



U. S. Department of Justice
Office of the Deputy Attorney General

Principal Associate Deputy Attorney General

Washington, D.C. 20530

September 29, 1994

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: Merrick Garland *MG*
RE: Law Enforcement Priorities

Per your request, we have scheduled a meeting for October 4, 1994 to discuss developing a law enforcement priorities memorandum for the coming year.

Attached is the draft law enforcement priorities memorandum proposed by AAG Harris in January 1994. The memorandum was never issued, but it was used as the basis for your speech to the U.S. Attorneys Conference in January.

Also attached is the May 1994 budget guidance. This memorandum was issued, and contains "program priorities" for the 1996 Spring Planning Estimates.

cc: The Deputy Attorney General
The Associate Attorney General
Assistant Attorney General Harris
Assistant Attorney General Acheson
Ronald Klain
Nancy McFadden
David Margolis
Robert Litt
Mary Frances Harkenrider

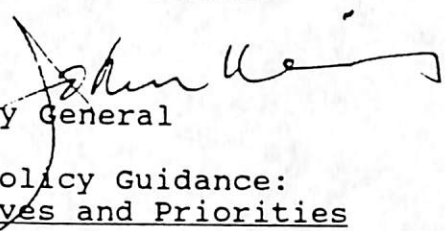


Assistant Attorney General

Washington, D.C. 20530

January 19, 1994

MEMORANDUM FOR THE ATTORNEY GENERAL
AND THE DEPUTY ATTORNEY GENERAL

FROM: Jo Ann Harris
Assistant Attorney General 

SUBJECT: Law Enforcement Policy Guidance:
National Initiatives and Priorities

Attached is memorandum which would establish a set of National Initiatives and Priorities for the Department's law enforcement components. The memorandum seeks to reflect the views the Attorney General has expressed concerning priorities at a series of meetings over the past several weeks. Earlier drafts were circulated to the Civil Rights and Environment Divisions, the AGAC, FBI, and DEA. A number of changes were made to accommodate their concerns.

Attachment



Office of the Attorney General
Washington, D. C. 20530

MEMORANDUM FOR HEADS OF DEPARTMENT COMPONENTS
AND ALL UNITED STATES ATTORNEYS

FROM: THE ATTORNEY GENERAL

SUBJECT: Law Enforcement Policy Guidance:
National Initiatives and Priorities

The attached memorandum is intended to provide policy guidance for the formulation of programs and the allocation of resources in connection with the Justice Department's law enforcement responsibilities.

The first category of programs listed in this memorandum designates the Department's new National Initiatives. Departmental components should make every effort to allocate additional resources to address these matters -- both from new funding that may become available to the Department, and through reallocation of existing resources.

The second category designates the Department's enduring National Priorities. Reallocations undertaken to free resources for the Department's National Initiatives should be made from Departmental programs other than those listed as enduring National Priorities.

Attachment

DEPARTMENT OF JUSTICE NATIONAL INITIATIVES AND PRIORITIES

NEW NATIONAL INITIATIVES

1. Violent Crime. We must make the most effective use of federal investigative and prosecutorial resources in the battle against violent crime, through appropriate cooperation with local authorities and between all federal agencies. I am asking each of our new United States Attorneys to establish a violent crime council, consisting of prosecutors and investigators from the key federal, state and local law enforcement agencies in their districts. The councils will focus their efforts on identifying and combatting their most serious violent crime problems that are susceptible to federal attack, with emphasis on violent gangs and armed career criminals. At the same time, I have also asked the Assistant Attorney General for the Criminal Division to establish a special violent crime section, to provide support for the districts, to join with affected U.S. Attorneys in attacking interstate gang migration, and to field response teams to assist districts that need additional resources.

The Department has also launched an ambitious, cooperative effort on the prevention side of the violent crime equation. Grants have already been awarded, and more are on the way, in a community policing initiative aimed at putting 100,000 new police officers on the streets to work directly with community members to reduce and prevent violence. Department representatives are conducting pilot projects in three cities and one state, aimed at helping local communities identify the best programs for addressing violence prevention, and for obtaining assistance from the entire panoply of federal departments and agencies. Departmental personnel are also working with other federal agencies on the Empowerment and Enterprise zone programs, which will help communities develop based on their own initiatives and designs, as well as on smaller programs that target more narrowly-defined localities.

