



1997 Annual Report of The Attorney General of the United States

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Foreword

To the Senate and the House of Representatives of the United States of America in Congress Assembled:

This Annual Report highlights the accomplishments of the Department of Justice in 1997, reflecting the dedication and expertise of the Department's employees and their commitment to the principles of justice and fair treatment for all Americans.

In Fiscal Year 1997, we continued to make America safer and provide a better environment for all Americans through support of anti-crime initiatives, partnerships with community law enforcement, greater border security, continued protection of civil and environmental rights, and better ways of doing business that make the Department more efficient and productive.

Marshaling our law enforcement resources to make America safe remained a top priority in 1997. The Department continued to put in place aggressive programs and initiatives to vigorously pursue and prosecute those who commit terrorist acts, domestic violence and violence against women, juvenile crime, and crimes and violence related to drugs and gangs. We also worked effectively to dismantle drug trafficking organizations both at home and abroad, to keep drugs from infiltrating our borders and communities.

Again in 1997, the Community Oriented Policing Services program exceeded all expectations by awarding grants to State and local law enforcement agencies to add or redeploy more than 65,000 police officers and sheriff's deputies, working towards the President's goal of 100,000 cops on the beat by the year 2000.

Legislation introduced in 1997 sought to expand and produce new programs to improve juvenile justice and victims' rights, stem the flow of firearms, stop domestic violence, and address immigration problems. We expect continued consideration and action on a number of crime-related legislative proposals during the second session of Congress.

As part of our comprehensive program under the Americans with Disabilities Act (ADA), the Department continued to open up the mainstream of American life to people with disabilities, entering several landmark settlement agreements that will serve as models for ADA compliance throughout the country. We also continued to defend Indian rights and advance environmental justice and international environmental protection.

The Department has restructured many of its internal processes to better exercise responsible stewardship over the Department's budget, disbursements, and financial management and accounting systems. In 1998, we will continue our commitment to the American people to wisely use our resources to further the goal of making America a safe, free, and just society.

Respectfully submitted,

Janet Reno

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Introduction

The Department of Justice

As the Nation's chief law enforcement officer, the Attorney General enforces Federal laws and contributes to the fair and efficient administration of the Federal justice system. In carrying out this mission, the Attorney General directs the activities of the more than 115,667 attorneys, law enforcement professionals, and other employees of the United States Department of Justice (the Department). This annual report summarizes the major accomplishments of the Department during 1997.¹

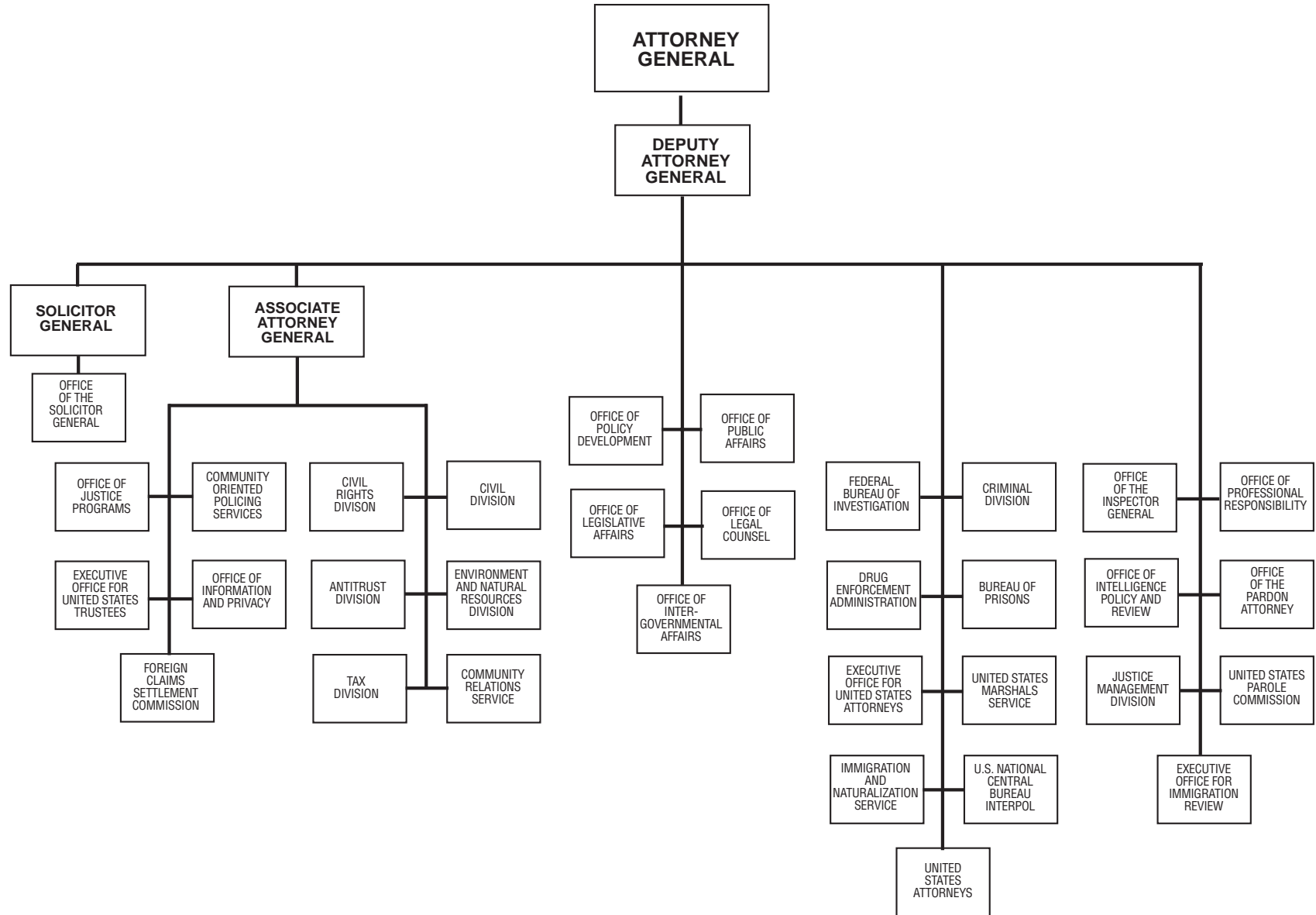
The responsibilities of the Department are wide-ranging. They include detecting, apprehending, prosecuting, and incarcerating criminal offenders; upholding the civil rights of all Americans; enforcing laws to protect the environment; ensuring healthy competition of business in our free enterprise system; safeguarding the consumer from fraudulent activity; carrying out the immigration laws of the United States; and representing the American people in all legal matters involving the U.S. Government. As shown on the following organizational chart, these responsibilities are discharged by the components of the Department. Among these components are the major law enforcement agencies—the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA), the United States Marshals Service (USMS), the Immigration and Naturalization Service (INS), and the Bureau of Prisons (BOP)—and the litigating components (the legal Divisions and the U.S. Attorneys).

Although the Department is headquartered in Washington, D.C., most of its work takes place outside of Washington. As a result, most of its employees are located in any of roughly 2,300 installations of the Department around the country (ranging from a one- or two-person border station to a large Division office in a major city) or in one of more than 100 overseas offices.

Overall, the Department of Justice had a budget of over \$18.6 billion in 1997, a 14.1-percent increase over last year's budget of \$16.3 billion. This increase was largely due to the Department receiving targeted increases in the Office of Justice Programs' grants and in program operations funded under the Violent Crime Reduction Program.

¹ This report covers Fiscal Year (FY) 1997, which began on October 1, 1996, and ended on September 30, 1997. All references to years indicate fiscal years unless otherwise noted.

U.S. Department of Justice



Highlights of 1997 Accomplishments

Making America Safe

- Continued the Department's firm policy for dealing with terrorist acts, focusing on deterrence, quick and decisive investigations and prosecutions, and international cooperation to vigorously pursue and prosecute terrorists, both domestic and foreign.
- Continued to prosecute the most violent criminal offenders under the Anti-Violent Crime Initiative, forging unprecedented working relationships with members of local communities, State and local prosecutors, and local law enforcement officials.
- Focused enforcement operations on the seamless continuum of drug trafficking, using comprehensive investigative techniques to disrupt, dismantle, and destroy trafficking operations emanating from Mexico, Colombia, Asia, Africa, and other countries.
- Coordinated multijurisdictional and multiagency investigations to immobilize drug trafficking organizations by arresting their members, confiscating their drugs, and seizing their assets.
- Continued to eliminate the many criminal enterprises of organized crime families, including the La Cosa Nostra families and their associates and nontraditional organized crime groups emanating from the former Soviet Bloc and Asia.
- Chaired the High-Tech Subgroup of the P8 focusing on international trap-and-trace procedures and transborder searches, and represented the United States at the Council of Europe's Committee of Experts on Crime in Cyberspace, which is drafting an international convention on a wide range of high-tech issues.
- Promulgated legislation enacted to effect BOP's takeover of Lorton prison before 2001 and to transfer D.C. parole jurisdiction to the U.S. Parole Commission; further consideration and action are expected on a number of crime-related proposals during the second session of Congress.
- Aggressively pursued health care fraud, recovering more than \$961 million in judgments and settlements.

Supporting Law Enforcement in the Community

- Explored innovative means to realize and develop the concept of community justice to fit the needs of local jurisdictions.
- Strengthened and increased law enforcement ranks through hiring additional officers, providing training to State law enforcement agencies, and expanding innovative programs to advance community policing across the Nation.
- Awarded nearly \$1.2 billion in grants to put more than 17,500 officers on the streets, bringing the ranks of community policing officers funded by Community Oriented Policing Services (COPS) to over 65,000.
- Helped reduce community tensions, prevent further incidents of violence, and aid the community rebuilding process as part of an agency-wide response to the church arson crisis, which affected more than 250 churches, principally in southern States.
- Developed a Kid's Page on Hate Crime for the DOJ website as a function of the Attorney General's Hate Crime Working Group, and participated on the President's Initiative on Race.

Securing America's Borders

- Successfully defended the vast majority of immigration decisions made by the INS, the Immigration Courts, and the Board of Immigration Appeals, thereby giving "teeth" to immigration enforcement and assuring continued opportunity for lawful immigrants.
- Made substantial strides in other immigration matters, defending class action attacks on the statutes and regulations governing alien admission and immigration.
- Set a new record by deporting more than 111,000 illegal aliens in 1997—a 61-percent increase over the previous record of 69,040 illegal aliens deported in 1996.
- Struck major blows against foreign drug syndicates, using the combined resources of DEA, the FBI, the Criminal Division, the U.S. Attorneys' Offices, the High Intensity Drug Trafficking Area program, the United States Customs Service, and a host of State and local counterparts.

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- Began tracking cases aimed at employers suspected of violating immigration and labor laws, including “abusive employers” and employers suspected of document fraud and smuggling activities.

Making the Legal System Work for All Americans

- Renewed our commitment to crime victims by strengthening victims’ rights and providing services to victims throughout the Federal and State criminal justice systems, pursuing various legal reforms, continuing to develop a sound victims’ rights amendment to the Federal Constitution, and drafting and transmitting to Congress legislation to enhance the rights of crime victims in the Federal system.
- Protected the rights of U.S. citizens abroad and promoted the international rule of law through Foreign Claims Settlement Commission resolution of claims by U.S. nationals against foreign governments, including Germany and Albania.
- Participated in the National Church Arson Task Force that deployed over 200 Federal Bureau of Alcohol, Tobacco and Firearms and FBI investigators around the country to investigate church fires, coordinating closely with State and local law enforcement officials in prosecuting suspects, solving arson investigations, and preventing additional fires.

Enforcing the Nation’s Environmental and Antitrust Laws

- Continued to play a vital role in safeguarding the Nation’s environment through environmental enforcement, international cooperation, natural resources protection, and the promotion of partnerships and environmental justice.
- Obtained a record-breaking \$205 million in criminal fines for antitrust offenses—five times the previous record set in FY 1995.

Making the Department More Efficient and More Responsive

- Continued to move toward full implementation of the Government Performance and Results Act.
- Made significant progress in streamlining and redesigning work processes, integrating emerging technologies, and providing professional and efficient service to the American public.
- Collected \$1.97 billion in cash receipts in the recovery of both criminal and civil debts—the most ever recovered in cash in a single year.
- Secured more than \$1.4 billion in judgments and settlements and over \$4.5 billion in overturned claims against the Government.
- Worked closely with Department client agencies to upgrade technology, improve service to customers, and discover new and better approaches to conducting the business of Government.
- Remained at the forefront of the emerging technologies associated with “standards-based” video teleconferencing, which enables the Department to reduce travel, increase meeting attendance, extend training audiences, and provide a safer and more secure environment for certain aspects of litigation, including less movement of witnesses and prisoners.
- Continued the commitment to meet or exceed Department goals for reducing backlogs of pending Freedom of Information Act/Privacy Act requests and to handle requests more quickly, with several Department agencies achieving a zero-backlog balance.

I. Making America Safe

Goal: To guarantee the incarceration of violent and repeat offenders and concentrate law enforcement resources where they can be most effective.

As this Nation's chief law enforcement organization, the Department of Justice (the Department) is charged with providing leadership to ensure that the citizens of the United States are protected from violence and criminal activities. In 1997, the Department worked aggressively toward this goal by coordinating counter-intelligence and terrorism investigations; combating violent crime through prosecution and prevention; focusing Federal and inter-agency resources on illegal drug traffickers, their organizations and key members; fighting organized crime and political corruption; curtailing white collar crime and wasteful fraud; providing for the secure confinement of violent criminals; employing key crime-fighting resources; and providing Federal leadership in developing the Nation's capacity to prevent and control crime, including juvenile and gang crime and violence against women. All these responsibilities were performed in a manner responsive to the needs of the public and faithful to the Constitution.

National Security/Anti-terrorism

Responding to Acts of Terrorism

The U.S. Attorneys continued to pursue and vigorously prosecute those who conspire to promulgate urban terrorism against the United States and participate in terrorist acts that threaten American citizens and national security. While the number of terrorist acts in this country generally has decreased over the past several years, individual acts of terrorism have become much more devastating in terms of injuries, deaths, and property damage. During fiscal year 1997, the Department continued its firm policy for dealing with terrorist acts, focusing on deterrence, quick and decisive investigations and prosecutions, and international cooperation. The U.S. Attorneys vigorously pursued and prosecuted terrorists, both domestic and foreign, furthering the Department's efforts to mete out swift, certain, and severe justice to these individuals.

In June 1997, a Federal jury convicted Timothy McVeigh for his role in the April 19, 1995, bombing that devastated the Alfred P. Murrah Federal Building and killed 168 people in Oklahoma City. He was subsequently sentenced to death. The trial of his co-defendant, Terry Nichols, which began in FY 1997, resulted in a guilty verdict in FY 1998. Nichols was convicted on conspiracy to use a weapon of mass destruction and on eight counts of involuntary

manslaughter. Nichols awaits formal sentencing: he faces up to life in prison. A Federal jury in the Southern District of New York convicted Ramsi Ahmed Yousef and Eyad Ismoil of participating in the February 26, 1993, bombing of the World Trade Center, which killed 6 people and injured more than 1,000.

Other important FBI cases of domestic and international terrorism include the following:

- In October 1996, seven members of The Mountaineer Militia were arrested in West Virginia, Ohio, and Pennsylvania for plotting to declare war on the U.S. Government. Numerous weapons, ammunition, and components for bombs were found at five locations. All seven persons have pled or been found guilty.
- Between December 31, 1996, and January 3, 1997, eight letter bombs were found, disguised as Christmas cards. They were postmarked in Egypt and addressed to the Al-Hayat newspaper in Washington, D.C., and to the parole officer at the U.S. Penitentiary, Leavenworth, Kansas. Four identical cards were discovered on January 13, 1997, at the Al-Hayat office in New York City. All 12 devices were rendered safe by law enforcement.
- In June 1997, bombing suspect Hani Abd Al Rahim Al Sayegh was located in Canada and deported to the United States for his involvement in a 1996 explosion that killed 19 U.S. military personnel and wounded 280 when an explosive device contained in a water truck detonated outside of a military housing unit in Dhahran, Saudi Arabia. He is awaiting extradition.

In 1997, the United States held the chairmanship of the Group of Eight (P8), the forum established by the Group of Seven (G-7) countries plus Russia to encourage multilateral cooperation on international security and other political issues. The Department played a key role in the P8's Counterterrorism Experts Group in promoting new international antiterrorism initiatives. These included the drafting of an international convention that makes the bombing of public facilities an act of terrorism and requires any nation having custody of terrorist bombers either to prosecute them or to extradite them to a nation capable and willing to do so.

The United States National Central Bureau (USNCB)—the U.S. affiliate of the International Criminal Police Organization (INTERPOL)—provides a forum to bring together U.S. law enforcement agencies and their foreign counterparts. Through the use of INTERPOL's worldwide telecommunications network to the 177 INTERPOL member countries and through INTERPOL-sponsored conferences on terrorism, relevant investigative data describing terrorist activities, profiles, arms trafficking, criminal histories,

photographs, fingerprints, etc., were rapidly exchanged in 1997, assisting such important cases as the Israeli suicide bombing, the New York City bombing, and the Central Intelligence Agency (CIA) shooting.

The antiterrorism provisions of the Antiterrorism and Effective Death Penalty Act (AEDPA) have strengthened the battle against terrorism by giving the Government authority to exclude or remove suspected foreign terrorists. During the past year, the Department played a key role in establishing operating rules and procedures for the Alien Terrorist Removal Court—created by the AEDPA as a special mechanism for promptly removing aliens who engage in terrorism or solicit funds or other material support for foreign terrorist groups. The Department's Civil Division is working with the Immigration and Naturalization Service (INS), the Federal Bureau of Investigation (FBI), and other agencies to identify and bring before the special removal court aliens who fall within AEDPA's anti-terrorism provisions.

As the result of coordinated efforts by the Departments of Justice, State, and Treasury, in October 1997, the Secretary of State designated 30 organizations as foreign terrorist organizations under AEDPA. The Department continues to perform its statutory consultative role as the State Department identifies additional organizations that may warrant designation in the future.

Also in 1997, the Department advanced Federal and State legislative initiatives to enhance the protection of Federal and State employees from harassment by extremist groups.

Countering Anti-Government Terrorist Tactics

As the lead counterintelligence agency within the U.S. intelligence community, the FBI continued in 1997 to conduct and coordinate counterintelligence investigations here and abroad to quell the threat to national security. Working in conjunction with the CIA and the National Security Agency (NSA), the Department successfully prosecuted four major espionage cases. The defendants, all of whom pled guilty, included the following:

- A covert CIA operations officer charged with multiple espionage violations;
- An FBI special agent who provided classified information to KGB officers;
- A civilian Navy analyst who passed classified information to a naval attaché of the South Korean Embassy; and
- A former serviceman who spied for the Soviet Union while assigned to NSA in the late 1960s.

In addition, a former Army specialist assigned to West Germany in the late 1980s was charged with espionage on behalf of Hungary and Czechoslovakia, in connection with a spy ring led by a former U.S. Army sergeant. And in January 1997, in the District of Oregon, two individuals were charged with conspiracy and substantive violations of the International Emergency Economic Powers Act for attempting to export to Iran a chemical used in the manufacture of nerve gas. The Department expects that the Chemical Weapons Convention and the legislation it helped formulate will provide law enforcement with additional tools to guard against potential terrorist uses of chemical weapons.

To guard against what might be described as “paper terrorism”—that is, the habit of violent domestic militia to also espouse tax protest rhetoric—the Department, working with the Internal Revenue Service (IRS), coordinated efforts to identify and shut down fraudulent schemes and prevent harassment. Successful tools included bringing civil actions against promoters of illegal tax protest schemes, alerting taxpayers about illegal schemes, and prosecuting promoters.

In September 1997, a joint prosecution by the Department’s Tax Division and the U.S. Attorney’s Office for the Western District of Texas resulted in lengthy prison sentences for the leaders of USA First, an illegal tax protest organization that promoted the use of bogus financial instruments to defraud the IRS and the banking industry. USA First was responsible for issuing \$61 million in fraudulent financial instruments—approximately \$2 million of which was sent to the IRS Service Center in Austin, Texas.

Combating Violence

Recognizing that a comprehensive, common-sense strategy was needed to address the problem of violent crime, the Department announced the major Anti-Violent Crime Initiative several years ago. With the approach of this Initiative’s fourth anniversary, tremendous strides continue to be made in bringing together Federal, State, and local law enforcement personnel to improve the quality of life in our communities.

In 1997, the U.S. Attorneys continued to prosecute the most violent criminal offenders under the Anti-Violent Crime Initiative. The Initiative has forged unprecedented working relationships with members of local communities, State and local prosecutors, and local law enforcement officials to do what is best for each violent crime case and each community. During 1997, the U.S. Attorneys filed 6,248 criminal cases against 8,079 violent offenders. A total of 5,715 cases against 7,520 violent crime defendants were also terminated. Eighty-seven (87) percent of these defendants were convicted. Eighty-seven (87) percent of all convicted defendants were sentenced to prison, with 100 life sentences obtained.

Since the start of the Initiative, the Nation's overall violent crime rate has dropped by 11 percent and the homicide rate by nearly 18 percent. The most recent annual Uniform Crime Report shows an unprecedented fifth straight decline in reported serious crime; the preliminary figures for the first 6 months of 1997 show a further 4-percent decline. These results indicate that all our efforts are working. While violent street gangs continue to pose a substantial threat to our communities, the Department has reduced this threat by successfully prosecuting gang leaders through RICO (Racketeering Influenced and Corrupt Organizations) and CCE (Continuing Criminal Enterprise) statutes.

Domestic Violence and Violence Against Women

During 1997, the Department continued to use the Violence Against Women Act (VAWA) to address the serious problem of such violence in the United States. VAWA established new Federal offenses in cases where abusers cross State lines to violate a protection order or to injure, harass, or intimidate spouses or intimate partners. The Act grants the victims of such crimes the right to obtain civil remedies against their attackers in either State or Federal court. It is an important tool in cases where movement across State lines makes prosecution difficult and where State law penalties are insufficient.

A major victory in upholding the constitutionality of the Act was won in July 1997, when the Court in the Eastern District of Tennessee ruled that the Federal Government's jurisdiction over interstate commerce enabled it to enforce these civil protections. Since then, three additional district courts have also upheld the constitutionality of the Act. To date, 37 defendants have been convicted under VAWA.

Established in May 1997, the FBI's Protection Order File within the computerized National Crime Information Center (NCIC) supports the VAWA. It contains approximately 8,000 protection orders, enabling civil and criminal courts and law enforcement agencies to obtain information on the existence and terms of orders relating to matters such as domestic violence and stalking.

The Violence Against Women Office (VAWO) within the Department's Office of Justice Programs (OJP) works to improve the Federal Government's response to violence against women by supporting public education and legislative initiatives. In August 1997, VAWO collaborated with the Santa Monica Rape Treatment Center on a campaign to educate the public—especially college-aged women—on the issue of date rape. The Attorney General participated in the kickoff campaign, which provided information and public education materials to 17,000 law enforcement agencies. OJP's Violence Against Women Grants Office (VAWGO) administered several grant programs to help improve the criminal justice system response to sexual assault, domestic violence, and stalking.

Curbing Public Housing Violence

The Department continued its partnership with the Department of Housing and Urban Development (HUD) to target violent crime in public housing in 13 cities nationwide. The cities were chosen to work with local public housing authorities, HUD, and Federal and local law enforcement agencies to create model anti-crime programs. City representatives involved in the pilot met with housing authorities and local police to create strong management programs to certify residents, enforce leasing agreements, and evict tenants involved in drugs or violent crimes.

Addressing Violent Indian Crime

Serious and violent crime in Indian Country has risen significantly in recent years—particularly gang and juvenile violence. U.S. Attorneys consulted with tribal leaders and identified a glaring lack of law enforcement resources in Indian Country. Assistant U.S. Attorneys were designated to serve as tribal liaisons; and the FBI created the Office of Indian Country Investigations, reassigning 30 special agents to provide additional Indian Country resources. The U.S. Attorneys have cooperated with the FBI in forming multidisciplinary teams and Safe Trails Task Forces, which have made a difference in communities where they are active. The U.S. Attorneys, the Bureau of Indian Affairs (BIA), the FBI, and other Federal agencies developed the Gang Resistance and Education Training (GREAT) program, whereby BIA and tribal police officers provided gang-prevention training to students at schools in Indian Country.

Through the STOP (Services • Training • Officers • Prosecution) program, VAWGO provided a total of \$145 million to all 50 States, the District of Columbia, the territories, and Indian tribal governments to develop and strengthen law enforcement, prosecutorial strategies, and victim services in these cases.

Stemming Youth and Gang Violence

Targeting Juvenile Crime.

Data released by the Department's Bureau of Justice Statistics (BJS) late in FY 1997 indicated a nearly 12-percent decline in violent crime arrest rates among juveniles between 1994 and 1996, with most of the drop occurring since 1995. These data provide further evidence that violent juvenile crime may have peaked.

But despite such encouraging trends, the juvenile crime rate remains unacceptably high. The Department undertook a range of major new initiatives to respond to youth violence in 1997. Through its formula grant programs, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) made over \$114 million available to the States and territories to fund local prevention and intervention programs and improve the juvenile justice system.

Programs to mentor young people were an important focus of the Department's prevention strategy in FY 1997. By partnering responsible adults from all walks of life with young people at risk of delinquent behavior, mentoring programs offer young participants the opportunity to see firsthand the rewards of a life free of violence, crime, and drug use. The Juvenile Mentoring Program (JUMP) provided funding totaling \$9.6 million to 52 sites, allowing 6,500 at-risk young people in 30 States to receive one-on-one mentoring. The 1997 awards brought the total number of JUMP sites to 93.

The Department took important steps in 1997 to address and prevent youth crime through its Hate Crime Initiative. To this end, the Department developed a website for children in kindergarten through fifth grade and their parents and teachers, which aims to expose children to the concepts and consequences of prejudice and discrimination and to help them develop empathy for people of other races, cultures, and religions. In addition, funding was given to develop and nationally implement a middle-school curriculum called Healing the Hate. The Department also reached out to the U.S. Department of Education (ED) to generate statistical information about hate crime in schools, and to explore additional joint initiatives relating to youth hate crime. In response to a Presidential directive, the Office of Intergovernmental Affairs (IGA) took the Administration lead in producing an annual report on school violence, which will allow parents, teachers, and students to identify violence reduction programs for their schools. Finally, *Preventing Youth Hate Crime: A Manual for Educators and Communities*, was developed for distribution to all school districts in the country.

Targeting Gang/Drug Violence.

The FBI has established 157 Safe Streets Task Forces with local, State, and other Federal law enforcement agencies to cooperate on investigations of mutual interest. The task forces combine 769 FBI special agents, 1,186 State and local officers, and 179 other Federal officers to focus on street gang crimes, crimes against children, crimes in Indian country, drug-related violence, property thefts, and other crimes, and to locate the most violent fugitives. The task forces are effective. For example, during a 60-day period in 1997, one Maryland task force arrested 300 persons, including 74 violent fugitives, 12 persons charged with murder, and 40 persons charged with robbery and carjacking.

The Department's Community Oriented Policing Services (COPS) Office continues to encourage community policing strategies and to fund additional officers to help law enforcement agencies around the country combat violence and prevent crime. In 1997, the COPS Office brought together 25 agencies that have focused on using community policing to counter gang-related and youth firearm violence to discuss their successful strategies for seizing firearms, enhancing gun and drug laws, and decreasing crime. This exchange provided a means to disseminate the best community policing practices among policing agencies, to share what is working in the field and what is not. Police chiefs and sheriffs credit community policing with the dramatic drops in crime they are experiencing.

