count of willfully transmitting national defense information to a journalist, which led to the publication of at least eight articles containing classified information about foreign governments' weapons systems. On June 18, 2020, he was sentenced to 30 months in prison.
- ◆ **U.S. v. Jerry Chun Shing Lee:** In November 2019, former Central Intelligence Agency (CIA) case officer, Jerry Chun Shing Lee, was sentenced to 19 years in prison for conspiring to communicate information about the CIA and about U.S. national defense to the People's Republic of China in exchange for hundreds of thousands of dollars.
- ◆ **U.S. v. Li:** On October 18, 2019, the United States District Court for the District of Arizona sentenced Tao Li, a 39-year-old Chinese national, to 40 months' imprisonment for conspiring to export military- and space-grade technology to the People's Republic of China, without a license, in violation of the International Emergency Economic Powers Act.
- ◆ **U.S. v. Debbins:** In August 2020, former Army Green Beret, Peter Rafael Dzibinski Debbins, was arrested for conspiring with Russian intelligence operatives to provide them with United States national defense information. Over the course of a 15-year conspiracy, Debbins provided Russian intelligence agents with information that he obtained as a member of the U.S. Army, including information about his chemical weapons and Special Forces units. On November 18, 2020, he pleaded guilty to conspiracy to commit espionage.

Other Accomplishments, Innovations, Collaborations, and Leading Practices

- ◆ **Threat Review and Prioritization Process:** The Threat Review and Prioritization process, within the FBI's annual Integrated Program Management process, revealed that for FYs 2018 - 2020, all 56 FBI Field Offices identified counterintelligence threats as a high priority.
- ◆ **China Initiative Conference:** On February 6, 2020, multiple USAOs spoke alongside the Attorney General during the Department's China Initiative Conference. They presented case studies highlighting ongoing efforts to identify and prosecute Chinese government-sponsored economic espionage, trade secret theft, hacking, and other crimes. The Executive Office for U.S. Attorneys also created the China Initiative Intranet page on DOJBook. The page provides training, outreach, and prosecution documents to assist federal prosecutors in supporting the China Initiative.
- ◆ **Insider Threat Vulnerability Assessments:** JMD continues to conduct insider threat vulnerability assessments against DOJ's High Value Assets, mission-essential systems, critical infrastructure, and other systems that collect, store, and process large volumes of sensitive information (financial, Personally Identifiable Information, HR records, etc.).

Impact of COVID-19

The COVID-19 pandemic had varying impacts on components. DOJ Components supporting this strategic objective were able to perform core functions through the height of the pandemic lockdown period. The FBI took advantage of the opportunity to hold technology brainstorming sessions to improve several aspects of its counterintelligence program for the long-term.

Performance Measure

Number of counterintelligence program disruptions and dismantlements [FBI]

	FY 2018	FY 2019	FY 2020
Target	400	400	400
Actual	698	529	365

Discussion of FY 2020 Results

In FY 2020, the FBI’s Counterintelligence Division successfully affected 365 disruptions and dismantlements of counterintelligence programs by collaborating with international law enforcement to pursue opportunities to disrupt hostile intelligence activities through intelligence sharing and joint action.

The public health response to the 2020 COVID-19 pandemic demanded that creative ways be used to achieve the FBI counterintelligence mission while maintaining the safety of all employees, witnesses, victims, and suspects. The FBI Counterintelligence Division successfully met this challenge, continuing to produce high quality outcomes through the height of the pandemic. While the total number of disruptions and dismantlements did not reach the annual target, this was a direct result of COVID-19 protection strategies in quarters 3 and 4. Throughout FY 2020, the FBI Counterintelligence Division continued to focus on identifying, understanding, and combating foreign activities in order to deter, defeat, and aggressively respond to counterintelligence threats against U.S. national and economic security interests. Despite the pandemic, the FBI made historic strides in combating unauthorized disclosure, insider threat, and hostile intelligence activities.

Key accomplishments include the arrests of Alexander Yuk Ching Ma and Peter Rafael Dzubinski Debbins on charges that they provided national security information to the governments of China and Russia, respectively; forfeiture filings to seize the ill-gotten gains from North Korean and Iranian violators of international sanctions on their governments; and the indictment of Chinese technology firm Huawei with conspiracy to violate the Racketeer Influenced and Corrupt Organizations Act (RICO), marking a novel use of this legal strategy to complete a counterintelligence investigation. In addition, Henry Kyle Frese was sentenced to 30 months in prison for leaking national defense information to journalists in 2018 and 2019, and the Department successfully extradited accused international sanctions violators in the custody of Georgia and the United Kingdom.

Training Accomplishments

The National Insider Threat Task Force (NITTF) piloted a regional insider threat Hub Operations (Hub Ops) platform to provide accessible training opportunities and to diversify course attendees. Prior to the COVID-19 pandemic, mobile training teams were planned to expand to Florida, Hawaii, and Stuttgart, Germany.

The FBI participated in the 811 Conference to ensure that the U.S. Intelligence Community, other federal government agencies, and cleared defense contractor partners are aware of processes and procedures associated with espionage and unauthorized public disclosure referrals.

Definition

This measure uses the combined score of two types of statistical accomplishments — disruptions and dismantlements — as documented by the FBI in its record keeping system. FBI personnel claim statistical accomplishments for various types of operational activities so the number of occurrences of these activities can be tracked for oversight purposes. This measure will include only disruptions and dismantlements documented in case files within the counterintelligence program.

Data Validation, Verification, and Limitations

The FBI Counterintelligence Division's operational priorities are classified. Therefore, it is only possible to report aggregate data that lacks significant detail. Data is collected routinely and stored on a classified enterprise platform and was validated and verified manually.

Performance Measure

Percentage of espionage defendants whose cases were favorably resolved [NSD]

	FY 2018	FY 2019	FY 2020
Target	90%	90%	90%
Actual	100%	99%	96%

Discussion of FY 2020 Results

In FY 2020, 96% of the 48 espionage defendants whose cases were handled by the National Security Division (NSD) were successfully resolved. The following are highlights from the Department’s recent espionage cases:

- ◆ **U.S. v. Broidy:** On October 20, 2020, in the District of Columbia, Elliott Broidy pled guilty to one count of conspiracy to violate the Foreign Agents Registration Act. Broidy sought to lobby U.S. government officials to drop a large fraud and money laundering prosecution, and to deport a critic of the Chinese Communist Party, while concealing that he was being paid by foreign parties.
- ◆ **U.S. v. Ma:** On August 17, 2020, in the District of Hawaii, a criminal complaint was unsealed charging Alexander Yuk Ching Ma, a former Central Intelligence Agency officer, with conspiracy to communicate classified national defense information to intelligence officials of the People’s Republic of China.

U.S. v. Wei Sun:

On November 18, 2020, in the District of Arizona, Wei Sun was sentenced to 38 months in prison for exporting sensitive military related technology to China. Sun previously pled guilty to one felony count of violating the Arms Export Control Act.

Definition

Defendants whose cases were favorably resolved include those defendants whose cases resulted in court judgments favorable to the government.

Data Validation, Verification, and Limitations

Database records and data updates from Counter Espionage Section attorneys are reviewed quarterly to ensure that records are current and accurate. Reporting lags may be an issue for this performance measure.

Section II - Performance Information by Strategic Goal/Objective

Strategic Goal 2:

Secure the Borders and Enhance Immigration Enforcement and Adjudication



The Department plays a key role in the nation's immigration enforcement and adjudication processes, in collaboration with several other agencies, including the Departments of Homeland Security (DHS), State (DOS), Health and Human Services (HHS), and Labor (DOL).

Together and in cooperation with partner agencies, DOJ components secure the borders and protect public safety and national security, by prioritizing criminal immigration enforcement and ensuring an immigration system that respects the rule of law, protects the safety of U.S. citizens and legal aliens, and serves the national interest.

Strategic Objective 2.1: Prioritize criminal immigration enforcement

Enforcement of our nation's immigration laws is a fundamental priority of the Department of Justice. It is critical to the defense of the United States that criminal immigration laws are enforced. In FY 2020, emphasis on prosecuting criminal immigration law offenses was a priority of the United States Attorney Offices.

Key Performance Indicators		
Total Measures	Total Measures Achieved	Percent Achieved
2	2	100%
Risks		
+/-	New Legislation/Court Rulings (Smuggling Cases, Sanctuary Cities, etc.)	
-	COVID-19	

Summary of Progress

The Department of Justice, in consultation with the Office of Management and Budget, has determined that performance toward this objective is on track.

Highlights

- ◆ **U.S. v. Faris:** On February 3, 2020, an individual convicted of providing material support to al Qaeda was denaturalized. Among other actions in support of al Qaeda, in 2002, the defendant assessed a plot to cause the collapse of the Brooklyn Bridge in New York by using gas cutters and communicated his assessment to al Qaeda via coded messages. The United States obtained a judicial order revoking the defendant's naturalization and removal proceedings against the defendant were subsequently initiated by DHS.

Other Accomplishments, Innovations, Collaborations, and Leading Practices

- ◆ **Integrated Information Sharing:** The United States National Central Bureau (USNCB) has continuously collaborated with the INTERPOL General Secretariat to expand implementation of its integrated information sharing model in additional INTERPOL member countries (e.g., Africa).
- ◆ **BITMAP:** A biometric system that stores information relating to intercepted migrants (led by Homeland Security Investigations and executed by U.S. foreign partners), extends review and investigation beyond the U.S. border to help identify foreign targets before they reach the U.S., and may be used in the future to support this objective.
- ◆ **Interagency Working Group on Alien Smuggling and Trafficking in Persons:** The Criminal Division co-chaired an Interagency Working Group on Alien Smuggling and Trafficking in Persons focused on deconfliction and coordination on smuggling and trafficking issues across agencies, including DHS, State, Defense, and Justice.
- ◆ **DHS and DOJ Coordination:** Coordinated efforts amongst USMS, BOP, and ICE contributed to the expedited movement of sentenced prisoners into BOP custody and the identification of shared detention space with ICE in critical need locations.

Impact of COVID-19

This objective was impacted by COVID-19 in a number of ways, including:

- ◆ The government temporarily shut down border processing for many individuals who would otherwise be processed under Title 8
- ◆ Title 42 bars certain people from entering the country pending the resolution of the pandemic
- ◆ Many districts experienced a significant increase of motions to release defendants due to COVID-19 exposure
- ◆ Coronavirus slowed criminal arrests and prosecutions, which may have resulted in less law enforcement oversight and engagement in the community

Performance Measure

Percentage of criminal immigration dispositions that are successfully resolved [USAO]

	FY 2018	FY 2019	FY 2020
Target	90%	90%	90%
Actual	99.6%	99.6%	99.7%

Discussion of FY 2020 Results

In FY 2020, the nation's U.S. Attorneys' Offices (USAOs) exceeded the target for successfully resolving criminal immigration dispositions, obtaining successful resolutions in 99.7% of matters. These investigations and prosecutions are consistent with the Zero Tolerance Policy. The Department has successfully resolved 30,546 cases out of 30,635.

Definition

Defendants whose cases were favorably resolved include those whose cases resulted in court judgments favorable to the government, including dismissal of cases on motion of the government.

U.S. v. Eliseo Garcia-Gordillo

In October 2019, a Honduran man previously convicted of aggravated sexual battery of a child under the age of 13, was sentenced to 16 months in prison for illegally reentering the United States.

Data Validation, Verification, and Limitations

All USAO data is entered locally by each district, where district personnel are responsible for following procedures to maintain the integrity of data in the system. This data is collected nationally in CaseView (formerly, the Legal Information Online Network System), which contains information on matters, cases, and appeals handled by all USAOs. That data is reviewed by knowledgeable personnel, including data analysts and others; attorneys and support personnel are responsible for following all local procedures to maintain the integrity of the data in the system. The USAOs routinely examine current and historical data sets for trends and to help identify anomalies in order to improve the accuracy and reliability of the data.

Performance Measure

Percentage of federal denaturalization dispositions that are successfully resolved [USAO, CIV]

	FY 2018	FY 2019	FY 2020
Target	80%	80%	80%
Actual	91%	95%	96%

Discussion of FY 2020 Results

The Department has continued to deliver high quality work and in-depth investigations leading to favorable outcomes in all areas of its denaturalization practice. The Department favorably resolved 49 out of 51 cases. These successes are in part due to continued training and outreach efforts, as well as collaboration between the Civil Division (CIV), the USAOs, and agency and law enforcement partners.

As a result of CIV’s increased civil denaturalization training for DHS components (e.g., ICE, USCIS, and CBP) and USAOs, the Department saw an increase in civil denaturalization referrals.

USAOs, along with other DOJ components (CIV-OIL, EOUSA, CRM-Human Rights and Special Prosecutions Section), established partnerships with USCIS to collaborate on strategies to improve the identification and capture of evidence in criminal immigration fraud prosecutions.

Data Validation, Verification, and Limitations

Federal civil denaturalization dispositions are tracked in the Civil Division’s electronic management information website. Office of Immigration Litigation (OIL) staff are responsible for entering disposition forms into the website once a disposition is closed, and the website then aggregates the data. The site tracks favorable, unfavorable, and neutral outcomes for the District Court and Appellate sections. Data is collected quarterly.

Federal criminal denaturalization dispositions are tracked in the Executive Office for U.S. Attorneys’ CaseView system, which contains information on matters, cases, and appeals handled by all USAOs. USAO data is entered locally by each district, where district personnel are responsible for following procedures to maintain the integrity of data in the system.

That data is reviewed by knowledgeable personnel, including data analysts and others; attorneys and support personnel are responsible for following the local procedures to maintain the integrity of the data in the system. The USAOs routinely examine current and historical data sets for trends and to help identify anomalies in order to improve the accuracy and reliability of the data.

U.S. v. Moktar Hossain, et al.

From 2018 onward, a transnational human smuggling organization bringing illegal aliens from Bangladesh and neighboring countries into the United States through the Southwest Border, has been strategically dismantled through the arrests and ultimate sentencing of Moktar Hossain and his co-conspirators operating out of Mexico and Brazil. Moktar Hossain and Mohammad Milon Miah Hossain pled guilty to various smuggling charges and each face five-year mandatory minimum sentences. The U.S. has issued an extradition request for Saifullah Al-Mamun to the Brazilian government.

Strategic Objective 2.2:

Ensure an immigration system that respects the rule of law, protects the safety of U.S. citizens and legal aliens, and serves the national interest

The administration of immigration laws is nuanced and complex, requiring efficient processes and constant collaboration with multiple stakeholders and partners. In FY 2020, DOJ worked to implement internal improvements to immigration offices and processes, and to expand collaboration with external stakeholders and partners in upholding immigration law.

Key Performance Indicators		
Total Measures	Total Measures Achieved	Percent Achieved
4	4	100%
Risks		
+/-	State and Local Collaboration (Alien Removals/Sanctuary Cities)	
+	Agency Collaboration (Alien Removals)	
-	Immigration Fraud	

Summary of Progress

The Department of Justice, in consultation with the Office of Management and Budget, has determined that performance toward this objective needs focus. The Department has faced a number of external challenges related to immigration and the uncertain outcome of various cases in the courts.