2. Health Care Fraud. An indispensable element of the success of the President's health care reform agenda is the savings that can be obtained by an effective attack on health care fraud and abuse, which now cost the nation billions of dollars per year. As with violent crime, an effective attack on health care fraud requires cooperation at the federal, state and local level, as well as effective coordination of criminal, civil and administrative enforcement mechanisms. Our United States Attorneys will establish local health care working groups, composed of the relevant federal and local agencies, to identify and attack health care fraud priorities at the district and regional levels. At the headquarters level, the Criminal and Civil Divisions, the FBI, and the Office of Inspector General of the Department of Health and Human Services have launched an

effort to utilize national data sources to design national enforcement initiatives.

3. Terrorism. While the dissolution of the Soviet Bloc has changed the nature of the national security threat, it has not diminished the risk of international terrorism. New international radical groups have arisen, and older groups have altered the nature of their operations. We must improve both our intelligence and law enforcement efforts, to ensure that planned acts of terrorist violence are detected and cut off before they come to fruition. This will require not only a cooperative effort by law enforcement at home, but an international alliance to strike at crimes directed from abroad. International coordinators are being designated in each United States Attorney's office to enhance our capabilities in this area. A reallocation of FBI resources to address the threat of international terrorism, and an effort to forge new international alliances, also have already begun.

ENDURING NATIONAL PRIORITIES

Drugs. We must continue our efforts to attack the international and domestic narcotics trafficking organizations whose illicit commerce and associated violence put our children and our communities at risk. We must increase our ability to identify, investigate, prosecute and incarcerate the leadership of those organizations, as well as to cripple their operations by cutting off the supply of essential and precursor chemicals, thwarting their efforts to launder money, and seizing the proceeds of their illicit enterprises. We must improve our ability to acquire, analyze and share drug law enforcement intelligence among Federal agencies, as well as with our State and local partners and with appropriate foreign authorities. We will continue to develop innovative, cooperative efforts with state and local authorities, including, where appropriate, joining forces to identify and attack problems of drugs and drug-related violence in their communities. Among other initiatives, the Department will encourage community policing as a means of helping remove the pernicious presence of drugs on our city streets. We also will attack the cycle of drugs and crime, by maximizing the opportunities for coercing drug abstinence by people who come into contact with the criminal justice system.

Civil Rights. Ensuring that the civil rights of all Americans are protected remains one of the highest priorities of the Department. Discrimination in housing and lending are areas of particular concern, and of proactive enforcement programs involving the use of "testers." The Department will aim its

enforcement weapons to prosecute vigorously intentional acts of official abuse and misconduct, hate crimes, and voter intimidation. The Department will also expand the use of its enforcement authority under the Americans with Disabilities Act.

White Collar Crime. In addition to the national initiative against health care fraud, other areas of primary focus and concern in the white collar crime area include: computer and other high-technology crime; and financial institution, defense procurement, insurance, pension and telemarketing fraud. Cooperation between criminal and civil investigators and prosecutors in this area is essential both to creating deterrence and to providing restitution to victims.

Organized Crime. Although our 25-year-old attack on La Cosa Nostra has had substantial successes, LCN remains the most powerful organized crime group nationally, and its destruction remains our highest priority in this area. At the same time, we must address the newly emerging organized crime entities. Triads, criminally-influenced tongs and related street gangs operating at a national level must be attacked aggressively, and alien smuggling must be halted. Incipient Russian organized crime groups, particularly those with ties abroad, must be stopped before they can attain a foothold in this country.

Public Corruption. The citizens' trust in the honesty of public servants and public institutions is a cornerstone of democracy. Ensuring that where that trust has been violated, punishment is swift and sure, is an enduring national priority of this Department. We will continue our attack on those who would abuse the public's trust, regardless of the level of government at which they operate.

The Environment. The vigorous enforcement of our environmental laws is a high priority of the Administration and the Department. Our ability to ensure compliance with environmental obligations is vital, for those measures protect our society, today and in the future, from harmful pollution. Effective enforcement requires the integration of criminal, civil and administrative techniques, as well as citizen suits. Enforcement should be directed toward those polluters who create higher risks of harm, especially where there is a disproportionate impact upon minority communities. A highly visible criminal enforcement program will deter midnight dumpers and others who violate environmental statutes to gain an economic edge over law-abiding competitors. Finally, we must use our statutory authority to protect from environmental destruction our natural treasures, including wilderness areas and national parks.