To help weaken the long-established link between violent crimes and drugs, the Drug Enforcement Administration (DEA) made it an agency-wide priority to target violent drug organizations, gangs, and local impact issues. The Mobile Enforcement Team (MET) Initiative, developed to implement this priority, assists State and local law enforcement agencies in combating the problem of violent gangs and drug trafficking in their communities. It represents the most ambitious domestic enforcement program that DEA has ever undertaken to attack drug-related violence in America.

By combining the efforts of Federal, State and local law enforcement agencies, the MET Initiative is making a difference in neighborhoods throughout the United States, restoring a sense of peace and order to communities formerly plagued by fear and intimidation (see sidebar, "MET Initiative Gets Results"). DEA also continues to be at the forefront in assisting local law enforcement with violent street gangs like the Latin Kings, Crips, Bloods, Zoo Crew, and Hell's Angels. In Newark, New Jersey, for example, Federal, State, and local law enforcement officials arrested 25 of 34 targeted members of The Zoo Crew street gang, which had sold cocaine for more than 10 years and committed numerous homicides and assaults.

MET Initiative Gets Results

Since the MET Initiative began in mid-1995, it has grown rapidly. The following statistics show the results of the MET Program from the beginning through September 30, 1997:

	FY 1995-96*	FY 1997
INPUT		
MET Special Agents	167	250
Teams	19	23
Requests	111	61
Deployments		
Initiated	79	46
Completed	74	29
Deployments Active		22
OUTPUT		
Drug Seizures (in pounds)		
Cocaine	95	747.2
Methamphetamine	68	115
Heroin	3	31
Marijuana	158	493
Asset Seizures	\$3.4M	\$2.55M
Arrests**	2,577	2,157

* FY 1995-96 figures reflect statistics for an 18-month period

** Includes 16 arrests for murder in which the MET assisted

Fighting Drugs

While the Administration's battle to curb illegal drug use can claim meaningful victories—e.g., crack cocaine and methamphetamine use has decreased dramatically in many cities—drug abuse and drug trafficking remain among the most serious challenges facing law enforcement, the Department, and our Nation. In 1997, the Department continued to provide clear, concise, and dynamic leadership in national and international drug control efforts to investigate and prosecute the leadership and infrastructure of major drug markets. Its strategy is to reduce drug availability by dismantling the organizations that traffic in the highest volumes and cause the most violence. To accomplish its mission, the Department cooperated and coordinated with other Federal agencies and countless State and local law enforcement organizations. It also conducted international investigations and liaison with drug law enforcement officials worldwide, whose support for drug control collectively strengthens enforcement capabilities. Finally, the Department continued its vigorous enforcement of asset forfeiture laws to combat drug trafficking and other criminal activity.

Using a Task Force Approach

In 1997, the Department continued to apply the collective expertise and criminal intelligence of Federal, State, and local law enforcement officials in tackling the problem of illegal drugs. An integral element of this effort is the Criminal Division's Organized Crime and Drug Enforcement Task Force (OCDETF), which, since it began in 1982, has demonstrated proficiency in prosecuting drug traffickers, violent offenders, gangs, money laundering organizations, and corrupt public officials. The U.S. Attorneys filed 1,728 OCDETF cases against 5,900 defendants during 1997. In addition, 1,449 cases and 4,690 defendants were terminated. Eighty-seven (87) percent of these defendants were convicted in 1997, and 89 percent of convicted defendants were sentenced to prison. During 1997, the OCDETF program initiated 723 new investigations—an increase of 22 percent over 1996.

In addition to OCDETF cases, the U.S. Attorneys filed 10,709 cases against 18,633 non-OCDETF drug defendants during 1997. A total of 8,756 cases against 15,575 defendants was also terminated. Eighty-seven (87) percent of these defendants were convicted, with 89 percent of the convicted defendants sentenced to prison. Also during 1997, OCDETF consolidated its 13 regions into 9, to bring greater resources to bear against the most formidable criminal organizations and to respond more effectively to current and emerging drug trafficking patterns.

Domestic and International Drug Law Enforcement Achievements

Operating worldwide, DEA coordinates multijurisdictional and multiagency investigations to immobilize drug trafficking organizations by arresting their members, confiscating their drugs, and seizing their assets. In 1997, DEA continued to use and develop additional means of combating drug organizations operating beyond national boundaries, as well as domestic and international money launderers. For instance, under the International Emergency Economic Powers Act, the Departments of Justice and Treasury administered an economic sanctions program designed to isolate the Cali Cartel from the international financial community and destroy its ability to invest ill-gotten assets. The Department also collaborated with the Treasury Department to enforce a Geographic Targeting Order that requires money remitters in New York and New Jersey to report transfers to Colombia of \$750 or more. This effort resulted in a dramatic decline in narcotics proceeds transmitted to Colombia. Other domestic and international accomplishments included the following:

- On May 28, 1997, Federal, State, and local law enforcement officials arrested 70 defendants on drug charges across parts of New York, New Jersey, and Pennsylvania in a multiagency operation code-named “Golden Road,” a 1-year OCDETF investigation targeting a Dominican cocaine trafficking organization.
- On July 22, 1997, a Federal grand jury in Ft. Worth indicted the leader and 11 associates of a marijuana organization stretching from Mexico to Texas to Minnesota.
- In September 1997, a joint Costa Rican/U.S. team being trained in drug interdiction discovered 342 kilograms of cocaine hidden in a tractor trailer. A Costa Rican police officer, who had received similar highway interdiction training, stopped another such vehicle on the Panama border and found 1,000 kilograms of cocaine, reportedly the largest-ever cocaine seizure in Costa Rica.
- A joint investigation between Venezuela’s Policia Tecnica Judicial (PTJ) and DEA in Caracas and Bogota led to the seizure of over 4 tons of cocaine from a maritime vessel in Puerto Caballo, Venezuela; as of July 23, 1997, authorities had seized 4,181 kilograms (4.6 tons) of cocaine, the most ever in Venezuela.
- In 1997, the Department successfully prosecuted 30 members of a Jamaican drug organization known as the “Poison Clan,” which distributed “crack” cocaine across the United States and committed more than 10 homicides in Virginia and New York.

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- On April 8, 1997, a 2-year investigation involving several DEA offices and other international authorities resulted in the arrest of 20 defendants throughout South America and the seizure of over 34 bank accounts and assets worldwide with a total forfeiture value of \$40 million.
 - Investigative information developed by DEA's Rangoon Country Office resulted in the seizure of 32 heroin refineries by Burmese authorities in 1997, a 200-percent increase over 1996.
 - In May 1997, two brothers were arrested for smuggling multi-ton shipments of marijuana from Thailand to the United States and for money laundering. Over \$12 million U.S. dollars in assets were seized.

Colombian and Mexican groups are the most threatening international drug trafficking organizations currently facing the United States. But in 1997, advances continued to be made. An essential element of the strategy was to work closely with the Government of Mexico and its law enforcement organizations to identify, locate, arrest, and prosecute those major international organized crime figures responsible for drug trafficking and violence within the United States and Mexico. Investigations under the Southwest Border Initiative—focusing on the four major Mexican drug trafficking organizations that transport 70 percent of all cocaine entering the United States—secured the indictment of many major drug movers and continued to enhance interagency cooperation among the Criminal Division, FBI, DEA, the U.S. Customs Service (USCS), the U.S. Attorneys, and other Federal, State, and local law enforcement agencies.

For example, Operation “Zorro II,” an OCDETF and Southwest Border Initiative case involving unprecedented cooperation among law enforcement agencies at all levels, resulted in 102 indictments, 49 convictions, and the seizure of over 6 tons of cocaine and more than \$20 million in currency and assets. Under Operations “Lime-light” and “Reciprocity”—conducted jointly with the Department, IRS, and USCS—members of the Amado Carrillo Fuentes Organization, targeted for drug trafficking in 10 cities, were investigated and prosecuted. They were responsible for shipping approximately 45-60 tons of cocaine into the Northeastern United States and an estimated \$100 million in drug proceeds from the United States to Mexico. The Government has charged more than 100 people in this case and seized 11.5 tons of cocaine, 13,646 pounds of marijuana, and more than \$18.5 million in assets.

The INS conducted 9,017 total separate drug seizures in FY 1997, an increase of 8.6 percent over FY 1996 total seizures. The street value of all drugs seized by the INS in FY 1997 totaled \$1.4 billion, down from the FY 1996 estimated value of \$1.57 billion.

Also in 1997, a collaborative investigation extending over 2 years and involving DEA's Los Angeles Division, the FBI's Phoenix Office, and local law enforcement agencies, led to the identification

and disruption of a second-echelon Colombian drug trafficking organization that imported sizeable quantities of cocaine and South American heroin into the United States. Suspected use of Mexico-based drug transporters to smuggle shipments of South American heroin into the United States, if confirmed and widespread, would constitute a significant shift in the trade, as would large-scale distribution of South American heroin in the Southwest. Law enforcement must continue to disrupt and destroy major heroin traffickers.

DEA investigations also targeted major illegal suppliers of controlled substances, such as “black pearls” or Tung Shue from China, containing diazepam; and pseudoephedrine, which is diverted to the methamphetamine trade operating largely in California. The Department stayed committed to the fight against the trafficking and abuse of methamphetamine by fully implementing the National Methamphetamine Strategy of 1996 and its May 1997 update. DEA’s Mexican Methamphetamine Program continues to coordinate and develop liaison with USCS agents and security personnel at ports-of-entry into the United States. During FY 1997, DEA enhanced its working relationships with State and local law enforcement to expand its intelligence base for identifying international trafficking organizations and to monitor shipments of methamphetamine and its precursor chemicals.

In FY 1997, DEA’s Mexican Methamphetamine Program resulted in seizures of \$791,708 in currency, \$315,000 in other assets, 20 pounds of marijuana, 312.5 kilograms of cocaine, 548 pounds of methamphetamine, 11.31 pounds of heroin, 82 weapons, and 5 clandestine laboratories (containing 800 pounds of iodine, 800 pounds of freon, 40 pounds of ephedrine, and 6.2 pounds of pseudoephedrine). In 1997, the Department scored successes in major cases such as the following:

- Eleven defendants were indicted in the District of New Mexico following the 1995 seizure of almost 700 pounds of methamphetamine—one of the largest seizures in U.S. history.
- DEA culminated a 12-month investigation of a pseudoephedrine ring based in Modesto, California, as part of Operation “Backtrack,” which targets organizations that divert pseudoephedrine tablets to the methamphetamine trade. The investigation resulted in large seizures of the drug and Federal indictments against major suppliers.
- A Federal grand jury in Georgia’s Northern District returned criminal indictments against principals of X-Pressive Looks—one of the Nation’s largest illicit suppliers of pseudoephedrine tablets—on money laundering charges and violations of the Chemical Diversion and Trafficking Act.

“Heroin: It Never Went Away”

D DEA convened the National Heroin Conference to bring together experts from law enforcement, treatment, and prevention with first-hand knowledge of heroin’s impact and a good grasp of the full scope of the heroin problem. Although more than 60 percent of the participants were law enforcement professionals from State and local agencies, attendees also included professionals from the drug abuse prevention/treatment community, academia, and the media and entertainment industries.

Drug Treatment for Prisoners

The Violent Crime Control and Law Enforcement Act of 1994 required by the end of FY 1997 that the Department provide drug treatment to all Federal inmates needing and willing to accept it. The Department's Bureau of Prisons (BOP) has met this requirement, increasing by one-third the number of residential drug treatment programs since FY 1994 and by 50 percent its yearly treatment capability to well over 6,000 inmates. Approximately 37 percent of all inmates in BOP contract community corrections centers were enrolled in transitional drug abuse treatment programs during FY 1997, a 30-percent increase over the previous year.

As a pilot project in FY 1997, six community corrections centers began providing drug treatment on site. A study released in FY 1997 found that an estimated 45 percent of defendants convicted of drug-related crime will commit a similar offense within 2-3 years. Prison-based drug treatment programs provide an opportunity to break the cycle of drug use and crime, saving countless people from becoming future crime victims. Through the Residential Substance Abuse Treatment Program, all 50 States, five territories, and the District of Columbia received almost \$28 million in FY 1997 to develop and implement substance abuse treatment programs in their prisons and jails. Each offender spends 6–12 months in treatment—the amount of time research indicates is needed for these programs to work.

Another program successfully reducing recidivism rates (to between 5 and 28 percent) among drug offenders is OJP's Drug Court Grant Program. Initially authorized by the President's 1994 Crime Act, this program allows nonviolent, drug-addicted offenders an alternative to going to jail: offenders plead guilty to charges and enter a regimen of voluntary drug treatment combined with regular drug testing and graduated sanctions. In FY 1997, the program provided more than \$28 million to plan, establish, or improve over 160 drug courts.

Operation Drug TEST (Testing, Effective Sanctions and Treatment), administered by the Office of Policy Development (OPD), established pilot programs at 54 sites in 25 judicial districts in 1997. These programs, which require drug testing of virtually all defendants either before or immediately after their first appearance in court, can identify defendants with drug problems before their release into the community. They also impose conditions of release, including sanctions and treatment, designed to deter future drug abuse and crime.

Assets Seized and Forfeited Through Law Enforcement Operations

The Department continued to share asset forfeiture funds with State and local law enforcement agencies engaged with the Federal

Government in combating drugs and other crimes. It also worked closely with law enforcement officials in Mexico, Switzerland, France, and Liechtenstein to investigate, seize, or return to victims millions of dollars in real and personal property. By the end of 1997, approximately \$450 million had been deposited in the Asset Forfeiture Fund, 40 percent of which will be shared with State, local, and foreign law enforcement authorities.

Working at the country's borders, the INS removed 656 firearms and 4,074 vehicles during FY 1997 enforcement operations. Total estimated value of assets seized, including real property, was \$67,977,767, an increase of 34 percent over total FY 1996 seizure levels.

Organized Crime

In 1997, the Department continued its work to eliminate the many criminal enterprises of organized crime families, including the La Cosa Nostra (LCN) families and their associates. The Department also prosecuted the illegal activities of nontraditional organized crime groups, such as those emanating from the former Soviet Bloc and Asia. A total of 245 organized crime cases were filed against 646 defendants during the year. Eighty-eight (88) percent of the defendants whose cases were terminated during 1997 were convicted, with 68 percent of the convicted defendants sentenced to prison.

During 1997, Federal prosecutors successfully concluded RICO prosecutions of LCN bosses and leaders in four major U.S. cities and elsewhere. The FBI continued its investigations of LCN for its involvement in racketeering activities such as gambling, loansharking, and extortion. But it is the LCN's control or influence over certain labor unions that distinguishes it from other criminal enterprises and makes it the most significant organized crime group in the country. Through Operation "Button Down," a 5-year plan that began in March 1996 and continued throughout 1997, four bosses, three underbosses, three consiglieres, 46 capos, 48 soldiers, and 331 associates were indicted or convicted. Special FBI initiatives are now under way to identify and charge LCN activity in the carting, construction, garment, and maritime industries.

Through its continuing participation in the Financial Action Task Force and with the Caribbean Financial Action Task Force, the Department remained instrumental in encouraging foreign countries to adopt money laundering and asset forfeiture statutes. Major accomplishments in 1997 included Colombia's enactment of effective legislation to combat the vast wealth of drug cartel leaders, and agreements between the United States and 20 Caribbean nations to cooperate in money laundering matters.

DEA plays a major role in disrupting and dismantling the operations of domestic and international criminal financial organizations with a nexus to major drug trafficking organizations and sys-

tems of handling illicit proceeds and operating funds. Key significant accomplishments for FY 1997 include the arrests of two suspects from a Colombia-based money laundering organization who laundered more than \$30 million in drug proceeds for the Cali Mafia over a 16-year period; the freezing of Citibank accounts containing more than \$26 million traced to a Chilean money exchange house; the arrest of participants in a major money laundering organization using members of a religious Hasidic Orthodox Jewish sect to launder drug proceeds for Colombian and Dominican drug organizations; and the seizure of more than \$4,000,000 from a Colombian money broker in a Miami suburb as part of "Operation High Tide."

The Department continued to pursue broad investigations of former Soviet Bloc organized crime activity across the United States, zeroing in on the vast amounts of money flowing into U.S. banks from the former Soviet Bloc. Russian organized crime (ROC) is on the rise as greater numbers of Russian and Eastern European emigres relocate to major U.S. cities on both coasts. Prosecutions and investigations are up as well. For example, the Los Angeles Organized Crime Strike Force Unit convicted numerous Armenian/ROC subjects involved in evasion of excise taxes on gasoline, and obtained several indictments and various convictions for health care fraud, extortion, and credit card and bank fraud. In one major 1997 case, 18 Russian emigres were indicted for perpetrating a massive securities fraud scheme, which involved selling artificially inflated shares of stock.

The Department also continued its efforts to combat Asian organized crime. Investigations conducted by several West Coast U.S. Attorneys' offices resulted in the indictment of over 100 defendants associated with Vietnamese organized crime groups believed to be involved in more than 100 robberies of computer chip companies in California and Oregon.

Protected witnesses' testimony led to many convictions and significantly impacted the illegal activities of major organized crime groups in 1997. The Department's Witness Security Program (WITSEC), established in 1970, remained one of the Government's most potent and effective weapons against organized crime, terrorists, violent street gangs, and narcotics traffickers. In FY 1997, 193 new participants were added to the program.

Political Corruption

The Department oversees the Federal effort to combat corruption of elected and appointed public officials at all levels of government. During 1997, it continued to assail those who compromise public trust by abusing their offices. Investigations resulted in the U.S. Attorneys filing 487 criminal cases charging 754 individuals with political corruption. Eighty eight (88) percent of all political corruption defendants whose cases were terminated during the year were convicted. Examples of specific cases handled in 1997 follow.

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- The Speaker of the House in Missouri pled guilty to accepting bribes in exchange for supporting specific legislation.
 - The Department successfully prosecuted an Assistant U.S. Attorney for the Central District of California for two counts of wire fraud and felony conflict of interest.
 - The Department successfully prosecuted the former Chief Pilot of the Aviation Section of the Bureau of Alcohol, Tobacco and Firearms (ATF), for mail fraud and tax evasion in connection with a scheme to defraud the Government.
 - The Department's highly successful investigation of corruption at the Mansfield Correctional Institution in Mansfield, Ohio, culminated with the conviction of the prison's former chief of security on wire and mail fraud charges.
 - The Department's Campaign Financing Task Force, established in November 1996, continued investigating allegations of criminal campaign finance violations in recent Federal elections. During the year, the Department obtained campaign-fraud convictions against four individuals on charges relating to the funneling of illegal contributions to several Federal campaigns.

White Collar Crime

The U.S. Attorneys handled a myriad of white collar crime prosecutions during FY 1997, including intellectual property and computer crimes; trade, bankruptcy, consumer, health care, and financial institution fraud; and pension abuse. The Department chairs the High-Tech Subgroup of the P8, which focuses on international trap-and-trace procedures and transborder searches, and represents the United States at the Council of Europe's Committee of Experts on Crime in Cyberspace, which is drafting an international convention on a wide range of high-tech issues. In all, 6,312 white collar criminal cases were filed against 8,839 defendants. Eighty-eight (88) percent of the 8,386 defendants whose cases were terminated during the year were convicted. FBI white collar crime investigations secured \$3.9 billion in restitutions, \$121 million in recoveries, and \$487 million in fines. Interagency task forces helped ensure cohesive Federal response, effective enforcement, and smarter use of resources to combat a range of crimes.

Intellectual Property Crimes

The increased demand for U.S. brand-named consumer goods has created a concomitant rise in illegal copying and reproduction of these goods. Using the felony provisions of statutes criminalizing

Protecting Our Cyber Space

A new initiative headed by the FBI is designed to deter, detect and respond to cyber and physical threats to U.S. infrastructures. Called the Infrastructure Protection Center its mission—with inter-agency and private sector support—is to assess, warn, investigate, respond to, and prevent threats and unlawful acts such as electronic intrusions into government computer networks, protected computers, and the National Information Infrastructure. Additionally, the FBI has established Regional Computer Investigations and Threat Assessment Squads in seven of its big-city field offices, with all other FBI field offices having formed specialized teams.

the misuse of intellectual property, the U.S. Attorneys filed 100 cases charging 175 defendants with counterfeit goods violations. Seventy-eight (78) percent of those whose cases were terminated in 1997 were convicted. Appendix II contains information provided in response to the statutory mandate requiring inclusion of FY 1997 Department statistics on criminal intellectual property crimes. It contains the following: a summary of the available statistics segregated by statutory provision and preceded by a brief description of each offense; a summary of the grand totals; a summary of the totals associated with matters and cases referred by USCS to the U.S. Attorneys; a list of districts and their abbreviations; a glossary of terms; and the Criminal Caseload Statistical Reports generated by the Executive Office of U.S. Attorneys.

The criminal intellectual property statutes surveyed include the following:

- Title 18, United States Code, Section 2318 (18 U.S.C. §2318)—Trafficking in Counterfeit Labels for Phonorecords and Copies of Motion Pictures or Other Audiovisual Works;
- Title 18, United States Code, Section 2319 (18 U.S.C. §2319)—Criminal Infringement of a Copyright;
- Title 18, United States Code, Section 2319A (18 U.S.C. §2319A)—Unauthorized Fixation of and Trafficking in Sound Recordings and Music Videos of Live Musical Performances; and
- Title 18, United States Code, Section 2320 (18 U.S.C. §2320)—Trafficking in Counterfeit Goods or Services.

Computer Crimes

As computers play an ever-increasing role in our daily lives, it is not surprising they play an ever-increasing role in criminal activity (see sidebar, “Protecting Our Cyber Space”). In response to this growing threat, the Department has worked closely with Congress to ensure that the criminal law appropriately criminalizes computer abuse. Legislation such as the National Information Infrastructure Protection Act of 1996 reflects the Department’s philosophy that the pace of technological change calls for laws that protect values, not specific technologies. One important national value is the protection of children, which is why the Department has intensified its investigations of persons transmitting child pornography or otherwise engaging in the exploitation of children by means of the Internet. The FBI and the Criminal Division initiated the “Innocent Images” Project to combat the use of computers to traffic in child pornography. This project—the first of its kind to target the use of a major

U.S. online service provider by traffickers of child pornography—has led to 200 informations and indictments, 135 arrests, and 152 convictions.

During FY 1997, computer crime cases increased dramatically. The FBI reported a 120-percent increase in pending computer intrusion cases; a 267-percent increase in complaints filed; a 110-percent increase in informations and indictments filed; and a 950-percent increase in the number of arrests. Many of the cases brought in 1997 reflect the global nature of the Internet and the ability of computer criminals to commit crimes across national borders.

In a strike against international cyber crime, the Civil Division recovered \$2.8 million from the perpetrators of an Internet pyramid scheme. The court ordered that money held in Antigua by the promoters of the scheme be used to reimburse victims.

The USNCB increased international awareness of Internet and other information technology crimes through the September 1997 INTERPOL-sponsored Working Group on Information Technology for the Americas. Technology is being used to combat cultural property theft and to exchange related image data. An information system of stolen cultural property is being developed by an INTERPOL/UNESCO (Organization of United Nations for Education, Science and Culture—[English translation]) working group.

International Trade Fraud

The emergence of a truly global marketplace has created more opportunity for fraudulent trade by companies exporting goods and services to foreign countries. Following are two examples of successful trade fraud cases pursued by the Department in 1997:

- A \$25 million settlement was secured in a claim brought against Continental Grain Corporation and Arab Finagrain Agri-Business Trading. They submitted false information to the U.S. Department of Agriculture (USDA) to obtain export credit guarantees for sales of agricultural goods to Iraqi government agencies. Arab Finagrain was also sentenced to pay a \$10 million criminal fine after pleading guilty to conspiring to defraud the USDA for sales of agricultural products to Iraq.
- Food giant ConAgra agreed to pay \$8.3 million in fines and restitution for defrauding farmers and commercial buyers of millions of dollars.

Bankruptcy Fraud

Bankruptcy filings have increased at unprecedented rates for the last 2 years. Breaking the 1 million mark for the first time in history during 1996, filings have increased by 53.5 percent over the

Fraud Enforcement Efforts Pay Off

The Civil Division achieved success in a wide range of fraud enforcement efforts. Examples include a \$14.8 million settlement secured from The Pratt & Whitney Group of United Technologies to resolve claims that the corporation conspired to divert \$10 million in U.S. military aid to a slush fund subject to the exclusive control of an Israeli Air Force officer. It also won \$5.3 million from Martin Marietta, now Lockheed Martin, to settle allegations in a qui tam suit that it padded research and development costs charged to the U.S. Department of Defense.

24 months ending June 30, 1997,² by which time annual filings exceeded 1.3 million.

Debtor fraud undermines the integrity of the system as a whole because it prevents creditors and investors from recovering property to which they are legitimately entitled, causing them to lose faith in the safeguarding of their interests and therefore invest less. Those who seek protection from the bankruptcy system contribute to its downfall by hiding assets or engaging in other illegal activities. Creditor abuse is also a problem.

The rise in bankruptcy cases has highlighted the need for aggressive efforts to identify and address areas of bankruptcy fraud. Criminal referrals have increased since the Attorney General's announcement of "Operation Total Disclosure" in February 1996. For the period 1996 through September 30, 1997, the program referred over 1,400 cases to the U.S. Attorneys. To enhance the program's efforts to combat bankruptcy fraud, the Department has intensified training and coordination with other agencies.

The following are a few examples of successful prosecutions resulting from the program's efforts to curtail abuse of the system:

- In January 1997, the U.S. Trustee in Boston referred a complaint against Sears, Roebuck & Company to the U.S. Attorney's office on the grounds that Sears improperly collected debts from bankrupt credit card holders in violation of the Bankruptcy Code. Attorneys General in 40 States have filed class action complaints against Sears, and the Federal Trade Commission (FTC) is investigating. A tentative class action settlement with State Attorneys General is estimated to reach \$275 million.
- In Dallas, Texas, the founders and officers of Children's Transplant Association (CTA) were indicted on 22 counts of conspiracy, wire fraud, money laundering, and interstate transportation of stolen funds. The U.S. Trustee referred the case for FBI investigation after a preliminary review indicated a shortfall of some \$500,000 that should have been paid for pediatric organ transplants and related medical services.
- In the Central District of California, the United States Bankruptcy Court fined an alleged foreclosure scam artist \$85,000 for filing a sham bankruptcy petition. The U.S. Trustees alerted the court to allegations that the individual had been obtaining title to distressed properties by promising owners to prevent foreclosure and renegotiate their loans, while allowing them to remain as renters for less than their monthly house payments. Instead of negotiating with lenders, bankruptcies to delay foreclosures were filed without the homeowners' knowledge.

² Source: Administrative Office of the United States Courts.

Consumer Fraud

Telemarketing frauds targeting senior citizens have been of particular concern to the Department. Expanding the great success of Operation Senior Sentinel—the largest nationwide undercover operation ever devised to combat this kind of telemarketing—the Department in 1997 instituted Senior Sentinel II to add to the nearly 1,000 prosecutions already made. BJA in FY 1997 provided \$2 million to help State and local law enforcement agencies and senior citizen advocacy organizations conduct prevention and public awareness activities on the issue of telemarketing fraud. Of the total funding, \$600,000 was transferred from the Office for Victims of Crime (OVC) to support public awareness and prevention projects.

Pension Abuse

As part of the Attorney General's Pension Abuse Initiative, announced in May 1997, an interagency working group on pension abuse—with members from the Departments of Justice and Labor, the IRS, and the Securities and Exchange Commission (SEC)—monitored pension-related prosecution. The Initiative seeks to protect the safety and integrity of funds exceeding \$3.5 trillion in the private retirement system. It will direct attention to prosecuting criminal abuses of pension plans, developing regional working groups, and devising legislation and other means of improving the Federal law enforcement effort against fraud and other crimes involving retirement arrangements.

During the first 8 months of the initiative, 70 criminal cases representing more than \$90 million in losses to pension plans were brought against pension abuse defendants in 29 districts across the country. The interagency working group continues to monitor significant pension abuse prosecutions and is drafting legislation to enhance related enforcement efforts.