Highlights

- ◆ **Innovation Law Lab v. Wolf:** In May 2019, Innovation Law Lab and its co-plaintiffs alleged that the Administration’s “Remain in Mexico” policy violates the Immigration and Nationality Act, the Administrative Procedure Act, and the U.S.’s duty under domestic and international law to not return people to dangerous conditions. On March 11, 2020, the U.S. Supreme Court granted the federal government’s application for a stay of the lower court’s preliminary injunction blocking implementation of the Migrant Protection Protocols. The Supreme Court then granted *certiorari* to review the preliminary injunction decision.
- ◆ **Settlement with Hallaton, Inc.:** On March 19, 2020, a settlement resolved the Department’s claims that Hallaton, Inc., a construction company headquartered in Sparks, MD, routinely discriminated against U.S. workers by failing to consider them for construction laborer positions, due to a preference for temporary visa workers. Despite receiving over two dozen applications from available and qualified U.S. workers through the Maryland Workforce Exchange, Hallaton hired none of them. The company then sought and received permission to hire 63 H-2B visa workers for these jobs by claiming that it could not find qualified and available U.S. workers. Under the settlement, Hallaton will pay a civil penalty of \$43,143 to the U.S., pay up to \$80,000 in back pay to affected U.S. workers, and conduct enhanced U.S. worker recruitment and advertising for future positions.

Other Accomplishments, Innovations, Collaborations, and Leading Practices

- ◆ **MOU with DHS-ICE:** BOP updated a Memorandum of Understanding (MOU) with DHS-ICE that allows an ICE Coordinator to be housed with the Correctional Programs Branch twice a week to coordinate information sharing and the review of inmates that need to request a transfer, through the Case Manager, to a facility that offers the Institutional Hearing Program (IHP).
- ◆ **MOUs with DOL:** The Civil Rights Division (CRT) established protocols for DOJ and DOL to share data, make cross-referrals, collaborate on cases, train each other’s employees, and to assist DOL in identifying noncompliance under the visa program rules it enforces.
- ◆ **H-Visa Working Group:** CRT established the H-Visa Working Group to focus on developing well-targeted enforcement activities, conducted internal training of staff regarding the Protecting U.S. Workers Initiative,

and conducted outreach to, and promoted two-way information flow with, federal, state, and local government entities.

- ◆ **Web-Based Automated Case Application:** The Executive Office for Immigration Review (EOIR) launched a new web-based automated case information application, which offers case information to stakeholders in English and Spanish through an internet browser.

Impact of COVID-19

This objective was impacted by COVID-19 in a number of ways, including:

- ◆ The government temporarily shut down border processing for many individuals who would normally be processed under Title 8 due to COVID-19
- ◆ All hearings in immigration courts for non-detained persons were initially postponed from late March until June 15, 2020. Since that time, certain immigration courts have resumed non-detained cases. Hearings in non-detained cases at courts without an announced date are currently postponed through, and including, January 1, 2021. Current operational status can be found at <https://www.justice.gov/eoir-operational-status>.
- ◆ Title 42 bars introduction of people into the country pending the resolution of the pandemic
- ◆ Many districts experienced a significant increase of motions to release defendants due to COVID-19 exposure
- ◆ Coronavirus slowed criminal arrests and prosecutions, which may have resulted in less law enforcement oversight and engagement in the community

Performance Measure

Percentage of criminal immigration related benefits fraud dispositions that are successfully resolved [USAOs]

	FY 2018	FY 2019	FY 2020
Target	90%	90%	90%
Actual	99.3%	99%	99.6%

Discussion of FY 2020 Results

In FY 2020, the United States Attorneys' Offices community advanced the Department of Justice's commitment to combat crimes involving immigration related benefits fraud to ensure United States citizens and legal aliens are safe, and to protect the integrity of the United States' immigration system. Of the 679 cases undertaken, 676 were successfully resolved.

Definition

Defendants whose cases were favorably resolved include those defendants whose cases resulted in court judgments favorable to the government, including dismissal of cases on motion of the government.

Data Validation, Verification, and Limitations

USAO data is entered locally by each district, where district personnel are responsible for following procedures to maintain the integrity of data in the system. Data is collected nationally in CaseView, which contains information on matters, cases, and appeals handled by all USAOs. That data is reviewed by knowledgeable personnel, including data analysts and others; attorneys and support personnel are responsible for following local procedures to maintain the integrity of the data in the system. The USAOs routinely examine current and historical data sets for trends and to help identify anomalies in order to improve the accuracy and reliability of the data.

Performance Measure

Percentage of employer sanctions, immigration related unfair employment practices, and immigration related document fraud cases completed within the established time frame [EOIR]

	FY 2018	FY 2019	FY 2020
Target	90%	90%	90%
Actual	97%	95%	100%

Discussion of FY 2020 Results

In FY 2020, the Executive Office for Immigration Review (EOIR) exceeded its goal of completing 90% of employer sanctions, immigration related unfair employment practices, and immigration related document fraud cases within the established time frames. All (100%) of the 68 cases were completed within the established time frame.

Definition

Immigration and Nationality Act (INA) 274A refers to employer sanctions cases. INA 274B refers to immigration related unfair employment practice cases. INA 274C refers to immigration related document fraud cases. Each of these time frames is measured from receipt to completion.

The above performance measure speaks to three distinct case types, each with its own completion target:

- ◆ 90% of INA274A(8 U.S.C. § 1324a) cases completed within 430 days
- ◆ 90% of INA274B (8 U.S.C. § 1324b) cases completed within 500 days
- ◆ 90% of INA274C (8 U.S.C. § 1324c) cases completed within 750 days

Data Validation, Verification, and Limitations

Data is collected from the Automated Case Management System (ACMS). Office of the Chief Administrative Hearing Officer (OCAHO) employees are trained to accurately enter data and on the importance of how data entry can affect the business. OCAHO has clear data owners, both the single person and the single system, with unique individual passwords. Data is in a trusted format, and weekly reports are run to sample accuracy against certified records.

ACMS is a relational database that does not give stakeholders the ability to register, log in, and add/process filings. There is also no automatic backup mechanism. OCAHO is in the process of creating a permanent electronic filing program with the ability to move toward a more current, secure, paperless electronic operational environment. Implementing this system will enhance the efficiency of OCAHO's case management system and operations.

Performance Measure

Percentage of INA Section 274B Protecting U.S. Workers Initiative discriminatory or unlawful hiring practice enforcement actions successfully resolved [CRT]

	FY 2018	FY 2019	FY 2020
Target	90%	75%	75%
Actual	90%	100%	100%

Discussion of FY 2020 Results

In FY 2020, the Department continued to combat unlawful hiring practices against U.S. workers and exceeded the target of successfully resolving 75% of its discriminatory or unlawful hiring practice enforcement actions. Of the 14 total actions, 11 were successfully resolved. The Initiative focuses on combating employment discrimination against U.S. workers, consistent with President Trump’s Buy American and Hire American Executive Order. The Department used traditional tools of investigation, lawsuits, outreach, and interagency coordination to fight employers’ discriminatory preferences for temporary visa holders, while educating U.S. workers on their rights. The Department held employers accountable for discriminating against U.S. workers by requiring them to pay fines, pay lost wages to affected workers, and adopt policies and procedures that prevent future use of illegal preferences.

Settlement with El Expreso Bus Company

On May 29, 2019, a settlement resolved the Department’s claims that Houston-based bus company, El Expreso, discriminated against U.S. workers due to a hiring preference for temporary visa workers (H-2B), in violation of the INA. The Department announced on March 3, 2020, that El Expreso has paid over \$90,000 to eight U.S. workers pursuant to the settlement agreement.

Since its launch in March 2017, the Civil Right Division’s (CRT’s) Protecting U.S. Workers Initiative has led to the opening of dozens of investigations; in addition, settlement agreements have been reached with eight companies that discriminated against U.S. workers in favor of temporary visa workers. Under the Initiative, employers distributed or agreed to pay over \$1.2 million in back pay to affected U.S. workers and civil penalties to the U.S. The Department of Labor’s statute and employment-based visa programs make uncovering intentional discrimination against U.S. workers difficult for CRT. CRT identified legislative fixes for these concerns and examined H-1B data. CRT entered into MOUs with DOL, DHS, and DOS to enhance data access and referrals for H-1B visa-related investigations.

During FY 2020, the Civil Rights Division exceeded the performance target, with 100% of discriminatory or unlawful hiring practice enforcement actions successfully resolved.

Definition

For the purposes of the Protecting U.S. Workers Initiative, an enforcement action is defined as any claim for relief that the Immigrant and Employee Rights Section pursues against a person or entity that is allegedly discriminating against U.S. workers in favor of foreign visa workers. Enforcement actions are generally initiated when the section notifies a respondent that reasonable cause exists to believe a violation of the law has occurred and invites the respondent to engage in settlement negotiations to resolve the alleged violation. An action is considered successfully resolved when the resolution requires the cessation of the offensive conduct, requires training or other similar measures to ensure the offensive conduct is not repeated, and provides for back pay, where applicable, and civil penalties, where appropriate. Back pay and civil penalties shall be assessed consistent with statutory ranges, *see* 8 U.S.C. 1324b(g), and applicable case law.

Data Validation, Verification, and Limitations

CRT routinely collects data on these types of investigations. Data is maintained, analyzed, validated, and verified manually.

Performance Measure

Clearance rate for detained and non-detained cases [EOIR]

	FY 2018	FY 2019	FY 2020
Target	Baseline	50%	55%
Actual	62%	61%	63%

Discussion of FY 2020 Results

In FY 2020, the Executive Office for Immigration Review (EOIR) exceeded its target clearance rate for detained and non-detained cases by 8%. Of 382,444 cases, 239,927 were cleared. EOIR piloted a Courts and Appeals System in an effort to improve efficiency in reducing caseloads. Through Quarter 2 of FY 2020, with 490 immigration judges on-board, EOIR was trending toward completing over 400,000 cases in FY 2020 and had a 90% clearance rate. Despite serious disruptions to its operations in the second half of the fiscal year, EOIR completed almost 240,000 cases in FY 2020. Although the Office of the Chief Immigration Judge’s (OCIJ) completion total fell from its record completion total in FY 2019 due to the impact of COVID-19, it nevertheless completed more cases than in any other fiscal year since FY 2009.

ECAS Portal

The upgraded EOIR Courts and Appeals System (ECAS) allows DHS to electronically file case-related documents (including Notice to Appear (NTA) Information), view and print electronic Record of Proceeding records, review accepted/rejected status of uploaded files, and schedule hearings for aliens placed into removal proceedings via an online portal. This portal also allows DHS personnel to register and create their own accounts, reset passwords, and review hearing dates/times.

EOIR ended FY 2020 with 517 Immigration Judges, its highest total ever, and a 50% increase from the number of Immigration Judges on board in the preceding three years. While the number of Immigration Judges has more than doubled since FY 2010, the number of complaints against Immigration Judges has declined significantly over that same period.

Definition

Clearance rate is defined as the ratio of initial case completions to initial receipts within a given time period. Subsequent case completions are excluded so there can be at most one completion for any given receipt. Clearance rate reflects caseload management, in that a clearance rate above one shows that completions exceed receipts during a given time period, and vice versa.

Data Validation, Verification, and Limitations

Data is collected from the Case Access System for EOIR (CASE), a nationwide case tracking system at the trial and appellate levels. Court staff nationwide enters data, which is electronically transmitted and stored at EOIR headquarters, allowing for timely and complete data collection. Data is verified by online edits of data fields. Headquarters and field office staff use routine daily, weekly, and monthly reports that verify data. Data validation is also performed on a routine basis through data comparisons between EOIR and DHS databases.

Section II - Performance Information by Strategic Goal/Objective

Strategic Goal 3: Reduce Violent Crime and Promote Public Safety



Between 2014 and 2016, the violent crime rate rose faster than it has in 25 years. Evidence suggests that collaborative and targeted enforcement efforts are effective in combating crime and saving lives. Accordingly, the Department's agents, analysts, professional staff, and prosecutors work together with state, local, and tribal partners to focus our powerful investigative and enforcement tools and technologies on preventing the efforts of those offenders who pose the greatest threat to the safety and security of our communities.

The Department's grant making components supply communities with critical assistance to advance their violent crime reduction efforts and to assist victims. Every effort will be made to consider the plight of victims throughout the criminal justice process and to provide them a voice during the investigation and prosecution of their cases.

Finally, pursuant to Section 2 of the President's Executive Order on Enforcing Federal Law with Respect to Transnational Criminal Organizations and Preventing International Trafficking (Executive Order) signed on February 9, 2017, the Department will enhance its cooperation with foreign counterparts where permitted by law through sharing intelligence and law enforcement information and resources.

Strategic Objective 3.1:

Combat violent crime, promote safe communities, and uphold the rights of victims of crime

The vigorous investigation and prosecution of violent criminals are critical tools that incapacitate offenders and help to deter crime. The Department's enforcement efforts must be strategic and coordinated to combat violent criminals and to drive state, local, and tribal law enforcement agencies to develop locally based reduction efforts.

Summary of Progress

The Department of Justice, in consultation with the Office of Management and Budget, has determined that performance toward this objective is on track. This Strategic Objective was significantly impacted by COVID-19. Sensitive law enforcement operations typically involve close, publicly-based activities that the COVID-19 pandemic has temporally disrupted.

Key Performance Indicators		
Total Measures	Total Measures Achieved	Percent Achieved
7	3	43%
Risks		
+	Joint Task Force Vulcan (JTF)	
+	Use of NICS results to reduce future gun violence	
-	Bulk Data Collection	
-	Lack of identification of drug proceeds laundered via virtual currency (VC)	

Highlights

- ◆ **U.S. v. Allen:** On December 19, 2019, Cleoretta Allen, 41, of Louisville, Kentucky, was sentenced to serve 180 months in prison followed by 20 years of supervised release. Allen used violence, threats, and intimidation to coerce two young women to provide commercial sex acts for Allen's clients in the Louisville area.
- ◆ **U.S. v. Matthews:** On June 12, 2019, Holden James Matthews, 21, of Opelousas, Louisiana, was charged by a federal grand jury in an unsealed indictment with setting fire to and destroying three churches in St. Landry Parish. Following a guilty plea in February 2020, Matthews was sentenced in November 2020 to 300 months in federal prison followed by 3 years of supervised release.
- ◆ **U.S. v. Kindley:** On March 12, 2020, a federal jury in Little Rock, Arkansas, found Eric Scott Kindley, 52, a private prisoner transport officer, guilty of sexually assaulting two different women in his custody during two different transports in 2014 and 2017, and for knowingly possessing a firearm in furtherance of the 2017 sexual assault.
- ◆ **Centralized Database for Reporting Suspicious Controlled Substances Orders:** DEA deployed a newly created, centralized database for reporting suspicious controlled substances orders. This database was created to better track suspicious orders and prevent the diversion of controlled substances and was a requirement of the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (SUPPORT Act).
- ◆ **Sophisticated Investigative Techniques:** Racketeer Influenced and Corrupt Organizations (RICO)/ Violent Crimes in Aid of Racketeering (VICAR) prosecutions in criminal enterprise investigations are infrequent. FBI field offices and task forces, in areas where RICO and VICAR are not an option, continue to work closely with USAOs on drug conspiracy cases involving sophisticated investigative techniques, such as Court Ordered Title IIIs, which may result in the disruption and dismantlement of violent gangs.

