



## Office of the Deputy Attorney General

Washington, D.C. 20530

Guns -  
Prosecution

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December 21, 1999

MEMORANDUM FOR Bruce Reed  
Assistant to the President  
And Director of Domestic Policy

Charles Burson  
Assistant to the President  
And Chief of Staff to the  
Vice President

From: Eric H. Holder, Jr.  
Deputy Attorney General

Subject: Possible Anti-Crime Budget Enhancements

Thank you for the opportunity to propose funding for several new initiatives in Fiscal Year 2001. Based on conversations between our staffs, I understand that there will be new money for these initiatives. This memorandum identifies those resources that are already included in the budget process, as well as new funding needs.

We propose budget enhancements, above and beyond our passback appeal and any negotiations which ensue from that appeal, as follows. Please note that increases in federal prosecutors will have an immediate impact on other parts of the criminal justice system, particularly the U.S. Marshals Service (USMS) (Deputy U.S. Marshals and Federal Prisoner Detention) and the Courts. Impacts on the Bureau of Prisons will not be felt immediately, but will be significant in the longer term. The needs in these areas are considerable.

In the event that there is not new money over and above any other request we have made, we withdraw these requests and expressly do not want these in place of our 2001 passback requests.

I. Firearms

\$14.5 million for the federal prosecution component of Gun Law Enforcement Team (GLET) Enhancement to support local strategies developed by each U.S. Attorney and ATF Special Agent-In-Charge.

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This enhancement would add 93 GLET federal prosecutors and appropriate support and equipment, and 40 positions for GLET strategic enforcement teams in 20 judicial districts. (These teams would consist of an additional federal prosecutor to serve as strategic coordinator and a crime data analyst to assist in federal-state strategic coordination and enforcement, as demonstrated in Boston's "Operation Ceasefire.") The addition of new federal prosecutors will require some number of new Deputy U.S. Marshal positions and funds for Federal Prisoner Detention to support the detention workload created. This will cost approximately \$35 million in FY 2000. In addition, we estimate that transportation of prisoners and staffing for the U.S. Marshals will cost \$8.8 million in FY 2000 for all initiatives in this memorandum. \$7 million was provided in our passback for this initiative, and additional \$7.5 million is required.

\$ 75 million for community prosecution grants to fund the hiring of GLET state or local prosecutors and appropriate support and equipment in areas most affected by gun-related violence (\$170 million for community prosecution was provided through the budget process. Some portion of these funds could be used for gun violence reduction programs within community prosecution).

\$50 million for the COPS program to target police officers for hot spots where gun crimes are a severe problem and to pay for appropriate support, training on gun interdiction, and equipment (\$650 million for COPS hiring was provided through the budget process, of which \$457 million is available for the universal hiring program.<sup>1</sup> Some portion of these funds could be used for a COPS-firearms hiring program).

\$5 million for grants to entities of state and local government which can serve as a match to private funds in each community, for public education and outreach regarding firearms safety and firearms laws. (This is a new initiative);

\$10 million to support and expand the Gun-fire.net universal

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I presume that there will be a sufficient appropriation to ATF such that the total number of prosecutors and the total number of law enforcement officers dedicated to GLET are sufficient and properly balanced.

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ballistics system by funding \$10 million for grants to states and locals to integrate their systems. (This is a new initiative. We received \$1.4 million for Gun-fire.net connectivity to the FBI's Criminal Justice Information System wide area network through the budget process.)

\$5 million to fund grants to entities of state and local government to establish and maintain crime prevention programs which focus primarily on reducing firearms violence (This is a new initiative);

\$5 million to fund grants to entities of state and local government to establish and maintain Gun Courts (This is a new initiative);

\$ 70 million to fund NICS Improvements, including \$ 50 mil to reimburse entities of state government which serve as points of contact for the NICS; and \$5 million to fund other improvements to the NICS such as funds to enable immediate notification of state or local authorities of denials (\$3 million), and improvements in the accessibility to the NICS of records demonstrating that individuals are or are not prohibited from firearms possession, including \$12 million in additional funds for the National Criminal History Improvement Program. (This is a new initiative. However, we received \$70 million in the budget process for criminal records upgrades and automation).