Health Care Fraud

Health care fraud remains a top priority of the Attorney General and the U.S. Attorneys. The number of health care fraud cases continued to grow in 1997, with criminal convictions increasing more than 300 percent since 1992. These crimes include submitting false claims to Medicare, Medicaid, and other insurance plans; home health care fraud; fake billings by foreign doctors; and needless prescriptions for durable medical equipment by physicians in exchange for a kickback from manufacturers.

The signing of the Health Insurance Portability and Accountability Act in August 1996 fortified the United States' ability to combat health care fraud. Additionally, during 1997, new health care

Important Victory in Securities Fraud

The Solicitor General's Office won an important victory in *United States v. O'Hagan*. The Supreme Court upheld the so-called "misappropriation theory," under which a person who trades in securities for personal profit, using confidential information appropriated in breach of a fiduciary duty owed to the information source, may be held liable under Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 of the Securities and Exchange Commission (SEC). The Court also upheld SEC's authority to outlaw the use of confidential information about a tender offer to trade in the securities involved in the offer.

fraud resources were authorized for the U.S. Attorneys' offices, and new guidelines approved to enhance cooperation and communication between the U.S. Attorneys and the Department's Criminal and Civil Divisions in multi-district cases. The Department is also working with the U.S. Department of Health and Human Services (HHS) to establish a national health care fraud data collection program for the reporting of final adverse actions against health providers and entities. In 1997, the U.S. Attorneys filed 281 criminal cases against 530 health care fraud defendants. Ninety (90) percent of the 396 defendants whose cases were terminated during the year were convicted.

The Civil Division's aggressive pursuit of health care fraud gained substantial momentum in 1997. Working with the U.S. Attorneys, the Civil Division recovered more than \$961 million in judgments and settlements. Of that total, \$33 million was paid to private citizens who filed claims on behalf of the Government. Examples of successful health care fraud cases follow:

- As part of the Department's "LABSCAM" initiative—a Federal and State recovery effort targeting independent clinical laboratories engaged in marketing and billing schemes—the Government recovered more than \$700 million, obtained three corporate criminal convictions, and required three companies to operate under corporate integrity agreements.
- In a noteworthy settlement, the Nation's largest private in-home provider, First American Health Care of Georgia, and its purchaser, Integrated Health Services, agreed to reimburse the Federal Government approximately \$252 million for over-billed and/or fraudulent Medicare claims.

Financial Institution Fraud

In 1997, the Department continued to vigorously investigate and prosecute criminals who threaten to undermine our financial institutions. The coordinated efforts of the U.S. Attorneys' offices; the Criminal, Civil, and Tax Divisions; and the FBI not only sent defrauders to prison, but obtained victim restitution, criminal fines, civil money penalties, and forfeiture of property traceable to fraud. In major cases such as those involving officers or directors, or those with losses of over \$100,000, 506 defendants were charged, 518 were convicted, and 407 were sentenced to prison.

Forty (40) percent of the FBI's white collar crime caseload involved financial institution fraud. While investigations involving the savings and loan industry declined, the overall caseload remained constant, primarily because of more fraud by organized ethnic groups using counterfeit checks and other negotiable instruments. Committed to preventing excessive pay-outs from the public till, the Civil Division launched its defense of Winstar cases, which

comprise the largest set of contract cases ever filed against the United States. In these cases, Department attorneys face plaintiffs—individuals and institutions—whose faulty business practices contributed to the original savings and loan crisis. Major advances were made in 1997 with the start of the first trial and the establishment of a centralized information center. (Discovery in these cases encompasses more than 1 billion pages of Government documents.)

Incarcerating Violent Criminals

During 1997, the U.S. Attorneys sent 5,726 violent criminals to prison. Eighty-seven (87) percent of all violent criminals who were convicted during 1997 received prison sentences. Forty-seven (47) percent were sentenced to prison for 5 years or more, with 100 violent criminals sentenced to life.

At the end of FY 1997, BOP's inmate population was 112,289, a 6.5 percent increase over last year. Of this total, 101,091 prisoners were housed in BOP facilities, and 11,198 were housed in contract community corrections and detention facilities. Through its ongoing construction and expansion program, BOP added 6,580 beds for a total rated capacity of 83,022. The overall crowding rate was reduced by 3 percentage points during FY 1997, to 122 percent.

The D.C. Revitalization Initiative, which became law as part of budget reconciliation, includes the takeover of Lorton prison by BOP before 2001. It also sets up a commission chaired by the Attorney General (delegated to the Deputy Attorney General) to study the D.C. Criminal Code in an attempt to put D.C. in compliance with truth-in-sentencing, and transfers D.C. parole jurisdiction to the U.S. Parole Commission.

The USMS prisoner population increased dramatically again in 1997 with the average daily population approximately 8 percent higher than in 1996. At the end of FY 1997, the USMS housed more than 26,500 prisoners in approximately 1,000 State, local, and Federal detention facilities throughout the country. The USMS worked diligently with State and local governments to ensure the availability of sufficient detention space for violent and repeat offenders. As a result, during FY 1997, the USMS acquired almost 850 additional guaranteed detention beds through the Cooperative Agreement Program (CAP).

OJP awarded \$468 million in FY 1997 under the Violent Offender Incarceration Grant Program to help States build or expand correctional facilities for adult and juvenile violent offenders. Of the total amount, over \$235 million was provided as an incentive to the 27 States that enacted sentencing reform to ensure that violent offenders serve longer portions of their sentences (see sidebar, "Hard Prison Time for Violent Repeat Offenders"). Awards can be used to build or expand prisons or jails to house violent offenders. These prison grants can also be used to construct or

Hard Prison Time for Violent Repeat Offenders

The Solicitor General successfully argued for interpretation of Federal sentencing laws that will ensure that violent criminals receive substantial sentences. In *United States v. LaBonte*, the Court held that the special statutory sentencing requirement for adult offenders who commit a third drug offense or violent crime requires that they be sentenced to a term at or near the maximum authorized by Congress, including all applicable sentencing enhancements, not just the period of imprisonment for the basic offense. In *United States v. Gonzalez*, the Supreme Court held that the mandatory 60-month term of imprisonment imposed on anyone convicted of carrying or using a firearm in the commission of a drug trafficking offense must run consecutively to any State sentence as well as to any Federal sentence.

enhance facilities for non-violent offenders in an effort to free up bed space for violent offenders.

At the end of FY 1997, approximately 26 percent of BOP inmates in low-, medium-, and high-security facilities were employed by Federal Prison Industries (FPI), a wholly owned Government corporation that produces goods and services for U.S. Government customers. FPI provides work opportunities that help keep inmates productively occupied and positively focused during their incarceration. It also provides marketable job skills and instills a positive work ethic, thus increasing the likelihood that ex-offenders will find and keep jobs and remain crime-free after release. In FY 1997, FPI's net sales of products and services—including clothing, bedding, eyewear, electronic equipment, furniture, data entry, and printing—reached \$512 million, compared to \$495 million and \$459 million respectively for FYs 1996 and 1995. BOP continues to take a proactive approach in other areas, such as crisis management. Training programs for its Special Operations Response Teams (SORTs), Disturbance Control Teams (DCTs), and Hostage Negotiation Teams (HNTs) enhance BOP's ability to deal with potential internal disruptions. Intensive, week long SORT maneuvers and trainings were held in each of its six regions, involving all 50 SORTs and 62 HNTs. During these exercises, wardens, associate wardens, captains, and SORT and HNT leaders received training in command and control operations during a crisis situation.

In addition, BOP/FBI joint training sessions were conducted during 1997 that allowed senior officials of both agencies to develop their capabilities to respond to a major incident calling for joint crisis resolution efforts.

Key Crime-Fighting Resources

Investigative Information Technologies

Information is a powerful weapon that directly contributes to the removal of violent criminals from America's streets. The Department's various law enforcement agencies are helping to extend U.S. expertise and the use of U.S. law enforcement technologies and standards. For example, through its facilities at Butte, Montana, and Savannah, Georgia, FBI Special Agents are able to request assistance from the Investigative Information Services Program, which in 1997 led to 1,318 arrests. Moreover, as each new fugitive is identified in an FBI office, the Savannah Information Technology Center provides leads on that wanted person. In FY 1997, 4,237 requests were processed, leading to the arrest of 43 Federal fugitives.

Innovative Crime-Fighting Strategies

Rapid Start teams—the FBI’s specially trained cadre of Special Agents and professional support personnel deployed to the field in times of major crises—were sent out 29 times during FY 1997, including to Lima, Peru, during the takeover of the Japanese ambassador’s residence and to several American cities during the manhunt for “Top Ten” fugitive Andrew Cunanan. These employees set up automated systems for tracking events, leads, and intelligence.

To help State and local agencies sustain and enhance the successful crime-fighting approach of community policing, COPS awarded \$35 million in Advancing Community Policing grants. Funding went to help 96 innovative State and local law enforcement projects overcome organizational-level obstacles and create an atmosphere for community policing to thrive. Across America, 21 Community Policing Demonstration Centers were funded to share current community policing information and model strategies with other law enforcement agencies in their geographic areas.

International Coordination

Over the last 2 decades, criminal conduct has increasingly extended beyond the borders of any one country. Because the United States and foreign prosecutors confront serious problems in investigating cases where the defendant or the evidence needed to prosecute is overseas, the Department has continued its strategy of modernizing the legal framework for international law enforcement. It has increased its participation in multilateral organizations, where it represents the United States in negotiating and developing international law enforcement policy. Working with the Council of Europe, the Organization of American States (OAS), the Organisation for Economic Co-operation and Development (OECD), and the United Nations Crime Commission, the Criminal Division—which plays an integral role in this process—coordinates all requests for extradition and evidence for criminal prosecutions, both foreign and domestic; works to obtain the custody of fugitives in the absence of formal extradition; and negotiates extradition and international and multilateral treaties. Major accomplishments in 1997 follow:

- The Department processed a steadily increasing number of requests for extradition and mutual legal assistance, and facilitated the rendering of fugitives and evidence for prosecutions both in the United States and in foreign countries. As a result, many high-profile fugitives were arrested and prosecuted.
- The Department continued to pursue an aggressive policy of negotiating and concluding bilateral law enforcement treaties. During 1997, six new extradition treaties and four new Mutual Legal Assistance Treaties (MLATs) entered into force.

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- The Department assisted the Rwanda War Crimes Tribunal and spearheaded the implementation of a mandated inter-agency strategy to combat Nigerian organized crime.
 - The Department played a prominent role in the P8's efforts to improve international cooperation in extradition, mutual legal assistance, and high-tech crime.
 - During 1997, the Criminal Division's Office of Overseas Prosecutorial Development, Assistance and Training, which provides training and assistance for prosecutors and judges in emerging democracies, conducted programs in Russia, Poland, Latvia, Haiti, Colombia, Bolivia, and Liberia.
 - The Criminal Division's International Criminal Investigative Training Assistance Program, which helps other nations develop sound civilian police organizations based on internationally recognized principles of human rights and rule of law, initiated training and development projects in South Africa, Liberia, Lebanon, and Albania, and continued ongoing projects in many other countries.
 - The FBI opened six additional Legal Attache offices as part of a congressionally approved plan to gain greater cooperation from foreign police to combat global criminal activity. The new offices were opened in Riyadh, Saudi Arabia; Warsaw, Poland; Kiev, Ukraine; Tallinn, Estonia; Pretoria, South Africa; and Buenos Aires, Argentina.
 - The USNCB, in conjunction with other U.S. law enforcement agencies, extended U.S. expertise and the use of U.S. law enforcement automation and standards during the 66th INTERPOL General Assembly, where the U.S. standard for Automated Fingerprint Information Systems was explored.

II. Supporting Law Enforcement in the Community

Goal: To provide maximum support and cooperation for America's police departments and for the communities they serve.

The Department continued to help States and local communities implement comprehensive approaches to aggressively address crime problems. Through generous grant programs, funding, training and technical assistance, and other specialized assistance, the Department's many agencies helped communities curb violent crime; keep weapons out of the hands of those who should not have access to them; change the pattern of drug use and crime that rules too many lives; and provide young people with positive alternatives to crime, gangs, and drugs. Department resources put more police on the beat and enhanced residents' accessibility to innovative, community-based crime prevention and response technologies. Local Department representatives helped to forge community-law enforcement partnerships, which continued to play a vital role in reducing crime.

The Attorney General is also committed to a vision of community justice—an approach to justice that is focused on problem-solving and strong linkages to the community. A collaborative effort of OJP's Office of the Assistant Attorney General, the Executive Office for Weed and Seed (EOWS), VAWGO, the National Institute of Justice (NIJ), and BJA, the Community Justice Initiative is committed to exploring innovative ways—including community courts, community policing, and community prosecution—in which the concept of community justice can be realized and developed to fit the needs of local jurisdictions. Eight jurisdictions are currently in the early stages of coordinating their community justice programs, including Boston, Baltimore, Indianapolis, and Sarasota. In the next year, OJP will work with the local sites as they develop models of community justice to meet their local jurisdictional needs and public safety priorities.

Putting More Police on the Beat

In FY 1997, the COPS Office awarded nearly \$1.2 billion in grants to put more than 17,500 officers on the streets, bringing the ranks of community policing officers and sheriff's deputies funded by COPS to over 65,000. Nearly half of these officers and deputies are already patrolling America's streets and actively working in partnership with their communities to reduce crime and social dis-

order. The Department is well on the way to the President's goal of putting 100,000 additional police officers on the community policing beat by the year 2000.

COPS also provided \$214 million to redeploy 5,500 officers under new COPS MORE (Making Officer Redeployment Effective) grants and to renew previous grants. With COPS MORE, local agencies receive resources to buy technology and equipment—such as laptop computers—and to hire non-sworn administrative staff. These funds allow officers to spend more time on the streets, rather than at the station filling out paperwork or engaging in administrative and clerical tasks. The Community Relations Service (CRS) provided training and community-level assistance to police departments and communities in making the transition to community-oriented policing.

The U.S. Attorneys continued to play an important role during 1997 in promoting the COPS program at the local level. Through their respective Law Enforcement Coordinators, the U.S. Attorneys brought site-specific training to police departments in their States, using Innovative Community Policing grants as the vehicle. For example:

- The Eastern District of Arkansas received \$107,521 for training geared toward both law enforcement and community members working together to solve crime and improve the quality of life for local residents.
- The District of Maryland, in conjunction with State and local police, the Maryland Police Training Commission, and Johns Hopkins University, developed the Maryland Community Policing Academy administered by the Maryland State Police, which has trained more than 500 police personnel and community members since 1995.
- Participation by the Department's Office of the Inspector General (OIG) in Crime Act-funded areas reflects the Department's ongoing commitment to effective implementation of this important Act. The OIG conducted the first substantial set of audits of grant recipients under the COPS program, and made recommendations to increase its effectiveness and to secure a greater return on taxpayer investment. In addition, the OIG reviewed the FBI's Safe Streets Task Forces to help the FBI more efficiently target its resources to fight crime.

Encouraging the Use of Locality-Based Strategies

An integral part of the Department's strategy for preventing and controlling crime is the provision of needed resources, skills, leadership, and assistance to State and local agencies to ensure an effec-

tive frontline law enforcement presence. Information sharing, intelligence, and participation in joint operations are key ingredients to this partnership.

COPS recognizes that local and State law enforcement agencies, in cooperation with those they serve, know best the solutions that will work for their communities. In FY 1997, COPS continued to provide a menu of assistance for innovative projects developed at the local level. Using the Problem-Solving Partnerships grants, policing agencies are now working with community organizations to further refine strategies that address local crime problems like street-level drug dealing, vandalism, auto theft, homicide, or burglary.

Such partnerships with communities play a vital role in reducing crime (see sidebar, "Project Exile Makes Waves"). Through task forces composed of Federal, State, and local law enforcement agents, the U.S. Attorneys in 1997 continued to forge partnerships between members of law enforcement and the communities they serve. For example, the U.S. Attorneys continued to fund local Law Enforcement Coordinating Committees (LECCs) to promote Weed and Seed programs through training and brochures. Operation Weed and Seed is a multi-agency strategy designed to "weed out" violent crime, gang activity, drug use, and drug trafficking in targeted high-crime neighborhoods by moving in with a wide range of crime and drug prevention programs and then to "seed" the target areas by restoring these neighborhoods through social and economic programs that stimulate revitalization (see sidebar, "Weed and Seed Funding at Record Level"). The FBI, under the auspices of the Weed and Seed program and in accordance with the Department's Asset Forfeiture Fund, executed \$3.2 million worth of cost reimbursement agreements with State and local law enforcement agencies for violent crime task force operations.

In addition to supporting the Weed and Seed program, Law Enforcement Coordinators also provided training and assistance to the COPS Program and to the Asset Forfeiture Program. Training seminars have been one of the most successful tools in encouraging law enforcement coordination, as they allow for the sharing of experience and expertise, investigation and prosecution techniques, and crime information. They also assist State and local law enforcement entities, whose budgets often do not provide for in-service training or travel to training sites.

In support of community leaders, DEA recently hosted a meeting of representatives from 40 of the largest civic, service, fraternal, youth service, and faith organizations in the United States to address demand reduction and legalization issues. This group represented a combined membership of nearly 55,000,000 Americans. This type of seminar, if held at the State level in each State, would optimize training effectiveness and enlist the vigorous support and collaboration of these organizations.

BJA's Local Law Enforcement Block Grants (LLEBG) Program provided \$441 million to local jurisdictions and every State and eligible territory to help underwrite projects to reduce crime and

Project Exile Makes Waves

Under "Project Exile," a locality-based strategy implemented in 1997 in Richmond, Virginia, the U.S. Attorney's Office, in conjunction with the Richmond Commonwealth Attorney's Office and Police Department and the Federal Bureau of Alcohol, Tobacco and Firearms, (ATF), began to prosecute all felons with guns. Cases are handled on an expedited basis, with the U.S. Attorney's Office taking an aggressive stance on bail and sentencing. Using funds from various sources, including local businesses, the agencies involved have publicized the project's success by purchasing advertising on billboards and painting a bus, all with the message, "An Illegal Gun Gets You 5 Years in Federal Prison." The project has resulted in a significant and sustained reduction in the number of criminals carrying weapons on the street.

Weed and Seed Funding at Record Level

TIn FY 1997, the Weed and Seed program expanded to 29 new sites, including Baltimore, Houston, and two Los Angeles neighborhoods. Together with the 84 sites already funded, 113 communities are now receiving a total of \$26.2 million in Weed and Seed funding—the largest number of funded sites in the program’s 6-year history. Weed and Seed programs enable children to work to restore their neighborhoods, enhance community policing presence, provide educational alternatives, and address community problems like curfew and truancy—bringing the community together and returning these neighborhoods to safe places to live.

improve public safety. LLEBG awards are made to States and localities according to FBI violent crime data. The largest grants went to New York City and Chicago. Local jurisdictions can use their awards for a number of law enforcement-related purposes, such as purchasing equipment, performing basic law enforcement functions, hiring police officers or paying overtime to existing officers, and implementing crime prevention measures. Funding can also be used to establish multijurisdictional task forces, prosecute violent offenders, fund drug courts, or defray the cost of indemnification insurance for law enforcement officers.

For its part, CRS continued to promote interdepartmental cooperation and create public and private sector partnerships to help reduce racial and ethnic tensions in local communities. Again in 1997, CRS’ services were regularly engaged by U.S. Attorneys seeking to reduce racial tensions within their communities. CRS also continued to support other Federal initiatives, including community-oriented policing, Operation Weed and Seed, and Pulling American Communities Together. Within the Department, CRS is partnering with OJJDP on hate crimes; with COPS on youth violence; with OVC on assistance to hate crime victims; with the Office of Tribal Justice on tribal conflict; with the FBI on hate crime response; with the Civil Rights Division (CRT) on excessive use of police force protocols; with the Environment and Natural Resources Division (ENRD) on resolution of environmental issues; and with BJA on training for law enforcement on conflict resolution and community relations.

The INS in FY 1997 established a Community Relations Officer (CRO) position in key INS field offices. Results to date show the CROs are facilitating community relations by identifying and resolving immigration-related community issues, conflicts, and concerns, in addition to educating the public on how new immigration laws will affect them. Local outreach activities focused on such topics as citizenship and concerns about day labor sites. CRS supported these efforts.

Controlling the Proliferation of Dangerous Weapons

Keeping guns out of the wrong hands begins at the point of purchase. Since its enactment in 1993, the Brady Handgun Violence Prevention Act (Brady Act) has prevented more than 250,000 felons, fugitives from justice, and persons subject to certain domestic violence restraining orders—persons prohibited from possessing firearms—from purchasing handguns from gun dealers. In FY 1997, the interim provisions of the Brady Act continued to prevent the sale of 6,600 firearms to prohibited persons each month.

Despite a ruling by the U.S. Supreme Court in June 1997 barring the Federal Government from requiring States and local authorities to conduct background checks, almost every State contin-

ues to do checks similar to those required in the Brady Act. IGA successfully negotiated agreements with the Attorneys General of Ohio and Arkansas to permit the resumption of background checks under the Brady Act. With these two agreements, almost 100 percent of Americans now live in jurisdictions where these checks are voluntarily conducted by State or local law enforcement. In more good news, the 5-day waiting period for handguns remained intact.

During 1997, the Department also made great strides in developing the National Instant Criminal Background Check System (NICS), which the Brady Act requires to be up and running by November 30, 1998. NICS, designed around existing law enforcement databases, will enable any federally licensed gun dealer to contact the system and perform an instant background check on a prospective firearms buyer.

In 1997, the Attorney General approved a detailed plan for how NICS will operate from a user's perspective. Relatedly, the Department—through the National Criminal History Improvement Program—awarded approximately \$50 million in additional grants to 48 States to enable them to upgrade the quality and automation of criminal history records, making the information they provide to NICS more accurate, accessible, and useful. The Department also convened a NICS users' conference for State representatives to learn how the system will operate and to encourage their participation in NICS checks by designating State or local points of contact responsible for doing them.

Meanwhile, the U.S. Attorneys continued to prosecute those who violate Federal firearms statutes. Firearms prosecutions focus on individuals with long criminal histories or excessively violent criminal behavior, and on those who sell firearms as gun runners. During 1997, 4,444 defendants were charged with Federal firearms violations. Ninety-five (95) percent of the defendants sentenced during the year were sent to prison. Although the average sentence was 8 years and 9 months, 594 defendants were sentenced to more than 15 years or to life. The U.S. Attorneys rely on stiff Federal penalties and the joint efforts of Federal, State, and local law enforcement to successfully prosecute firearms offenders.

Providing Specialized Law Enforcement Assistance

Sharing Resources and Forging Partnerships

The Department took several steps in FY 1997 to promote the effective management of sex offenders who are under criminal justice supervision in the community. OJP established the Center for Sex Offender Management, a collaborative effort among several Federal and quasi Federal agencies that are providing oversight to the project, and several outside organizations that are managing

the initiative. The Center is working to encourage greater collaboration between the justice system and the community, make the best use of existing resources, and share information about what works in the field.

A highly successful and innovative example of designing local strategies and providing specialized services to law enforcement agencies is the Jamul pilot community storefront operation in San Diego, which opened in 1997. This unconventional office serves as a communications hub for residents and law enforcement alike, and responds to citizen “tips” and reports of alien trafficking patterns, as well as requests for information and speaking engagements. Other functions include providing briefs to business, community and law enforcement entities on the INS’ enforcement activities in eastern San Diego County.

DEA in FY 1997 also played an active role in continuing to foster innovative approaches across agencies to combat drug law enforcement. Good examples can be found in Operations “Pipeline” and “Jetway.” Operation “Pipeline,” a drug interdiction program operating along the highways and interstates most frequently used to transport illegal drugs, is led and implemented by the Nation’s State and local law enforcement agencies, with support from the El Paso Intelligence Center (EPIC). Operation “Jetway” is a task force effort between DEA Special Agents and State and local law enforcement, with analytical support from EPIC. It operates across the Nation at airports, train stations, bus stations, package shipment facilities, United States Post Offices, and airport hotels/motels. During FY 1997, these two operations together netted seizures of \$75.6 million in currency, 8,057 kilograms of cocaine, 71 kilograms of crack cocaine, more than 120 metric tons of marijuana, 893 kilograms of methamphetamine, and 131 kilograms of heroin.

During FY 1997, the INS continued to explore ways to improve verification of status inquiries from other law enforcement entities for suspected alien criminals. Verification service was extended beyond FY 1996 coverage in Arizona, Iowa, and southern Florida, to include Nebraska, Vermont, the San Diego County California Jail, and the State-operated Institutional Hearing Program (IHP) in Huntsville, Texas.

On Technology’s Leading Edge

In a major development in 1997, the FBI Laboratory became the first in the United States able to identify a specific individual as the source of an evidentiary stain through DNA analysis. This enhancement became effective on October 1, 1997. Previously, the FBI Laboratory could calculate only the statistical probability of selecting an unrelated individual with a similar DNA profile from a specific population, but it stopped short of actually identifying a particular person as the source. Working with noted population geneticists, the FBI Laboratory concluded that DNA examiners, if

presented with sufficient DNA typing information, can now directly link an individual to an evidentiary stain.

At the core of the FBI's Criminal Justice Information Services Division's technological initiatives is the Integrated Automated Fingerprint Identification System (IAFIS)—an advanced large-scale information system that captures, stores, and retrieves fingerprint images and related data. The goal of this system is to allow electronic submission, rapid searching, and retrieval and response while an offender is still in custody. During FY 1997, the IAFIS records database was significantly expanded and was instrumental in identifying suspects who were not identified by other means. IAFIS is to become fully operational in July 1999.

The FBI is also providing a nationwide, interactive communications system known as LEO, or Law Enforcement Online, for Federal, State, and local law enforcement agencies. It provides a secure, state-of-the-art system for sharing procedures, technology, and other criminal justice information. In FY 1997, access to the system was expanded to additional personnel.

On October 3, 1996, COPS, the Baltimore Police Department, and AT&T unveiled the first 3-1-1 non-emergency number in the Nation, designed to relieve the burden on 9-1-1 and allow officers to maximize their community policing efforts while preserving their ability to respond to true emergencies. During FY 1997, the project made great progress, with calls to 9-1-1 dropping by 25 percent, abandoned calls dropping nearly 70 percent, and calls that received a recording declining 82 percent. On a national level, the Federal Communications Commission (FCC) granted a request by COPS to reserve 3-1-1 for non-emergency use on a voluntary basis across the United States.

In partnership with NIJ, COPS awarded \$4.5 million in police technology grants to 16 law enforcement agencies and private sector firms to fund the development of new technology to aid police in their problem solving. Examples include creating a device to detect concealed weapons, using the Internet to develop community partnerships, and developing a computerized gang tracking system.

Sharpening Skills Through Training

Based on the recommendations of State and local authorities attending DEA's 1996 National Methamphetamine Conference, DEA's Office of Training has produced and is preparing to distribute two training videos on methamphetamine. The first, *Methamphetamine—Trail of Violence*, is a public awareness video on the spread of methamphetamine trafficking and abuse in the United States. The second video, *Chemical Time Bombs—Clandestine Drug Laboratories*, was produced specifically for law enforcement and centers on the physical and environmental dangers of methamphetamine labs. Both videos have been distributed to law enforcement agencies across the Nation.

During FY 1997, BOP's National Institute of Corrections (NIC) continued to assist Federal, State, and local correctional agencies in improving their management, operations, programs, and services. NIC did this by providing training to 48,404 executives, managers, trainers, and specialists working in adult corrections, and to 331 juvenile justice practitioners through an interagency agreement with OJJDP. NIC also provided technical assistance in response to 477 requests from State and local adult corrections agencies in all 50 States, the District of Columbia, Puerto Rico, and American Samoa. During the fiscal year, the NIC Information Center responded to 10,500 requests for information from corrections practitioners, policymakers, judges, legislators, and others from throughout the United States and abroad.