Other Accomplishments, Innovations, Collaborations, and Leading Practices

- ◆ **Lawful Access Summit:** In October 2019, the Department hosted a Lawful Access Summit focused on increasing public awareness of the impact of encryption in child exploitation cases.
- ◆ **Project Guardian:** Several components, including ATF, EOUSA/USAOs, and OLP, implemented Project Guardian to address violent crime. The initiative involves five focus areas: (1) prosecution coordination; (2) enforcement of federal firearms laws and background checks; (3) improved information sharing; (4) coordinated response to mental health denials; and (5) crime gun intelligence coordination.
- ◆ **RAAVEN Working Group:** To ensure public safety for American Indian and Alaska Native communities, several components, including ATF, COPS, EOUSA/USAOs, FBI, OJP, OTJ, and OVW, have coordinated within DOJ and with external partners like the Bureau of Indian Affairs and local law enforcement. The Alaska USAO formed the Rural Alaska Anti-Violence Enforcement (RAAVEN) working group to coordinate enforcement and training efforts. Training for state and local law enforcement personnel focuses on what acts can be prosecuted in federal court and what evidence must be preserved for prosecutions.
- ◆ **Medication Assisted Treatment Resource Guide:** To assist institutions with initiating and standardizing the Medication Assisted Treatment program within individual institutions, BOP Reentry Services Division, Health Services Division, and Correctional Programs Division staff developed the Medication Assisted Treatment Resource Guide.
- ◆ **MDI Working Group:** OJP and HHS collaborated to strengthen the U.S. death investigation system through the Medicolegal Death Investigation Federal Interagency working group (MDI-WG).
- ◆ **Maritime Interdiction Operational Initiative:** The OCDETF Pacific Region recently approved a maritime interdiction operational initiative to help battle the rising threat to public safety posed by maritime drug trafficking.
- ◆ **Hate Crimes Website:** CRT's hate crimes website has grown in viewership over the last year. In FY 2019, CRT had an average of 211 website visitors per day after its launch in October of 2018. In FY 2020, website visitors have increased to over 1,400 per day.
- ◆ **Fugitives, Investigative Discovery Series:** USMS partnered with the cable television network "Investigation Discovery" to air the "In Pursuit" series with John Walsh on January 16, 2019. In total, Season 1 highlighted 28 USMS fugitive cases, leading to the apprehension of four featured fugitives, including a fugitive from the 15 Most Wanted list.

Impact of COVID-19

This objective was impacted by COVID -19 in a number of ways, including:

- ◆ Disruptions to public safety and victim services across the nation
- ◆ Physical and social isolation of adults and child victims of domestic violence, i.e., being in close quarters with an abuser for a prolonged period of time
- ◆ Increased risk to children of online child exploitation due to an increase in the use of video-conference platforms and in the amount of time children spend online unsupervised
- ◆ Increased homegrown violent extremists' activity (e.g., hate crimes against those of Asian descent)
- ◆ Social distancing, COVID-related shutdowns and stay at home orders prevented the assembly of grand juries (juries of at least 16 people in the same room) and impeded courts from holding trials
- ◆ Reduced availability of detention facilities may have led to catch and release for offenders
- ◆ Program Evaluations shifted to virtual inspections and interviews

Performance Measure:

Percentage of federal violent crime defendants whose cases were favorably resolved [CRM, USAOs]

	FY 2018	FY 2019	FY 2020
Target	90%	90%	90%
Actual	93%	92%	92%

Discussion of FY 2020 Results

The Department of Justice exceeded its annual target of favorably resolving at least 90% of its federal violent crime defendants' cases, by successfully resolving 92% of its prosecutions of 13,079 federal violent crime defendants in FY 2020.

In FY 2020, the Department continued to meet its perennial goal of a favorable resolution rate of 90% for violent crime defendants. This rate is consistent with DOJ's policy, as set forth in the Justice Manual, mandating prosecutors not charge a defendant unless they believe the person's conduct constitutes a federal offense, and that the admissible evidence will probably be sufficient to obtain and sustain a conviction.

To facilitate ongoing accountability for crimes committed extraterritorially by individuals accompanying the U.S. military abroad and those supporting the mission of the Department of Defense, the Criminal Division (CRM) engaged in various trainings of Military Criminal Investigative Organization agents. In addition, given the significant challenges posed by the removal provisions of the Military Extraterritorial Jurisdiction Act (MEJA), CRM initiated a joint interagency working group to discuss procedures, coordination, and issues raised by the MEJA removal process. The working group's objective is to create guidance and SOPs for respective stakeholders in the interagency and in the field (including AUSAs) to facilitate this complex process.

The following are highlights from the Department's violent crime cases:

U.S. v. Lewis, et al.: On October 27, 2020, five members of the United Blood Nation (UBN) street gang were sentenced in Charlotte, North Carolina, after standing trial on federal Racketeer Influenced and Corrupt Organizations (RICO) conspiracy and other charges. Three of these defendants, who had each been found guilty by a jury in October 2019 of personally committing murder, were sentenced to life in prison. The other two defendants were sentenced to terms of 11 and 25 years in prison for numerous gang-related crimes. All of the defendants' sentences were the culmination of a prosecution that charged 83 UBN gang members in the Western District of North Carolina with RICO conspiracy and other crimes.

U.S. v. Jong Woo Son: In October 2019, the Department announced the indictment of Son, a South Korean national, for his operation of Welcome to Video, a child sexual exploitation marketplace on the dark web that was funded via Bitcoin. Efforts resulted in the takedown of the site and the arrests of, and charges filed against, 337 site users. The Department credited the law enforcement operation, conducted by the Department and other U.S. and international law enforcement agencies, for the rescue of at least 23 minor victims who were being actively abused by the users of the Welcome to Video site.

Definition

For USAOs, defendants favorably resolved include those disposed in cases that resulted in court judgments favorable to the government, such as convictions and government-endorsed motions to dismiss cases. Favorable resolution for CRM is measured at the defendant level and reported at the conviction stage of the case. Only defendants in violent crime cases in CRM are included. For the purpose of this measure, CRM uses a set of program categories to identify violent crime cases.

Data Validation, Verification, and Limitations

USAO data is entered locally by each district, where district personnel are responsible for following procedures to maintain the integrity of data in the system. Data is reviewed by knowledgeable personnel, including data analysts and others; attorneys and support personnel are responsible for following local procedures to maintain the integrity of the data in the system. The USAOs routinely examine current and historical data sets for trends and to help identify anomalies in order to improve the accuracy and reliability of the data.

CRM captures all litigation data in its Automated Case Tracking System (ACTS). Data in ACTS is validated quarterly by the Section Chief in each of the litigating sections.

Performance Measure

Number of National Integrated Ballistic Information Network (NIBIN) “hits/leads” that is the linkage of two or more crime scene investigations, based upon comparisons of the marking made on fired ammunition recovered from the crime scenes [ATF]

	FY 2018	FY 2019	FY 2020
Target	50,000	55,000	88,000
Actual	54,686	74,123	110,981

Discussion of FY 2020 Results

The actual number of NIBIN “hits/leads” reported for FY 2020 exceeded the annual target by 26%. This surge in “hits/leads” is largely due to existing NIBIN sites increasing their workforce, as well as the addition of new Integrated Ballistic Identification System (IBIS) equipment to these sites. ATF’s increase in communication (seminars/ meetings) with the law enforcement community and their partner forensic services also contributed to the growth of the NIBIN Program as demonstrated in the increase in acquisitions from last fiscal year.

The ATF created the NIBIN Enforcement Support System (NESS), which allows ATF Crime Gun Intelligence Centers (CGICs), Crime Gun Enforcement Teams (CGETs), and our state/local partners better access to NIBIN data so they can triage, refer, and track information in one electronic platform.

NIBIN National Training Center

The ATF expanded the NIBIN National Correlation and Training Center (NNCTC) from a pilot program in temporary space to a nationwide program servicing 70 NIBIN sites. The NNCTC is now in a permanent state-of-the-art 20,000 square foot space in Huntsville, AL.

Definition

Hits: Measures the number of times a firearms examiner confirms an Integrated Ballistic Identification System (IBIS) match of two or more electronic images linking two or more separate criminal investigations, where no known connection may have previously existed.

Leads: Measures the number of times a firearms examiner or NIBIN technician identifies a match of two or more electronic images linking two or more separate criminal investigations, where no known connection may have previously existed. The matches are not confirmed by a firearms examiner under a microscope and are considered presumptive leads for investigative purposes.

Data Validation, Verification, and Limitations

Data validation and verification is accomplished via quarterly reviews by the ATF. An additional validation and verification process is completed by the ATF each fiscal year. This final data validation and verification process confirms whether identified leads are actually leads, hits, or errors. This final review only adjusts the year-end totals and does not adjust quarterly totals retrospectively.

Performance Measure

Number of victims of a violent crime that received services through the Victim Assistance Program [OJP]

	FY 2018	FY 2019	FY 2020
Target	4,800,000	5,000,000	5,000,000
Actual	5,836,452	6,578,459	6,662,909

Discussion of FY 2020 Results

For FY 2020, the violent crime victimization data reported by Victims of Crime Act (VOCA) Victim Assistance grantees remained relatively consistent with FY 2019 data. The following victimization types had the greatest increases over the numbers reported in FY 2019: mass violence, adult physical assault, and domestic and/or family violence.

The changes in the violent crime victimizations reported may be partially due to the COVID-19 pandemic, pandemic-related hate crimes, Black Lives Matter protests, and mass violence incidents in Texas during 2019.⁴

OJP Websites

OJP launched and manages several websites, including the new OJJDP website, the OJP AMBER Alert website, and CrimeSolutions.gov. The new OJJDP website was designed to be easier to navigate and highlights key information about the states and the Juvenile Justice Reform Act of 2018.

Definitions

Victims of violent crimes include the crime categories of child abuse/assault, domestic violence, rape/sexual assault, robbery, assault, mass violence, terrorism, and survivors of homicide victims, as reported by grantees in OJP’s performance measurement tool. Services received can include information and referral, personal advocacy/accompaniment, emotional support or safety services, shelter/housing services, or criminal/civil justice system assistance.

Data Validation, Verification, and Limitations

OVC only collects aggregate data from victim services organizations funded under the Victim Assistance Program. Data is collected quarterly from respondents and aggregated annually. Some overlap in quantities inevitably occurs when calculating for one year. Numbers here only represent OVC’s State Victims of Crime Act (VOCA) Victim Assistance program; many other victims of crime are assisted through additional OVC programs. Case-level detail is never available, limiting the ability to track the outcomes of individuals over time, including the number of services they receive, the specific services they received, and how those services improved victim’s situation.

⁴ The Victim Service Providers provided services during FY 2020 to victims of the shootings that occurred in Texas in 2019.

Performance Measure

Percentage of extraditions received related to violent criminals [CRM]

	FY 2018	FY 2019	FY 2020
Target	Baseline	20%	20%
Actual	18.4%	21.2%	28.8%

Discussion of FY 2020 Results

The Criminal Division's Office of International Affairs (OIA) continues to play a central role in apprehending and returning fugitives to face justice. OIA worked with domestic and foreign partners to extradite or lawfully remove criminals sought for prosecution in the United States or abroad for a wide variety of violent offenses. As a result, OIA was able to exceed its target for FY 2020. Additionally, through a vast network of international relationships and treaties, OIA continues to obtain evidence located abroad that is essential for successful U.S. prosecutions; likewise, OIA continues to obtain U.S. based evidence, including electronic evidence, on behalf of foreign investigators, thereby enhancing U.S. foreign partners' ability to successfully prosecute those charged with violent crimes.

Definition

The average percentage of incoming and outgoing extraditions received by the Criminal Division's OIA for fugitives charged or convicted of a violent crime.

Data Validation, Verification, and Limitations

CRM captures all data in an internal database. Data is validated quarterly by OIA's Director. Often, extradition proceedings carry over into another fiscal year due to litigation, appeals, or other circumstances and are not concurrently captured in performance measures in the same fiscal year in which work is completed on the case.

Performance Measure

Percentage increase of non-Consolidated Priority Organization Target (non-CPOT) gang/ criminal enterprise dismantlements [FBI]

	FY 2018	FY 2019	FY 2020
Target	15%	15%	15%
Actual	29%	16%	-6.6%

Discussion of FY 2020 Results

Gangs, criminal enterprises, criminal organizations engaging in white collar crime and money laundering, and drug trafficking organizations are some of the Department’s highest priority threats. The disruption and dismantlements of these criminal groups hinder or eliminates their ability to commit crimes. The FBI’s Criminal Investigative Division (CID) addresses numerous criminal threats, including violent crimes, violent gangs, and transnational organized crimes, violent crimes against children, Indian Country crimes, human trafficking, complex financial crimes, fraud, money laundering, public corruption, and civil rights.

While in FY 2020, the FBI had significant dismantlements, it did not meet its target due to the impact of COVID-19. The FBI reports gang/criminal enterprise dismantlements (non-CPOT) as an annual percentage increase. The FY 2020 Actual figure represents the difference between the baseline (198) and number of dismantlements achieved (185) in FY 2020. Significant gang/non-CPOT dismantlements included Operation Only Family, an investigation initiated by the FBI Chicago Field Office to target The Black Disciples (BD), a violent gang operating in the Greater Chicago area. The BDs were involved in the distribution of street level and wholesale amounts of narcotics, gang-related homicides, credit card fraud, assaults, armed robberies, and aggravated batteries. The investigation progressed to a large-scale, multi-state endeavor involving federal, state, and local law enforcement partners. The FBI Chicago Field Office’s Confidential Human Source operations, 16 Title III intercepts, and multiple search warrants led to CG’s arrest of 27 individuals and seizure of 20 firearms, over 14 kilograms of cocaine, and 2.5 kilograms of heroin in July 2020. In a spin-off case, FBI Milwaukee initiated an investigation into the BD based on intelligence gained from the CG operation. Gang members were subsequently indicted on narcotics and firearms violations. These investigations and dismantlements had a significant impact on the operations of the Black Disciples in the Mid-West.

Actions on Reducing Violent Crime

The FBI acted on recommendations in the National Police Foundation and the Major City Chiefs Association report, “Reducing Violent Crime in American Cities: An Opportunity to Lead,” including leveraging resources more effectively, improving access to investigative technologies, and addressing the role of firearms in violent crimes. As a result, the FBI increased coordination and intelligence sharing with its partners to more effectively address violent crime, gang, and transnational organized crime threats.

Definition

A dismantlement means that the targeted organization’s leadership, financial base, and supply network have been destroyed, such that the organization is incapable of operating and/or reconstituting itself.