Office of the Attorney General
Washington, D. C. 20530

May 23, 1994

MEMORANDUM FOR HEADS OF DEPARTMENT COMPONENTS

FROM: THE ATTORNEY GENERAL

SUBJECT: Guidance for the 1996 Budget Request

This memorandum provides guidance for formulating your 1996 Spring Planning Estimates. I expect you to review personally your submissions to ensure that your program plans and supporting resource estimates conform with these guidelines. The President is committed to reducing the deficit and improving the efficiency of government. To achieve these goals, it is critical that your budget submissions be consistent with the policy and resource goals I have articulated below.

These guidelines are designed to integrate and promote the "good government" principles embodied in the National Performance Review (NPR) and the Government Performance and Results Act (GPRA). Both the NPR and GPRA call on us to streamline our organizational processes and management structures; to empower our managers and, in particular, our front-line workers; to develop a client-based orientation that allows us to establish our priorities with a broader governmental perspective; and to set meaningful performance standards which allow us to measure our effectiveness and to hold employees accountable for the results they produce. The NPR and the GPRA demand that we continuously evaluate and reevaluate our use of resources to ensure that we maximize the benefits our work produces for the American public. I view the budget formulation process as merely an extension of this continuous review process -- a time to synthesize the results of our internal studies and to ascertain how we can best employ our scarce budget resources.

The NPR also calls on me to enter into a performance agreement with the President which establishes clarity and consensus about the priorities for departmental management, from which will flow our program and management priorities. I will soon be circulating a renewed draft performance agreement for your review and comment, with the expectation that we will execute it with the President early this spring. The objectives in that agreement will, in turn, be supported by performance plans to be worked out between each component head and me.

RESOURCE ISSUES

Clearly, in 1996 and beyond, we will have limited dollars. An indication of things to come is our FY 1995 budget, in which we requested a total of \$10.5 billion in domestic discretionary funding, but received only \$9.7 billion. As many of you know, we are also requesting \$2.4 billion from the Crime Control Fund in 1995. This grows to \$4.3 billion in 1996; however, the majority of this fund is for State and local programs and does not address our Federal stewardship requirements. Without exception, despite the inclusion of some critical increases, all of you will be required to manage with tighter budgets in 1995.

We can expect worse in the outyears. Current Office of Management Budget (OMB) estimates for 1996 are \$13.9 billion in discretionary authority, including the \$4.3 billion expected from the Crime Control Fund, and 103,800 FTE. This represents \$1 billion and 3,667 FTE less than our current service estimates for 1996. Furthermore, by 1999, despite a projected increase of about 12,000 Bureau of Prison (BOP) employees to open new institutions in the pipeline, OMB estimates the Department's FTE ceiling to be 100,200.

But, I steadfastly believe that we can and, indeed, must do more with less. As I have said many times, I came from a State that required a balanced budget and that suffered severe revenue shortfalls during my last several years there. I know what it is like to cut a budget, and I know that it is possible to make better use of the dollar. When I came to the Department a year ago, I questioned the allocation of resources, and I instructed everyone to make sure our dollars were being spent as wisely as possible. For most of you, this will be your first opportunity to take a hard look at your programs and shape the future of your organizations in the context of the budget process. I want to work with you in every way possible in that effort.

To guide you in the formulation of your estimates, I am establishing a general policy that your 1996 Spring Planning Estimates not exceed the current-services level provided to you by the Justice Management Division. To afford you the flexibility needed to address changing conditions and to implement management improvements in your organizations, I am offering the following specific exceptions:

For programs that directly support my program priorities articulated below, total program increases, excluding resources required to activate and construct new prisons, should be limited to a level not to exceed three percent of your current services level for your total organization.

To the extent possible, I would like you to focus your existing resources on the priority areas identified below and reflect any redistribution of resources in your 1996 budget submission.

LAW ENFORCEMENT COORDINATION

We must continue to do everything we can to avoid duplication in our law enforcement efforts. I expect the law enforcement agencies under my direction to work together and be coordinated in the field. We have made major headway in this area, as illustrated by the accomplishments of the Office of Investigative Agency Policies. The Drug Enforcement Administration (DEA) and the Federal Bureau of Investigation (FBI) have come together as one and announced a plan to produce intelligence sharing between those agencies. I hope to see this expanded to other agencies soon to make sure that current drug intelligence is shared to assist in the investigation of active cases. The National Drug Intelligence Center can play a lead role in this effort.