In April 1997, OJJDP and the National Center for Missing and Exploited Children (NCMEC) opened the Jimmy Ryce Memorial Law Enforcement Training Center, which provides training on the most current practices and research in investigating missing children cases. OJJDP and NCMEC, in cooperation with the FBI's Child Abuse and Serial Killer Unit and Criminal Justice Information Services Division, developed the Center, which was authorized in the Omnibus Appropriations Act of 1996. The Center offers 2-day seminars to police chiefs and sheriffs and more intense 5-day seminars to frontline law enforcement officers who investigate missing children cases. As of November 1997, law enforcement agencies from every State had participated in at least one of the Center's programs.

Protecting America's Children

In addition to establishing an Innocent Images Project Office to coordinate all computer pornography cases, the FBI established the Crimes Against Children Office and designated agents in each field office to focus on crimes against children. Their major responsibilities include developing multidisciplinary teams from the ranks of law enforcement, prosecutors, and social service agencies to enhance the investigation and prosecution of child victim crimes. Legislation that the Office of Legislative Affairs (OLA) helped to enact in 1997 included a program coordinated by OJJDP to permit the use of official Government mail to locate and recover missing children.

In 1997, the Department initiated a major effort to address the problems of child prostitution, commercial sexual exploitation of children, and missing children—both domestically and internationally. It helped coordinate and host several programs for law enforcement authorities on these issues, including a Russian-American Conference on the International Exploitation of Women and Children. The Criminal Division continues to oversee enforcement of the Child Support Recovery Act (CSRA), provide assistance to U.S. Attorneys on the International Parental Kidnaping Act, and prosecute major purveyors of obscenity.

As part of the Attorney General's effort to protect America's children, the U.S. Attorneys have undertaken the investigation and prosecution of parents who willfully fail to pay support obligations for a child living in another State. This effort includes developing effective referral and screening procedures with State and local child support agencies. To prevent parents from avoiding their support obligations by crossing State lines, the Department, in cooperation with the State Justice Institute, is supporting the development and dissemination of a bench book and a CD Rom training program for State court judges on the Federal statute and uniform State law that apply to interstate enforcement of child support orders.

In February 1997, the Department issued new prosecution guidelines for CSRA cases and conducted new training sessions to assist CSRA coordinators in the U.S. Attorneys' offices in prosecuting them. These strategies—prompted in part by the Department's OIG inspectors—were designed to accelerate CSRA enforcement efforts. The U.S. Attorneys have steadily increased the number of prosecutions against parents who willfully fail to pay, from 82 cases in 1995 to 140 cases in 1996, to 201 cases in 1997.

During 1997, the Department worked closely with the States to assist them in developing effective State-based sex offender registration and community notification programs. In July 1997, the Attorney General published final guidelines to implement the Jacob Wetterling Act and Megan's Law. Department-recommended amendments—nearly all of which were incorporated into the final version of the Jacob Wetterling Act—will give States greater flexibility in developing sex offender registries at the State and local levels. The Department provided technical assistance to States to help them comply with Federal laws that set minimum national standards for State registration and notification programs. The Department asked States to submit information regarding Wetterling Act compliance, and continues to engage them in an ongoing evaluation process to determine their progress.

The Department in 1997 filed numerous briefs in support of "Megan's Laws," which require registration and community notification of released sex offenders. Federal courts in New York, New Jersey, Connecticut, and Washington State held that the community notification provisions of "Megan's Laws" do not impose unconstitutional punishment. The Civil Division participated successfully in State court cases challenging "Megan's Laws."

During 1997, OJP worked with law enforcement, prosecutors, judges, victims' and children's advocates, and mental health practitioners to develop Safe Kids/Safe Streets, a comprehensive, community-wide program to reduce child abuse and neglect and stop the cycle of violence in five sites across the country. The five sites are each working toward four common goals: improving the criminal and juvenile justice systems' handling of child abuse cases; providing parenting programs and support services to protect youth who are at risk of being abused or neglected; improving data collection through information sharing across systems and agencies; and launching prevention education and public awareness campaigns to

teach community residents how to detect, report, and prevent child abuse.

Safe Kids/Safe Streets represents the first time that virtually all of OJP's bureaus and offices have pooled their resources to support a single program. OJJDP and VAWGO are each funding two sites, while EOWS will fund the remaining site. In addition, the five sites will receive technical assistance and other support from these offices, as well as from BJA, BJS, and OVC.

Over the course of the past year, the Department has also been working to address the problem of statutory rape. It undertook this effort to comply with a provision contained in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. This legislation asked the Department to study the link between teen pregnancy and statutory rape and to educate State and local law enforcement on prevention and prosecution. Several steps have been taken to satisfy this directive, the Department having reviewed available research and determined that no significant link exists between teen pregnancy and statutory rape. It is now focusing on the best approaches to combat this crime. Training and outreach continue to be provided to State and local law enforcement on prosecution and enforcement.

The Department also made several commitments to increasing volunteer efforts to improve the lives of children in this country, as part of the President's Summit on America's Future. Those commitments are actively being fulfilled, resulting in increased numbers of children having access to mentoring and other services. In accordance with the FY 1997 Appropriations Act, USMS transferred 10 properties—forfeited and left in its custody—to not-for-profit community groups. They will be used for a variety of purposes, including community centers aimed at crime prevention, intervention education, and school programs for youth.

III. Securing America's Borders

Goal: Provide the maximum possible protection along America's borders.

In 1997, the Department successfully defended the vast majority of immigration decisions made by the INS, the Immigration Courts, and the Board of Immigration Appeals (BIA), thereby giving "teeth" to immigration enforcement and assuring continued opportunity for lawful immigrants. The Department also made substantial strides in other immigration matters, defending class action attacks on the statutes and regulations governing alien admission and immigration. Civil Division attorneys assisted the INS and the Executive Office for Immigration Review (EOIR) in implementing numerous initiatives. These initiatives included changes to the processing of case adjudications and asylum claims and the handling of requests for discretionary relief such as suspension of deportation.

Border Enforcement

Focusing Resources at the Southwest Border

Over the past year, the INS continued to strengthen its support of the Clinton Administration's plan to focus resources on critical areas of the southern border, where enforcement efforts have the greatest effect on curtailing illegal immigration. Results from 2 years of special border operations known as "Hold the Line" and "Gatekeeper" demonstrated that deterrents do work. Apprehensions reached a 17-year low in 1997, constituting only 30 percent of total Southwest Border cases, down from 45 percent. Border Patrol Agents on duty numbered 6,859 at the end of FY 1997, a 17-percent increase over 1996 levels. The INS met 101 percent of its FY 1997 hiring goal for Border Patrol Agents.

The INS was also successful in meeting 105 percent of its goal to deploy its prototype biometric identification system known as "IDENT." Accomplishments in FY 1997 included 10 IDENT upgrades and deployment of the IDENT system at 114 new sites, primarily in the southern border States of California, Arizona, New Mexico, Texas, and Florida.

The success of Operations "Hold the Line" and "Gatekeeper" has shifted undocumented alien movement and organized migrant trafficking to U.S. border areas that are more difficult and hazardous for illegal crossings. Building on the successes of these and other Southwest Border operations, the INS in August 1997 launched Operation "Rio Grande" in Brownsville, Texas, to gain control of the

border in New Mexico and South Texas. This special multi-year operation, conducted with other law enforcement agencies, is designed to support increasing levels of vehicular checkpoints, train checks, and line-watch operations in the target areas. The new operation kicked off a move to intensify enforcement in Brownsville, with immediate details of 69 Border Patrol Agents. Special response teams began deploying to related ports-of-entry at the end of 1997 in anticipation of increasing numbers of fraudulent entry documents. Significantly lower local crime rates and more apprehensions are anticipated, as is improvement in the quality of life for communities along the Texas and New Mexico border—for both the United States and Mexico.

Prosecuting, Incarcerating, and Deporting Illegal Aliens

Due, in part, to better technology and increased funding, the INS set a new record by deporting more than 111,000 illegal aliens in 1997—a 61-percent increase over the previous record of 69,040 illegal aliens deported in 1996. The U.S. Attorneys continued to work with INS and other Department components in taking an aggressive stance to secure the U.S. borders. In all, the U.S. Attorneys filed 6,929 immigration cases against 7,644 defendants during the year—a 20-percent increase over the year before. Ninety-five (95) percent of the 6,554 defendants whose cases were terminated during 1997 were convicted, with 80 percent of these defendants sentenced to prison.

The Antiterrorism and Effective Death Penalty Act and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, which took effect on April 1, 1997, strengthened border security by providing for the immediate removal of aliens who evade inspection or arrive at ports-of-entry without valid documents. Efforts to remove criminal aliens have been bolstered by favorable judgments obtained by the Civil Division in more than 93 percent of its immigration cases, many involving suits by criminal aliens contesting detention and seeking to defer or avoid removal from the United States.

Again in 1997, the U.S. Attorneys on the Southwest Border, along with all other U.S. Attorneys, continued to significantly increase the number of prosecutions brought for attempted re-entry of aliens previously convicted of felonies and deported. A total of 5,001 cases were filed against 5,029 defendants during the year, representing a 30-percent increase in case filings compared to the year before. Ninety-six (96) percent of the 4,347 defendants whose cases were terminated during 1997 were convicted. Of the convicted defendants, 93 percent were sent to prison.

BOP housed approximately 1,900 INS detainees in its facilities in FY 1997, more than half of whom were (Mariel) Cuban citizens. BJA's State Criminal Alien Assistance Program (SCAAP) granted assistance to States and localities to ease the financial burden of

incarcerating undocumented aliens. In FY 1997—its third year—SCAAP awarded a total of \$492 million to most States and a number of local jurisdictions. The largest SCAAP awards went to California, Florida, New York, and Texas, which, along with a few other States and larger jurisdictions, such as Los Angeles County and New York City, qualified for over 90 percent of available funds.

From January 1 to July 18, 1997, under the auspices of the Department's Prisoner Exchange Program, BOP worked with the Office of Enforcement Operations in the Criminal Division and USMS to return 165 foreign inmates from BOP facilities to 12 different countries, and 55 American citizens from foreign prisons to the United States to finish serving their sentences.

During FY 1997, the Justice Prisoner and Alien Transportation System (JPATS), a product of the recent merger of USMS and INS aviation resources and personnel, continued to play a major role in the transportation and removal of INS detainees/aliens. JPATS provided an average of four flights per week in support of INS worksite enforcement operations. It also conducted regular deportation flights from INS Oakdale, Louisiana, to Miami, Florida; Cuba; Jamaica; Honduras; and Guatemala. In addition, JPATS provided weekly transportation in the northeast United States, picking up prisoners and aliens at scheduled stops and connecting them with larger JPATS flights bound for long distance destinations. Prisoner and alien transportation movements totaled nearly 202,000 for FY 1997, a 7-percent increase over FY 1996 movements. Of that total, 41,527 were INS alien movements by JPATS, a 288-percent increase over the number of aliens transported by INS in FY 1995, before JPATS existed.

Through the INTERPOL Notice Program, a unique and powerful law enforcement tool, the USNCB helped in the location and extradition of several headline investigative cases and supported USMS and INS in numerous cases dealing with illegal and deportable aliens. These cases required close coordination with USMS, INS, USCS, the Office of International Affairs in the Criminal Division, the Department of State, and State and local police.

Additionally, the Department was successful during FY 1997 in denaturalization and deportation litigation against persons charged with assisting in Nazi persecution, winning three denaturalization cases and four deportation cases. Moreover, 25 persons were excluded at U.S. ports-of-entry, and one visa was denied on the basis of assistance in Nazi persecution. The Department also filed eight new prosecutions during FY 1997 in this area.

Intercepting Drugs at Ports-of-Entry

In 1997, the Southwest Border Initiative (SWBI) continued to reduce corruption, violence, and alien smuggling associated with the drug trafficking organizations operating along the border. By fostering increased cooperation between DEA, the FBI, and other Fed-

eral, State, and local law enforcement agencies, and strengthening complementary regional actions and community efforts, SWBI's impact on the production, smuggling, distribution, and money laundering activities of the Mexican polydrug organizations is being felt.

Using the combined resources of DEA, the FBI, the Criminal Division, the U.S. Attorneys' Offices, the High Intensity Drug Trafficking Area (HIDTA) program, USCS, and a host of State and local counterparts, joint investigations have targeted major drug trafficking organizations whose reach extends beyond the Southwest Border to the whole country. Most of the major international cases, such as those connected to Operations "Limelight" and "Reciprocity"—both part of SWBI—began on U.S. soil. These operations demonstrated that law enforcement can strike major blows against foreign drug syndicates only if the ability to target their command and control communications is maintained. These communications are critical to the efficient operation of large drug organizations and are, at the same time, their greatest vulnerability. With sophisticated communication encryption equipment and software becoming available to these wealthy traffickers, law enforcement must be given access to encryption decoding devices and means.

Inspections

As one of the Department's "Vanguard" agencies, named by Vice President Gore, the INS continued its commitment to National Performance Review (NPR) initiatives such as the Border Process Re-Engineering Project to enhance the quality and timeliness of airport primary passenger inspections. The INS continued to focus priority attention on improving inspections of air passengers within a 45-minute mandatory legislative provision standard. In FY 1997, 320,667 flights were cleared in 45 minutes, comprising nearly 98 percent of all flights inspected. This number compares favorably with FY 1996 accomplishments.

The INS also addressed an IIRIRA mandate—to establish an online system to accurately track the arrival and departure of all aliens at all ports-of-entry—by creating a viable, effective prototype of a system that combines automated information systems with enhanced resources, redesigned facilities, and a new innovative approach to inspection regulatory processes.

Employer Sanctions and Document Fraud

In FY 1997, the Department began tracking cases aimed at employers suspected of violating immigration and labor laws, including "abusive employers" and employers suspected of document fraud and smuggling activities. With 5,373 targeted employer cases, the

INS exceeded the goal established for FY 1997 by 26 percent. Criminal cases presented for prosecution totaled 129—114 percent over the annual goal. In addition, 55 percent of targeted cases occurred in the top seven States having the highest immigrant populations.

Verification of alien citizenship qualifications, status, and eligibility under the welfare reform legislation was another focus area for the Department. INS participated in a variety of public forums to increase understanding of its role in welfare reform, and to address questions about verification-related matters. The INS also coordinated with the Department and other Federal benefit-granting agencies to develop new verification guidance for Federal public benefits.

The INS continued to work with the Social Security Administration and other Federal agencies to develop a joint employment verification pilot project. The project permits employers to verify employment authorization for all newly hired employees, regardless of citizenship. The INS began implementing the project in Chicago on August 22, 1997, with over 30 participating employers. Additionally, the INS entered into agreements with three States to share information from worksite enforcement operations and to promote State-run replacement worker programs that foster the hiring of legal workers. By the end of June 1997, the INS identified nearly 33,951 jobs previously held by unauthorized workers.

The Department also increased the percentage of fines levied against employers found violating the law for “substantive” reasons—i.e., intentional violations as opposed to paperwork and unintentional violations—to 55 percent of all worksite cases completed through September 1997, compared to 39.7 percent in FY 1996. The INS greatly exceeded FY 1997 goals for re-investigations of previous worksite violators and interagency coordinated investigations. During FY 1997, it also tracked apprehensions from approximately 19,000 cases against employers that resulted in actual removals from the workplace, exceeding the annual goal by 8 percent.

Administrative Law Judges (ALJs) in the Office of the Chief Administrative Hearing Officer (OCAHO) closed 100 employer sanctions cases, 44 unfair immigration-related employment practices cases, and 19 civil penalty document fraud cases. ALJs awarded fines amounting to \$1,065,217 during the year and issued 21 subpoenas by request of the CRT’s Office of Special Counsel. The Chief Administrative Hearing Officer reviewed 682 ALJ orders. OCAHO continued publishing its decisions, completing volumes 2 and 3 during 1997 and preparing volumes 4 through 6 for printing early in FY 1998.

Anti-Smuggling Initiatives

In FY 1997, INS achieved impressive results in connection with major smuggling cases. The Department’s anti-smuggling cases con-

tinued to target persons or entities bringing, transporting, harboring, or smuggling illegal aliens into or within the United States. Successful anti smuggling cases totaled 442 at the end of 1997, 7 percent more than in FY 1996. Examples include:

- A national demonstration project called “Dixie Junction” linked anti smuggling investigations to worksite enforcement. Investigations revealed five persons involved in a smuggling operation near El Paso, Texas, and Las Cruces, New Mexico, that provided undocumented workers to employers located in northwestern Georgia. By the end of the year, all were indicted.
- A special anti-smuggling operation known as “Tres Hermanos” focused on the INS San Diego and Los Angeles Districts and resulted in 35 arrests of smugglers transporting illegal aliens and operating “drop houses,” 532 arrests of undocumented aliens, and seizures of 14 vehicles for forfeiture. The partnership between the FBI and the INS represented the first time a large-scale case of this nature was worked jointly.
- An intensive 2-month investigation involving many regions within America and foreign countries effectively dismantled an alien smuggling and exploitation ring in New York City. Results include criminal arrests and indictments of 24 persons for conspiracy, alien smuggling, interference of commerce by threats, and violent criminal offenses.
- As part of the Department’s continued efforts to prevent Chinese alien smuggling, Federal prosecutors in Boston convicted the captain and crew members of a ship that attempted to import 109 Chinese aliens.

Part of the U.S. Attorneys’ border enforcement efforts include the prosecution of those who smuggle illegal aliens into the United States. Prosecutions increased by 11 percent during 1997, with 1,132 cases filed against 1,711 defendants. Eighty-six (86) percent of the 1,471 defendants whose cases were terminated during the year were convicted, with 69 percent of these defendants sentenced to prison.

Removing Criminal Aliens

EOIR worked closely with INS during the year implementing 1996 IIRIRA provisions affecting the detention and removal of criminal aliens. On April 1, 1997, all new proceedings either to prevent the entry or to require the departure of aliens were called removal proceedings and no longer made distinctions between “exclusion” and “deportation.” The amended law also provided new definitions of “aggravated felony” and “conviction,” expanded the criminal

grounds for removal, and reduced the availability of relief from removal for aliens convicted of certain types of crimes.

BIA, the Bureau of Immigration Appeals, helped to clarify the intent of Congress in the 1996 IIRIRA amendments by issuing several significant precedent decisions to more clearly identify criminal aliens and the grounds for their removability. For example, one decision affirmed that the seriousness of a crime is not lessened by a court's suspension or reduction in the applicable sentence for that crime. In other cases, BIA helped to clarify what kinds of crimes are related to controlled substance violations and how a finding of deportability can be unaffected by the expungement of a foreign drug-related conviction.

For FY 1997, the INS reported 50,165 removals of criminal aliens, of which 61 percent were aggravated felons. This accomplishment exceeded FY 1996 levels by 35 percent. Through the IHP conducted at Federal, State, and local institutions by Immigration Judges, 14,851 other aliens were identified, processed for deportation, and removed from the United States—44 percent more than in FY 1996. Successful completions of criminal alien cases in FY 1997 numbered 32,521, again a 44-percent increase over FY 1996.

Improving the Hearings Process

To minimize the number of non-U.S. citizen inmates detained after their sentences expire, the Department continued to implement the enhanced IHP, which allows INS and EOIR to complete removal proceedings for non-U.S. citizen inmates at the beginning of their sentences. Deportation can then occur when the sentence is up, thereby avoiding costly post-sentence detention. Under priority case processing through the IHP, Immigration Judges completed some 19,200 criminal alien cases in 1997, a 20-percent increase over 1996. Of these, 91 percent were completed before the incarcerated alien's earliest possible release date. Expedited removal procedures enabled the INS to remove more than 23,064 aliens since April 1997 alone. Trends observed for expedited removals in September, which totaled 4,667 removals, indicate that removals most likely will continue at this rate or even higher.

Besides establishing special court dockets for priority case processing of expedited asylum and criminal alien cases, EOIR made significant progress in efforts to increase court space, upgrade automated systems, and improve public access to hearing information. In support of the enhanced IHP, EOIR continued to install videoconferencing equipment in some Immigration Courts to facilitate the handling of certain cases in INS facilities. Using videoconference technology to connect Immigration Courts with remote locations reduces travel time and expenses and enables the courts to manage their caseloads more efficiently.

During 1997, BOP activated two major IHP facilities—one on the East Coast in Allenwood, Pennsylvania, and one on the West

Coast in Lompoc, California. These facilities, located within the secure perimeters of BOP institutions, provide courtroom and office space for INS and EOIR staff. BOP operates smaller scale IHPs at 22 other BOP institutions and contract detention facilities around the Nation.

Reform of Asylum Policy and Procedures

EOIR received a total of 82,976 asylum cases during the year and Immigration Courts completed 65,993, including 25,833 expedited cases under EOIR's priority case processing initiative. Of the expedited cases, 90 percent were completed within the 180-day time limit required by asylum reform regulations and statute. In addition, BIA completed nearly 7,400 asylum cases and published 11 precedent decisions related to asylum issues, such as China's coercive population control policies and asylum ineligibility for aggravated felons. These decisions provided significant guidance to asylum officers and Immigration Judges in adjudicating asylum claims.

Improving Immigration Benefits Processing

Applications and petitions received for immigration benefits in FY 1997 totaled 4,750,846, 16 percent more than in FY 1996. Approvals held steady at 3,819,413, almost exactly the same as in the previous fiscal year, while denials were down 5 percent. An automated fingerprint tracking system was also piloted successfully in FY 1997, and the machine readable data program was implemented in all four INS Service Centers. Additionally, INS completed all work scheduled on another benefits-related high-technology pilot—a coordinated interagency partnership for regulating international students. Approximately 22 schools and 5,000 students were admitted to the United States under this program in 1997.

Coordinating with Other Agencies in Responding to Immigration Emergencies

CRS supported INS activities to help mitigate the hostility that sometimes confronts the INS over activities involving cross-deputization of local law enforcement, negative perceptions about its policies and practices, and cross-cultural misunderstanding. CRS convened community forums and facilitated communication between communities and INS on sensitive immigration issues. CRS has assisted the INS and communities in Texas, Nebraska, and Iowa, also working with many INS district offices and communities in other States experiencing potentially volatile immigration-related tension.

IV. Making the Legal System Work For All Americans

Goal: Work to ensure that Americans receive equal access to the legal and law enforcement system.

An important job of the Department is to protect the rights of all Americans by eliminating criminal activity and keeping our justice system fair. The Department accomplished this goal through vigorous enforcement of civil rights laws, giving needed attention to victims' rights and to the civil rights of all people, regardless of race, color, or national origin. In FY 1997, the Department also worked to protect the rights of Americans abroad, the rights of U.S. citizens formerly interned in Nazi concentration camps, and the rights of U.S. nationals who suffered under the Communist regime following World War II, or who—as former property owners in Cuba—were victimized by foreign companies “trafficking” in those properties. Finally, during 1997, the U.S. Attorneys' offices continued to represent and defend the interests of the Government in lawsuits filed against the United States.

Guaranteeing Rights to the Victims of Crime

During 1997, the Department renewed its commitment to crime victims by strengthening victims' rights and providing services to victims throughout the Federal and State criminal justice systems. The Department pursued various legal reforms, continued to develop a sound victims' rights amendment to the Federal Constitution, and drafted and transmitted to Congress legislation to enhance the rights of crime victims in the Federal system. The Attorney General testified before the full Senate and House Judiciary Committees in support of a constitutional amendment to protect the rights of crime victims. The Department is working closely with other Federal agencies to achieve system-wide improvement in the treatment of crime victims. The Department also continued to support State and local officials' efforts to advance victims' rights and provide necessary services to victims of crime.

OVC awarded victim assistance funding totaling \$471.3 million to the States to help them provide increased victim services—about three times as much as last year. The Crime Victims Fund, which supports thousands of programs for crime victims with fines paid by Federal criminal offenders, reached its highest level in its 14-year

Protecting the Rights of Americans

The Department continued to promote the international rule of law. Beginning in January 1997, the Department conducted a national public outreach campaign to identify and locate U.S. citizens interned in Nazi concentration camps during World War II who are eligible for compensation from the Federal Republic of Germany under an historic September 1995 Agreement between the United States and Germany. In 1997, the Foreign Claims Settlement Commission (FCSC) adjudicated the claims of more than 1,350 U.S. survivors of the Holocaust, bringing a measure of justice to U.S. citizens who suffered at the hands of the Nazis.

Protecting Constitutional Rights

In *United States v. Lanier*, the Solicitor General successfully argued for a fair and firm interpretation of 18 U.S.C. 242, an important civil rights statute that prohibits any person acting under color of State law from willfully depriving persons of their constitutional rights. The Court rejected an interpretation of Section 242 that would have limited its protection to only those rights specifically announced by the Supreme Court in cases factually similar to the case being prosecuted. Rather, the Court held that Section 242 applies to all Federal rights sufficiently established such that a reasonable State actor would understand that his or her conduct violated the right.

history, increasing 250 percent in the past 4 years. The record-breaking level of deposits into the Crime Victims Fund will enable States to expand needed services into underserved areas such as rural communities.

In addition to State victim assistance funding, OVC provided direct funding to address the unique needs of specific populations, such as victims of gang violence, survivors of sexual assault, and victims of juvenile offenders. A new OVC program, Victim Services 2000: A Vision for the 21st Century, is designed to support communities in developing networks of integrated services for crime victims that can respond flexibly to victims' interrelated needs. Victim Services 2000 awards to Denver and Austin, for example, are enhancing collaboration among the criminal justice system, social service agencies, and private-sector organizations.

During 1997, the U.S. Parole Commission instituted a toll-free telephone number for crime victims to ensure that they get input into the release decisionmaking process. The U.S. Attorneys continued their mission of guaranteeing the rights of all victims of crime by providing training to Assistant U.S. Attorneys, enhancing the services provided to crime victims, and better coordinating efforts to address victim issues.

The Executive Office for U.S. Attorneys appointed an Assistant Director in its Office of Legal Education to educate Assistant U.S. Attorneys on victims' rights issues. A national conference was held for all Federal Victim-Witness Coordinators, who shared innovative ideas on how to accomplish a seamless approach to victim services. Also during 1997, representatives of the Executive Office for U.S. Attorneys worked closely with other Federal agencies and private organizations to ensure that in cases with numerous victims, all are identified and receive assistance. Partnerships have been forged with the Red Cross, the Federal Emergency Management Agency, and the National Transportation Safety Board.

Guaranteeing the Civil Rights of All Americans

The Department acknowledges and embraces its role as the Federal Government's chief guardian of the right of each and every person to live, learn, and work free from discrimination and threat of harm. In 1997, the Department continued to vigorously enforce U.S. civil rights laws that prohibit discrimination on the basis of race, color, religion, sex, national origin, disability, age, familial status, and citizenship status in the areas of education, housing, voting rights, institutions and access to facilities, employment, Indian rights, and others. In 1997, the Department filed 127 briefs and other substantive papers involving civil rights matters in the courts of appeals and the Supreme Court, winning full or partial victories in 49 of 59 decisions (see sidebar, "Solicitor General Wins Important Civil Rights Victory"). Working in consultation with CRT, the U.S.

Attorneys filed criminal civil rights charges against 148 defendants. Eighty-eight (88) percent of those whose cases were terminated during the year were convicted, with 73 percent of all convicted defendants receiving prison sentences.

Responding to Crimes of Hate and Other Criminal Civil Rights Violations

The Department places high priority on the prosecution of criminal violations of the civil rights laws, including hate crimes and police misconduct. In FY 1997, CRT filed 77 cases involving criminal civil rights violations—charging 189 defendants and maintaining an overall 95-percent conviction rate.