Data Validation, Verification, and Limitations

The FBI Criminal Investigative Division’s operational priorities are classified. Therefore, it is only possible to report aggregate data that lacks significant detail. Data is collected routinely and stored on a classified enterprise platform. Data will be validated and verified manually. Changes to prior year data may occur due to factors beyond the control of the FBI’s data collection system.

Performance Measure
Reduce violent crime [Department-wide]

	CY 2017	CY 2018	CY 2019
Target	N/A	-1%	-2%
Actual	382.9%	-3.3%	-1%*

**Represents Actual data as reported in February 2021.*

Discussion of Results for Calendar Year (CY) 2019:

2019 statistics show the estimated rate of violent crime was 366.7 offenses per 100,000 inhabitants. Aggravated assaults accounted for 68.2% of violent crimes reported to law enforcement in 2019. Robbery offenses accounted for 22.3% of violent crime offenses; rape (legacy definition) accounted for 8.2%; and murder accounted for 1.4%.

While the overall violent crime rate fell in 2019, it did not decrease by as much as the Department targeted for the year.

Definition

Reduction in violent crime is measured by violent crimes reported to police, as reflected in the annual Uniform Crime Report (UCR) published by the Federal Bureau of Investigation. It consists of the four major “index” crimes: murder/non-negligent manslaughter, rape, robbery, and aggravated assault. Percentage decline is measured against the baseline of FY 2017 for each year.

Data Validation, Verification, and Limitations

The Department relies on data collected and maintained by the FBI through its Uniform Crime Reporting (UCR) program. The FBI employs rigorous protocols for validating and verifying that the data is both accurate and uniform across the nearly 18,000 police departments that voluntarily report their crime data to the UCR. While the UCR offers the best insight into violent crime trends across the country, it is not without its limitations. These limitations include:

- ◆ There is a significant time lag between the time period being examined and when the data is published. Data for the first six months of a given year is generally not available until the beginning of the following year, while full year data is not published until the fall of the following year. This presents obvious challenges for being able to respond to trends and allocate resources in a timely manner.
- ◆ UCR data is only summary data in nature. While it offers the best available look at violent crime on a national scale, it lacks the depth to give policymakers the complete picture of crime. For example, UCR data only captures the subset of crimes that are reported to the police and in incidents where multiple crimes occurred at the same time, only the most “serious” of offenses are recorded.

Beyond the limitations of the datasets themselves, considerable challenges are associated with attempting to reduce the violent crime rate at the federal level. State, local, and tribal law enforcement constitutes the vast majority of the law enforcement assets in this country, with law enforcement across the federal government making up only approximately 15% of the total available resources. The Department recognizes that the overwhelming majority of violent crime reduction is a result of the actions taken by local law enforcement agencies that have ultimate responsibility for policing their cities and neighborhoods. That said, the Department’s law enforcement agencies and federal prosecutors have an important role to play in partnership with these entities, and the Department has chosen this measure as a reflection of our commitment to work together with law enforcement of all levels, along with the communities we serve, to help make every neighborhood safer.

Performance Measure

Stop and reverse rise in homicides [Department-wide]

	CY 2017	CY 2018	CY 2019
Target	N/A	-2%	-3%
Actual	5.3%	-6.2%	-0.2%

** Represents Actual data as reported in February 2021.*

Discussion of Results for Calendar Year (CY) 2019:

The number of murders increased from 16,374 in 2018 to 16,425 in 2019. However, there was a slight decrease in the murder rate (murders per 100,000 persons) because the U.S. population increase offset the rise in murders.

Definition

Reduction in homicide rate is measured by homicides reported to police, as reflected in the annual Uniform Crime Report published by the Federal Bureau of Investigation. Percentage decline is measured against the baseline of FY 2017 for each year.

Data Validation, Verification, and Limitations

The Department relies on data collected and maintained by the FBI through its Uniform Crime Reporting (UCR) program. The FBI employs rigorous protocols for validating and verifying that the data is both accurate and uniform across the nearly 18,000 police departments that voluntarily report their crime data to the UCR. While the UCR offers the best insight into violent crime trends across the country, it is not without its limitations. These limitations include:

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Strategic Objective 3.2:

Disrupt and dismantle drug trafficking organizations to curb opioid and other illicit drug use in our nation

The Department leveraged the collective talent and expertise of its law enforcement components to target, investigate, and prosecute domestic and international drug traffickers and their organizations. Through the formations of prosecutor-led, multi-agency task forces, the Department mounted a comprehensive multi-level attack on drug trafficking and money laundering organizations that pose the greatest threat to the nation.

Key Performance Indicators		
Total Measures	Total Measures Achieved	Percent Achieved
6	3	50%
Risks		
+	Working Group to Combat Methamphetamine	
-	Globalization/Transnational Organized Crime	
-	Bulk Data Collection	

Summary of Progress:

The Department of Justice, in consultation with the Office of Management and Budget, has determined that performance toward this objective is on track. This Strategic Objective was impacted by COVID-19. Sensitive law enforcement operations typically involve close, publicly-based activities that the COVID-19 pandemic has temporally affected.

Highlights

- ◆ **U.S. v. Gonzalez:** On February 20, 2020, the Criminal Division's Office of International Affairs (OIA) handled the extradition, from Mexico, of Ruben Oseguera-Gonzalez, a U.S. citizen also known as "Menchito," to stand trial in the U.S. District Court for the District of Columbia. Oseguera-Gonzalez allegedly was responsible for importing multi-ton quantities of cocaine into Mexico and producing multi-ton quantities of methamphetamine within Mexico, all intended for importation into the U.S. and elsewhere.
- ◆ **U.S. v. Dr. Richard Farmer, M.D.:** As part of the efforts of CRM FRD's Health Care Fraud Unit's Appalachian Regional Prescription Opioid (ARPO) Strike Force, in February 2020, a federal jury in the Western District of Tennessee convicted a psychiatrist on three counts of unlawfully distributing controlled substances to three sisters with whom he had ongoing sexual contact during the time he was prescribing.
- ◆ **U.S. v. Dr. Ricky Houdersheldt, D.O.:** As part of the efforts of the ARPO Strike Force, in August 2020, a federal jury in the Southern District of West Virginia convicted a physician on 17 counts of unlawfully distributing controlled substances to a patient in hopes of obtaining sexual favors and profit, as well as to another patient outside the usual course of professional practice and without a legitimate medical purpose.
- ◆ **Tribal Lands Drug Investigation Criteria:** To develop Division of Criminal Investigation criteria for drug activity involving Tribal Lands, DEA collaborated with multiple DEA offices in Montana to detect and develop Tribal Land investigations and to identify additional links to foreign sources of supply. DOJ's Project Safe Neighborhoods (PSN) also assisted with prosecutions and is working with DEA to address the drug epidemic in Montana Tribal Lands.
- ◆ **Globalization:** To address the impact of globalization, IOC-2's Operational Section coordinated with foreign partners who provided direct operational and intelligence support to investigations. OCDEF's Executive Office created PTOC designation to provide an avenue through which non-drug centric investigations supported by IOC-2 could access additional investigative and prosecutorial resources for priority Transnational Organized Crime (TOC) targets.

Other Accomplishments, Innovations, Collaborations, and Leading Practices

- ◆ **Operation DisrupTor:** The coordinated international effort to disrupt opioid trafficking on the Darknet demonstrates the continued partnership between the Joint Criminal Opioid and Darknet Enforcement (JCODE) team and Europol, with essential support and coordination provided by DEA's Special Operations Division (SOD), and DOJ CRM's Computer Crime and Intellectual Property Section (CCIPS) and Narcotic and Dangerous Drug Section (NDDS), against the illegal sale of drugs and other illicit goods and services. The Operation resulted in the seizure of over \$6.5 million in both cash and virtual currencies; approximately 500 kilograms of drugs worldwide; 274 kilograms of drugs, including fentanyl, oxycodone, hydrocodone, methamphetamine, heroin, cocaine, ecstasy, MDMA, and medicine containing addictive substances in the U.S.; and 63 firearms.
- ◆ **Operation Synthetic Opioid Surge (SOS):** The operation was designed to reduce the supply of deadly synthetic opioids in high impact areas, and to identify wholesale distribution networks and international and domestic suppliers. Over the last two years, Operation SOS, with support from NDDS and SOD, resulted in approximately 750 defendants being charged in federal court; 384 of those defendants were charged in FY 2020. Most importantly, the 10 districts participating in the program have seen a decline in opioid deaths. From 2017 to 2019, most SOS counties reported a decline of 14% to 24%.
- ◆ **Appalachian Regional Prescription Opioid (ARPO) Initiative:** The initiative capitalizes on the strike-force model used to address Medicare fraud in order to combat the opioid epidemic. As of August 14, 2020, less than two years after its inception, the ARPO Initiative resulted in 33 convictions of medical professionals, or those who work closely with them, who illegally prescribed and/or distributed prescription narcotics in the Appalachian region. In addition, the ARPO Initiative engaged in community outreach to minimize any disruptions to medical care of the patients impacted by the law enforcement efforts.
- ◆ **The Joint Criminal Opioid and Darknet Enforcement team (J-CODE)⁵:** J-CODE is a multi-agency task force initiated by the FBI and includes other Federal law enforcement partners, DEA's Special Operations Division (SOD), and EUROPOL. These partners continue to coordinate and support the multi-national management of a collaborative U.S./European international month of action related to dark web drug trafficking activities, originally scheduled to occur in March 2020 (postponed due to the worldwide COVID-19 pandemic). This event occurred in September 2020. The focus of this "month of action" was to maximize Wall Street Darknet data opportunities triaged by SOD and the J-CODE Team, and the leads disseminated to federal law enforcement.
- ◆ **National Health Care Fraud and Opioid Training Conference:** Hosted by CRM's HCF Unit, this largest ever conference, was attended by over 575 criminal and civil prosecutors (representing numerous DOJ components and over 48 USAOs), and law enforcement personnel from the FBI, DEA, the Department of Health and Human Services Office of Inspector General, Internal Revenue Service Criminal Investigation, Defense Criminal Investigative Service, U.S. Postal Inspection Service, the Veterans Affairs Office of Inspector General, and State Medicaid Fraud Control Unit. The conference provided training on investigative tools and techniques, trial skills, case studies, and policy updates.

⁵ In January 2018, the Office of the Deputy Attorney General directed the FBI and other federal law enforcement partners to develop a strategic plan to disrupt and dismantle the Darknet illicit marketplaces facilitating the distribution of fentanyl and other opioids. As a result, the FBI established the Joint Criminal Opioid Darknet Enforcement (J-CODE) initiative, which brings together agents, analysts, and professional staff with expertise in drugs, gangs, health care fraud, and more, with federal, state, and local law enforcement partners from across the U.S. government.

- ◆ **Opioid Fraud and Abuse Detection AUSAs:** Nine term AUSAs were sent to nine USAOs to focus their efforts on opioid-related health care fraud and to pursue the unlawful diversion of prescription opioids by health care professionals. In 2020, the terms for these AUSAs were extended by two years to enable their effective and important work to continue.
- ◆ **2020 National Opioid Summit:** In March 2020, the Department hosted the 2020 National Opioid Summit, a three-day conference with speakers from across the Department and Administration discussing topics such as reducing both the supply and demand of opioids, case studies on successful investigations and prosecutions, and best practices for training and outreach.

Performance Measure

Reduce drug overdose deaths [Department-wide]

	CY 2017	CY 2018	CY 2019
Target	Baseline	-4%	-8%
Actual	72,221	-5.1%	4.8%*

**The CY 2019 Actual figure represents an increase over the 67,367 deaths reported in 2018. The Actual figure has changed since DOJ's FY 2020 AFR was published in November 2020.*

Discussion of CY 2019 Results

The statistics for drug overdoses are reported on a calendar year basis. Provisional data for drug overdose deaths are reported six months after the date of death. Performance data represents the 12-month ending provisional number of drug overdose deaths. The Department, in conjunction with HHS, sought to decrease the number of drug overdose deaths in the country. As of December 2020, the Centers for Disease Control and Prevention (CDC) website reported 67,367 deaths in 2018. In 2019, 70,630 drug overdose deaths occurred in the United States for an age-adjusted rate of 21.6 per 100,000 standard population. The 2019 figure represents a 4.8% increase in the number of deaths since 2018.

While the rate of drug overdose deaths was significantly lower in 2018 than in 2017 (20.7 and 21.7 per 100,000, respectively), the rate in 2019 (21.6) was higher than the 2018 rate. From 1999 – 2019, rates increased for all groups aged 15 and over, with the patterns of increase varied by age group with different rates of change over time. In 2019, the rate was highest for adults aged 35–44 at 40.5 deaths per 100,000.

Rates of drug overdose deaths involving heroin, natural and semisynthetic opioids, and methadone decreased between 2018 and 2019, while the rate of overdose deaths involving synthetic opioids other than methadone continued to increase.

Definition

Measures the reduction of drug overdose deaths by counting the number of people who died in the U.S. using an algorithm estimate to account for underreporting. This number will change monthly as new reports are submitted. Provisional death counts presented are for “12 month ending periods,” defined as the number of deaths occurring in the 12-month period ending in the month indicated. The 12-month ending period counts include all seasons of the year and are insensitive to reporting variations by seasonality.

Data Validation, Verification, and Limitations

Provisional drug overdose death counts are based on death records received and processed by the CDC’s National Center for Health Statistics (NCHS) as of a specified cutoff date. National provisional estimates include deaths occurring within the 50 states and the District of Columbia. NCHS receives the death records from state vital registration offices through the Vital Statistics Cooperative Program. The timeliness of provisional mortality surveillance data in the National Vital Statistics System (NVSS) database varies by cause of death. The lag time (i.e., the time between when the death occurred and when the data is available for analysis) is longer for drug overdose deaths compared with other causes of death. Thus, provisional estimates of drug overdose deaths are reported six months after the date of death.

Provisional drug overdose death data is often incomplete, and the degree of completeness varies by jurisdiction and 12-month ending period. Consequently, the numbers of drug overdose deaths are underestimated based on provisional data relative to final data and are subject to random variation. Methods to adjust provisional counts have been developed to provide predicted provisional counts of drug overdose deaths. Provisional data is based on available records that meet certain data quality criteria at the time of analysis and may not include all deaths that occurred during a given time period. Therefore, it should not be considered comparable with final data and is subject to change.

Performance Measure

Reduce opioid prescriptions [DEA]

	FY 2018	FY 2019	FY 2020
Target	-4%	-27%	-30%
Actual	-21.7%	-30.5%	-37.2%

Discussion of FY 2020 Results

DEA has been tracking the decline in the number of prescriptions dispensed for opioids since their high of 2012. To address the opioid epidemic, the Department of Justice, working with the Department of Health and Human Services, committed to reducing prescriptions by 30% by the end of FY 2020. This goal was surpassed by over 7%.

Definition

Opioid prescriptions are defined as the prescription volume dispensed nationwide as reported by IQVIA's National Prescription Audit. The IQVIA Institute for Human Data Science uses the integration of data science, technology, and human science to help customers address both current needs and future opportunities.

Data Validation, Verification, and Limitations

National Prescription Audit (NPA), extracted February 2019. In 2019, IQVIA changed how prescription volume is being captured in the Rx offerings by moving from "dispensed to bin" to "sold to patient." IQVIA has restated two years of history for all classes and products within the retail channel (2017–2018 data). These restated statistics are reflected in the current performance measure table.