I expect to see this cooperation expanded to other areas. For example, an effort is already underway to develop a joint DEA/FBI office automation system. We also need to work together toward achieving improved radio communications, collocated research and laboratory facilities, as well as improved coordination of law enforcement training activities. Also, efforts to improve coordination of the FBI and U.S. Marshals Service in fugitive investigations should be pursued. Along those same lines, I expect the legal divisions and the United States Attorneys, in coordination with our client agencies, to develop realistic submissions based on coordinated planning.

Finally, I am requesting the Director of Investigative Agency Policies (DIAP) to conduct an overall policy review of the budgets of the appropriate activities of components within his jurisdiction, prior to their being submitted to the Department. As you know, I have requested the DIAP to advise the Deputy Attorney General, the Associate Attorney General and me with respect to all investigative agency policies, procedures, and activities that warrant uniform treatment or coordination among the Department's criminal investigative agencies. Furthermore, the DIAP is requested to resolve operational issues where potential conflict may arise due to overlapping jurisdictions of law enforcement components (e.g., Quantico Training Center).

PROGRAM PRIORITIESViolent Crime

Youth violence is the greatest single crime problem that we face in America today. We can have an impact on violent crime, but we must do so with a thoughtful, common sense approach. We must search out ways to help local law enforcement in combatting and preventing violent crime. Federal agents in the field should work together to address the needs of local jurisdictions. In one part of the country, the problem might be violent drug traffickers; in another, it might be youth gangs or random violence. We must come together and form a true partnership with our counterparts in local law enforcement. State and local law enforcement officials have been on the front lines of the violence issue for a very long time, and it is time for the Federal government to do all it can to support these valiant local efforts by assuming appropriate Federal responsibilities.

Health Care Fraud

As part of our efforts to combat white collar crime, we must initiate a vigorous enforcement effort to pursue and prosecute anyone attempting to profit from healthcare fraud schemes. This fraud costs society, not only in terms of increased premiums and lost tax dollars, but also, more fundamentally, by depriving the American public of their right to affordable medical care. Those who abuse the system must be made to pay for their transgressions.

Prisons

We need to develop a balanced approach toward housing our prisoners. There must be enough prison cells to house career criminals to the fullest extent the law provides. Ten percent of these criminals commit as much as 40 percent of the crime and terrorize the community. We need to focus on violent drug traffickers and dangerous offenders and make sure they get put away. At the same time, in light of the funding constraints placed upon us for the foreseeable future, the Bureau of Prisons, in conjunction with the Federal judiciary, should expand its efforts to use a wide range of less costly alternatives to deal with less dangerous and non-violent offenders.

Civil Rights

Although the Attorney General of the United States carries many responsibilities and undertakes many tasks, there can be none more important than the pursuit of civil rights on behalf of all the people of this country. Without this dedication to equal opportunity, the very name of the Justice Department rings

hollow. Ultimately, a failure to protect civil rights is an intolerable breach of faith with the people who have entrusted tremendous power to their government. The Department of Justice will vigorously defend the civil and constitutional rights of all Americans. We will pursue litigation to remedy and prevent discrimination in the areas of education, credit, employment, housing, public accommodations and facilities, federally funded programs, Indian rights, voting, and the rights of prisoners, mentally and physically disabled persons and senior citizens.

Immigration

Illegal immigration is a continuing problem that threatens this country's immigrant traditions and reduces the ability of State and local governments to provide quality social services. We must continue to support the Administration's border control strategy by pursuing new initiatives to deter illegal entry, dismantle alien smuggling operations, speed the deportation of illegal aliens, and reduce illegal immigration.

Terrorism and Organized Crime

We must continue to be vigilant against terrorism in America and pursue terrorists who harm Americans or American interests outside our borders. Those that would inflict harm on the citizens of this country come from around the world and are armed with increasingly sophisticated technology and weaponry. We must protect the American public from these new risks. At the same time, we must continue to combat organized crime. Although traditional organized crime as we know it is still a significant problem in this Nation, we now have the added problems of Asian and Russian organized crime. We must nip these new manifestations of organized crime in the bud, before they grow into bigger problems.