In addition, CRT is integrally involved in investigating and prosecuting church fires. The Assistant Attorney General serves as co-chair of the National Church Arson Task Force (NCATF), established to investigate a rash of suspicious fires in houses of worship. In 1996 and 1997, more than 250 churches in 13 southern States were burned or desecrated, bringing to 532 (as of 11-26-97) the number of church burnings reported to NCATF since January 1995. With representation from the FBI, ATF, the U.S. Attorneys, CRS, the Criminal Division, and USMS, NCATF has deployed over 200 ATF and FBI investigators around the country to investigate these fires. It is also coordinating closely with State and local law enforcement officials in prosecuting suspects and in preventing additional fires. As a result of partnerships among Federal, State, and local law enforcement, many of the arson investigations were solved. In 1997, 64 suspects were arrested and 101 defendants convicted nationwide. CRS played an integral part in the comprehensive response through sensitizing investigators, conciliating community racial tensions, and facilitating community rebuilding in victimized neighborhoods (see sidebar, “One of the Best Kept Secrets in the Department”).

In 1997, CRS responded to 165 cases involving community racial tensions associated with hate crimes or hate group activities. Its services included helping civic leaders and public officials maintain and restore stability when hate group activities heightened tensions, assisting local officials in the development of policies and practices for responding to hate crimes, conducting training sessions for police on recognition of and response to hate crimes, assisting businesses that experience property loss and damage, and delivering hate crime prevention and education programs in schools, colleges, and communities.

CRS also chaired the community outreach subcommittee, which helped develop the proposal for community outreach committees within each U.S. Attorney’s district; facilitated the drafting of “Hate Crimes” model training curricula for law enforcement agencies in collaboration with the FBI, the Federal Law Enforcement Training Center (FLETC), the National Association of Attorneys General

One of the Best Kept Secrets in the Department

Reverend Joan Brown Campbell, General Secretary of the National Council of Churches, said of the Community Relations Service on the First Year Anniversary of the formation of the National Church Arson Task Force: “CRS is one of the best kept secrets in the Justice Department. The work that CRS does to reduce racial tension and to restore healing in communities that have experienced loss by church arson makes them a valuable resource to our Government and the American people.”

(NAAG), and OVC; and assisted development of the Kids' Page website "Hateful Acts Hurt Kids" on the Department's web page (see Chapter I, Stemming Youth and Gang Violence). CRS and OPD established the website in collaboration with the National Education Association, the National Association of Elementary School Principals, the National Association of Secondary School Principals, and the Anti-Defamation League.

OLA worked outside the Department and with Senator Kennedy to develop and introduce hate crime legislation that would include gender, sexual orientation, and disability as protected categories, and would eliminate the federally protected activity requirement. Also in 1997, the FBI established a new Hate Crimes Unit devoted to hate crimes and involuntary servitude and slavery cases. Other preventive efforts by the Department included providing contingency planning and onsite conciliation and mediation services at the National Hispanic March in Washington, D.C. Through CRS, it also provided such services for the Rainbow Coalition "Save the Dream" March across the Golden Gate Bridge in San Francisco in September 1997.

During 1997, the Department protected citizens from law enforcement agencies that impinge upon their Federal rights under the Violent Crime Control and Law Enforcement Act of 1994. CRT obtained consent decrees to remedy systemic misconduct in municipal police departments in Pittsburgh, Pennsylvania, and Steubenville, Ohio—the first such decrees since the Attorney General was authorized to investigate and prosecute law enforcement agencies under the 1994 law. CRT initiated new investigations and continued previously approved investigations of State and local police departments, focusing on allegations of excessive force and discriminatory traffic stops. Of the FBI's 3,500 civil rights cases during FY 1997, 75 percent involved allegations of excessive force. To oversee such investigations, the FBI in 1997 established a new Color of Law Unit. IGA currently co-chairs the Law Enforcement and Community Subcommittee of the Department's Race Initiative, and is working with representatives from other components in developing new policy initiatives and announcements.

Disability and Education Rights

The Department continued its comprehensive program under the Americans with Disabilities Act (ADA) to open up the mainstream of American life to people with disabilities. Through negotiation and litigation, the Department obtained results that will serve as models for ADA compliance throughout the country. For example:

- Under a consent decree, the Friendly Ice Cream Corporation will engage in an aggressive barrier-removal program to increase accessibility throughout its chain of 704 restaurants in 15 States.

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- Under a comprehensive settlement agreement, Walt Disney World agreed to provide a wide range of auxiliary aids to ensure effective communication for persons who are deaf or hard of hearing, including sign language interpreters and captioning at specified shows, performances, and rides.
 - As a result of a nationwide program of compliance reviews, numerous local governments have agreed to provide the necessary training and equipment to ensure direct access to their emergency 9-1-1 systems to users of telecommunications devices for the deaf.

The Department also continued in 1997 its commitment to eliminating the vestiges of segregation in elementary and secondary education, as well as in State institutions of higher education. During the year, CRT secured a number of consent decrees and court decisions that will enhance desegregation. Of particular note was the agreement reached with the Kansas City, Kansas, school district that encompasses a comprehensive plan promising—after 24 years—to achieve full desegregation in the district's schools. CRT also continued to challenge discrimination and disparities in higher education systems, obtaining favorable court rulings in Tennessee and Mississippi districts.

On the 25th anniversary of Title IX of the Education Amendments of 1972, President Clinton announced plans to reinvigorate enforcement of this landmark statute, which prohibits sex-based discrimination in federally assisted education programs. CRT developed a Title IX regulation to be published as a common rule by 24 agencies currently lacking such regulations. CRT continued to seek gender equity in public universities in Virginia (Virginia Military Institute) and in South Carolina (The Citadel).

Fair Housing

The Department places high priority on enforcing fair housing laws, filing in 1997 more than 40 cases under the Fair Housing Act, including 14 pattern or practice cases and 24 cases referred by HUD. The Fair Housing Testing Program, begun in 1992, has proven to be a powerful investigative tool for detecting housing discrimination. During 1997, six pattern or practice lawsuits were filed as a result of evidence produced by the testing program, with settlements exceeding \$4 million in relief (compared with \$2.75 million for the previous 4 years combined).

The Department continued its attack on discriminatory denials of home mortgage loans with several investigations of lending institutions and the filing of three new suits. Lawsuits were filed and settled against banks in New York, New Mexico, and Nebraska, and fair treatment was obtained for minority borrowers including African Americans, Hispanics, and Native Americans. CRT also

brought and settled a case against Nationwide Mutual Insurance Company, challenging several common underwriting practices that serve to deny homeowners insurance or to make it available on less favorable terms to those in minority neighborhoods. The settlement will eliminate the challenged underwriting rules and will provide \$13.2 million in grants to assist home buyers in minority neighborhoods.

Voting Rights

During 1997, the Department continued to seek nondiscriminatory voting rights for all Americans. CRT participated in litigation in response to the Supreme Court's decisions on the use of race in the redistricting process. For example:

- A Federal court in Georgia approved remedial redistricting plans negotiated by the Department that preserve minority voting rights under the Supreme Court's standards.
- A Federal court in Louisiana, on the basis of evidence the Department presented at trial, upheld the constitutionality of a black-majority parish council district drawn to remedy a violation of the Voting Rights Act (VRA).

The National Voter Registration Act (NVRA) was extraordinarily successful in increasing the number of U.S. citizens registered to vote. The Department remained vigilant to violations, filing suit against the State of New York to remedy its consistent failure to offer the voter registration opportunities required by the NVRA at public assistance agencies and agencies serving persons with disabilities. In addition, the Supreme Court unanimously ruled that the voting and registration procedures used following Mississippi's decision to limit NVRA voters to participation in Federal elections are subject to review under the VRA.

Where possible, CRT seeks compliance with the requirements of the VRA without filing lawsuits. For example, prior to the November 1996 election, the Department's investigations disclosed that Orange County, California, was not providing voting and election information in Vietnamese to Vietnamese American citizens as required by the VRA. The county agreed to work with the Department and local community leaders to develop a minority language election materials program.

Institutions-Related Rights and Facilities Access

The Department continued in 1997 its efforts to secure basic constitutional rights for persons in institutions. For example, CRT obtained relief redressing unconstitutional conditions in multiple

mental retardation facilities in Tennessee and Wisconsin, issued a findings letter covering all four secure juvenile facilities in Louisiana, and opened an investigation of 11 juvenile facilities in Georgia.

CRT also continued investigations of publicly operated nursing homes, investigating three of the country's largest and successfully completing a case involving a nursing home in Washington, D.C. A working group was established to coordinate and enhance this work.

The Civil Division filed suits to remedy sexual misconduct by prison guards in women's prisons in Arizona and Michigan, and began to address serious problems in mental health care in the Los Angeles County jails. It implemented the Prison Litigation Reform Act in all Department work involving correctional facilities.

BOP issued a new policy to ensure protection of religious rights of inmates in special housing units and to establish procedures for introducing new religious beliefs and practices. BOP also worked closely with leaders of the Jewish, Rastafarian, and Nation of Islam faiths to more effectively meet the religious needs of inmates. BOP issued program guidelines for important holy days of major religions to ensure programming consistency in the field.

Additionally in 1997, the Department renewed its commitment to protecting the rights of patients and health care providers against threats of force and physical obstruction of reproductive health facilities under the Freedom of Access to Clinic Entrances (FACE) Act. The Civil Division continued to work closely with the U.S. Attorneys and State Attorneys General in prosecuting FACE violations. The Department filed three new civil cases under FACE and was successful in obtaining relief in four ongoing FACE cases. In *Terry v. Reno*, the Supreme Court denied the plaintiff's petition challenging the constitutionality of the Act.

Employment Rights

In 1997, the Department continued to pursue pattern or practice employment discrimination cases. For example:

- In settlement agreements reached with the State of Arkansas and the sheriff of the Orleans Parish, Louisiana, CRT obtained \$7.2 million in combined monetary relief for several hundred victims of employment discrimination.
- In continuing to vigorously enforce the anti-discrimination provisions of the Immigration and Nationality Act, the Department obtained a \$60,000 civil penalty against a major retailer for unfair documentary practices during the employment verification process.

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- CRT worked closely with the INS to monitor electronic verification of employment eligibility. It worked with other Departmental components and government agencies on such immigration rights issues as immigration practitioner fraud, implementation of new welfare legislation, and monitoring of detention standards for aliens.

Indian Rights

The President's August 1997 Directive on Law Enforcement in Indian Country asked the Attorney General and the Secretary of the Interior to work with tribal leaders to analyze law enforcement problems on Indian lands and to provide the President with options for improving public safety and criminal justice. (In sharp contrast to national trends, serious and violent crime is rising significantly in Indian Country [see sidebar, Chapter I, "Addressing Violent Indian Crime."]) To help fulfill this mandate, an executive committee composed of tribal leaders and representatives from the Departments of Interior and Justice was formed. A series of tribal consultations on Indian Country law enforcement conducted by U.S. Attorneys, with participation by 205 tribes across the country, found current law enforcement resources to be inadequate and services in need of consolidating and improving.

Under the Attorney General, the Department worked hard to improve law enforcement in Indian Country: Assistant U.S. Attorneys have been designated as tribal liaisons; the Office of Tribal Justice served as liaison with tribal governments; the FBI established an Office of Indian Country Investigations and has dedicated increased manpower to fight violent crime; the COPS Office and OJP have substantially increased grant assistance to Indian Country; and the Criminal Division has developed a pilot program to improve coordination of Indian Country law enforcement matters. To serve Indian Country and other underserved populations, additional domestic violence counselors were placed there. They will ensure that victims of crime receive proper attention.

The Criminal Division's pilot program, also called the Indian Country Justice Initiative—now in its 2nd year—is improving coordination among Federal and tribal justice systems, identifying programs that work best to improve public safety and the quality of life for Laguna Pueblo and Northern Cheyenne citizens.

Judicial Selection

During 1997, the Department, in coordination with the White House Counsel's Office, continued to oversee the judicial appointment process. Thirty-six (36) nominees were confirmed as judges during the year. The Senate recessed with an additional 44 nominations pending. The 1997 confirmations increase the number of

judges appointed by President Clinton since he first took office to 240.

Nearly 61 percent of President Clinton's second-term nominees received the American Bar Association's highest rating of "well-qualified"—the highest percentage achieved by any President. In keeping with the President's commitment to making appointments that reflect our Nation's diversity, over 44 percent of the second-term nominees were women and minorities, another historic high.

Defensive Civil Litigation

The U.S. Attorneys represented and defended the interests of the Government in 1997 when lawsuits were filed against the United States. All lawsuits filed against the Government must be defended, and the number of defensive civil cases handled by the U.S. Attorneys has increased significantly in recent years.

During 1997, the U.S. Attorneys handled 55,301 cases in which they defended the interests of the United States—a 16-percent increase over last year. This defensive civil litigation included tort suits brought by those alleging suffering as a result of Government action; adjudication of Social Security disability claims; alleged contract violations; habeas corpus cases; and race, sex, and age discrimination actions. In these cases, the U.S. Attorneys represented the Government in its many roles as employer, regulator, law enforcer, medical care provider, revenue collector, contractor, procurer, property owner, judicial and correction systems manager, administrator of Federal benefits, and others.

Civil Justice Reform

Implementation of proposals developed by the Department's Civil Justice Reform Task Force in 1995 continued during 1997. The U.S. Attorneys and the Executive Office for U.S. Attorneys continued to coordinate with the Department's Senior Counsel for Alternative Dispute Resolution (ADR) to promote the use of ADR by Department attorneys through education and support. The Department also expanded its active pro bono program in FY 1997, as increasing numbers of Department lawyers and other staff volunteered to provide pro bono legal services. The Department took the initiative this year to encourage other Federal agencies to follow its lead in promoting pro bono activities, having established an informal interagency working group that has produced pro bono policies in several other agencies.

The Department improved lines of communication with both the State and Federal judiciaries through an ongoing series of meetings between the Attorney General and judicial groups. These top-level meetings provided an effective way of exchanging views, supplemented by staff-level cooperation.

V. Enforcing the Nation's Environmental and Antitrust Laws

Goal: To protect the environment while respecting the needs of economic development, and to protect competition.

The Department continued to play a vital role in safeguarding the Nation's environment through environmental enforcement, international cooperation, natural resources protection, and the promotion of partnerships and environmental justice. Similarly, the Department was committed to enforcing laws that preserve a competitive business environment by targeting international price-fixing cartels, criminal antitrust activities by corporations, and anti-competitive industry practices.

Safeguarding America's Environment

Through tough and fair environmental enforcement, the Department seeks to ensure that all Americans breathe clean air, drink pure water, and live in healthy communities (see sidebar, "Seeking Environmental Justice"). As a result of the Department's 1997 civil enforcement efforts, polluters were required to spend more than \$180 million to prevent future pollution and to come into compliance with environmental laws. They spent nearly \$57 million on supplemental enforcement projects to improve environmental quality. Civil enforcement efforts in 1997 produced more than \$55 million in penalties.

Under the "Superfund" statute, responsible parties were ordered to spend nearly \$430 million to clean up toxic waste sites in 1997. They also agreed to reimburse more than \$350 million in Federal cleanup costs, the second highest annual recovery ever. The Department obtained a significant appellate court ruling that the Superfund statute applies retroactively to conduct occurring before its 1980 enactment. The Department also worked with the U.S. Environmental Protection Agency (EPA) to streamline and expedite cleanups across the country.

On the international front, the Department participated in the negotiation of environmental agreements concerning global climate change, and worked with Canada and Mexico to promote environmental enforcement and to develop an agreement on transboundary environmental impact assessments. The Department worked with client agencies on international issues regarding biodiversity, trans-

Seeking Environmental Justice

The Department strives to ensure that all Americans enjoy the benefits of environmental protection, and that the adverse impacts of environmental harm do not fall disproportionately on minority and low-income communities. For example, in response to violations by Sherwin Williams Company at a Chicago paint manufacturing plant in a minority area, the Department obtained a consent decree requiring the company to spend up to \$70 million to clean up hazardous waste releases, conduct a \$1 million restoration of contaminated areas near the plant, undertake extensive measures to prevent future violations, and pay a \$4.7 million civil

boundary movement of hazardous waste, protection of the world's oceans, and environmental protection in Antarctica.

Other successful international efforts included providing training in Mexico, Guatemala, Panama, Colombia, and South Africa on developing and enforcing environmental laws, and participating in discussions of environmental law with officials from South Korea, China, France, India and Russia. To globally communicate data regarding hazardous waste, wildlife, and nuclear substances, INTERPOL recently adopted the Eco Message, designed to improve the sharing of information on environmental crime with INTERPOL member countries. The USNCB assisted in sending one of the first Eco Messages concerning the illegal transborder movement of hazardous waste.

Investigating Environmental Crimes and Recovering Damages

The partnership between the U.S. Attorneys and the Department's Environment and Natural Resources Division has been strengthened through the investigation and prosecution of environmental crimes in this country. The U.S. Attorneys, in conjunction with ENRD, continued to enforce the Nation's environmental laws during 1997, bringing criminal charges against 349 defendants during the year. Eighty-one (81) percent of the defendants whose cases were terminated during the year were convicted. Additionally, the U.S. Attorneys filed or responded to 461 civil actions to assert or defend the interests of the United States in environmental matters. The United States prevailed in 86 percent of the judgments rendered in civil environmental cases. Specific examples of 1997 environmental successes follow:

- An appeals court upheld the felony convictions of two employees of a meat packing plant for illegal waste discharges into the Big Sioux River in North Dakota. The ruling clarified that under the criminal provisions of the Clean Water Act, the Government must show that defendants knowingly committed the acts, but not necessarily that they knew they were violating the law.
- The Department obtained a consent decree resolving claims against Jefferson County, Alabama, for discharges of untreated sewage into the Cahaba River, which supplies drinking water to 25 percent of the State. The County is required to rehabilitate its sewer system and treatment plants, spend another \$30 million to reduce water pollution and protect ecologically significant areas, and pay a \$750,000 civil penalty.
- To address air emission violations by Georgia Pacific Corporation at 18 wood product plants across the Nation, the Depart-

ment reached a settlement requiring Georgia Pacific to install advanced pollution control equipment, conduct comprehensive environmental audits at all 26 of its wood product plants, and pay a \$6 million penalty.

- After treasure hunters destroyed valuable seagrass beds in the Florida Keys Marine Sanctuary, the Department obtained a court order requiring the defendants to reimburse \$589,000 in Federal restoration costs, implement a seagrass restoration project, and return all recovered artifacts to the United States.
- The Department entered a consent decree requiring Fina Oil and Chemical Company and four of its contractors to spend more than \$6 million to restore a unique seagrass habitat in the Laguna Madre near Corpus Christi, Texas, that was damaged during the movement of an oil rig.
- Positive results of the “rivers” enforcement program developed in 1997 include a guilty plea in the District of Minnesota by a Texas-based company ordered to pay a \$4 million fine for illegally discharging pollutants into the Blue Earth River. One million dollars of this fine was presented to local officials for use in reducing river pollution.
- The Department obtained the largest-ever court-imposed civil penalty for environmental violations—\$12.6 million—for thousands of Clean Water Act violations by Smithfield Foods at two pork slaughtering and processing plants in Virginia. Smithfield illegally discharged phosphorous and other pollutants into the Pagan River, which feeds into the Chesapeake Bay, thereby slowing recovery of both the River and the Bay.
- The Civil Division effectively defended the Government’s right to recover more than \$2 million for cleanup costs associated with an oil spill from a tanker in Alaskan waters. Contribution claims by the negligent shipowner exceeding \$52 million were also defeated.
- The Court of Appeals for Ontario affirmed a \$4.6 million Superfund judgment obtained in the United States, representing the first time a foreign appellate court has recognized a U.S. environmental judgment entered under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

The FBI, which participates in 31 environmental crimes task forces nationwide, had more than 400 environmentally related investigations underway at the end of the year. A major problem is the illegal importation of chlorofluorocarbons (CFCs), which the FBI investigates with other agencies. Working closely with the FBI, EPA, USCS, and others, the Department continued to crack down

on the smuggling of CFCs, which destroy the ozone layer that shields us from harmful ultraviolet radiation. To date, 39 defendants have been indicted for crimes relating to CFC smuggling. These prosecutions have resulted in significant jail time and fines, and the seizure of approximately 1.5 million pounds of illegally imported CFCs worth \$18 million.

Protecting Natural Resources and Defending Environmental Programs

The Department continued its campaign against international wildlife smuggling, which decimates the natural treasures of countries across the globe, and achieved several victories in protecting natural resources and defending environmental programs. Highlights follow:

- The Department prosecuted reptile smugglers whose illegal activities were detected through Operation “Chameleon,” a long-term undercover investigation by the U.S. Fish and Wildlife Service. One smuggler who pleaded guilty was sentenced to 46 months in prison.
- In Operation “Renegade,” which focuses on the smuggling of endangered exotic birds, an appeals court upheld a lower court’s prison sentence of 82 months for a well-known avicultural expert who pleaded guilty to smuggling conspiracy and tax fraud.
- The U.S. Supreme Court ruled that certain Alaskan coastal lagoons—critical to the protection of caribou, polar bears, and migratory birds—are part of the Arctic National Wildlife Refuge and subject to Federal protection. This ruling will also give the United States more than \$1.5 billion in revenue from offshore oil and gas leases.
- In Montana, the Department resolved an important water rights dispute that will ensure preservation of the Upper Missouri Wild and Scenic River for the enjoyment of future generations.
- The Department successfully defended the constitutionality of the Endangered Species Act against a challenge that the Act’s protections exceed Congressional authority to regulate interstate commerce where the species is found in only one State.
- The Department obtained a significant appellate court victory that will assist it in protecting Federal officials from frivolous allegations of wrongdoing for simply performing their duties and protecting the public good.

- The Department successfully defended a challenge to the Army Corps of Engineers' denial of an application to fill nearly 10 acres of Big Bear Lake in California, a key wintering habitat for bald eagles and home to other threatened species. It also filed to acquire ecologically sensitive land, including 12,000 acres of land for the Lower Rio Grande Valley National Wildlife Refuge in Texas.
- The Department defeated a challenge to EPA's Water Quality Guidance for the Great Lakes, which protects human health, fish, and wildlife from toxic pollutants. It also continued its defense of the public's right to know about toxic releases by successfully defending a challenge to rules requiring public disclosure of nitrate compound releases, which can impair the blood's ability to carry oxygen.
- In the first challenge to EPA's approval of tribal water quality standards under its authority to treat tribes in the same manner as States, an appeals court upheld EPA's approval of standards developed by the Pueblo of Isleta, New Mexico, that were stricter than State standards.

Enforcing Antitrust Laws

The Department is responsible for the vital task of enforcing the antitrust laws of the United States, the primary goal of which—under the Sherman and Clayton Acts—is to open up markets and ensure their competitiveness for the benefit of American businesses and consumers. The Department enforces criminal antitrust statutes against price-fixing and bid-rigging offenses, enforces laws against anticompetitive mergers, and brings civil actions against anticompetitive conduct.

Criminal enforcement against the most serious antitrust offenses is a core responsibility of the Antitrust Division. In FY 1997, the Antitrust Division obtained a record-breaking \$205 million in criminal fines—five times the previous record set in FY 1995. The Antitrust Division filed 38 criminal cases against 24 corporations and 29 individuals.

Uncovering Price-Fixing Schemes

With the globalization of the economy, the Antitrust Division's top priority in criminal enforcement is to investigate and prosecute international price-fixing cartels that harm American consumers. It worked with the FBI on major investigations, national and international in scope. Several examples of 1997 successes follow:

Defending Tribal Environmental Concerns

The Department intervened on behalf of tribes in two tribal land claims in the State of New York and is participating in settlement discussions for five other New York land claims. The Department reached an historic agreement in settling water rights issues arising out of the Metolius and Deschutes Rivers on the Warm Springs Indian Reservation in central Oregon. The agreement recognizes significant tribal water rights and the tribe's sovereign right to govern water distribution within the Reservation. The Department also successfully defended an appeal of a lower court decision upholding the rights of Chippewa Bands to engage in off-Reservation hunting, fishing, and gathering in Wisconsin.

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- As a result of the Department's major investigation of international cartel activity in the food and feed additive industry, Archer Daniels Midland Company (ADM) agreed to plead guilty and pay a \$100 million fine for its role in two international price-fixing conspiracies to eliminate competition and allocate sales in the citric acid and lysine markets worldwide.³ This was the largest criminal antitrust fine ever and nearly seven times the previous record fine.
 - Two Dutch firms and two Dutch nationals pled guilty and were sentenced to pay fines totaling over \$10 million for their part in a conspiracy to fix the price and allocate market shares worldwide for sodium gluconate. Since sodium gluconate is an industrial cleaner with many applications such as for food service and utensil cleaning, bottle washing, and paint removal, uncovering this conspiracy provided a direct benefit to American consumers.
 - In the Department's investigation of the explosives and ammonium nitrate industries, LaRoche Industries, Inc., Nutrite Corp., and Austin Powder Company pled guilty to fixing prices, agreeing to pay \$10 million in fines. To date, the Department has obtained over \$38 million in criminal fines since the investigation's first case in 1995.

Looking at Mergers to Protect Competition

Under the Clayton and Hart-Scott-Rodino Acts, the Department is also responsible for screening proposed mergers to prevent unlawful concentrations of economic power. The Antitrust Division determines if proposed mergers are likely to have significant anticompetitive effects. It challenges those it believes will or negotiates tailored remedies that allow the pro-competitive aspects of the transactions to proceed. Mergers that are pro-competition, offering economies of scale and efficiencies that benefit customers, are approved. The Antitrust Division had a record year in FY 1997, ultimately challenging 31 mergers. It formally investigated 277 merger investigations (compared with 235 merger investigations in FY 1996 and 134 in FY 1995). Some highlights follow:

³Because of the direct impact on American consumers, uncovering and prosecuting the citric acid and lysine conspiracies ranks as one of the Department's greatest achievements in the history of antitrust enforcement. Citric acid, a \$1.2 billion a year industry, is a flavor additive and preservative that is used in soft drinks, processed food, detergents, pharmaceutical and cosmetic products—involving hundreds of household foods and products. Lysine is an amino acid widely used by farmers as a feed additive to ensure the proper growth of livestock. The citric acid and lysine conspiracies caused American consumers to pay higher prices for thousands of products.

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- To preserve competition in the defense industry, the Antitrust Division investigated a major defense industry merger, reaching a settlement that allowed the Raytheon Co. to go forward with its \$2.9 billion acquisition of the Defense Systems and Electronics Unit of Texas Instruments. Consent was conditioned upon Raytheon's divestiture of Texas Instrument's monolithic microwave integrated circuit business, including a gallium arsenide foundry facility in Dallas, Texas.
 - The Department acted to protect competition in the skiing industry by requiring conditions in the merger of Vail Resorts and Ralston Resorts. The merger was approved after the parties agreed to sell Ralston Resort's Arapahoe Basin ski resort. Without the divestiture, the parties would have controlled nearly 40 percent of the Colorado Front Range skier market, leading to fewer discounts on lift tickets.
 - The Antitrust Division challenged or modified eight telecommunications transactions during FY 1997. In a significant case, it negotiated a settlement in the \$11.8 billion merger of U.S. West—one of the regional Bell Operating Companies (BOCs)—and Continental Cablevision. The Department required the merging parties to divest Continental Cablevision's interest in Teleport Communications, a competitive local telephone company that competed against U.S. West in major markets dominated by it.
 - In FY 1997, the Antitrust Division challenged six radio mergers, preventing the acquisition of 11 radio stations that would have been anticompetitive in seven different geographic markets around the country. For example, a settlement with the Westinghouse Electric Corporation and Infinity Broadcasting allowed the two companies to complete their \$4.9 billion merger after agreeing to divest radio stations in Philadelphia and Boston.
 - Among the more noteworthy civil antitrust cases was the Antitrust Division's complaint against Rochester Gas & Electric (RG&E), alleging that RG&E entered into an illegal agreement with the University of Rochester to prevent the University from selling or participating in the sale of electricity in competition with RG&E.
 - The Antitrust Division joined the States of Oregon, California, and Washington in filing a consent decree with West Coast crab fishermen to prevent price fixing and boycotts in the crabbing industry.
 - After winning a precedent-setting decision on a preliminary motion, the Antitrust Division successfully settled its lawsuit against Delta Dental of Rhode Island, ending Delta Dental's use of a "most favored nation" clause that raised barriers to competition and discouraged dentists from charging lower prices.