Decrease in Opioid Prescriptions

Since the end of FY 2016, the United States has observed a 37.2% decrease in the prescriptions dispensed for the most frequently encountered prescription drugs, including hydrocodone (e.g., Vicodin), oxycodone (e.g., OxyContin / Roxicodone), hydromorphone (e.g., Dilaudid), oxymorphone (e.g., Opana), morphine (e.g., MS Contin), codeine, and illicit fentanyl (e.g., Duragesic). This decline was achieved through a combination of education and outreach; effective enforcement using a broad range of criminal, civil and administrative actions; and enhanced collaboration with our colleagues at the U.S. Department of Health and Human Services (HHS),

Performance Measure

Number of disruptions and dismantlements of Drug Trafficking Organizations (DTOs) linked to Consolidated Priority Organization Targets (CPOTs) [OCDETF]

	FY 2018	FY 2019	FY 2020
Target	245	255	285
Actual	290	328	289

Discussion of FY 2020 Results

Despite court closures and travel restrictions resulting from the COVID-19 pandemic in FY 2020, the Department achieved significant results in dismantling and disrupting CPOT-linked drug trafficking organizations. The Department dismantled 95 CPOT-linked organizations and disrupted 194 CPOT-linked organizations in FY 2020. A total of 289 CPOT-linked organizations were dismantled or disrupted in FY 2020, nearly 2% over the estimated target for the year. Below are highlights from FY 2020:

- ◆ The Department's FY 2020 successes against dismantling CPOT-linked drug trafficking organizations, as well as the significant enforcement actions against CPOTs themselves, have resulted in keeping multi-ton quantities of illegal drugs from entering the United States.
- ◆ In FY 2020, OCDETF disruptions and dismantlements accounted for 57% of the Department's disruptions and dismantlements.
- ◆ In addition to making important gains against CPOT-linked organizations in FY 2020, OCDETF agencies continued to achieve significant successes against the CPOTs themselves. Over the course of the last year, two CPOT targets were disrupted and three CPOT targets were dismantled. Furthermore, three CPOTs, of these five disrupted and dismantled CPOTs, were extradited to the United States.

DTO Indictments and Convictions

Drug trafficking organizations linked to the FY 2020 disrupted and dismantled CPOT targets have led to the indictment of nearly 200 defendants, approximately 100 convictions to date, and roughly \$10 million in seizures.

The Department also had a significant impact on the financial systems that support the drug trade by charging and convicting high-level targets that conducted or facilitated illicit financial activity, and by seizing and forfeiting their assets. For example, one target was the leader of an international money laundering organization and was charged with multiple counts of money laundering and conspiracy to commit money laundering. The indictment includes forfeitures in excess of \$75 million. Additionally, other financial targets were indicted for participating in a conspiracy to launder millions of dollars of drug proceeds on behalf of foreign cartels. These individuals used casinos, front companies, foreign and domestic bank accounts, and bulk cash smuggling to launder money on behalf of drug trafficking organizations.

Definition

An organization is considered linked to a CPOT if evidence exists of a nexus between the primary investigative target and a CPOT target, verified associate, or component of the CPOT organization. A credible link to a CPOT indicates the primary investigative target, if not a CPOT, is not more than six degrees away from the CPOT. This allows investigations to focus on the highest levels of Transnational Criminal Organizations (TCO) leadership with the ability to impact and investigate the CPOTs themselves. Disruption means impeding the normal and effective operation of the targeted organization, as indicated by changes in the organizational leadership and/or changes in methods of operation, for example, financing, trafficking patterns, communications, or drug production. Dismantlement means destroying the organization's leadership, financial base, and supply network such that the organization is incapable of reconstituting itself.

Data Validation, Verification, and Limitations

The CPOT list is updated semiannually. Each OCDETF agency has an opportunity to nominate targets for addition to, or deletion from, the list. Nominations are considered by the CPOT Working Group (comprising mid-level managers from the participating agencies). Based upon the working group's recommendations, the OCDETF Operations Chiefs decide which targets will be added to, or deleted from, the CPOT list. Once a CPOT is added to the list, OCDETF investigations can be linked to that CPOT. OCDETF field managers review and confirm the OCDETF links by using the OCDETF Fusion Center, agency databases, and intelligence information. Field recommendations are reviewed by the OCDETF Executive Office. In instances where a link is not fully substantiated, the sponsoring agency is given the opportunity to follow up. Ultimately, the OCDETF Executive Office "un-links" any investigation for which sufficient justification has not been provided. When evaluating disruptions/dismantlements of CPOT linked organizations, OCDETF verifies reported information with the investigating agency's headquarters.

Investigations of CPOT level targets and the TCOs they lead are complex and time-consuming, and the impact of disrupting/dismantling such a network may not be immediately apparent. In fact, data may significantly lag behind enforcement activity. For example, a CPOT linked organization may be disrupted in one fiscal year and subsequently dismantled in a later year when law enforcement permanently destroys the organization's ability to operate.

Performance Measure

Number of disruptions and dismantlements of Drug Trafficking Organizations (DTOs) not linked to Consolidated Priority Organization Targets (CPOTs) [DEA]

	FY 2018	FY 2019	FY 2020
Target	1,475	1,500	1,533
Actual	1,384	1,352	1,635

Discussion of FY 2020 Results

The year-end actual result for this measure exceeded the target by 7%. Since 2014, Domestic CPOT linked and Not linked PTO performance has been tempered, in part due to a declining number of Special Agents onboard (a net decrease of 265 Special Agents or 7.4% from FY 2014 to FY 2018). As the inventory of active cases decreased, DEA reported a corresponding reduction in the number of PTO investigations opened (CPOT linked and Not linked) and disposed (disrupted/dismantled).

The COVID-19 pandemic had an increasingly negative, but disparate effect on sensitive law enforcement operations, which are publicly based activities. Nevertheless, during this period DEA refocused its investigative efforts and marginally increased the number of non-CPOT linked PTO dispositions, thereby exceeding its FY 2020 target.

Definition

Disruption means impeding the normal and effective operation of the targeted organization, as indicated by changes in organizational leadership and/or changes in methods of operation, including, for example, financing, trafficking patterns, communications, or drug production. Dismantlement means destroying the organization’s leadership, financial base, and supply network such that the organization is incapable of operating and/or reconstituting itself.

Data Validation, Verification, and Limitations

Priority Target Activity Resource and Reporting System (PTARRS) provides a means of electronically validating and verifying PTO data through the following approval chain:

- ◆ Through DEA’s PTARRS, Special Agents (SAs) or Diversion Investigators (DIs) begin the process by creating and proposing a PTO. The Group Supervisor, Associate Special Agent in Charge and Special Agent in Charge (SAC) review the PTO and provide case assessment through a hierarchical approval process for or against the nomination of the PTO. Once approved and nominated by the SAC, PTARRS generates and saves a unique identification number for the nominated PTO.

At Headquarters, PTOs nominated by the SAC are assigned to the appropriate section within the DEA’s Office of Enforcement (OE). Once assigned, the corresponding OE Staff Coordinator validates all information reported on the PTO nomination. The validation process includes a review of the PTO nomination for completeness, compliance with established criteria, and confirmation of all related case linkages, including links to CPOTs. Staff Coordinators coordinate with the DEA’s Special Operations Division and Intelligence Division to confirm that available facts exist to support all case linkages. In the unlikely event the documentation submitted is insufficient to validate the reported link(s), the Staff Coordinator will work with the submitting GS to obtain the required information.

All statistics are limited by a lack of a relational link between case files and enforcement outputs (e.g., arrest, seizure, and work hour data). The link is inferred through data manipulation, but some areas are prone to error until all data systems are linked in a relational manner, and errors are prevented through data validation and referential integrity.

Performance Measure

Number of scheduled diversion investigations completed [DEA]

	FY 2018	FY 2019	FY 2020
Target	2,775	1,441	1,357
Actual	2,414	1,329	1,267

Discussion of FY 2020 Results

For FY 2020, the DEA achieved 93% of the target of scheduled diversion investigations completed. Scheduled investigations require onsite enforcement actions by DEA agents. Publicly based activities, such as diversion investigations, were impacted by the COVID-19 pandemic including a reduction in the overall number of cases initiated due to the pandemic. As DEA continues to navigate through the pandemic, many of the Divisions have suspended their Work Plan until the public health emergency ends. DEA continues to adapt operational and investigative strategies to address COVID-19-related challenges and to increase the number of scheduled diversion investigations.

Definition

Scheduled investigations serve as a deterrent to diversion through the continuous evaluation of registrants' recordkeeping procedures, security, and general adherence to the Controlled Substances Act (CSA). Registrants that fall under a scheduled investigation are controlled substance importers, exporters, manufacturers, distributors, reverse distributors, narcotic treatment programs, pharmacies, researchers and listed chemical manufacturers, distributors, importers and exporters.

Data Validation, Verification, and Limitations

The Diversion Investigator and the field office Group Supervisor (GS) are tasked with timely and accurate reporting as the registrant's investigative status change occurs. Both the GS and the Diversion Program Manager (DPM) have the ability to view the report of ongoing and completed regulatory investigation actions for their office/division at any time during the quarter or at the quarter's end, since the actions are in real time.

The content of the quarterly reports is restricted to regulatory investigative action on controlled substance/chemical registrants and makes no mention of budgetary information. Timeliness is not considered a limitation since the data is collected as the change in the status of the investigation occurs.

Performance Measure

Number of CPOT linked investigations with one or more defendants convicted [Organized Crime Drug Enforcement Task Forces (OCDETF)]

	FY 2018	FY 2019	FY 2020
Target	344	314	320
Actual	320	314	269

Discussion of FY 2020 Results

OCDETF currently reports 269 CPOT linked investigations with at least one defendant convicted during FY 2020. OCDETF achieved nearly 80% of the target, despite prolonged court closures and travel restrictions resulting from the COVID-19 pandemic in FY 2020, which may have contributed to the decrease in the number of overall convictions. These investigations are linked to the most prolific international drug trafficking and money laundering organizations affecting the United States. Significant results from these 269 investigations include 8,431 defendants being charged, and 6,139 being convicted. Additionally, OCDETF had a significant impact on the financial systems that support the drug trade by charging and convicting high-level targets that conduct or facilitate illicit financial activity, and by seizing and forfeiting their assets.

CPOT Seizures, Forfeitures and Money Judgements

Drug trafficking organizations linked to the FY 2020 disrupted and dismantled Transnational Criminal Organizations (TCO) targets have led to over \$242 million in seizures, more than \$209 million in forfeitures, and in excess of \$41 billion in money judgments.

- ◆ Three districts in OCDETF’s Southwest Region participated in a three-phase, multi-district, multi-agency, National Heroin Initiative. The initiative was led by southwest border OCDETF Strike Force Lead Task Force Attorneys (LTFAs) to combat the rise of opioid and other drug smuggling activities at several ports of entry. In FY 2020, in Southern and Central Districts of California, the phase II one-week period from September 14 to September 19 resulted in the seizure of 778 kilograms of methamphetamine, 268 kilograms of cocaine, 30 kilograms of fentanyl, 31 kilograms of heroin, 178 kilograms of marijuana, \$235,784 in United States currency, and 68 arrests.
- ◆ Based upon phase II events and intelligence, and the seizure data mined in phase I (June 1 to September 1), LTFAs and OCDETF partner agencies, using the prosecutor-led, multi-agency, intelligence-driven approach, have developed four new OCDETF investigations, linked 21 drug couriers to 23 existing OCDETF cases, and filed 24 federal indictments or informations⁶ against 56 defendants.
- ◆ Despite the difficult COVID-19 environment, LTFAs and OCDETF partner agencies meaningfully impacted the TCOs’ and DTOs’ distribution chains and gathered important intelligence.

⁶ An information is a formal charging document that describes the criminal charges against a person and the basis of those charges; however, it is not an indictment because there is no grand jury involved.

Definition

An organization is considered linked to a CPOT if credible evidence exists of a nexus between the primary investigative target and a CPOT target, verified associate, or component of the CPOT organization. A credible link to a CPOT indicates the primary investigative target, if not a CPOT, is not more than six degrees away from the CPOT. This focuses investigations on the highest levels of organization leadership with the ability to impact and investigate the CPOTs.

OCDETF field managers review and confirm the links using the OCDETF Fusion Center, agency databases, and intelligence information. Field recommendations are reviewed by the OCDETF Executive Office. In instances where a link is not fully substantiated, the sponsoring agency is given the opportunity to follow-up. Ultimately, the OCDETF Executive Office “un-links” any investigation for which sufficient justification has not been provided. A conviction occurs when a defendant charged in an OCDETF investigation is found guilty by plea, by the verdict of a jury, or by the decision of a judge in a court of law.

Data Validation, Verification, and Limitations

Data for this measure is maintained within the OCDETF Management Information System. The intended result is to increase the overall sum of CPOT-linked investigations with one or more defendants convicted each fiscal year. Data for this measure is obtained through required reporting forms that must be submitted throughout the year. These forms are prepared and reviewed by all involved agencies, districts, regions, investigatory, prosecutorial, and data analyst personnel.

Section II - Performance Information by Strategic Goal/Objective

Strategic Goal 4:

Promote Rule of Law, Integrity, and Good Government



The solemn duty of the Department of Justice is to uphold the Constitution and laws of the United States so that all Americans can live in peace and security. As the chief law enforcement agency of the United States government, the Department of Justice's most fundamental mission is to protect people by enforcing the rule of law.

Strategic Objective 4.1:

Uphold the rule of law and integrity in the proper administration of justice

In the pursuit of fostering integrity, the Department, internally and externally, sets the conditions for the predictable, reliable, and fair application of the law.

Summary of Progress:

The Department of Justice, in consultation with the Office of Management and Budget, has determined that performance toward this objective is making noteworthy progress.