The Environment

We must also continue to play a vigilant role in protecting the environment, wisely managing our energy resources, and fairly dealing with land acquisitions. Vigorous enforcement of our environmental laws not only serves to bring polluters to justice, but also results in a better environment by deterring those who would abuse our air, land, and water. Working with the Environmental Protection Agency, the Department is charged with both defending and enforcing environmental laws to form the critical litigative frontline of this Nation's environmental efforts.

Financial Litigation

Department components responsible for collection of debts should make every effort to increase their efforts in this area.

It is important that we regain funds owed to the Federal treasury and, as an economic necessity, reduce the deficit. Here, as in other priorities, we should focus on ensuring that our resources are applied in those areas destined to yield the most positive results.

Public Corruption

We must continue our vigorous prosecution of public officials and Federal employees who violate their public trust. Those who personally benefit at the public's expense must be made to bear the consequences of their actions.

Native American Issues

We also need to focus on Native American issues such as gaming on Indian land (including the infiltration of organized crime into this area), jurisdictional concerns, and the reduction of sexual and physical child abuse on Indian reservations.

Technology-Related Crime

We live in a world of technology that we never imagined 30 years ago, where crimes in the United States can be committed from halfway around the world. Given our increased reliance on technology, every American is at risk of being robbed by criminals who use the computer and the credit card, rather than a knife or gun, as their tools of trade. Combatting these technological crimes will be one of the greatest challenges faced by Federal law enforcement as we approach the new century.

Infrastructure Concerns

In the past, components have often reprogrammed resources away from our infrastructure needs (e.g., computer equipment, vehicle replacements, holding-cell construction) and even operating costs to meet long-term shortfalls in salary and benefits funding. In so doing, we only delay the inevitable. The degradation of our infrastructure must end. I would rather have a leaner Department that is better equipped to get the job done, than one which has staff that is inadequately supported. We cannot have agents on the streets endangering themselves with outdated equipment. Our automation and communication capabilities are outdated, and the vehicles in our fleets already exceed GSA standards by thousands of miles.

I welcome your making creative suggestions as to areas where small investments in infrastructure can be made up-front to produce long-term savings in the future. Prime examples currently underway include the automated booking station and automated freedom of information act systems, both of which

should reduce the need for staff increases in the future. Notably, these improvements are being developed by multiple components through NPR laboratories. We need more such collaborations to meet our present and future obligations.

MANAGEMENT ISSUES

Streamlining

I envision the Department of Justice streamlining plan to be prepared by June 30, 1994, as requested by OMB. To assist you in formulating these plans, separate guidance will be issued in the near future; however, I would like you to begin focusing on several facets of the NPR recommendations related to streamlining.

Specifically, components should enhance their effectiveness by streamlining administrative operations, reducing unnecessary layers of authority, and putting more resources into the field. Your submissions should reflect an appropriate ratio of resources between headquarters and the field. Headquarters must provide support for national excellence and uniformity where appropriate, yet our organizations must have the ability to deploy their resources where the public really needs them. Such practices are already underway at the FBI. We must get our people out from behind their desks and onto the streets where they can make a difference.

Government Performance and Results Act of 1993 (GPRA)

The GPRA requires the Federal government to plan strategically and measure and report on the results of its programs. This re-focuses the traditional attention paid to the "front end" of budget requests to the results we achieve with the public's dollars. Accordingly, over the next several years the Department will be phasing in strategic planning and performance measurement to inform the public and policy officials on how effective we have been in performing our law enforcement and criminal justice missions. As a result, there will be significant changes in the Department's planning and budget processes beginning this spring.

Foremost among these changes is the development of a Department-wide strategic plan. Although several of the components have been doing strategic planning for a number of years, the Department of Justice has never developed a Department-wide plan. It is time we did. This plan will set forth the fundamental mission and long-range goals of the Department. It will provide a basis for annual budget and performance planning and reporting, and will help identify cross-cutting and interlocking issues. Additionally, this plan will

form the basis for the performance agreements between myself and each component head. Therefore, I am asking each of you, as part of your 1996 spring budget request, to identify your mission and your most important long-range goals.

CONCLUSION

This guidance should help you in understanding my views as to where the Department of Justice should be heading in the years ahead. I realize this guidance requires you and your staff to make difficult decisions; however, it is necessary and prudent to do so. I look forward to working with each of you to develop a well justified and properly balanced budget to meet our needs. Please submit your 1996 Spring Planning Estimates no later than June 10, 1994.