VI. Making the Department More Efficient and More Responsive

Goal: To provide law enforcement and related services and programs in which the American people have full faith and confidence and to use the taxpayers' money wisely and efficiently.

The Department continued to push toward accomplishing the Administration's goals for improving the way Government works in people's lives. In 1997, significant progress was made in streamlining and redesigning work processes, integrating emerging technologies, and providing professional and efficient service to the American public—the Department's customers. Through Department-wide restructuring, innovative approaches, and emphasis on customer service and access to Government, the Department promoted organizational effectiveness and reform in coordinating its law enforcement activities, collecting debts owed the United States, and ensuring the integrity of its services.

Implementing the Government Performance and Results Act

During 1997, the Department continued to move toward full implementation of the Government Performance and Results Act (GPRA). With the Attorney General's personal support for demonstrating program accountability, the Department has been reinvigorating its planning and program management processes, with heightened emphasis on accountability for results. Of specific note—and consistent with a key Results Act requirement—the Department submitted to Congress on September 30, 1997 its first-ever 5-year strategic plan. This plan includes a succinct mission statement, long-range goals and strategies in each of the Department's core functions, and a description of the kinds of information that can be used to assess program performance. The plan also provides a general framework for the preparation of "annual performance plans"—GPRA's second major statutory requirement.

The Department's 1997–2002 Strategic Plan provided important guidance to component organizations as they identified how their own programs and operations fit in with the Attorney General's broader strategies and priorities. Extensive input from all the Department's organizations, as well as from Congressional staff, helped ensure that this first strategic plan was both realistic and

broad-based. In addition, the Department accelerated the integration of more detailed programmatic information into its budget planning process and related documents. Component organizations now incorporate more extensive performance information in their annual resource requests. This approach seeks to generate information that is realistic and meaningful, not only for internal management purposes, but also for use by external customers.

Coordinating DOJ Law Enforcement Activities

Cooperation among the Department's criminal investigative components continued to garner benefits in FY 1997, as the Department renewed its commitment to a comprehensive law enforcement program that responds to the needs of diverse communities in an effective and efficient way. Monthly meetings between Department attorneys and headquarters personnel of the Federal law enforcement agencies facilitated intelligence sharing and streamlined field operations issues relating to violent crime. Similarly, through efforts coordinated by the National Drug Intelligence Center (NDIC), Department attorneys and Federal agents met with representatives of local law enforcement agencies to address gang violence. This collaborative environment fostered a number of successful initiatives, several of which are described below.

The LECC (Law Enforcement Coordinating Committee) program has become a permanent cornerstone of Federal, State, and local law enforcement efforts. Under the direction of the U.S. Attorneys locally, LECCs continued to bring together Federal agencies, State and local prosecutors' offices, State police agencies, and local sheriffs' and police departments to enhance the effectiveness of the criminal justice system (See Chapter II, "Encouraging the Use of Locality-Based Strategies"). IGA is the Department's official representative to the National District Attorneys Association, and has brokered a relationship with the Nation's prosecutors that has allowed for collaborative partnerships between Federal and local prosecutors for the first time in many years.

To capitalize on the mutually supporting objectives of those agencies with drug law enforcement responsibilities, DEA in FY 1997 continued to implement effective, cooperative drug law enforcement programs. It incorporated such varied approaches as multi-agency drug-related violent crime task forces, community policing, and solid parallel legislative initiatives. The FBI's DRUGX project—a computer-based method for exchanging information among law enforcement agencies—grew in 1997 to approximately 3,000 FBI accounts and 40,000 transactions per month. DEA added 25 more Special Agents to its Caribbean Field Division after a joint DEA/FBI assessment of the crime problem there prompted action by these and other agencies, including INS, the Coast Guard, and USCS.

Also in FY 1997, the Joint Intelligence Community Law Enforcement Working Group, co-chaired by the Office of Intelligence Policy and Review (OIPR), issued two major reports making recommendations on how information can be more effectively shared between law enforcement and intelligence agencies. The Deputy Attorney General, the Director of Central Intelligence, and the Under Secretary of Treasury have directed that these recommendations be implemented. By chairing the Department Review Committee, supporting the Interagency Security Classification Appeals Panel, and giving advice and assistance to other components, OIPR was heavily involved in the implementation of Executive Orders 12958 and 12968 regarding classification of and access to national security information.

Collecting Debts Due the United States

In FY 1997, the Department collected \$1.97 billion in cash receipts in the recovery of both criminal and civil debts—the most it has ever recovered in cash in a single year. The previous record was set in FY 1994, when the Department collected \$1.83 billion. But these figures represent only part of the debt collection program. In addition to returning substantial sums of money to the Federal Treasury, the Department's efforts help protect the integrity of Federal programs that offer assistance to citizens, enforce the laws that protect our citizens and the environment, and provide assistance to the victims of crime.

Congress authorized the Attorney General to use up to 3 percent of collected civil debts for the administration of the Department's debt collection efforts. The Department used this revenue source in 1997 to reduce administrative burdens and provide needed resources for front-line "debt collectors." Accordingly, funds were allocated to locate debtors; contract with investigators, accountants, and statisticians to find hidden assets; fund system enhancements for civil debt collection processing and tracking activities; and support teams trained to investigate civil fraud and other financial misconduct against the United States.

A significant portion of these recoveries is the result of debt collection litigation by U.S. Attorneys on behalf of Federal agencies for the collection of defaulted loans, overpayments, and administratively assessed penalties. In an effort to improve communication and coordination with the U.S. Attorneys' "debt collection clients," representatives of the Executive Office for U.S. Attorneys met on a regular basis throughout the year with the Departments of Education, Agriculture, Health and Human Services' Public Health Service, Veterans Affairs, and Housing and Urban Development; the Small Business Administration; and the Environmental Protection Agency. During 1997, the U.S. Attorneys' offices handled 45,015 new civil debt collection referrals and reported over \$1.7 billion in cash and other recoveries.

In addition to collecting civil debts for Federal agencies, the U.S. Attorneys' offices are responsible for enforcing the collection of unpaid fines and restitution imposed in Federal court in criminal cases. Most fine payments are deposited into the Department's Crime Victims Fund for distribution to State victim assistance programs. In 1997, the Crime Victims Fund received deposits of \$363 million as a result of criminal prosecutions. Additionally, more than \$37 million was collected as restitution on behalf of Federal agencies. To further this effort, the Executive Office for U.S. Attorneys informed hundreds of prosecutors, probation officers, and collection personnel about new restitution laws at local training programs sponsored by U.S. Attorneys' offices throughout the country.

The Affirmative Civil Enforcement (ACE) Program remains an essential part of the U.S. Attorneys' efforts to recover funds wrongfully paid by the United States. U.S. Attorneys' offices actively pursue the recovery of public funds in such areas as health care fraud, defense procurement fraud, financial institution fraud, and program fraud, e.g., public housing and food stamp fraud. During 1997, the U.S. Attorneys filed 2,553 ACE cases. A total of 2,181 cases were also terminated. ACE recoveries increased dramatically during 1997, with more than \$1 billion recovered by the U.S. Attorneys' offices. At the end of 1997, 4,045 ACE cases were pending.

In 1997, the Civil Division, which represented the United States in more than 23,000 cases, had a record-breaking year in its "stewardship" of the public fisc. Roughly 20 percent of the cases handled by the Civil Division are filed by the Government. These cases seek to recoup hundreds of millions of dollars arising from fraud, bankruptcy, and loan defaults. Working with the U.S. Attorneys, more than \$1.4 billion in judgments and settlements were secured. Moreover, \$4.5 billion in claims against the Government were successfully overturned by the Civil Division.

In FY 1997, more than \$4.5 million was collected from inmates through the Inmate Financial Responsibility Program (IFRP). Included in these collections were payments from inmates to help cover their cost of incarceration and fines handed down at their sentencing. BOP will continue to use the IFRP module in SENTRY—its online offender tracking system—to automate inmate payments to the Department's Debt Accounting Operations Group, thus saving staff time and ensuring accuracy of inmate accounts.

During FY 1997, the Tax Division successfully defended against more than \$114 million in tax refund claims and also obtained, by settlement or collection, more than \$64 million in affirmative recoveries. The Division's litigation establishes or affirms interpretations that result in large indirect savings to the U.S. Treasury. For example, in *Unum v. United States*, an insurance case recently affirmed by the court of appeals, Tax Division litigators protected the Treasury from a claimed refund of approximately \$80 million. Based on the claimed deduction of \$652 million, however, the total effect of the case, on other tax years, is estimated to be in the range of \$350 to \$400 million, including interest. The same issue is also

presented in other insurance cases, representing approximately \$1 billion in tax revenue.

Ensuring Integrity

During 1997, the Department continued progress in aggressively carrying out the President's regulatory reinvention initiatives. As a result, existing regulations were clarified and streamlined, and new regulatory requirements were designed to eliminate unnecessary burdens while promoting more effective compliance.

In 1997, the Department continued to implement policies designed to ensure that its employees, particularly Department attorneys, adhere to the highest ethical standards in performing their law enforcement responsibilities. These initiatives included continuing to increase the size of the Office of Professional Responsibility (OPR) to address allegations of misconduct against Department attorneys; conducting expedited investigations of judicial findings of attorney misconduct; pursuing integrity investigations to completion; cooperating with State bar licensing authorities; and issuing public summaries of the results of OPR investigations in appropriate cases. These and other integrity program initiatives have gone a long way to assure both the legal community and the public at large that Department attorneys will conduct themselves in accordance with the ethical standards expected of the Department of Justice.

Inventing New Processes

During 1997, the Executive Office for U.S. Attorneys revamped its evaluation program to place more emphasis on capturing and sharing best practices and on reporting Department priority programs and initiatives. The evaluation program prevents waste, loss, unauthorized use, or misappropriation in Federal programs through on-site reviews of internal management controls, as required under the Federal Managers Financial Integrity Act (FMFIA). On-site evaluations were conducted in 31 U.S. Attorneys' offices during 1997.

Equally important to meeting the regulatory and statutory requirements, the evaluation program provides on-site management assistance to the U.S. Attorneys and a forum for evaluators and evaluated offices to share information and innovative ideas. The program also serves as a resource for the Attorney General to determine how Department law enforcement priorities are being addressed and to report successes in areas such as violent crime initiatives and task forces, victim assistance, health care fraud, affirmative civil enforcement, and child support recovery.

The INS reinvented its internal review capability by using a team-based process designed to identify and highlight indicators of

problems in INS field offices. The INS Process for Excellence and Comprehensive Tracking, or “INSpect” initiative, provides a comprehensive review of a field office’s operations, covering as many as 17 functions. Twelve (12) individual field office reviews were completed, with nine special reviews of INS-operated detention facilities.

Emphasizing Ethics and Integrity

Additional benefits can result from efforts to educate and deter employees from engaging in misconduct. To educate Department employees on ethics, the consequences of misconduct, and the preservation of the public trust, OIG agents conducted 90 integrity awareness briefings, reaching over 2,470 employees. In response to a Department recommendation, EOIR’s Office of General Counsel supplemented its oral and written ethics opinions by offering formal ethics training to field offices in the largest cities.

To help ensure the integrity, effectiveness, and efficiency of Department programs, the OIG continued to work with Department managers to investigate possible impropriety, receiving in FY 1997 more than 6,000 allegations of employee misconduct. While the overwhelming majority of these cases proved to be unsubstantiated, OIG investigations resulted in the arrest of 53 Department employees. Judicial action resulted in \$4.5 million in fines, recoveries, and orders of restitution, with 73 employees and 4 contractors receiving disciplinary action, including 19 terminations. In addition, the OIG audited various Department programs, including fuel purchases, third-party draft checks, and use of administrative overtime, recommending significant changes to current Department policies, procedures, and practices.

A number of recent OIG investigations have been of significant interest to the American public and Congress and of vital importance to the Department. In the past year, the OIG completed an investigation of procedures within the FBI Laboratory, making recommendations for analyzing evidence in explosives-related cases. This investigation focused on some of the most significant cases handled by the Department, such as the World Trade Center and Oklahoma City bombings. The FBI’s Office of the General Counsel worked with OIG in its laboratory examination and is helping to implement report recommendations, issued in April.

In 1997, the Justice Management Division’s (JMD’s) Departmental Ethics Office (DEO) distributed its computer-based ethics training program called Quandaries. Quandaries, in a “game” format, was designed to be user friendly and fun to play. The interactive design makes it an effective training tool, illustrating not just the letter of the rules, but also the “grey” areas where good judgment is necessary for government to work at its best. DEO gave a copy of the game to all Executive Branch agencies, and it is also available from the Department of Justice Internet website. Quandaries can be used at individual PC workstations, including a laptop, or in a group setting.

The Merit System Protection Board, at the Department's request, conducted a comprehensive survey on the extent of sexual harassment within the Department. Information on the survey results was made available to employees and managers Department-wide. As a result of the survey's findings, all components were required to individually develop and implement written plans for the prevention and elimination of sexual harassment. The Department is also exploring the possibility of establishing an ombudsman program to provide an alternative avenue for individuals to bring forward issues of sexual harassment.

Promoting Organizational Effectiveness

The Department worked closely with its client agencies to upgrade technology, improve service to customers, and discover new and better approaches to conducting the business of Government. Justice component agencies also worked with each other to improve operations and make more resources available on the Internet and through other electronic means.

Doing It Better

The U.S. Trustee Program this past year promulgated two rules to improve the efficiency and integrity of the bankruptcy process: (1) a rule finalized in June 1997 prohibiting standing trustees from hiring relatives and engaging in dealings with themselves and related parties will help ensure the fair, impartial administration of the office, maximize the efficiency of case administration, and avoid improprieties; (2) a rule finalized in October 1997 formalizes procedures enabling trustees to seek swift and fair review of the agency's final action and, if not satisfied with the decision, to seek judicial review under the Administrative Procedure Act in the district court.

The trustee program has worked closely with the Bankruptcy Review Commission (BRC), created by Congress in October 1994 to study the Federal bankruptcy system and recommend improvements. It has actively participated in numerous public forums and prepared discussion papers to assist the BRC in its deliberations. In its final report to Congress on October 20, 1997, the BRC described the U.S. Trustee Program as "an indispensable part of the bankruptcy system."

The OIG promotes fiscal effectiveness in the Department through its work under the Chief Financial Officers Act of 1990 (CFO Act) and the Government Management Reform Act of 1994 (GMRA) in overseeing the preparation of audited financial statements of most Department accounts. The OIG oversaw the preparation of the first Department-wide financial statement audit, a massive effort that will help the Department conduct its business with

greater efficiency and accountability. Several of the issues identified in this process were indeed material items under the FMFIA. Correcting them will significantly improve management throughout the Department.

BJA and the OJP Information Systems Division were recognized with Vice President Gore's "Hammer Award" for their redesign of the application process for the Local Law Enforcement Block Grants program. The reinvention team redesigned and shortened the application form, reducing the time to apply for Federal funds and increasing BJA's efficiency in processing applications and awards. OJP is looking for ways to apply this technology to improve other grant programs. In FY 1998, for example, the Crime Act programs will move to a paperless application and award process.

DEA, too, is committed to eliminating waste and duplication while maximizing the effectiveness and productivity of the agency. In FY 1997, DEA completed a reorganization of its Intelligence Division to keep pace with the changing nature of the international drug trade and the need to strengthen law enforcement cooperation. Its new intelligence structure will help DEA improve its ability to target drug threats, steer resources, support field operations, and serve and inform authorities at all posts in the drug battle.

After more than 2 years of study, the Tax Division in 1997 implemented a significant restructuring of its non-attorney workforce to provide the support needed for the efficient handling of its litigation. Generally, the restructuring plan results in streamlined operating procedures, revised position descriptions and performance work plans, and development of performance measurements to monitor results. The Tax Division has also adopted a team-oriented approach, with litigation teams composed of attorneys, paralegals, and litigation assistants at set ratios, depending on the unit. Together with its restructured workforce, the litigation teams will increase the Tax Division's efficiency and effectiveness.

As members of the Detainee Health Care Issues Laboratory, BOP's Health Services Division, in cooperation with USMS and INS, is working on developing a common infectious disease screening database for Federal detainees. Communication and containment procedures regarding tuberculosis and other infectious disease cases are expected to improve as a result.

Making the Most of Technology

In 1997, for the first time, all material in the U.S. Attorneys' USABook Computer Legal Research Program—containing non-policy resource materials like Department memoranda, case summaries, monographs, model forms, and other useful items—was made available on CD-ROM. These advances provide desktop access to the materials for all litigating staffs throughout the Department.

The Executive Office for U.S. Attorneys remained at the forefront of the emerging technologies associated with "standards-based"

video teleconferencing, which allows increased teleconferencing usage and affordability. Video teleconferencing enables the Department to reduce travel, increase meeting attendance, extend training audiences, and provide a safer and more secure environment for certain aspects of litigation, including less movement of witnesses and prisoners. During 1997, the Executive Office for U.S. Attorneys installed video teleconferencing systems in all staffed U.S. Attorneys' offices.

Because the Department is continually vulnerable to the threat of hackers, domestic and international—as witnessed by the breach of its website—the OIG issued a report summarizing the results of computer security audits of various Department components. The OIG also completed an audit of computer security at DEA and, based on repetitious findings in several components, is performing additional audits of computer system security. The OIG will continue to make the strengthening of computer security within the Department a high priority and will review the vast expenditures on various high-technology initiatives throughout the Department to ensure that funds are wisely and properly spent. Separately, the Department treats ADP (automated data processing) security as a material weakness under FMFIA and has adopted a Department-wide corrective action plan.

The Department's Information Technology (IT) Investment Board—established by the Attorney General and comprised of the Department's senior leadership—provides needed strategic perspectives on the use of Department resources to achieve the Attorney General's goal of deploying and maintaining information systems that are interoperable, secure, and accessible to all users that need them. The IT Investment Board is part of the Information Management and Security Staff within JMD. In 1997, the Department's Chief Information Officer (CIO) convened a series of intradepartmental working groups, including representatives from 16 component organizations, to design a new IT management process to ensure that major investments are carefully planned and selected, that risks are identified and effectively managed, and that performance measures are developed and systematically tracked. A key element of the new process is the Preliminary Review and Evaluation Panel (PREP), an interdisciplinary, intradepartmental group of mid- to senior-level staff with both program and technical knowledge and experience. The role of the PREP is to review and assess proposals on behalf of the CIO and to make recommendations to the CIO based on their assessment.

Innovating Through Justice Performance Review Laboratories

Attorney General Reno established the Justice Performance Review (JPR) to coordinate implementation of the Administration's National Performance Review and related government improvement

JustWorks Works

One of the 1997 JustWorks program winners is INSPASS, the INS Passenger Accelerated Service System designed to speed the entrance inspection of pre-screened international travelers who pose little or no risk to our country's security. Using ergonomic hand readers, ATM-type plastic cards imbedded with computerized data, and state-of-the-art computer systems, INSPASS automatically screens the pre-approved travelers each time they come into the United States, saving enormous amounts of time.

initiatives within the Department. The JPR Team has carried out a wide variety of management improvement initiatives, concentrating on three approaches: (1) involving Departmental employees in identifying and solving problems; (2) developing pilot improvement projects known as reinvention laboratories; and (3) recognizing and promoting proven best practices, through the JustWorks Program, (see sidebar, "JustWorks Works") to encourage their implementation and adoption and to build momentum for future innovation.

JPR developed and provides oversight to a reinvention laboratory program designed to field test more effective and cost-efficient methods of providing services and products. In 1997, the Department launched four new labs that are proceeding with their work. They include:

- *Comprehensive Automated Personnel Processing System (CAPPS)*: Seven Department divisions and bureaus are working together to design, develop, and evaluate automated methods for personnel recruitment, rating and ranking, hiring, position classification, new employee in-processing, and processing personnel actions.
- *Department of Justice Training Institute*: This multicomponent lab will identify and test competency-based training and development programs for Department executives and managers to build the workforce of the future.
- *SECLEAR (Background Investigation) Lab*: The SECLEAR lab team will streamline and automate the background investigation processing capabilities at DEA with the help of other Department bureaus and the Office of Personnel Management. Improvements will reduce the paperwork, time, and personnel resources required to complete investigations.
- *Electronic Document Exchange (EDE)*: In 1997, the Executive Office for U.S. Attorneys assumed leadership of the EDE lab, which will identify a secure, reliable, and rapid electronic document exchange environment for Government litigation documents. The lab team is participating in a pilot project with the U.S. District Court for the District of New Mexico to test a paperless court filing system. Based on the success so far, nine additional pilots will be established in 1998.

Additionally, in September 1997, the Attorney General approved a request by the USMS Director to establish a new 3-year lab aimed at obtaining USMS accreditation by the Commission on Accreditation for Law Enforcement Agencies.

Many other Department laboratories have produced positive results and provided unprecedented opportunities for Department components and, in some cases, other departments to work together to reengineer processes, reduce costs, and provide better service to

customers and stakeholders. The Justice Laboratory Program is recognized throughout the Federal Government as one of the leading innovation programs of its kind and has been used as a model by NPR and other Federal departments and agencies.

Promoting Customer Service and Greater Access to Government

As part of the Administration's efforts to increase the public's access to Government documents, the Department makes discretionary release of materials whenever possible, as long as it is in the public interest and does not impede ongoing Federal criminal investigations. The Criminal Division continued its commitment to meet or exceed the Department's goals for reducing backlogs of pending Freedom of Information Act/Privacy Act (FOIA/PA) requests and to handle requests more quickly.

The Attorney General has stressed the importance of timely processing of FOIA requests for Department records. The Executive Office for U.S. Attorneys reduced its backlog of FOIA/PA requests to zero in September 1997. This achievement occurred 3 months ahead of the Attorney General's deadline, and was unprecedented in the Department. Intensive cooperative efforts with the U.S. Attorneys' offices enabled the Executive Office for U.S. Attorneys to eliminate the backlog. The Executive Office for U.S. Attorneys received 4,000 FOIA requests in 1997, a number projected to increase in 1998.

An INS-led team reengineered and streamlined that agency's FOIA/PA request process, automating formerly paper-intensive and time consuming manual procedures for selecting out privileged text exempt from discovery, reproducing documents created for distribution to requesters, and tracking and managing the entire process. This award winning new system speeds response times and, therefore, improves customer service; saves hours of time once required for making photo copies; and helps supervisors reallocate personnel to analytical tasks rather than having them perform clerical-type duties that did not enhance the quality of the FOIA/PA responses.

EOIR received and processed almost 1,500 FOIA requests, again ending the year with no backlog. In addition, the FOIA team improved its methods for logging and tracking requests through an automated database, initiated in January 1997, to help meet new formatting and reporting requirements for the 1998 annual reports and to process pending requests more quickly.

BOP made steady progress in reducing its backlog of FOIA requests—more than 1,000 in June 1996, to approximately 400 by September 30, 1997. BOP processes approximately 7,500 new FOIA requests each year. BOP is also in the process of placing more policy documents and other frequently requested materials on the Internet to further reduce the number of FOIA requests.

Supporting DOJ Personnel

The Department of Justice Worklife Program continues to offer a comprehensive package of alternatives designed to support employees in managing the often competing demands of their work and personal lives. The Department entered into its 3rd year of a successful emergency child care contract. We are continuing to expand component participation in the dependent resource and referral service contract, which provides, free to eligible employees, information and assistance on topics such as child care, elder care, higher education planning, and financial planning for retirement.

The FBI Home Page (<http://www.fbi.gov>) greatly expanded its content during the fiscal year, inviting more public interest and access. Sections on the Uniform Crime Report, DNA testing, fingerprinting, and processed FBI files were added.

OJP continued to expand its online resources in FY 1997. On an average day, 24,000 visitors accessed OJP's website, which was redesigned and expanded in FY 1997, making it easier than ever for users to learn about the latest products and services available from OJP, access full-text publications and applications, and ask questions of the offices and bureaus. The Internet address is <http://www.ojp.usdoj.gov>.

COPS set out, from the beginning, to enhance customer service by being flexible and responsive to local agencies' needs. This approach has resulted in streamlined grant application processes and a remarkable level of customer service by a Federal agency. The Department of Justice Response Center, which fields thousands of calls each year, gives the public and local agencies a single point of contact for information on Crime Act programs. COPS continues to improve its grant processing systems, keeping its administrative costs extraordinarily low while monitoring grantee compliance to ensure that grant funds are spent efficiently and effectively.

For its part, the INS opened a prototype National Customer Service Center, with telephone coverage installed at 22 pilot test sites during FY 1997. Its call-answering capability is averaging over 100,000 calls per month, with reduced average "on hold" time to just under 5 minutes.

During FY 1997, INS' Executive Office of Naturalization Operations was created to provide executive-level leadership and operational management of system-wide re-engineering of the naturalization "business process." This oversight is intended to ensure integrity of the naturalization process, incorporate state-of-the-art equipment and technology, and achieve measurable improvements in customer service. Accomplishments for FY 1997 include new naturalization quality assurance procedures, in which field staff received training. In addition, the INS implemented the new quality procedures at Citizenship USA sites and other INS offices. New naturalization application receipts totaling 1,563,613 increased by 16 percent over FY 1996.