Key Performance Indicators		
Total Measures	Total Measures Achieved	Percent Achieved
3	3	100%
Risks		
+	Cross-Component Collaboration	
+	Analytics	
-	Failure to modernize OA/Envoy, the USNCB's enterprise IT system	

Highlights

- ◆ **U.S. v. The South Dakota Department of Social Services:** In January 2020, the Department reached a settlement with the South Dakota Department of Social Services, a state agency that assists South Dakotans seeking public benefits, to resolve allegations that it intentionally discriminated against Native American job applicants at its Pine Ridge Indian Reservation Office. Under the terms of the settlement agreement, subject to court approval, the agency will pay \$350,000 in monetary relief to approximately 60 Native American job applicants and must comply with reporting requirements regarding its hiring of Specialists at the Pine Ridge Indian Reservation Office.
- ◆ **U.S. v. Lee Elbaz:** In December 2019, Lee Elbaz, the former CEO of the Israel-based company, Yukom Communications, was sentenced to 22 years in prison for her role in orchestrating a major international scheme to defraud investors in the United States and worldwide who spent more than \$100 million for financial instruments known as “binary options.”
- ◆ **U.S. v. Whitescarver:** In April 2020, the Department of Justice filed a lawsuit alleging that the co-owners and managers of rental properties in Russellville, Kentucky violated the Fair Housing Act by subjecting female tenants to sexual harassment and retaliation. The lawsuit alleges that since at least 2012, Gordon Whitescarver sexually harassed a number of female tenants and that Whitescarver’s wife, Betsy Whitescarver, threatened and retaliated against women who complained about her husband’s harassment of them.
- ◆ **U.S. v. Taro Pharmaceuticals U.S.A.:** In July 2020, Taro Pharmaceuticals U.S.A., Inc., a generic pharmaceutical company, was charged for participating in two conspiracies to fix prices, rig bids, and allocate customers for over \$500 million in sales of generic drugs relied upon by American consumers. The company agreed to pay a \$205.7 million dollar criminal penalty—the highest ever for a domestic cartel.
- ◆ **Arbitration Authority:** For the first time, the Antitrust Division (ATR) successfully used its arbitration authority to resolve a proposed merger. In March 2020, ATR used the arbitration process to address a civil antitrust lawsuit seeking to block Novelis Inc.’s proposed acquisition of Aleris Corporation in order to preserve competition in the North American market for rolled aluminum sheet for automotive applications.
- ◆ **Fraud and False Claims Against the Government:** The Civil Division’s Fraud Section obtained more than \$3 billion in settlements and judgments as a result of civil cases involving fraud and false claims against the government in FY 2019. This included more than \$2.5 billion in recoveries in matters that

involved the health care industry, including drug and medical device manufacturers, managed care providers, hospitals, pharmacies, hospice organizations, laboratories, and physicians.

- ◆ **Apprehending and Returning Fugitives, and Obtaining Evidence:** In 2019, and throughout 2020, CRM's Office of International Affairs (OIA) continued to play a central role in apprehending and returning fugitives to face justice. OIA worked with domestic and foreign partners to extradite or lawfully remove criminals sought for prosecution in the United States or abroad for a wide variety of offenses, including those related to fraud and child exploitation. Additionally, through a vast network of international relationships and treaties, OIA continues to obtain evidence located abroad that is essential for successful U.S. prosecutions. Likewise, OIA continues to obtain U.S.-based evidence, including electronic evidence, on behalf of foreign investigators, thereby enhancing the Department's foreign partners' ability to successfully prosecute and hold accountable those charged with crimes abroad. All of these efforts contribute to upholding the rule of law both in the United States and throughout the world.
- ◆ **Fraud Investigations:** The FBI conducted investigations related to money laundering, health care fraud, corporate fraud, securities and commodities fraud, fraud targeting the elderly, and intellectual property rights crimes, such as theft of trade secrets and counterfeiting. Highlights include:
 - Financial fraud investigation of Edwin Fujinaga in Japan; the Pilot-Flying J investigation of a commercial diesel and truck stop company; and the investigation of former U.S. Congressman Christopher Collins
 - Money laundering investigation of the Manuel Garcia Money Laundering Organization by the FBI's San Diego Cross Border Violence Task Force

Other Accomplishments, Innovations, Collaborations, and Leading Practices

- ◆ **ZSAR Initiative:** This FBI initiative utilized the Financial Crimes Enforcement Network, Bank Secrecy Act data, the Money Laundering, Forfeiture, and Bank Fraud Unit, and the Money Laundering Intelligence Unit to develop targeting packages aimed at proactively identifying individuals and entities engaged in money laundering.
- ◆ **Forensics Development Mission:** CRM's International Criminal Investigative Training Assistance Program developed a "virtual presence" to support its Forensics Development Mission in Mexico City to engage with State-level forensics laboratories throughout the country, providing training and mentoring in such forensic disciplines as Chemistry, Ballistics, Fingerprints, Genetics, and Questioned Documents.
- ◆ **FOIA Enabling Technology:** The Office of Information Policy (OIP) is exploring and piloting new technology that utilizes artificial intelligence to further modernize FOIA administration. This technology has proven very effective in speeding up the process of searching, sorting, and identifying responsive records in large volumes of emails, attachments, and other documents.
- ◆ **Data Analytics:** The Criminal Division's Fraud Section has become a leader in the use and deployment of first-in-class data analytics capabilities to quickly and effectively develop, investigate, and prosecute white collar criminal cases. Successes include:
 - The Fraud Section was able, in just under 6 months, to charge 57 individual defendants with fraud offenses relating to the Small Business Administration's Paycheck Protection Program
 - The Fraud Section also used data analytics to investigate market manipulation and "spoofing" cases. As part of this initiative, the Fraud Section charged over a dozen individuals with spoofing-related crimes, obtained guilty pleas from multiple traders, and entered into five corporate criminal resolutions.
 - The Fraud Section's Health Care Fraud Unit's Strike Force Program continues to lead the Department's efforts to use data analytics to investigate health care fraud and opioid-related offenses.

Its' dedicated data analytics team provides data support for both Fraud Section attorneys and USAO partners

- ◆ **Procurement Collusion Strike Force:** In an effort to lead a coordinated national response to combat antitrust crimes and related schemes in procurement at all levels of government – federal, state, and local – ATR spearheaded the formation of the Procurement Collusion Strike Force comprised of representatives from ATR, USAOs for thirteen districts around the country, the FBI, and the Inspectors General for several federal agencies.
- ◆ **Transnational Elder Fraud Strike Force and 2020 Elder Justice Sweep:** CIV launched the Transnational Elder Fraud Strike Force, with the participation of USAOs in six districts, which focuses on investigating and prosecuting individuals and entities associated with foreign-based fraud schemes that disproportionately affect American seniors, such as telemarketing, mass-mailing, and tech-support fraud schemes. CIV also coordinated the 2020 Elder Justice Sweep with USAOs in every district taking part. The sweep represented the largest coordinated sweep of elder fraud cases in history with prosecutors charging more than 400 defendants. In each case, offenders allegedly engaged in financial schemes that targeted or largely affected seniors.
- ◆ **Pursuit of Sexual Harassment Complaints:** CRT continues to coordinate with the Department of Housing and Urban Development to pursue sexual harassment complaints against landlords, superintendents, and anyone else in a position of authority over tenants in rental housing, including Section 8 public housing.

Impact of COVID-19

The Department has taken significant steps to detect, investigate, and prosecute wrongdoing related to the COVID-19 pandemic. Efforts include:

- ◆ Attorney General Barr directed every USAO to prioritize investigations and prosecutions related to the pandemic, designated members of ODAG to coordinate all coronavirus matters in the Department, established a national hotline to report pandemic-related fraud, and required each USAO to designate a Coronavirus Coordinator to serve as legal counsel to prosecute or assist in the prosecution of, and conduct public outreach on, matters related to the coronavirus.
- ◆ The Department also formed a COVID-19 Hoarding and Price Gouging Task Force to address COVID-19 related market manipulation, hoarding, and price gouging, as well as an Unemployment Insurance Fraud Task Force to address the fraudulent receipt of unemployment insurance benefits paid as part of the pandemic relief provisions.
- ◆ The Department further approved the funding of 12 term-limited AUSA positions specifically to help investigate and prosecute fraud related to unemployment benefits and other pandemic relief.

Performance Measure

Percentage of illicit market defendants whose cases were favorably resolved [CRM, USAO]

	FY 2018	FY 2019	FY 2020
Target	85%	85%	85%
Actual	92%	92%	91.5%

Discussion of FY 2020 Results

The Department exceeded its target of favorably resolving at least 85% of its illicit market defendant cases, by successfully resolving 91.5% of the 19,489 illicit market defendants prosecuted in FY 2020. A number of successful practices adopted over the years have enabled the Department to surpass the target, including:

- ◆ The implementation of policy initiatives that reward companies who choose to voluntarily self-disclose misconduct
- ◆ Increased cooperation with foreign counterparts on strengthening investigations and prosecutions against cyber and IP crimes
- ◆ The utilization of advanced software that allows DOJ to quickly and efficiently analyze large volumes of data to identify potential healthcare fraud

The following is an example of a favorably resolved illicit market case:

U.S. v. Mark Lambert: In November 2019, a federal jury convicted Mark Lambert, the former president of Transport Logistics International, Inc. (TLI), a Maryland-based transportation company, for his role in a scheme to bribe a Russian official at a subsidiary of Russia's State Atomic Energy Corporation called JSC Technobexport (TENEX) – the sole supplier and exporter of Russian Federation uranium and uranium enrichment services to nuclear power companies worldwide. Lambert was convicted of four counts of violating the Foreign Corrupt Practices Act (FCPA), two counts of wire fraud, and one count of conspiracy to violate the FCPA and commit wire fraud.

Definition

Defendants whose cases were favorably resolved include those whose cases resulted in court judgments favorable to the government, as well as settlements. Only defendants in illicit market cases are included.

Data Validation, Verification, and Limitations

USAOs routinely examine current and historical data sets, as well as look toward the future for trends so the data is as accurate and reliable as possible, and targets are sufficiently ambitious given the resources provided. USAOs also maintain the accuracy and integrity of the statistical data maintained in the Legal Information Online Network System, which contains information on matters, cases, and appeals handled by the USAOs, and the companion USA-5 reporting system, which tracks how USAO personnel spend their time.

The data is reviewed by knowledgeable personnel; attorneys and support personnel who are responsible for following local procedures to maintain the integrity of the data in the system. CRM captures all litigation data in its case management systems: Automated Case Tracking System (ACTS) and Docket. Data in both ACTS and Docket is validated quarterly by the Section Chief in each of the litigating sections.

Performance Measure

Percentage of the Office of Professional Responsibility's (OPR's) inquiries resolved within one year and investigations resolved within two years

	FY 2018	FY 2019	FY 2020
Target	50%	50%	50%
Actual	89%	91%	96%

and investigations resolved within two years:

	FY 2018	FY 2019	FY 2020
Target	50%	50%	50%
Actual	100%	97%	95%

Discussion of FY 2020 Results

This is the third year that the Department has reported on this measure. During FY 2020, the Office of Professional Responsibility (OPR) resolved 96% of its inquiries within one year and 95% of its investigations within two years. These results were achieved through regular reviews of the status of OPR's cases, as well as ongoing management oversight of the reports of investigations and inquiry closing memoranda. As a result of these efforts, Department attorneys and agents were exonerated in appropriate cases and held accountable in instances where their conduct fell below the high professional standards expected of them.

OPR made enhancements to its website, making it possible for OPR to expeditiously release its investigative summaries, created hyperlinks for its documents and reports, and released an online complaint form for the public's use in submitting matters for OPR's review. These enhancements improved accessibility, continued to enhance OPR's transparency, and significantly increased the amount of OPR publicly available information.

Definition

OPR investigates allegations of professional misconduct against Department attorneys that relate to the exercise of their authority to investigate, litigate, or provide legal advice. *Professional misconduct* is generally defined as an intentional violation of a clear and unambiguous obligation or standard imposed by law, applicable rule of professional conduct, or Department regulation or policy, or the reckless disregard of an obligation to comply with that obligation or standard. OPR will initiate an inquiry when it needs more information to resolve a matter, which may include pleadings, transcripts, or additional written responses from the complainant or subject. In cases that are not resolved during the inquiry stage, and in all cases in which OPR believes misconduct may have occurred, OPR conducts a full investigation, including a review of the case files and interviews of witnesses and the subject attorney(s).

Data Validation, Verification, and Limitations

OPR maintains data in its case management system on the opening, conversion, and closure of the matters that are received. OPR's analysts routinely update the system and review the accuracy of the information that is stored. OPR compiles its inquiries and investigations data to provide Department leadership with quarterly reports, as well as to respond to data inquiries. On an annual basis, OPR releases to the public statistical information about its investigations and inquiries along with a summary of the cases reviewed. The information provided in OPR's annual report reinforces the Department's commitment to ensuring that the attorney and law enforcement workforce are professional, well-managed, and adhere to the highest ethical standards.

Strategic Objective 4.2:

Defend First Amendment rights to exercise religion and free speech

The Department enforces and advocates for constitutional and statutory protections of First Amendment freedoms against all persons and entities—including state and local government agencies—who would intrude upon those rights. In particular, the Department aims to reasonably accommodate religious observance and practice in all government activity, including employment, contracting, and programming.

Key Performance Indicators		
Total Measures	Total Measures Achieved	Percent Achieved
2	1	50%
Risks		
+	Proposed rule on equal treatment of faith-based organizations	

Summary of Progress:

The Department of Justice, in consultation with the Office of Management and Budget, has determined that performance toward this objective is on track.

Highlights

- ◆ **U.S. v. Holden James Matthews:** On February 20, 2020, Holden Matthews pled guilty in the Western District of Louisiana to intentionally setting fire to three Baptist churches over a 10-day period in March and April of 2019 because of the religious character of those buildings. Matthews pled guilty to three counts of violating the Church Arson Prevention Act, 18 U.S.C. § 247(a)(1) — one count for each church — as well as one count of using fire to commit a federal felony, in violation of 18 U.S.C. § 844(h). Matthews was sentenced in November 2020, to 25 years' incarceration.
- ◆ **Sheedy v. Adventist Health System:** In January 2020, the District Court for the Middle District of Florida rejected a challenge to the Employee Retirement Income Security Act church-plan exemption, which frees churches and other religious organizations from following federal regulations that would involve the government in questions concerning how those organizations carry out their religious missions. The court dismissed plaintiff Donna Sheedy's Establishment Clause claim for lack of standing.
- ◆ **U.S. v. Grafton E. Thomas:** On January 9, 2020, Grafton Thomas was indicted by a federal grand jury on five counts of willfully causing bodily injury to five victims because of the victims' religion, and five counts of obstructing the victims' free exercise of religion by attempting to kill and by inflicting bodily injury on each victim, in violation of federal hate crimes. The charges arise from the defendant's alleged machete attack during Hanukkah observances at a rabbi's home in Monsey, New York, on the night of December 28, 2019. Each of the 10 counts carries a maximum prison term of life.
- ◆ **U.S. v. William Alexander:** On September 21, 2020, a federal grand jury indicted William Alexander for threatening to kill the congregants of a California synagogue. Alexander was charged with making threatening interstate communications, in violation of 18 U.S.C. § 875; and with intentionally obstructing and attempting to obstruct persons in the enjoyment of their free exercise of religious beliefs through the threatened use of force, in violation of 18 U.S.C. § 247. If convicted, Alexander faces a maximum of five years in prison, three years of supervised release, and a fine of up to \$250,000.
- ◆ **News Media Policy:** The Criminal Division's Office of Enforcement Operation's (OEO) Policy and Statutory Enforcement Unit (PSEU) consulted on numerous investigations regarding the application of the Department's News Media Policy, including an investigation into a member of the news media for offenses arising from newsgathering-related activities. After consulting with PSEU, the AG authorized Department

attorneys to issue subpoenas and execute a search warrant and pen register on third parties maintaining custody of the target's communications and business records, all aimed at obtaining information related to the target's suspected criminal activities. In this instance, PSEU ensured that prosecutors provided necessary information and obtained the requisite level of authorization before issuing compulsory process to a member of the news media.