\$1 million to fund grants to improve the collection of data regarding the sources of firearms to criminals and juveniles, including an evaluation of the secondary market in firearms. (This could include an addendum to the ADAM survey.) (This is a new initiative).

\$10 million to assist in the development of advanced gun safety technology, such as individualized firearms. (we received \$10 million for NIJ research but not of this magnitude.)

\$0.5 million to fund the development of model state firearms statutes to improve and strengthen state firearms laws (This is a new initiative).

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## II Computer and High-Technology Crime

\$50 million for 521 positions, including 236 agents FBI agents and 285 information technology experts and other staff to establish new squads to investigate Internet fraud, computer hacking, cyberstalking and other forms of computer crime, and to develop special enforcement teams composed of Federal, state and local prosecutors, investigators and support. This is a new initiative.

\$25 million for prosecutors and agents to combat intellectual property and software piracy efforts. This is a new initiative.

\$11.4 million to fund 100 FBI Computer Analysis Response Team positions and appropriate support and equipment, and the Automated Computer Examination System. This was provided through the budget process.

\$35 million to fund grants to state and local agencies to develop specialized high-technology crime units, provide advanced computer training, and purchase high-technology crime equipment; This is a new initiative and would have to be added to the \$350 million DeWine-Leahy package already approved by OMB.

\$6 million for two regional cybercrime forensic laboratories, to assist state and local investigators in addressing computer crime and other crime problems where computer evidence must be analyzed. This was requested and provided in the budget appeal process.

\$10 million for 67 federal prosecutors (AUSA's and Criminal Division attorneys) concentrating on computer crime cases, including cyberterrorism. This was provided through the budget process.

\$7 million for the FBI for cryptanalysis technical equipment. This was provided in the budget process.

## III Methamphetamine

\$2 million for a DOJ Drug Initiative Oversight Committee, including necessary support staff and contractor funding. This Committee will oversee the Department's implementation of the

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Drug Control Strategic Plan. The committee will be co-chaired by the Criminal Division and DEA, and will report to the Attorney General. As part of its mandate, the committee will oversee the Department's methamphetamine initiatives. This is a new initiative.

\$3 million Prosecutor Coordinator Offices (PCO), similar to the Organized Crime Drug Enforcement (OCDE) Program, one office consisting of an AUSA, who should not have a caseload and no other assignments, a staff assistant and a paralegal, with appropriate support, for each district designated by the Attorney General as a High Risk Methamphetamine Area (HRMA's). PCO funding to include all necessary expenses of the PCO, specifically including secure video communications capability to permit regular linking of PCOs. Each Prosecutor Coordinator shall be responsible for forming and coordinating an enforcement task force in partnership with his state and local counterparts and for coordinating with prevention, education and treatment components. This is a new initiative.

\$5 million for 68 positions (34 attorneys) and appropriate support to prosecute cases in high-methamphetamine risk areas. All AUSAs funded under this provision will be assigned to a district task force headed by the AUSA Coordinator. This was requested in the budget process, but no funds were provided; therefore, it is a new initiative.<sup>2</sup>

\$17.8 million for DEA to fund 169 positions (104 agents) and appropriate support in high-methamphetamine risk areas. All agents funded under this provision will be assigned to a district task force headed by the AUSA Coordinator. This was requested in the budget process, but no funds were provided; therefore, it is a new initiative.

\$21.8 million, 10 positions to fund DEA cleanup efforts for methamphetamine lab sites. This was requested in the budget process, but no funds provided. It is a new initiative.

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<sup>2</sup> As with requests for other Federal prosecutors, there are downstream costs for Deputy U.S. Marshals, detention and courts which far exceed the actual prosecutor costs. These should be factored in.