Appendix I

Glossary of Abbreviations and Acronyms

ACE	Affirmative Civil Enforcement Program
ADA	Americans with Disabilities Act
ADM	Archer Daniels Midland Company
ADR	Alternative Dispute Resolution
AEDPA	Antiterrorism and Effective Death Penalty Act
ALJ	Administrative Law Judge
ATF	Federal Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury
BIA	Bureau of Indian Affairs
BIA	Board of Immigration Appeals
BJA	Bureau of Justice Assistance
BJS	Bureau of Justice Statistics
BOCs	Bell Operating Companies
BOP	Bureau of Prisons
CAP	Cooperative Agreement Program
CAPPS	Comprehensive Automated Personnel Processing System
CCE	Continuing Criminal Enterprise
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CFCs	chlorofluorocarbons
CIA	Central Intelligence Agency
CIO	Chief Information Officer
COPS	Community Oriented Policing Services
COPS MORE	Community Oriented Policing Services Making Officer Redeployment Effective
CRO	Community Relations Officer
CRS	Community Relations Service
CRT	Civil Rights Division
CSRA	Child Support Recovery Act
CTA	Children's Transplant Association
DEA	Drug Enforcement Administration
DCTs	Disturbance Control Teams
ED	Department of Education
EDE	Electronic Document Exchange
ENRD	Environment and Natural Resources Division
EOIR	Executive Office of Immigration Review
EOUSA	Executive Office of U.S. Attorneys
EOWS	Executive Office for Weed and Seed
EPA	Environmental Protection Agency
EPIC	El Paso Intelligence Center

FACE	Freedom of Access to Clinic Entrances Act
FBI	Federal Bureau of Investigation
FCC	Federal Communications Commission
FCSC	Foreign Claims Settlement Commission
FLETC	Federal Law Enforcement Training Center
FMFIA	Federal Managers' Financial Integrity Act
FOIA/PA	Freedom of Information Act/Privacy Act
FPI	Federal Prison Industries
FTC	Federal Trade Commission
GMRA	Government Management Reform Act
GPRA	Government Performance and Results Act
GREAT	Gang Resistance and Education Training
HHS	U.S. Department of Health and Human Services
HIDTA	High Intensity Drug Trafficking Area
HNTs	Hostage Negotiation Teams
HUD	Department of Housing and Urban Development
IAFIS	Integrated Automated Fingerprint Identification System
IFRP	Inmate Financial Responsibility Program
IHP	Institutional Hearing Program
IIRIRA	Illegal Immigration Reform and Immigrant Responsibility Act
IMSS	Information Management and Security Staff
INS	Immigration and Naturalization Service
INTERPOL	International Criminal Police Organization
IT	Information Technology
IGA	Office of Intergovernmental Affairs
IRS	Internal Revenue Service
ITC	Information Technology Center
JMD	Justice Management Division
JPATS	Justice Prisoner and Alien Transportation System
JPR	Justice Performance Review
JUMP	Juvenile Mentoring Program
LCN	La Cosa Nostra
LECCs	Law Enforcement Coordinating Committees
LEO	Law Enforcement Online
LLEBG	Local Law Enforcement Block Grants
MET	Mobile Enforcement Team, Drug Enforcement Administration
MLATs	Mutual Legal Assistance Treaties
NAAG	National Association of Attorneys General
NCATF	National Church Arson Task Force
NCIC	National Crime Information Center
NCMEC	National Center for Missing and Exploited Children
NDIC	National Drug Intelligence Center
NIC	National Institute of Corrections
NICS	National Instant Criminal Background Check System
NIJ	National Institute of Justice
NPR	National Performance Review
NSA	National Security Agency
NVRA	National Voter Registration Act
OAS	Organization of American States
OCAHO	Office of the Chief Administrative Hearing Officer
OCDETF	Organized Crime and Drug Enforcement Task Force

OEO	Office of Enforcement Operations, Criminal Division
OGC	Office of the General Counsel
OIA	Office of International Affairs, Criminal Division
OIG	Office of the Inspector General
OIPR	Office of Intelligence Policy and Review
OJJDP	Office of Juvenile Justice and Delinquency Prevention
OJP	Office of Justice Programs
OLA	Office of Legislative Affairs
OPD	Office of Policy Development
OPDAT	Overseas Prosecutorial Development, Assistance and Training
OPR	Office of Professional Responsibility
OVC	Office for Victims of Crime
PREP	Preliminary Review and Evaluation Panel
PTJ	Policia Tecnica Judicial
RG&E	Rochester Gas & Electric
RICO	Racketeering Influenced and Corrupt Organizations
ROC	Russian organized crime
SCAAP	State Criminal Alien Assistance Program
SEC	Securities and Exchange Commission
SORTs	Special Operations Response Teams
STOP	Services • Training • Officers • Prosecution
SWBI	Southwest Border Initiative
UNESCO	Organization of United Nations for Education, Science and Culture
USCS	U.S. Customs Service
USMS	U.S. Marshals Service
USNCB	United States National Central Bureau
VAWA	Violence Against Women Act
VAWGO	Violence Against Women Grants Office
VAWO	Violence Against Women Office
VRA	Voting Rights Act
WITSEC	Witness Security Program

Appendix II

Criminal Caseload Statistical Reports

Intellectual Property Cases United States Attorneys Office Fiscal Year 1997

The information in this package is provided pursuant to the statutory mandate in Title 18, United States Code, Section 2320(e) and Title 28, United States Code, Section 522.

Attached are statistics regarding Department of Justice prosecutions of intellectual property crimes. This information was provided by the Executive Office for United States Attorneys (EOUSA) which is charged with maintaining the criminal case information as reported by the U.S. Attorneys. The statistics contain the number of criminal intellectual property matters referred to the U.S. Attorneys as well as cases filed and terminated during fiscal year 1997. The EOUSA does not maintain statistics on the quantity or value of property seized or information on whether forfeited property has been destroyed. These statistics represent only the activities of the U.S. Attorneys and do not include federal criminal referrals which were immediately declined for prosecution by the U.S. Attorneys.

The following pages contain a summary of the available statistics, segregated by statutory provision, and preceded by a brief description of each offense. Also included is a summary of the grand totals and totals associated with matters and cases referred to the U.S. Attorneys by the U.S. Customs Service. Following those items, are a list of districts and their abbreviations, a glossary of terms, and the Criminal Caseload Statistical Reports. For further information, please contact the Computer Crime and Intellectual Property Section.

Criminal Intellectual Property Statutes surveyed:

- Title 18, United States Code, Section 2318 (18 U.S.C. §2318)—
Trafficking in Counterfeit Labels for Phonorecords, and Copies of Motion Pictures or Other Audiovisual Works;
- Title 18, United States Code, Section 2319 (18 U.S.C. §2319)—
Criminal Infringement of a Copyright;

- Title 18, United States Code, Section 2319A (18 U.S.C. §2319A)—Unauthorized Fixation of and Trafficking in Sound Recordings and Music Videos of Live Musical Performances; and
- Title 18, United States Code, Section 2320 (18 U.S.C. §2320)—Trafficking in Counterfeit Goods or Services.

Title 18, United States Code, Section 2318 (18 U.S.C. §2318)—Trafficking in Counterfeit Labels for Phonorecords, and Copies of Motion Pictures or Other Audiovisual Works.

Offense: knowingly trafficking in a counterfeit label affixed or designed to be affixed to a phonorecord or a copy of a motion picture or other audiovisual work.

FY1997 - TOTALS (All Districts)*

Referrals and Cases:

Number of Investigative Matters Opened	
by U.S. Attorneys:	25
Number of Defendants:	53
Number of Cases filed:	18
Number of Defendants:	38
Number of Cases Resolved/Terminated:	9
Number of Defendants:	20

Disposition of Defendants in Concluded Cases:

Number of Defendants Who Pled Guilty:	16
Number of Defendants Who Were Tried and Found Guilty:	2
Number of Defendants Against Whom Charges Were Dismissed:	2
Number of Defendants Acquitted:	0

Prison Sentencing for Convicted Defendants (# represents defendants):

No Imprisonment:	9
1 to 12 Months of Imprisonment:	4
13 to 24 Months:	1
25 to 36 Months:	0
37 to 60 Months:	3
61+ Months:	1

*These figures reflect the status of matters and cases as of September 30, 1997. Discrepancies may result from the carry-over of matters and cases initiated during the previous fiscal year(s).

Total Dollar Value of All Criminal Fines Imposed: \$22,750 (fines can be assessed in lieu of or in addition to prison sentences)

Title 18, United States Code, Section 2319 (18 U.S.C. §2319)—Criminal Infringement of a Copyright.

Offense: willful infringement of a copyright for purposes of commercial advantage or private financial gain. This provision was amended recently to include infringement through large-scale, unlawful reproduction or distribution of a protected work, regardless of whether there was a profit motive).

FY1997 - TOTALS (All Districts)*

Referrals and Cases:

Number of Investigative Matters Opened	
by U.S. Attorneys:	54
Number of Defendants:	96
Number of Cases filed:	16
Number of Defendants:	42
Number of Cases Resolved/Terminated:	9
Number of Defendants:	11

Disposition of Defendants in Concluded Cases:

Number of Defendants Who Pled Guilty:	10
Number of Defendants Who Were Tried and Found Guilty:	0
Number of Defendants Against Whom Charges Were Dismissed:	1
Number of Defendants Acquitted:	0

Prison Sentencing for Convicted Defendants (# represents defendants):

No Imprisonment (criminal fines figure unavailable):	9
1 to 12 Months of Imprisonment:	0
13 to 24 Months:	1
25 to 36 Months:	0
37 to 60 Months:	0
61+ Months:	0

Total Dollar Value of All Criminal Fines Imposed: \$15,050 (fines can be assessed in lieu of or in addition to prison sentences)

*These figures reflect the status of matters and cases as of September 30, 1997. Discrepancies may result from the carry-over of matters and cases initiated during the previous fiscal year(s).

Title 18, United States Code, Section 2319A (18 U.S.C. §2319A)– Unauthorized Fixation of and Trafficking in Sound Recordings and Music Videos of Live Musical Performances.

Offense: without the consent of the performer, knowingly and for purposes of commercial advantage or private financial gain, fixing the sounds or sounds and images of a live musical performance, reproducing copies of such a performance from an unauthorized fixation, transmitting the sounds or sounds and images to the public, or distributing, renting, selling, or trafficking (or attempting the preceding) in any copy of an unauthorized fixation.

FY1997 - TOTALS (All Districts)*

Referrals and Cases:

Number of Investigative Matters	
Opened by U.S. Attorneys:	6
Number of Defendants:	13
Number of Cases filed:	2
Number of Defendants:	9
Number of Cases Resolved/Terminated:	0
Number of Defendants:	1

Disposition of Defendants in Concluded Cases:

Number of Defendants Who Pled Guilty:	1
Number of Defendants Who Were Tried and Found Guilty:	0
Number of Defendants Against Whom Charges Were Dismissed:	0
Number of Defendants Acquitted:	0

Prison Sentencing for Convicted Defendants (# represents defendants):

No Imprisonment (criminal fines figure unavailable):	1
1 to 12 Months of Imprisonment:	0
13 to 24 Months:	0
25 to 36 Months:	0
37 to 60 Months:	0
61+ Months:	0

Total Dollar Value of All Criminal Fines Imposed: \$0
(fines can be assessed in lieu of or in addition to prison sentences)

*These figures reflect the status of matters and cases as of September 30, 1997. Discrepancies may result from the carry-over of matters and cases initiated during the previous fiscal year(s).

Title 18, United States Code, Section 2320 (18 U.S.C. §2320)–Trafficking in Counterfeit Goods or Services.

Offense: intentionally trafficking or attempting to traffic in goods or services and knowingly using a counterfeit mark on or in connection with such goods or services.

FY1997 - TOTALS (All Districts)*

Referrals and Cases:

Number of Investigative Matters Opened by U.S. Attorneys:	141
Number of Defendants:	222
Number of Cases filed:	81
Number of Defendants:	127
Number of Cases Resolved/Terminated:	70
Number of Defendants:	99

Disposition of Defendants in Concluded Cases:

Number of Defendants Who Pled Guilty:	67
Number of Defendants Who Were Tried and Found Guilty:	6
Number of Defendants Against Whom Charges Were Dismissed:	21
Number of Defendants Acquitted:	2
Other Terminations:	3

Prison Sentencing for Convicted Defendants (# represents defendants):

No Imprisonment:	48
1 to 12 Months of Imprisonment:	11
13 to 24 Months:	6
25 to 36 Months:	3
37 to 60 Months:	4
61+ Months:	1

Total Dollar Value of All Criminal Fines Imposed: \$4,956,550
(fines can be assessed in lieu of or in addition to prison sentences)

*These figures reflect the status of matters and cases as of September 30, 1997. Discrepancies may result from the carry-over of matters and cases initiated during the previous fiscal year(s).

Fiscal Year 1997—TOTALS All Districts - All Statutes

18 U.S.C. 2318, 2319, 2319A, and 2320

Referrals and Cases:

Number of Investigative Matters Opened by U.S. Attorneys:	211
Number of Defendants:	349
Number of Cases filed:	100
Number of Defendants:	175
Number of Cases Resolved/Terminated:	83
Number of Defendants:	121

Disposition of Defendants in Concluded Cases:

Number of Defendants Who Pled Guilty:	87
Number of Defendants Who Were Tried and Found Guilty:	8
Number of Defendants Against Whom Charges Were Dismissed:	22
Number of Defendants Acquitted:	2
Other Terminations:	3

Prison Sentencing for Convicted Defendants (# represents defendants):

No Imprisonment:	60
1 to 12 Months of Imprisonment:	15
13 to 24 Months:	8
25 to 36 Months:	3
37 to 60 Months:	7
1+ Months:	2

Total Dollar Value of All Criminal Fines Imposed: \$4,986,350
(fines can be assessed in lieu of or in addition to prison sentences)

Note: These figures reflect the status of matters and cases as of September 30, 1997. Discrepancies may result from the carry-over of matters and cases initiated during the previous fiscal year(s).

Statistics on Matters/Cases Originating with the United States Customs Service

Fiscal Year 1997

The results summarized on the preceding pages reflect the totals, including U.S. Customs matters, for each of the criminal intellectual property statutory provisions. The following reflect the total of all matters and cases referred by Customs to U.S. Attorneys under all four statutory provisions - 18 U.S.C. 2318, 2319, 2319A, and 2320:

Number of Investigative Matters Referred by U.S. Customs Service:	90
Number of Defendants:	155
Number of Customs Matters Pending Resolution:	92
Number of Defendants:	142
Number of Customs Matters Terminated:	30
Number of Defendants:	47
Number of Cases Originating with U.S. Customs Service:	35
Number of Defendants:	70
Number of Customs Cases Pending Resolution:	59
Number of Defendants:	109
Number of U.S. Customs Service Cases Resolved/Terminated:	32
Number of Defendants:	50

Note: These figures reflect the status of matters and cases as of September 30, 1997. Discrepancies may result from the carry-over of matters and cases initiated during the previous fiscal year(s).

U.S. Department of Justice

Districts

Name	Abbreviation
Alabama, Middle	ALM
Alabama, Northern	ALN
Alabama, Southern	ALS
Alaska	AK
Arizona	AZ
Arkansas, Eastern	ARE
Arkansas, Western	ARW
California, Central	CAC
California, Eastern	CAE
California, Northern	CAN
California, Southern	CAS
Colorado	CO
Connecticut	CT
Delaware	DE
District of Columbia	DC
Florida, Middle	FLM
Florida, Northern	FLN
Florida, Southern	FLS
Georgia, Middle	GAM
Georgia, Northern	GAN
Georgia, Southern	GAS
Guam	GU
Hawaii	HI
Idaho	ID
Illinois, Central	ILC
Illinois, Northern	ILN
Illinois, Southern	ILS
Indiana, Northern	INN
Indiana, Southern	INS
Iowa, Northern	IAN
Iowa, Southern	IAS
Kansas	KS
Kentucky, Eastern	KYE
Kentucky, Western	KYW
Louisiana, Eastern	LAE
Louisiana, Middle	LAM
Louisiana, Western	LAW

Name	Abbreviation
Maine	ME
Maryland	MD
Massachusetts	MA
Michigan, Eastern	MIE
Michigan, Western	MIW
Minnesota	MN
Mississippi, Northern	MSN
Mississippi, Southern	MSS
Missouri, Eastern	MOE
Missouri, Western	MOW
Montana	MT
Nebraska	NE
Nevada	NV
New Hampshire	NH
New Jersey	NJ
New Mexico	NM
New York, Eastern	NYE
New York, Northern	NYN
New York, Southern	NYS
New York, Western	NYW
North Carolina, Eastern	NCE
North Carolina, Middle	NCM
North Carolina, Western	NCW
North Dakota	ND
Ohio, Northern	OHN
Ohio, Southern	OHS
Oklahoma, Eastern	OKE
Oklahoma, Northern	OKN
Oklahoma, Western	OKW
Oregon	OR
Pennsylvania, Eastern	PAE
Pennsylvania, Middle	PAM
Pennsylvania, Western	PAW
Puerto Rico	PR
Rhode Island	RI
South Carolina	SC
South Dakota	SD
Tennessee, Eastern	TNE
Tennessee, Middle	TNM
Tennessee, Western	TNW
Texas, Eastern	TXE

Name	Abbreviation
Texas, Northern	TXN
Texas, Southern	TXS
Texas, Western	TXW
Utah	UT
Vermont	VT
Virginia, Eastern	VAE
Virginia, Western	VAW
Virgin Islands	VI
Washington, Eastern	WAE
Washington, Western	WAW
West Virginia, Northern	WVN
West Virginia, Southern	WVS
Wisconsin, Eastern	WIE
Wisconsin, Western	WIW
Wyoming	WY

Glossary

Matter - Referrals from other federal agencies; investigative matters opened by U.S. Attorneys.

Case - Investigative matters which were accepted for prosecution and resulted in indictment.

Terminated - Investigative matters which were not accepted for prosecution by U.S. Attorneys; prosecution declined/insufficient evidence to indict defendant(s).

Matter Def Count - Number of defendants in referred matters.

Matter Receive Count - Number of matters/referrals.

Matter Def Pend Count - Number of defendants in referrals pending resolution; resolution can be either the opening of a case (indictment) or a declination (termination).

Matter Pend Count - Number of investigative matters pending resolution.

Matter Def Term Count - Number of defendants in terminated/ declined matters (matters not accepted for prosecution).

Matter Term Count - Number of investigative matters declined prosecution.

Case File Def Count - Number of indicted defendants.

Case File Count - Number of indictments.

Case Pend Def Count - Number of defendants in cases pending resolution.

Case Pend Count - Number of cases pending resolution.

Case Term Def Count - Number of defendants in concluded cases.

Case Term Count - Number of cases concluded.

Guilty Pleas - Number of defendants who pled guilty.

Disposed by Trial - Number of defendants who went to trial.

Guilty Verdict - Number of defendants found “Guilty” at trial.

Acquittal - Number of defendants found “Not Guilty” at trial.

Dismissed - Number of defendants whose case was
dismissed at trial.

Other Term - Number of defendants whose cases terminated
other than with a verdict or dismissal (i.e., change of plea).

FY 1997 Criminal Caseload Statistics on Title 18 U.S.C. 2318 Received, Pending, Terminated, Filed Counts

Dist	Matter Def Count	Matter Receive Count	Matter Def Pend Count	Matter Pend Count	Matter Def Term Count	Matter Term Count	Case File Def Count	Case File Count	Case Pend Def Count	Case Pend Count	Case Term Def Count	Case Term Count
ALM	2	2	0	0	0	0	3	3	3	3	0	0
AZ	0	0	0	0	0	0	2	1	5	2	1	0
CAC	12	4	4	2	0	0	8	2	8	2	0	0
CAS	0	0	1	1	0	0	0	0	1	1	0	0
CT	3	1	0	0	0	0	3	1	3	1	0	0
FLM	1	1	0	0	1	1	0	0	0	0	0	0
KYE	1	1	1	1	0	0	0	0	0	0	0	0
MIE	5	2	4	2	0	0	2	1	2	1	0	0
MOE	4	3	0	0	1	0	3	3	0	0	3	3
MOW	0	0	1	1	0	0	0	0	0	0	0	0
NCM	0	0	0	0	0	0	4	1	0	0	5	2
NCW	2	2	1	1	1	1	1	1	1	1	1	1
NJ	0	0	2	1	0	0	0	0	0	0	0	0
NYE	4	2	1	1	1	1	3	1	3	1	0	0
NYS	1	1	0	0	1	1	0	0	0	0	0	0
OHN	4	2	0	0	3	1	1	1	1	1	0	0
OHS	7	2	1	1	0	0	6	1	6	1	0	0
PAE	0	0	0	0	0	0	1	1	9	2	9	2
PR	3	1	3	1	0	0	0	0	0	0	0	0
TXN	4	1	4	1	0	0	1	1	1	1	0	0
TXW	0	0	1	1	0	0	0	0	1	1	1	1
FINAL	53	25	24	14	8	5	38	18	44	18	20	9

**96 RECORDS TOTALED
96 INPUT RECORDS**

FY 1997 Criminal Caseload Statistics on Title 18 U.S.C. 2318 Charge Disposition

Dist	Guilty Pleas	Disposed By Trial	Guilty Verdict	Acquitted	Dismissed	Other Term	Total Term
AZ	0	0	0	0	1	0	1
MOE	3	0	0	0	0	0	3
NCM	5	0	0	0	0	0	5
NCW	1	0	0	0	0	0	1
PAE	7	2	2	0	0	0	9
TXW	0	0	0	0	1	0	1
FINAL	16	2	2	0	2	0	20

20 RECORDS TOTALED
96 INPUT RECORDS

FY 1997 Sentencing Information on Title 18 U.S.C. 2318

Dist	File Def Count	Term Def Count	Guilty	No Impris	1-12 Mos	13-24 Mos	25-36 Mos	37-60 Mos	61+Mos	Life	Death	Fine Amt
ALM	3	0	0	0	0	0	0	0	0	0	0	0
AZ	2	1	0	0	0	0	0	0	0	0	0	0
CAC	8	0	0	0	0	0	0	0	0	0	0	0
CT	3	0	0	0	0	0	0	0	0	0	0	0
MIE	2	0	0	0	0	0	0	0	0	0	0	0
MOE	3	3	3	2	1	0	0	0	0	0	0	250
NCM	4	5	5	5	0	0	0	0	0	0	0	2,500
NCW	1	1	1	0	1	0	0	0	0	0	0	0
NYE	3	0	0	0	0	0	0	0	0	0	0	0
OHN	1	0	0	0	0	0	0	0	0	0	0	0
OHS	6	0	0	0	0	0	0	0	0	0	0	0
PAE	1	9	9	2	2	1	0	3	1	0	0	20,000
TXN	1	0	0	0	0	0	0	0	0	0	0	0
TXW	0	1	0	0	0	0	0	0	0	0	0	0
FINAL	38	20	18	9	4	1	0	3	1	0	0	22,750

48 RECORDS TOTALED
96 INPUT RECORDS

FY 1997 Criminal Caseload Statistics on Title 18 U.S.C. 2319

Received, Pending, Terminated, Filed Counts

Dist	Matter	Matter	Matter	Matter	Matter	Matter	Case	Case	Case	Case	Case	Case
	Def	Receive	Def	Pend	Def	Term	File	File	Pend	Pend	Term	Term
	Count	Count	Count	Count	Count	Count	Def	Count	Def	Count	Def	Count
AK	1	1	1	1	0	0	0	0	0	0	0	0
ALN	0	0	1	1	0	0	0	0	0	0	0	0
ALS	0	0	0	0	1	1	0	0	0	0	0	0
AZ	0	0	7	2	0	0	3	2	1	1	2	1
CAC	2	2	1	1	2	2	0	0	0	0	0	0
CAE	1	1	1	1	0	0	0	0	0	0	0	0
CAN	7	5	9	6	1	1	4	2	15	4	1	1
CAS	0	0	1	1	0	0	0	0	2	2	0	0
CT	1	1	1	1	1	1	0	0	0	0	0	0
DC	0	0	0	0	1	1	0	0	0	0	0	0
DE	1	1	1	1	0	0	0	0	0	0	0	0
FLM	7	0	0	0	1	1	8	1	7	1	1	0
FLN	1	1	1	1	1	1	0	0	0	0	0	0
FLS	1	1	0	0	0	0	1	1	1	1	0	0
GAM	0	0	0	0	1	1	0	0	0	0	0	0
GAN	2	2	2	2	0	0	0	0	0	0	1	1
HI	1	1	1	1	0	0	0	0	0	0	0	0
IAS	2	1	2	1	0	0	0	0	0	0	0	0
ILN	5	3	4	2	1	1	0	0	1	1	0	0
INN	1	1	1	1	2	1	0	0	0	0	0	0
KYE	2	2	1	1	1	1	0	0	0	0	0	0
KYW	1	1	1	1	2	1	0	0	1	1	0	0
LAW	1	1	1	1	0	0	0	0	0	0	0	0
MD	0	0	0	0	0	0	0	0	0	0	1	1
ME	1	1	1	1	0	0	0	0	0	0	0	0
MIE	13	0	1	1	1	1	13	0	13	0	0	0
MN	1	1	0	0	0	0	1	1	1	1	0	0
MOE	3	2	1	1	2	1	0	0	0	0	0	0
NCE	0	0	2	1	0	0	0	0	0	0	0	0
NCM	2	2	2	2	0	0	0	0	0	0	0	0

100

FY 1997 Criminal Caseload Statistics on Title 18 U.S.C. 2319 Received, Pending, Terminated, Filed Counts

Dist	Matter Def Count	Matter Receive Count	Matter Def Pend Count	Matter Pend Count	Matter Def Term Count	Matter Term Count	Case File Def Count	Case File Count	Case Pend Def Count	Case Pend Count	Case Term Def Count	Case Term Count
NCW	0	0	0	0	1	1	0	0	0	0	1	1
NE	2	1	2	1	0	0	0	0	0	0	0	0
NJ	1	1	1	1	0	0	0	0	0	0	0	0
NM	0	0	0	0	2	1	0	0	0	0	0	0
NV	1	1	0	0	1	1	0	0	0	0	0	0
NYE	3	1	0	0	0	0	3	1	3	1	0	0
NYN	0	0	1	1	0	0	0	0	0	0	0	0
NYS	7	1	8	2	0	0	0	0	1	1	1	1
NYW	1	1	0	0	1	1	0	0	0	0	0	0
OHS	1	1	1	1	1	1	0	0	0	0	0	0
OR	0	0	1	1	0	0	0	0	0	0	0	0
PAE	2	1	1	1	1	0	3	2	10	4	1	1
PAW	3	3	4	4	0	0	0	0	0	0	0	0
PR	1	1	0	0	1	1	0	0	0	0	0	0
TNM	0	0	3	3	0	0	1	1	2	2	0	0
TXE	3	1	3	2	0	0	1	1	0	0	1	1
TXN	4	2	5	3	1	1	2	2	1	1	1	1
TXS	0	0	1	1	0	0	0	0	0	0	0	0
TXW	1	1	1	1	0	0	0	0	1	1	0	0
UT	1	1	0	0	1	1	0	0	0	0	0	0
VAE	0	0	1	1	0	0	0	0	0	0	0	0
VI	0	0	2	1	0	0	0	0	0	0	0	0
WAE	1	1	1	1	0	0	0	0	0	0	0	0
WAW	5	3	5	3	0	0	2	2	2	2	0	0
WVS	2	2	0	0	2	2	0	0	0	0	0	0
FINAL	96	54	85	60	30	25	42	16	62	24	11	9

188 RECORDS TOTALED
188 INPUT RECORDS

101

FY 1997 Criminal Caseload Statistics on Title 18 U.S.C. 2319 Charge Disposition

Dist	Guilty Pleas	Disposed By Trial	Guilty Verdict	Acquittal	Dismissed	Other Term	Total Term
AZ	1	0	0	0	1	0	2
CAN	1	0	0	0	0	0	1
FLM	1	0	0	0	0	0	1
GAN	1	0	0	0	0	0	1
MD	1	0	0	0	0	0	1
NCW	1	0	0	0	0	0	1
NYS	1	0	0	0	0	0	1
PAE	1	0	0	0	0	0	1
TXE	1	0	0	0	0	0	1
TXN	1	0	0	0	0	0	1
FINAL	10	0	0	0	1	0	11

11 RECORDS TOTALED
188 INPUT RECORDS

FY 1997 Sentencing Information on Title 18 U.S.C. 2319

Dist	File Def Count	Term Def Count	Guilty	No Impris	1-12 Mos	13-24 Mos	25-36 Mos	37-60 Mos	61+Mos	Life	Death	Fine Amt
AZ	3	2	1	1	0	0	0	0	0	0	0	0
CAN	4	1	1	1	0	0	0	0	0	0	0	2,500
FLM	8	1	1	1	0	0	0	0	0	0	0	0
FLS	1	0	0	0	0	0	0	0	0	0	0	0
GAN	0	1	1	1	0	0	0	0	0	0	0	7,500
MD	0	1	1	1	0	0	0	0	0	0	0	0
MIE	13	0	0	0	0	0	0	0	0	0	0	0
MN	1	0	0	0	0	0	0	0	0	0	0	0
NCW	0	1	1	1	0	0	0	0	0	0	0	0
NYE	3	0	0	0	0	0	0	0	0	0	0	0
NYS	0	1	1	0	0	1	0	0	0	0	0	5,050
PAE	3	1	1	1	0	0	0	0	0	0	0	0
TNM	1	0	0	0	0	0	0	0	0	0	0	0
TXE	1	1	1	1	0	0	0	0	0	0	0	0
TXN	2	1	1	1	0	0	0	0	0	0	0	0
WAW	2	0	0	0	0	0	0	0	0	0	0	0
FINAL	42	11	10	9	0	1	0	0	0	0	0	15,050

46 RECORDS TOTALED
188 INPUT RECORDS

103

FY 1997 Criminal Caseload Statistics on Title 18 U.S.C. 2319A Received, Pending, Terminated, Filed Counts