- ◆ **RLUIPA:** CRT recognized the 20th Anniversary of Religious Land Use and Institutionalized Persons Act (RLUIPA) by releasing a comprehensive 20-year report detailing landmark law's successes in protecting religious liberty. The report recounts the history and purpose of RLUIPA, how it has been interpreted in the courts, and the Department of Justice's enforcement efforts, which have protected the religious liberty of people of a wide range of faiths in a broad array of settings (<https://www.justice.gov/opa/press-release/file/1319031/download>).

Other Accomplishments, Innovations, Collaborations, and Leading Practices

- ◆ **Reporting Portal:** On June 15, 2020, the Department announced the launch of CRT's Civil Rights Reporting Portal, a new method for the public to report— and for CRT to track and report on—potential civil rights violations. The Reporting Portal consolidated over 30 unique reporting pathways.
- ◆ **Amicus Brief:** CIV collaborated with the Solicitor General's Office and CRT in filing an amicus brief in *Our Lady of Guadalupe School v. Morrissey-Berru*, No. 19-267 (S. Ct.), arguing that the First Amendment's ministerial exception should apply to the religious-school-teacher plaintiffs.
- ◆ **Religious Liberty and Free Speech Task Forces:** OLP co-chairs the Religious Liberty Task Force and supports the Free Speech Task Force. The Religious Liberty Task Force facilitates DOJ's compliance with the Attorney General's memorandum, "Federal Law Protections for Religious Liberty," and its accompanying memorandum on implementation. Still in its development stage, the Free Speech Task Force serves to coordinate and enhance the Department's efforts to protect free speech.
- ◆ **News Media Policy Outreach:** CRM conducts outreach to the USAO community and the FBI to ensure that they know when consultation with CRM's Office of Enforcement Operations (OEO) Policy and Statutory Enforcement Unit (PSEU) is required regarding the Department's News Media Policy.
- ◆ **Religious Liberty Guidance and Proposed Rule:** The Department published a proposed rule for equal treatment of faith-based organizations in Department supported programs. As an initiative of the Religious Liberty Task Force, the Department issued Guidance on Religious Liberty Protections in Grant Programs.

Performance Measure

Increase the number of Statements of Interest involving First Amendment or religious liberty [CRT]

	FY 2018	FY 2019	FY 2020
Target	N/A	10%	10%
Actual	N/A	167%	50%

Discussion of FY 2020 Results

In FY 2020, the Department exceeded its goal to increase, by 10%, the number of Statements of Interest it filed involving the First Amendment or religious liberty. The 50% increase in Statements of Interest was largely driven by cases involving restrictions on religious worship in response to COVID-19.

Six of the religious liberty and free speech cases, during quarters three and four of FY 2020, involved COVID-19 restrictions. The Department participated in these cases as part of Attorney General Barr's Initiative on Balancing Public Safety with the Preservation of Civil Rights.

Public Outreach

The Civil Rights Division utilized multiple approaches to enhance public outreach, such as radio appearances and panel discussions at law schools.

Definition

This performance measure is based upon a count of various types of Statements of Interest supporting plaintiffs seeking to defend their First Amendment rights to free speech or freedom of worship.

Data Validation, Verification, and Limitations

The Division has filed a number of Statements of Interest in First Amendment cases. The data validation is simply a count of those statements. There are no issues regarding validation and verification and no limitations on compiling the information.

Performance Measure

Increase the number of Religious Land Use and Institutionalized Persons Act (RLUIPA) matters opened [CRT]

	FY 2018	FY 2019	FY 2020
Target	N/A	10%	10%
Actual	N/A	20%	3%

Discussion of FY 2020 Results

While the Department opened a record 37 RLUIPA matters in FY 2020, this represented only a 2.8% increase in matters opened compared to a 10% target. New matters increased 20% from FY 2018 to 2019, elevating the 2020 baseline. The 37 matters opened in FY 2020 were more than 50% higher than the ten-year average of 24 matters per year. The Department’s opening of new matters was impacted by COVID-19. The pandemic likely affected the number of matters opened based on a slowdown of expansion activity by places of worship, and a slowdown in local zoning processes, resulting in a decline in religious organizations and their attorneys contacting DOJ for assistance, and in DOJ’s ability to identify conflicts.

The following are highlights from the Department’s recent RLUIPA cases:

U.S. v. Village of Walthill, Nebraska

In February 2020, the Department filed a lawsuit against the Village of Walthill, Nebraska, alleging that the Village violated RLUIPA by denying granting a permit to construct a new church in the Village to the Light of the World Gospel Ministries, a non-denominational, multi-ethnic Christian congregation.

- ◆ **U.S. v. Borough of Woodcliff Lake, New Jersey:** The Justice Department, on September 15, 2020, announced an agreement with the Borough of Woodcliff Lake, New Jersey to resolve allegations that the Borough violated RLUIPA by denying zoning approval for an Orthodox Jewish congregation to construct a worship center on its property. As part of the consent decree, the borough will permit Valley Chabad to construct a new Chabad house on its property. The resolution would also enjoin the borough from acting in a manner that violates RLUIPA and would require the borough to establish a procedure for receiving and resolving RLUIPA complaints, train its employees on RLUIPA’s requirements, and submit regular reports to the United States and the court on its compliance. In the separate agreement that resolves the related private action, the borough agreed to pay Valley Chabad \$1.5 million to resolve its claims for damages and attorney’s fees that arose from the borough’s conduct.
- ◆ **U.S. v. Stafford County, Virginia:** The Department filed a lawsuit on June 19, 2020, alleging that Stafford County, Virginia, violated RLUIPA by enacting overly restrictive zoning regulations prohibiting an Islamic organization (All Muslim Association of America) from developing a religious cemetery on land it had purchased for that purpose. After learning of the association’s plans, the county amended its ordinance preventing the association from using its property as a cemetery. The complaint seeks injunctive relief, including a court order that the county allow the association to build its cemetery in conformity with the prior ordinance.

Definition

This performance measure is based upon a count of matters opened by CRT involving land use provisions under RLUIPA. These provisions protect individuals, houses of worship, and other religious institutions from discrimination in zoning and land-marking laws.

Data Validation, Verification, and Limitations

CRT has filed a number of lawsuits and initiated a number of investigations under RLUIPA. The data validation is simply a count of those matters opened. Matters are recorded in CRT's internal case management application. There are no issues regarding validation and verification and no limitations on compiling the information.

Strategic Objective 4.3: Pursue regulatory reform

In promulgating regulations, the Department is committed to abiding by constitutional principles and following the rules imposed by Congress and the President. The Department is also committed to considering the effects of rulemaking, including the burdens that regulations may impose on the public.

Key Performance Indicators		
Total Measures	Total Measures Achieved	Percent Achieved
2	2	100%
Risks		
+	ATF's eRegulations website	
+	Implementing EO 13891	

Summary of Progress:

The Department of Justice, in consultation with the Office of Management and Budget, has determined that performance toward this objective is on track.

Highlights

- ◆ The Department published new regulations to codify the requirements of the Sessions Memorandum and Brand Memorandum, which prohibit the improper use of guidance documents. The Department also issued a related regulation to implement Executive Order 13891's procedural reforms for the issuance of guidance documents.
- ◆ ATF's Office of Regulatory Affairs published Final Rules to remove expired regulations concerning Commerce in Firearms and Ammunition, as well as Commerce in Explosives; removed an outdated reference in an explosives table of distances; and established practice and procedure regulations for Explosive License and Permit Proceedings.
- ◆ The Environment and Natural Resources Division (ENRD) reviewed internal policies and practices relating to third party payments and supplemental environmental projects ("SEPs") and reviewed resolutions in enforcement actions on a case-by-case basis. ENRD also issued two implementing memoranda, an August 2019 memorandum on SEPs in settlements with state and local governments, and a March 2020 memorandum on using SEPs in settlements with private defendants.

Other Accomplishments, Innovations, Collaborations, and Leading Practices

- ◆ **Guidance Portal (Client Agency Consultations):** The Department's Guidance Portal, required by EO 13891, increased public accessibility to, and awareness of, the Department's guidance documents, and increased the Department's ability to consistently apply its policies.
- ◆ **Rulemaking Checklist:** The Department's Rulemaking Checklist provides components with a tool that lays out the statutory and Executive Order requirements that components should consider when conducting rulemaking.
- ◆ **Attorney General Barr's Regulatory Reform Task Force:** The Task Force works with components to identify existing guidance documents that should be repealed, replaced, or modified per Attorney General Session's memorandum prohibiting regulation by guidance document, and to develop and issue regulations implementing the Sessions and Brand Memoranda, as well as requirements of Executive Order 13891.

Performance Measure

Ratio of deregulatory actions to regulatory actions [OLP]

	FY 2018	FY 2019	FY 2020
Target	2:1	2:1	2:1
Actual	5:0	3:1	1:0

Discussion of FY 2020 Results

The Department exceeded its FY 2020 target for ratio of deregulatory actions to regulatory actions.

Cost of regulations per fiscal year is below OMB cost cap [OLP]

	FY 2018	FY 2019	FY 2020
Target	-\$2M	\$0.00	\$-1.689M
Actual	-\$4.798M	-\$1.689M	-\$1.692M

Discussion of FY 2020 Results

The Department exceeded its FY 2020 OMB cost cap target of \$-1.689M.

Definition

A *regulatory action* is an action that prohibits or requires certain conduct by an individual or entity subject to the action. A *deregulatory action* is an action that removes or repeals certain prohibitions or requirements placed on an individual or entity.

Data Validation, Verification, and Limitations

DOJ tracks regulatory and deregulatory actions, as well as uses the above definitions to classify any particular action as regulatory or deregulatory. It is possible that the proposed cost of a regulatory action will not be equal to the actual cost of that action.

Strategic Objective 4.4: Achieve management excellence

The Department achieves management excellence across all functions and mission specific operations by verifying ethical conduct, developing its workforce, producing accurate and transparent information, and deploying innovative technology. The Department employs effective, efficient, and strategically aligned business processes that establish transparency and the highest level of stewardship of the Federal Fisc.

Summary of Progress

The Department of Justice, in consultation with the Office of Management and Budget, has determined that performance toward this objective is on track.

Key Performance Indicators		
Total Measures	Total Measures Achieved	Percent Achieved
5	4	80%
Risks		
+	Training and Development	
-	Staffing and Workforce Alignment (the ability, or lack of ability, to fill critical positions)	
+	IT Modernization	
-	Continuity of Operations	
-	Pandemic/COVID-19	

Highlights

- ◆ **AC3 – Cartridge Casing (DNA) Collector:** ATF's Forensic Services Laboratories continued to develop the process for recovering DNA from fired cartridge casings through a pilot program with ATF's Kansas City Field Division. ATF documented its research and findings in a research paper and submitted it to a peer-reviewed scientific journal. As part of its research, ATF developed a proprietary "cartridge casing collector" (coined "AC3") that is groundbreaking in the preservation of DNA on casings during transit. To protect this technology, ATF has filed for a patent on AC3.
- ◆ **CRAFT Application:** CRT designed and implemented an application called CRAFT using the SharePoint platform to track and manage the workflow of executive correspondence, including the Division's justification memoranda or "J Memos."
- ◆ **Improving Interagency Financial Operations:** CRM partnered with JMD to reduce unreconciled embassy charges to CRM by 90%. To mitigate this ongoing issue and improve interagency financial operations moving forward, CRM led a 9-month feasibility and cost-benefit study that resulted in the Department signing an MOU with the Department of State to designate components under the General Legal Activities appropriation as a "Department of State Serviced Agency." This new structure, which will take effect in FY 2021 at over 50 overseas embassies, is expected to save hundreds of person-hours per year and improve timeliness and accuracy of posting embassy charges to valid obligations in the Unified Financial Management System. It is also expected to improve in-country service levels for DOJ international programs.
- ◆ **Centralizing and Standardizing Financial Disclosures:** In response to audits conducted in FYs 2018 and 2019, the BOP Ethics Branch centralized the confidential financial disclosure system to standardize the review process, and to ensure timely collection and certification of forms.

Other Accomplishments, Innovations, Collaborations, and Leading Practices

- ◆ **JustGrants:** OJP collaborated with COPS and OVW to develop JustGrants, a single grants management system. The new system went live in October 2020.
- ◆ **Ethics Memorandum:** NSD issued an internal ethics memorandum regarding non-government speaking invitations for NSD attorneys. The memorandum provides a set of guiding principles that facilitate prompt, informed, and consistent evaluation of speaking requests. This guidance will help NSD attorneys assess the propriety of potential speaking engagements in order to further NSD's mission.
- ◆ **Ethics Training and Communication:** OPR continued to share information with the Professional Responsibility Advisory Office (PRAO) and EOUSA concerning matters involving violations of ethics, discovery, and disclosure rules, as well as other matters of concern. OPR and PRAO provided joint training for Assistant United States Attorneys and Professional Responsibility Officers on the importance of ethics, professional responsibility, and candor in handling all matters on behalf of the United States.
- ◆ **ERM Working Group:** The FBI established an Enterprise Risk Management (ERM) Working Group to improve the coordination of enterprise risk identification, review, and prioritization. The ERM Working Group improved the FBI's understanding of federal practices for ERM and created a standard framework for ERM at the FBI.
- ◆ **Federal Shared Service (Grants):** OJP researched federal shared service grant payment system offerings to determine the advisability of maintaining its existing legacy grant payment request system versus migrating to a federal shared service grant payment platform for DOJ's \$3 billion annual grants disbursements across 61,000 payment requests. In October 2020, grantees of OJP, COPS, and OVW started using the Treasury Department's payment system.
- ◆ **Invoice Processing Platform:** USMS successfully led the Department in piloting new system functionality to meet OMB's electronic invoicing mandate using Treasury's Invoice Processing Platform.

Impact of COVID-19

- ◆ EOUSA set up a COVID-19 website that provides human resources and other policy guidance on operations to help USAOs address issues related to the logistical challenges raised by COVID-19. Utilizing remote working solutions, as appropriate, the USAOs have maintained operations throughout the pandemic. EOUSA's Office of Legal Education (OLE) was unable to continue any residential training planned after early March of 2020. OLE pivoted its training to purely distance delivery, creating and offering entire courses in a virtual format, as well as offering hundreds of individual virtual trainings. It also launched a virtual classroom to provide virtual, guided, hands-on training. With its quick response and these innovations, OLE trained three times as many students as it did in FY 2019.
- ◆ Due to the difficulties with regard to obtaining PPE during the pandemic, the BOP created a multi-faceted team consisting of medical, financial, and procurement staff. This team was able to streamline the process of identifying and procuring PPE products by taking advantage of buying opportunities quickly. As a result, the BOP has been able to steadily increase its PPE inventory to a level that supports the COVID-19 response plan.
- ◆ In response to the new virtual environment, JMD expanded network capacity to support large increases in remote users and data transfers, increased remote access portals from two access points to three, and accelerated deployment of collaboration tools to enable expanded use of virtual meetings and other capabilities to support adoption of remote work practices.