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\$20 million for grants to state and local prosecutors and law enforcement agencies to participate in Methamphetamine Task Forces. *This is a new initiative.*

\$7 million to fund the expansion of ADAM monitoring to all major locations in HMRA's. A total of \$12 million is needed: \$5 million was provided in the budget process; therefore, \$7 million of the total request is a new initiative.

\$0.5 million for the production and maintenance of a "best practices" guide; the maintenance of an Internet website specifically aimed at providing information on methamphetamine prevention, treatment, and enforcement issues to rural communities; and training for first responders on methamphetamine laboratory issues. *This is a new initiative.*

\$1 million for the Attorney General to create an Interagency Working Group (IWG) on methamphetamine which the Attorney General shall chair and the members of which shall include the senior official of each of the following: ONDCP, EPA, Treasury, Education, HHS, and any other officials whom she deems appropriate. This shall include a sub-group, chaired by the Attorney General, devoted to enforcement issues, the members of which shall be prosecutors or law enforcement officers. *This is a new initiative.*

Up to \$10 million for Drug Courts in HMRA's. A total of \$50 million is available for Drug Courts, \$10 million is new money that was provided in the budget process. It was not earmarked for HMRA's, however.

\$5 million for methamphetamine abuse prevention, education and treatment discretionary grants to units of local government. *This is a new initiative.*

#### IV Drug Testing and Treatment

\$1.0 million and 25 positions for the Bureau of Prisons to pay for drug evaluation and treatment in prison, in addition to BOP's current drug treatment program. *This was requested in the budget process but not provided; therefore, it is a new initiative.*

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\$160 million in new money for prison drug treatment and post-incarceration drug testing and treatment through the Residential Substance Abuse Treatment (RSAT) program and the Drug Testing and Treatment grant program. (Currently, we have a total of \$65 million for RSAT, of which \$2 million is new money from OMB, and \$75 million for Drug Testing and Treatment from OMB. To bring RSAT to \$100 million, we would need another \$35 million. We need another \$125 million for the testing and treatment program to bring this up to \$200 million) The Drug Testing and Treatment grant program could be used for post-incarceration monitoring and drug-treatment and prison and jail drug evaluation and treatment. Language describing the programs could emphasize that treatment would be specifically available for methamphetamine.

V Southwest Border

\$0.75 million support positions for the Southwest Border Coordinator. The Southwest Border Coordinator will be appointed by the Attorney General and will be an official who holds other positions as well. Currently, a US Attorney from a border state is the Southwest Border coordinator. But he has no formal staff. Funds will provide staff, office space and equipment as necessary. This is a new initiative.

\$1 million for 12 positions (7 attorneys) for a federal prosecutor and support staff in each of the Southwest Border districts. The federal prosecutor shall not have an assigned caseload and shall have a dual report to the United States Attorney for his District and to the OSBC. This was requested in the budget process but not provided; therefore, it is a new initiative.

\$8.9 million for DEA for 85 positions (50 agents) for the Southern Frontier, which includes the Southwest Border, Florida, and the Caribbean. This was requested in the budget process but not provided; therefore, it is a new initiative.

\$1 million to fund an Interagency Working Group (IWG), chaired by the Attorney General or designee. Membership shall include the Secretary of the Treasury and the Director of the Office of National Drug Control Policy as well as any other

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officials deemed necessary by the Attorney General. The IWG shall include a subcommittee chaired by the Attorney General or designee, the membership of which shall include only prosecutors and law enforcement officers. *This is a new initiative.*

VI Counterterrorism

\$12.6 million for 120 FBI field and headquarters intelligence analysts, 64 FBI language specialists and \$2 million to fund contract linguists. *This is on top of the \$8.0 million already provided by OMB for intelligence analysts (\$3 million and 55 positions) and contract linguists (\$5 million).*

\$2.9 million for the FBI hazardous devices school. *This was provided in the budget process.*

\$2.6 million for FBI Rapid Deployment Teams to restore equipment and supplies funding eliminated in the FY2000 appropriation and to provide new funding for mobilization exercises. *This was requested in the budget process but not provided; therefore, it is a new initiative.*