Dist	Matter Def Count	Matter Receive Count	Matter Def Pend Count	Matter Pend Count	Matter Def Term Count	Matter Term Count	Case File Def Count	Case File Count	Case Pend Def Count	Case Pend Count	Case Term Def Count	Case Term Count
CAN	1	1	1	1	0	0	0	0	0	0	0	0
CAS	0	0	0	0	0	0	0	0	1	1	0	0
FLM	7	0	0	0	0	0	8	1	7	1	1	0
NCM	1	1	1	1	0	0	0	0	0	0	0	0
NCW	0	0	0	0	1	1	0	0	0	0	0	0
OHS	1	1	1	1	1	1	0	0	0	0	0	0
PAW	3	3	4	4	0	0	0	0	0	0	0	0
TXN	0	0	0	0	0	0	1	1	1	1	0	0
FINAL	13	6	7	7	2	2	9	2	9	3	1	0

19 RECORDS TOTALED
19 INPUT RECORDS

FY 1997 Criminal Caseload Statistics on Title 18 U.S.C. 2319A Charge Disposition

Dist	Guilty Pleas	Disposed By Trial	Guilty Verdict	Acquittal	Dismissed	Other Term	Total Term
FLM	1	0	0	0	0	0	1
FINAL	1	0	0	0	0	0	1

1 RECORDS TOTALED
19 INPUT RECORDS

FY 1997 Sentencing Information on Title 18 U.S.C. 2319A

Dist	File Def Count	Term Def Count	Guilty	No Impris	1-12 Mos	13-24 Mos	25-36 Mos	37-60 Mos	61+Mos	Life	Death	Fine Amt
FLM	8	1	1	1	0	0	0	0	0	0	0	0
TXN	1	0	0	0	0	0	0	0	0	0	0	0
FINAL	9	1	1	1	0	0	0	0	0	0	0	0

9 RECORDS TOTALED

FY 1997 Criminal Caseload Statistics on Title 18 U.S.C. 2320

Received, Pending, Terminated, Filed Counts

Dist	Matter Def Count	Matter Receive Count	Matter Def Pend Count	Matter Pend Count	Matter Def Term Count	Matter Term Count	Case File Def Count	Case File Count	Case Pend Def Count	Case Pend Count	Case Term Def Count	Case Term Count
ALM	16	9	8	3	1	1	17	14	17	14	0	0
ALN	1	1	0	0	0	0	1	1	1	1	1	1
ALS	0	0	0	0	0	0	0	0	0	0	3	1
ARW	1	1	1	1	0	0	0	0	0	0	0	0
CAC	15	5	1	0	6	3	15	4	20	9	5	4
CAE	2	1	3	2	0	0	0	0	0	0	0	0
CAN	10	4	24	8	7	2	0	0	28	7	1	1
CAS	2	2	3	3	0	0	1	1	2	2	3	2
CO	0	0	2	1	1	1	0	0	1	1	1	1
CT	3	1	0	0	2	1	3	1	3	1	0	0
FLM	3	3	2	2	3	3	0	0	0	0	5	3
FLS	1	1	3	1	0	0	2	2	5	4	0	0
GAM	0	0	1	0	0	0	1	1	1	1	1	1
GAN	5	4	3	2	4	3	0	0	2	1	4	3
GAS	1	1	1	1	0	0	0	0	0	0	0	0
GU	15	15	14	14	1	1	1	1	1	1	0	0
HI	5	4	11	9	0	0	3	2	3	2	1	1
IAN	0	0	0	0	0	0	1	1	0	0	1	1
ID	2	1	2	1	0	0	1	1	0	0	1	1
ILC	0	0	1	1	0	0	0	0	0	0	0	0
ILN	4	2	6	2	2	2	1	1	5	3	0	0
INN	0	0	0	0	0	0	2	2	0	0	2	2
INS	0	0	0	0	1	1	0	0	0	0	0	0
KS	1	1	1	1	0	0	0	0	0	0	0	0
KYE	1	1	2	2	5	3	0	0	0	0	1	1
KYW	1	1	2	2	1	1	1	1	1	1	1	1
LAE	2	2	1	1	1	1	0	0	2	1	0	0
LAM	0	0	1	0	0	0	3	1	4	2	3	2
LAW	7	4	2	1	2	2	7	4	7	4	2	1
MA	1	0	0	0	0	0	2	1	0	0	9	5

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FY 1997 Criminal Caseload Statistics on Title 18 U.S.C. 2320 Received, Pending, Terminated, Filed Counts

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Dist	Matter Def Count	Matter Receive Count	Matter Def Pend Count	Matter Pend Count	Matter Def Term Count	Matter Term Count	Case File Def Count	Case File Count	Case Pend Def Count	Case Pend Count	Case Term Def Count	Case Term Count
MD	2	1	1	0	2	1	2	1	2	1	0	0
MIE	4	1	4	2	0	0	2	1	2	2	2	1
MIW	0	0	1	1	0	0	1	1	1	1	0	0
MN	2	2	1	1	0	0	1	1	2	2	0	0
MOE	1	1	1	1	1	1	0	0	0	0	1	1
MOW	0	0	0	0	0	0	0	0	0	0	1	1
MSS	0	0	0	0	1	1	0	0	0	0	0	0
MT	0	0	0	0	0	0	0	0	0	0	2	1
NCM	10	10	7	6	0	0	10	7	9	5	16	13
NCW	11	2	12	3	2	2	1	1	1	1	3	2
NH	1	1	0	0	0	0	1	1	1	1	0	0
NJ	6	4	3	3	2	2	3	1	8	4	2	1
NYE	9	6	4	4	7	3	5	3	9	6	1	1
NYN	2	1	3	2	0	0	0	0	0	0	0	0
NYS	17	9	21	14	6	2	5	4	7	6	0	0
NYW	1	1	3	2	0	0	0	0	0	0	0	0
OHN	2	2	1	1	0	0	1	1	1	1	0	0
OHS	6	1	0	0	1	1	6	1	6	1	0	0
OKE	1	1	1	1	0	0	0	0	0	0	0	0
OKN	0	0	0	0	0	0	1	1	1	1	0	0
OKW	1	1	6	5	1	1	0	0	0	0	0	0
PAE	4	2	8	5	2	1	0	0	4	2	0	0
PAM	0	0	0	0	0	0	1	1	0	0	1	1
PAW	0	0	0	0	1	1	0	0	3	1	0	0
PR	0	0	5	1	0	0	0	0	0	0	0	0
RI	2	2	0	0	2	2	0	0	0	0	0	0
SC	1	1	0	0	1	1	0	0	0	0	2	1
TNM	4	4	4	4	0	0	0	0	0	0	0	0
TXE	0	0	2	1	2	1	0	0	0	0	0	0
TXN	4	4	1	1	1	1	5	5	3	3	5	4

FY 1997 Criminal Caseload Statistics on Title 18 U.S.C. 2320 Received, Pending, Terminated, Filed Counts

Dist	Matter Def Count	Matter Receive Count	Matter Def Pend Count	Matter Pend Count	Matter Def Term Count	Matter Term Count	Case File Def Count	Case File Count	Case Pend Def Count	Case Pend Count	Case Term Def Count	Case Term Count
TXS	12	4	7	6	1	1	11	3	5	3	13	8
TXW	2	2	1	1	2	2	0	0	1	1	2	0
UT	0	0	1	1	4	1	0	0	0	0	0	0
VAE	8	4	13	10	2	1	0	0	0	0	0	0
VAW	7	7	1	1	0	0	6	6	6	6	0	0
WAW	0	0	2	1	2	1	1	1	6	2	1	1
WIE	2	2	0	0	0	0	2	2	1	1	1	1
WVS	1	1	1	1	0	0	0	0	0	0	0	0
WY	0	0	0	0	0	0	0	0	0	0	1	1
FINAL	222	141	210	137	80	52	127	81	182	106	99	70

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571 RECORDS TOTALED
571 INPUT RECORDS

FY 1997 Criminal Caseload Statistics on Title 18 U.S. C. 2320 Charge Disposition

Dist	Guilty Pleas	Disposed By Trial	Guilty Verdict	Acquittal	Dismissed	Other Term	Total Term
ALN	0	0	0	0	1	0	1
ALS	1	0	0	0	0	2	3
CAC	5	0	0	0	0	0	5
CAN	1	0	0	0	0	0	1
CAS	1	0	0	0	2	0	3
CO	1	0	0	0	0	0	1
FLM	4	1	0	1	0	0	5
GAM	0	0	0	0	1	0	1
GAN	2	2	1	1	0	0	4
HI	1	0	0	0	0	0	1
IAN	1	0	0	0	0	0	1
ID	0	0	0	0	1	0	1
INN	2	0	0	0	0	0	2
KYE	1	0	0	0	0	0	1
KYW	1	0	0	0	0	0	1
LAM	0	0	0	0	3	0	3
LAW	2	0	0	0	0	0	2
MA	6	3	3	0	0	0	9
MIE	2	0	0	0	0	0	2
MOE	1	0	0	0	0	0	1
MOW	0	0	0	0	1	0	1
MT	0	0	0	0	2	0	2
NCM	15	0	0	0	1	0	16
NCW	1	0	0	0	2	0	3
NJ	0	0	0	0	2	0	2
NYE	0	0	0	0	1	0	1
PAM	1	0	0	0	0	0	1
SC	1	0	0	0	1	0	2
TXN	2	2	2	0	0	1	5
TXS	10	0	0	0	3	0	13

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FY 1997 Criminal Caseload Statistics on Title 18 U.S.C. 2320 Charge Disposition

Dist	Guilty Pleas	Disposed By Trial	Guilty Verdict	Acquittal	Dismissed	Other Term	Total Term
TXW	2	0	0	0	0	0	2
WAW	1	0	0	0	0	0	1
WIE	1	0	0	0	0	0	1
WY	1	0	0	0	0	0	1
FINAL	67	8	6	2	21	3	99

99 RECORDS TOTALED
571 INPUT RECORDS

FY 1997 Sentencing Information on Title 18 U.S.C. 2320

Dist	File Def Count	Term Def Count	Guilty	No Impris	1-12 Mos	13-24 Mos	25-36 Mos	37-60 Mos	61+Mos	Life	Death	Fine Amt
ALM	17	0	0	0	0	0	0	0	0	0	0	0
ALN	1	1	0	0	0	0	0	0	0	0	0	0
ALS	0	3	1	1	0	0	0	0	0	0	0	250
CAC	15	5	5	4	1	0	0	0	0	0	0	2,791,950
CAN	0	1	1	0	1	0	0	0	0	0	0	5,000
CAS	1	3	1	1	0	0	0	0	0	0	0	0
CO	0	1	1	1	0	0	0	0	0	0	0	5,000
CT	3	0	0	0	0	0	0	0	0	0	0	0
FLM	0	5	4	2	2	0	0	0	0	0	0	0
FLS	2	0	0	0	0	0	0	0	0	0	0	0
GAM	1	1	0	0	0	0	0	0	0	0	0	0
GAN	0	4	3	1	1	1	0	0	0	0	0	13,500
GU	1	0	0	0	0	0	0	0	0	0	0	0
HI	3	1	1	1	0	0	0	0	0	0	0	5,000
IAN	1	1	1	1	0	0	0	0	0	0	0	0
ID	1	1	0	0	0	0	0	0	0	0	0	0
ILN	1	0	0	0	0	0	0	0	0	0	0	0
INN	2	2	2	2	0	0	0	0	0	0	0	4,000
KYE	0	1	1	0	1	0	0	0	0	0	0	0
KYW	1	1	1	1	0	0	0	0	0	0	0	1,000
LAM	3	3	0	0	0	0	0	0	0	0	0	0
LAW	7	2	2	2	0	0	0	0	0	0	0	5,000
MA	2	9	9	3	1	1	2	2	0	0	0	41,000
MD	2	0	0	0	0	0	0	0	0	0	0	0
MIE	2	2	2	1	0	1	0	0	0	0	0	46,000
MIW	1	0	0	0	0	0	0	0	0	0	0	0
MN	1	0	0	0	0	0	0	0	0	0	0	0
MOE	0	1	1	0	0	1	0	0	0	0	0	5,000
MOW	0	1	0	0	0	0	0	0	0	0	0	0
MT	0	2	0	0	0	0	0	0	0	0	0	0
NCM	10	16	15	12	2	0	1	0	0	0	0	7,250

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FY 1997 Sentencing Information on Title 18 U.S.C. 2320

Dist	File Def Count	Term Def Count	Guilty	No Impris	1-12 Mos	13-24 Mos	25-36 Mos	37-60 Mos	61+Mos	Life	Death	Fine Amt
NCW	1	3	1	1	0	0	0	0	0	0	0	0
NH	1	0	0	0	0	0	0	0	0	0	0	0
NJ	3	2	0	0	0	0	0	0	0	0	0	0
NYE	5	1	0	0	0	0	0	0	0	0	0	0
NYS	5	0	0	0	0	0	0	0	0	0	0	0
OHN	1	0	0	0	0	0	0	0	0	0	0	0
OHS	6	0	0	0	0	0	0	0	0	0	0	0
OKN	1	0	0	0	0	0	0	0	0	0	0	0
PAM	1	1	1	1	0	0	0	0	0	0	0	0
SC	0	2	1	1	0	0	0	0	0	0	0	1,000
TXN	5	5	4	1	0	1	0	1	1	0	0	2,005,000
TXS	11	13	10	8	0	1	0	1	0	0	0	14,000
TXW	0	2	2	0	2	0	0	0	0	0	0	0
VAW	6	0	0	0	0	0	0	0	0	0	0	0
WAW	1	1	1	1	0	0	0	0	0	0	0	4,100
WIE	2	1	1	1	0	0	0	0	0	0	0	2,000
WY	0	1	1	1	0	0	0	0	0	0	0	500
FINAL	127	99	73	48	11	6	3	4	1	0	0	4,956,550

193 RECORDS TOTALED
571 INPUT RECORDS

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FY 1997 Criminal Caseload Statistics on Title 18 U.S.C. 2318-2320 Received, Pending, Terminated, Filed Counts

Dist	Matter Def Count	Matter Receive Count	Matter Def Pend Count	Matter Pend Count	Matter Def Term Count	Matter Term Count	Case File Def Count	Case File Count	Case Pend Def Count	Case Pend Count	Case Term Def Count	Case Term Count
AK	1	1	1	1	0	0	0	0	0	0	0	0
ALM	17	10	8	3	1	1	18	15	18	15	0	0
ALN	1	1	1	1	0	0	1	1	1	1	1	1
ALS	0	0	0	0	1	1	0	0	0	0	3	1
ARW	1	1	1	1	0	0	0	0	0	0	0	0
AZ	0	0	7	2	0	0	3	2	5	2	2	1
CAC	26	10	6	3	8	5	20	5	25	10	5	4
CAE	3	2	4	3	0	0	0	0	0	0	0	0
CAN	17	9	33	14	8	3	4	2	33	10	2	2
CAS	2	2	5	5	0	0	1	1	2	2	3	2
CO	0	0	2	1	1	1	0	0	1	1	1	1
CT	4	2	1	1	3	2	3	1	3	1	0	0
DC	0	0	0	0	1	1	0	0	0	0	0	0
DE	1	1	1	1	0	0	0	0	0	0	0	0
FLM	11	4	2	2	5	5	8	1	7	1	6	3
FLN	1	1	1	1	1	1	0	0	0	0	0	0
FLS	2	2	3	1	0	0	3	3	6	5	0	0
GAM	0	0	1	0	1	1	1	1	1	1	1	1
GAN	7	6	5	4	4	3	0	0	2	1	4	3
GAS	1	1	1	1	0	0	0	0	0	0	0	0
GU	15	15	14	14	1	1	1	1	1	1	0	0
HI	6	5	12	10	0	0	3	2	3	2	1	1
IAN	0	0	0	0	0	0	1	1	0	0	1	1
IAS	2	1	2	1	0	0	0	0	0	0	0	0
ID	2	1	2	1	0	0	1	1	0	0	1	1
ILC	0	0	1	1	0	0	0	0	0	0	0	0
ILN	9	5	10	4	3	3	1	1	5	3	0	0
INN	1	1	1	1	2	1	2	2	0	0	2	2
INS	0	0	0	0	1	1	0	0	0	0	0	0
KS	1	1	1	1	0	0	0	0	0	0	0	0
KYE	3	3	3	3	6	4	0	0	0	0	1	1
KYW	2	2	3	3	3	2	1	1	2	2	1	1
LAE	2	2	1	1	1	1	0	0	2	1	0	0
LAM	0	0	1	0	0	0	3	1	4	2	3	2
LAW	8	5	3	2	2	2	7	4	7	4	2	1

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FY 1997 Criminal Caseload Statistics on Title 18 U.S.C. 2318-2320 Received, Pending, Terminated, Filed Counts

Dist	Matter Def Count	Matter Receive Count	Matter Def Pend Count	Matter Pend Count	Matter Def Term Count	Matter Term Count	Case File Def Count	Case File Count	Case Pend Def Count	Case Pend Count	Case Term Def Count	Case Term Count
MA	1	0	0	0	0	0	2	1	0	0	9	5
MD	2	1	1	0	2	1	2	1	2	1	1	1
ME	1	1	1	1	0	0	0	0	0	0	0	0
MIE	22	3	9	5	1	1	17	2	17	3	2	1
MIW	0	0	1	1	0	0	1	1	1	1	0	0
MN	2	2	1	1	0	0	1	1	2	2	0	0
MOE	8	6	2	2	4	2	3	3	0	0	4	4
MOW	0	0	1	1	0	0	0	0	0	0	1	1
MSS	0	0	0	0	1	1	0	0	0	0	0	0
MT	0	0	0	0	0	0	0	0	0	0	2	1
NCE	0	0	2	1	0	0	0	0	0	0	0	0
NCM	12	12	9	8	0	0	10	7	9	5	17	14
NCW	13	4	13	4	4	4	2	2	2	2	4	3
NE	2	1	2	1	0	0	0	0	0	0	0	0
NH	1	1	0	0	0	0	1	1	1	1	0	0
NJ	7	5	6	5	2	2	3	1	8	4	2	1
NM	0	0	0	0	2	1	0	0	0	0	0	0
NV	1	1	0	0	1	1	0	0	0	0	0	0
NYE	10	7	5	5	8	4	5	3	9	6	1	1
NYN	2	1	4	3	0	0	0	0	0	0	0	0
NYS	25	11	29	16	7	3	5	4	8	7	1	1
NYW	2	2	3	2	1	1	0	0	0	0	0	0
OHN	5	3	1	1	3	1	1	1	1	1	0	0
OHS	8	3	2	2	2	2	6	1	6	1	0	0
OKE	1	1	1	1	0	0	0	0	0	0	0	0
OKN	0	0	0	0	0	0	1	1	1	1	0	0
OKW	1	1	6	5	1	1	0	0	0	0	0	0
OR	0	0	1	1	0	0	0	0	0	0	0	0
PAE	6	3	9	6	3	1	3	2	16	6	9	2
PAM	0	0	0	0	0	0	1	1	0	0	1	1
PAW	3	3	4	4	1	1	0	0	3	1	0	0
PR	4	2	8	2	1	1	0	0	0	0	0	0
RI	2	2	0	0	2	2	0	0	0	0	0	0

FY 1997 Criminal Caseload Statistics on Title 18 U.S.C. 2318-2320 Received, Pending, Terminated, Filed Counts

Dist	Matter Def Count	Matter Receive Count	Matter Def Pend Count	Matter Pend Count	Matter Def Term Count	Matter Term Count	Case File Def Count	Case File Count	Case Pend Def Count	Case Pend Count	Case Term Def Count	Case Term Count
SC	1	1	0	0	1	1	0	0	0	0	2	1
TNM	4	4	7	7	0	0	1	1	2	2	0	0
TXE	3	1	5	3	2	1	1	1	0	0	1	1
TXN	12	7	10	5	2	2	5	5	3	3	5	4
TXS	12	4	8	7	1	1	11	3	5	3	13	8
TXW	3	3	3	3	2	2	0	0	2	2	3	1
UT	1	1	1	1	5	2	0	0	0	0	0	0
VAE	8	4	14	11	2	1	0	0	0	0	0	0
VAW	7	7	1	1	0	0	6	6	6	6	0	0
VI	0	0	2	1	0	0	0	0	0	0	0	0
WAE	1	1	1	1	0	0	0	0	0	0	0	0
WAW	5	3	7	4	2	1	3	3	8	4	1	1
WIE	2	2	0	0	0	0	2	2	1	1	1	1
WVS	3	3	1	1	2	2	0	0	0	0	0	0
WY	0	0	0	0	0	0	0	0	0	0	1	1
FINAL	349	211	318	210	118	82	175	100	241	128	121	83

**798 RECORDS TOTALED
798 INPUT RECORDS**

FY 1997 Criminal Caseload Statistics on Title 18 U.S.C. 2318-2320 Charge Disposition

Dist	Guilty Pleas	Disposed By Trial	Guilty Verdict	Acquittal	Dismissed	Other Term	Total Term
ALN	0	0	0	0	1	0	1
ALS	1	0	0	0	0	2	3
AZ	1	0	0	0	1	0	2
CAC	5	0	0	0	0	0	5
CAN	2	0	0	0	0	0	2
CAS	1	0	0	0	2	0	3
CO	1	0	0	0	0	0	1
FLM	5	1	0	1	0	0	6
GAM	0	0	0	0	1	0	1
GAN	2	2	1	1	0	0	4
HI	1	0	0	0	0	0	1
IAN	1	0	0	0	0	0	1
ID	0	0	0	0	1	0	1
INN	2	0	0	0	0	0	2
KYE	1	0	0	0	0	0	1
KYW	1	0	0	0	0	0	1
LAM	0	0	0	0	3	0	3
LAW	2	0	0	0	0	0	2
MA	6	3	3	0	0	0	9
MD	1	0	0	0	0	0	1
MIE	2	0	0	0	0	0	2
MOE	4	0	0	0	0	0	4
MOW	0	0	0	0	1	0	1
MT	0	0	0	0	2	0	2
NCM	17	0	0	0	0	0	17
NCW	2	0	0	0	2	0	4
NJ	0	0	0	0	2	0	2
NYE	0	0	0	0	1	0	1
NYS	1	0	0	0	0	0	1
PAE	7	2	2	0	0	0	9

FY 1997 Criminal Caseload Statistics on Title 18 U.S.C. 2318-2320 Charge Disposition

Dist	Guilty Pleas	Disposed By Trial	Guilty Verdict	Acquittal	Dismissed	Other Term	Total Term
PAM	1	0	0	0	0	0	1
SC	1	0	0	0	1	0	2
TXE	1	0	0	0	0	0	1
TXN	3	2	2	0	0	0	5
TXS	10	0	0	0	3	0	13
TXW	2	0	0	0	1	0	3
WAW	1	0	0	0	0	0	1
WIE	1	0	0	0	0	0	1
WY	1	0	0	0	0	0	1
FINAL	87	10	8	2	22	2	121

121 RECORDS TOTALED
798 INPUT RECORDS

FY 1997 Sentencing Information on Title 18 U.S.C. 2318-2320

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Dist	File Def Count	Term Def Count	Guilty	No Impris	1-12 Mos	13-24 Mos	25-36 Mos	37-60 Mos	61+Mos	Life	Death	Fine Amt
ALM	18	0	0	0	0	0	0	0	0	0	0	0
ALN	1	1	0	0	0	0	0	0	0	0	0	0
ALS	0	3	1	1	0	0	0	0	0	0	0	250
AZ	3	2	1	1	0	0	0	0	0	0	0	0
CAC	20	5	5	4	1	0	0	0	0	0	0	2,791,950
CAN	4	2	2	1	1	0	0	0	0	0	0	7,500
CAS	1	3	1	1	0	0	0	0	0	0	0	0
CO	0	1	1	1	0	0	0	0	0	0	0	5,000
CT	3	0	0	0	0	0	0	0	0	0	0	0
FLM	8	6	5	3	2	0	0	0	0	0	0	0
FLS	3	0	0	0	0	0	0	0	0	0	0	0
GAM	1	1	0	0	0	0	0	0	0	0	0	0
GAN	0	4	3	1	1	1	0	0	0	0	0	13,500
GU	1	0	0	0	0	0	0	0	0	0	0	0
HI	3	1	1	1	0	0	0	0	0	0	0	5,000
IAN	1	1	1	1	0	0	0	0	0	0	0	0
ID	1	1	0	0	0	0	0	0	0	0	0	0
ILN	1	0	0	0	0	0	0	0	0	0	0	0
INN	2	2	2	2	0	0	0	0	0	0	0	4,000
KYE	0	1	1	0	1	0	0	0	0	0	0	0
KYW	1	1	1	1	0	0	0	0	0	0	0	1,000
LAM	3	3	0	0	0	0	0	0	0	0	0	0
LAW	7	2	2	2	0	0	0	0	0	0	0	5,000
MA	2	9	9	3	1	1	2	2	0	0	0	41,000
MD	2	1	1	1	0	0	0	0	0	0	0	0
MIE	17	2	2	1	0	1	0	0	0	0	0	46,000
MIW	1	0	0	0	0	0	0	0	0	0	0	0
MN	1	0	0	0	0	0	0	0	0	0	0	0
MOE	3	4	4	2	1	1	0	0	0	0	0	5,250
MOW	0	1	0	0	0	0	0	0	0	0	0	0
MT	0	2	0	0	0	0	0	0	0	0	0	0

FY 1997 Sentencing Information on Title 18 U.S.C. 2318-2320

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Dist	File Def Count	Term Def Count	Guilty	No Impris	1-12 Mos	13-24 Mos	25-36 Mos	37-60 Mos	61+Mos	Life	Death	Fine Amt
NCM	10	17	17	14	2	0	1	0	0	0	0	9,250
NCW	2	4	2	1	1	0	0	0	0	0	0	0
NH	1	0	0	0	0	0	0	0	0	0	0	0
NJ	3	2	0	0	0	0	0	0	0	0	0	0
NYE	5	1	0	0	0	0	0	0	0	0	0	0
NYS	5	1	1	0	0	1	0	0	0	0	0	5,050
OHN	1	0	0	0	0	0	0	0	0	0	0	0
OHS	6	0	0	0	0	0	0	0	0	0	0	0
OKN	1	0	0	0	0	0	0	0	0	0	0	0
PAE	3	9	9	2	2	1	0	3	1	0	0	20,000
PAM	1	1	1	1	0	0	0	0	0	0	0	0
SC	0	2	1	1	0	0	0	0	0	0	0	1,000
TNM	1	0	0	0	0	0	0	0	0	0	0	0
TXE	1	1	1	1	0	0	0	0	0	0	0	0
TXN	5	5	5	2	0	1	0	1	1	0	0	2,005,000
TXS	11	13	10	8	0	1	0	1	0	0	0	14,000
TXW	0	3	2	0	2	0	0	0	0	0	0	0
VAW	6	0	0	0	0	0	0	0	0	0	0	0
WAW	3	1	1	1	0	0	0	0	0	0	0	4,100
WIE	2	1	1	1	0	0	0	0	0	0	0	2,000
WY	0	1	1	1	0	0	0	0	0	0	0	500
FINAL	175	121	95	60	15	8	3	7	2	0	0	4,986,350

253 RECORDS TOTALED

**FY 1997 Criminal Caseload Statistics on Title 18 U.S.C. 2318-2320
and Agency is Customs
All Charges and No Appeals
Received, Pending, Terminated, Filed Counts**

Matter Def Count	Matter Receive Count	Matter Def Pend Count	Matter Pend Count	Matter Def Term Count	Matter Term Count	Case File Def Count	Case File Count	Case Pend Def Count	Case Pend Count	Case Term Def Count	Case Term Count
155	90	142	92	47	30	70	35	109	59	50	32

348 RECORDS TOTALED