Performance Measure

Ethics training for DOJ employees conducted by the Departmental Ethics Office [JMD]

	FY 2018	FY 2019	FY 2020
Target	100%	100%	100%
Actual	95%	100%	100%

and the timely review of financial disclosures:

	FY 2018	FY 2019	FY 2020
Target	100%	100%	100%
Actual	95%	98%	97%

This measure was initially reported as a single measure. In FY 2019, the Department began reporting ethics training and the timely review of financial disclosures as two separate measures.

Discussion of FY 2020 Results

In FY 2020, the Department was able to offer ethics training to every employee required to complete the training under the Office of Government Ethics Regulations. All trainings were conducted in-person until March 2020, when the Departmental Ethics Office (DEO) began providing the training via Skype. In FY 2020, the DEO offered a total of 39 trainings, and met all ethics training requirements, by offering:

- ◆ 21 New Employee Trainings for career staff
- ◆ 7 New Employee Trainings for non-career staff
- ◆ 6 Annual Trainings to meet the requirements for confidential financial disclosure filers for 2020
- ◆ 3 Annual Trainings to meet the requirements for public financial disclosure filers for 2020
- ◆ 3 out-briefings for non-career staff

The Department was able to meet its ethics training goal and achieved 97% of its annual target for timely review of financial disclosure reports. The financial disclosure reports need to have their initial review completed within 60 days of the DEO's receiving the report from the filer, some financial disclosure reports were unable to be reviewed by the DEO within that time frame.

Definition

OGE requires new entrant and annual training for federal employees and submission and review of financial disclosure reports, in accordance with each employee's position. DEO is responsible for providing these services to appropriate JMD employees and senior management offices.

Data Validation, Verification, and Limitations

DEO maintains records of employees' completion of training requirements via sign-in sheets at in-person training, and employee certifications of online training, and of the dates of employees' submission and DEO review of assigned financial disclosure reports.

Performance Measure

Time-to-hire Mission-Critical Occupations (MCOs) (average number of days) [JMD]

	FY 2018	FY 2019	FY 2020
Target	167 days	205 days	169 days
Actual	209 days	172 days	160 days

Discussion of FY 2020 Results

The Department’s success in exceeding its FY 2020 Time-To-Hire target can be primarily attributed to a significant increase in the number of Correctional Officers hired by BOP in FY 2020, all while keeping its average Time-To-Hire for this occupational series to approximately 90 days. BOP’s Consolidated Staffing Unit hired additional staff to manage the voluminous workload. The BOP actively monitored its staffing levels and recommended incentives to be authorized for locations and/or positions identified as experiencing staffing shortages and/or levels. The BOP also continued to encourage its servicing offices to utilize non-competitive special hiring authorities to expedite hiring. Another factor that contributed to the Department’s success was a 15% decrease in the average Time-To-Hire for Attorneys, Paralegal Specialists, and Legal Assistants.

Impact of COVID on Time-to-Hire

Despite the impacts of COVID-19 in FY 2020, the Department of Justice’s average time-to-hire mission critical occupations remained below the target of 169 days.

Definition

Time-to-hire is measured from the time the need is validated by the hiring manager to the time of entry on duty.

Data Validation, Verification, and Limitations

JMD sends quarterly data calls to DOJ components requesting time-to-hire data for the Department’s MCO. There is currently no automated tool to compile this data, so the Department is dependent on its components to provide the data.

JMD has no independent mechanism to validate the data submitted by components. The average time to hire is computed by calculating the total number of days to hire for all the MCOs in DOJ components during the fiscal year and dividing that amount by the total number of MCO hires in DOJ components during the fiscal year.

Performance Measure

Percentage of unmodified audit opinions achieved [JMD]

	FY 2018	FY 2019	FY 2020
Target	100%	100%	100%
Actual	100%	100%	100%

Discussion of 2020 Results

In November 2020, JMD Finance published the Department’s unmodified opinions.

Definition

An unmodified audit opinion is the opinion of an independent auditor that the financial statements of the Department are presented fairly, in all material respects, in accordance with U.S. Generally Accepted Accounting Principles (GAAP).

Data Validation, Verification, and Limitations

The DOJ OIG audits the Department’s financial statements on an annual basis. As part of the annual APR, the OIG publishes the Department’s audit opinion.

Audit Process/Efforts

The COPS Management Services Directorate staff partners with the JMD Internal Review and Evaluation Office and the JMD Quality Control and Compliance Group on annual and ad hoc COPS Office internal and external audits. Audits include reviews of the Trust Fund, A-123 Internal Control, and M&A Revenue. Additional internal efforts include a mock audit process, which mirrors grants management priorities identified by JMD.

Performance Measure

Number of DOJ systems moved to the Cloud [JMD]

	FY 2018	FY 2019	FY 2020
Target	12	2	3
Actual	14	5	4

Discussion of FY 2020 Performance Results

The Cloud environment allows for faster implementation, streamlined procurement processes, and opportunities for improved performance, automation and other efficiencies to yield reduced total cost of ownership. DOJ components and divisions made significant progress in moving systems to the Cloud in FY 2020, exceeding its annual target of three, by migrating four systems to Cloud hosting.

Definition

A *DOJ system* is defined as a FISMA Authorization Boundary, which includes all components of an information system to be authorized for operation by an authorizing official and excludes separately authorized systems to which the information system is connected.

DOJ Systems Moved to the Cloud in FY 2020

- ◆ FPI Cloud Services
- ◆ ATR Video Deposition System
- ◆ Inspector General’s Geospatial Information System
- ◆ ATR Trial & Litigation Support

Data Validation, Verification, and Limitations

The OCIO will monitor Department Cloud migration efforts through a quarterly data collection process and track progress toward achievement of annual performance targets. Data is validated and verified manually.

Section III: Appendices



Appendix A: Abbreviations and Acronyms

A	
ACMS	Automate Case Management System
ACTS	Automated Case Tracking System
AFF/SADF	Assets Forfeiture Fund and Seized Asset Deposit Fund
APP	Annual Performance Plan
APR	Annual Performance Report
ARPO	Appalachian Regional Prescription Opioid
ATF	Bureau of Alcohol, Tobacco, Firearms and Explosives
ATR	Antitrust Division
B	
BATS	Bomb and Arson Tracking System
BIA	Board of Immigration Appeals
BOP	Bureau of Prisons
C	
CASE	Case Access System for EOIR
CCIPS	Computer Crime and Intellectual Property Section
CDC	Center for Disease Control and Prevention
CEM/BE	Collected Enemy Material/Battlefield Evidence
CFO	Chief Financial Officer
CGETs	Crime Gun Enforcement Teams
CGICs	ATF Crime Gun Intelligence Centers
CLOUD Act	Clarifying Lawful Overseas Use of Data Act Agreement
CI	Counterintelligence
CIA	Central Intelligence Agency
CID	Criminal Investigative Division
CIV	Civil Division
COPS	Office of Community Oriented Policing Services
COVID	Corona Virus Disease
CPOT	Consolidated Priority Organization Target
CRM	Criminal Division
CRS	Community Relations Service
CRT	Civil Rights Division
CSA	Controlled Substances Act
CTD	Counterterrorism Division

CVF	Criminal Victims Fund
CyD	FBI's Cyber Division
D	
DAG	Deputy Attorney General
DEA	Drug Enforcement Administration
DEO	Departmental Ethics Office
DEEP	Disruption Early Engagement Program
DI	Diversion Investigator
DNA	Deoxyribonucleic Acid
DPM	Diversion Program Manager
DTO	Drug Trafficking Organization
DHS	Department of Homeland Security
DOJ	Department of Justice
DOL	Department of Labor
DOS	Department of State
DOS/CT	State Department's Bureau of Counterterrorism
E	
ECAS	EOIR Courts and Appeals System
EDC	Explosives Detection Canine
ENRD	Environment and Natural Resources Division
EOIR	Executive Office for Immigration Review
ERM	Enterprise Risk Management
F	
FASAB	Federal Accounting Standards Advisory Board
FBI	Federal Bureau of Investigation
FBWT	Fund Balance with U.S. Treasury
FCPA	Foreign Corrupt Practices Act
FCSC	Foreign Claims Settlement Commission
FINTech	Financial Technology
FOSP	Field Office Strategic Plan
FPI	Federal Prison Industries, Inc.
FTE	Full-Time Equivalent
FTFs	Foreign Terrorist Fighters
FY	Fiscal Year
G	
GAAP	Generally Accepted Accounting Principles
GPRAMA	GPRA Modernization Act of 2010
GS	Group Supervisor

H	
HHS	Health and Human Services
HRA	Human Resources/Administration
I	
IBIS	Integrated Ballistic Identification System
IC3	FBI's Internet Crime Complaint Center
IC	Intelligence Community
ICE	Immigration and Customs Enforcement
ICITAP	International Criminal Investigative Training Assistance Program
IHP	Institutional Hearing Program
IJO	Islamic Jihad Organization
INA	Immigration and Nationality Act
INTERPOL	International Criminal Police Organization
IRGC	Islamic Revolutionary Guard Corps
J	
JCODE	Joint Criminal Opioid and Darknet Enforcement
JMD	Justice Management Division
JTF	Joint Task Force
JTTF	Joint Terrorism Task Force
K	
KCS	Kosovo Correctional Service
L	
LTFAs	Lead Task Force Attorneys
M	
MAR	Monthly Administrative Report
MCOs	Mission Critical Occupations
MDI-WG	Medicolegal Death Investigation Federal Interagency Working Group
MEJA	Military Extraterritorial Jurisdiction Act
MLAT	Mutual Legal Assistance Treaty
MOIS	Ministry of Intelligence and Security
MOU	Memorandum of Understanding
N	
N/A	Not Applicable
NCD	National Canine Division
NCIC	National Crime Information Center
NDDS	Narcotic and Dangerous Drug Section
NESS	NIBIN Enforcement Support System
NIBIN	National Integrated Ballistic Information Network

NICS	National Instant Criminal Background Check System
NPA	National Prescription Audit
NTA	Notice to Appear
NITTF	National Insider Threat Task Force
Non-CPOT	Non-Consolidated Organization Target
NSD	National Security Division
O	
OBDs	Offices, Boards and Divisions
OCAHO	Office of the Chief Administrative Hearing Officer
OCDETF	Organized Crime Drug Enforcement Task Forces
OCIJ	Office of the Chief Immigration Judge
OCIO	Office of the Chief Information Officer
OE	Office of Enforcement
OEO	Office of Enforcement Operations
OIA	Office of International Affairs
OIG	Office of the Inspector General
OIL	Office of Immigration Litigation
OIP	Office of Information Policy
OJP	Office of Justice Programs
OJJDP	Office of Juvenile Justice and Delinquency Prevention
OLE	Office of Legal Education
OMB	Office of Management and Budget
OPA	Office of the Pardon Attorney
OPDAT	Office of Overseas Prosecutorial Development Assistance and Training
OPR	Office of Professional Responsibility
OSG	Office of the Solicitor General
OTJ	Office of Tribal Justice
OVW	Office on Violence Against Women
P	
PIO	Performance Improvement Officer
PLA	China's People's Liberation Army
PRAO	Professional Responsibility Advisory Office
PSEU	Policy and Statutory Enforcement Unit
PSN	National Project Safe Neighbourhood
PTARRS	Priority Target Activity Resource and Reporting System
PTO	Priority Target Organizations
R	
RAAVEN	Rural Alaska Anti-Violence Enforcement

RDAP	Residential Drug Abuse Program
RICO	Racketeer Influenced and Corrupt Organizations Act
RLUIPA	Religious Land Use and Institutionalized Persons Act
S	
SA	Special Agent
SAC	Special Agent in Charge
SEPs	Supplemental Environmental Projects
SOD	Special Operations Division
SOR	Strategic Objective Review
SOS	Synthetic Opioid Surge
SUPPORT Act	Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act
T	
TAX	Tax Division
TCO	Transnational Criminal Organizations
TENEX	JSC Techsnabexport
TLI	Transport Logistics International, Inc.
TNLC	Tribal Nations Leadership Council
TOC	Transnational Organized Crime
TTL	Threat to Life
U	
UBN	United Blood Nation
UCR	Uniform Crime Report
USA	United States Attorney(s)
USAO	United States Attorneys' Office(s)
USC	United States Code
USIC	U.S. Intelligence Community
USMS	United States Marshals Service
USNCB	United States National Central Bureau
UST	Executive Office for U.S. Trustees
USTP	United States Trustee Program
USVSSTF	United States Victims of State Sponsored Terrorism Act Fund
V	
VC	Virtual Currency
VCF	Victims Compensation Fund
VICAR	Violent Crimes in Aid of Racketeering
VOCA	Victims of Crime Act

Appendix B: Department Component Websites

Component	Website
Antitrust Division	www.justice.gov/atr
Bureau of Alcohol, Tobacco, Firearms and Explosives	www.atf.gov
Bureau of Justice Assistance (OJP)	www.bja.gov
Bureau of Justice Statistics (OJP)	www.bjs.gov
Civil Division	www.justice.gov/civil
Civil Rights Division	www.justice.gov/crt
Community Oriented Policing Services - COPS	www.cops.usdoj.gov
Community Relations Service	www.justice.gov/crs
Criminal Division	www.justice.gov/criminal
Diversion Control Program	www.deadiversion.usdoj.gov/
Drug Enforcement Administration	www.dea.gov
Environment and Natural Resources Division	www.justice.gov/enrd
Executive Office for Immigration Review	www.justice.gov/eoir
Executive Office for U.S. Attorneys	www.justice.gov/usao/eousa
Executive Office for U.S. Trustees	www.justice.gov/ust
Federal Bureau of Investigation	www.fbi.gov
Federal Bureau of Prisons	www.bop.gov
Foreign Claims Settlement Commission of the United States	www.justice.gov/fcsc
INTERPOL Washington	www.justice.gov/interpol-washington
Justice Management Division	www.justice.gov/jmd
National Criminal Justice Reference Service (OJP)	www.ncjrs.gov
National Institute of Corrections	https://nicic.gov/
National Security Division	www.justice.gov/nsd
Office of the Associate Attorney General	www.justice.gov/asg
Office of the Attorney General	www.justice.gov/ag

Office of the Deputy Attorney General	www.justice.gov/daq
Office of Information Policy	www.justice.gov/oip
Office of the Inspector General	www.justice.gov/oig
Office of Justice Programs	www.ojp.gov
Office of Juvenile Justice and Delinquency Prevention (OJP)	www.ojjdp.gov
Office of Legal Counsel	www.justice.gov/olc
Office of Legal Policy	www.justice.gov/olp
Office of Legislative Affairs	www.justice.gov/ola
Office of the Pardon Attorney	www.justice.gov/pardon
Office of Professional Responsibility	www.justice.gov/opr
Office of Public Affairs	www.justice.gov/opa
Office of the Solicitor General	www.justice.gov/osq
Office of Tribal Justice	www.justice.gov/otj
Office for Victims of Crime (OVC)	www.ojp.gov/ovc/
Office of Violence Against Women (OVW)	www.justice.gov/ovw
Tax Division	www.justice.gov/tax
U.S. Attorneys	www.justice.gov/usao
U.S. Marshals Service	www.usmarshals.gov
U.S. Parole Commission	www.justice.gov/uspc

