

DRAFT REPORT

LEGAL AND ADMINISTRATIVE

MANAGEMENT EVALUATION

EASTERN DISTRICT

OF

NEW YORK

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Introduction

The Eastern District of New York's (District) population is approximately 8.3 million. The main metropolitan area is downtown Brooklyn. The District includes three of New York City's five urban boroughs (Brooklyn, Queens, and Staten Island), as well as suburban and rural areas (Nassau and Suffolk counties on Long Island). The United States Attorney's Office (USAO) has its headquarters in Brooklyn. There is a staffed branch office in Central Islip on Long Island.

The District's demographic composition is diverse, including numerous ethnic groups and a significant number of recent immigrants. The large population encompasses all economic strata, from the very wealthy to the most economically disadvantaged. The District's socio-economic diversity poses unique challenges to law enforcement, including, among other things, the need for foreign language capabilities.

The District has some of the nation's busiest and most significant points of entry and transportation hubs, including New York Harbor, John F. Kennedy International (JFK) Airport and LaGuardia Airport. Federal facilities within the District include the Metropolitan Detention Center, Fort Hamilton, Fort Wadsworth, U.S. Merchant Marine Academy, Gateway National Park, Floyd Bennett Field, Brooklyn Department of Veterans Affairs (VA) Hospital, Northport VA Hospital, St. Albans Hospital, MacArthur Airport, Republic Airport, East Hampton Airport, Federal Aviation Administration (FAA) Facility at JFK Airport, FAA/NY Center at Ronkonkoma, New York Terminal/Radar Approach Control (TRACON) at Garden City, Brookhaven National Laboratory, U.S. Postal Processing Facility at JFK Airport, the USDA's Plum Island Animal Disease Center, and one funded Weed & Seed site (Cypress Hill). The District is within the New York/New Jersey High Intensity Drug Trafficking Areas (HIDTA).

The Honorable Loretta E. Lynch has been the Presidentially-appointed United States Attorney (U.S. Attorney) since May 2010. She is highly respected by the USAO staff, the law enforcement agencies, and the judiciary for her professionalism, integrity, and competence. She serves as co-chair of the Attorney General's Advisory Committee, and chairs the Office of Management and Budget (OMB) subcommittee.

Relations with the law enforcement agencies and the judiciary are excellent. The USAO's policies and practices effectively address the priorities of the Department and USAO, and are well suited to meet the District's crime problems. The USAO has a very capable management staff, with a wealth of experience and well-established standing in the law enforcement and court communities. At the time of the evaluation, the office had approximately 26 Assistant United States Attorney (AUSA) vacancies out of a total allocation of 188 AUSAs, including the vacant First AUSA position. The departures creating these vacancies, together with the hiring freeze, left the office with a group of relatively inexperienced mid-level supervisors of the litigating units in the Criminal Division. The freeze also left a number of AUSAs "stranded" in the General Crimes Section, where new AUSAs are assigned upon entry into the office. Being stranded in the General Crimes Section has prevented their reassignment to sections handling more complex

matters and cases. The office has received a waiver from the hiring freeze and has begun the process of hiring new AUSAs. The U.S. Attorney has selected a new First AUSA, who is pending a background investigation.

The U.S. Attorney and her senior supervisors have appropriately implemented the Department's criminal and civil priority programs and initiatives. The USAO has an active and effective outreach program that includes numerous speaking engagements by the U.S. Attorney and frequent interaction with the Muslim and Arab American communities. The Criminal and Civil Divisions are staffed with capable and highly-motivated AUSAs. The branch office in Central Islip is effectively managed by an experienced and well respected supervisory AUSA. The USAO's workload, in both the Criminal and Civil Divisions, is heavy but manageable. The quality of the AUSAs' work, both written and in the courtroom, is reported as first rate. The Financial Litigation Unit (FLU) and the office's Freedom of Information Act (FOIA) program are in need of improvement, although the FLU has progressed since the previous evaluation in 2008. The USAO's security practices are sound.

The USAO was extremely helpful to the Evaluation Team before and during the evaluation. The U.S. Attorney, the Executive AUSA, the Administrative Officer (AO), and the Deputy AO, in particular, were extremely accommodating and responsive. The USAO's Management Survey was thorough and well written, and the information obtained by the Evaluation Team was consistent with the survey. The legal and administrative staffs were cooperative before and during the evaluation. U.S. Attorney Lynch was helpful in identifying particular issues she wanted the Evaluation Team to address. Overall, the evaluation was very positive.

Innovative Practices

The team recommends the following to the Evaluation and Review Staff for consideration as possible innovative practices:

1. The USAO has developed a Document Management Services system designed to process all discovery material in-house, including all paper and electronic discovery. The system uses eCapture to process the discovery and export it to IPRO or a concordance format. The discovery is then made available to AUSAs in a variety of formats, facilitating review by the AUSAs and production to opposing counsel. The office reports that this program has produced net savings in the hundreds of thousands of dollars.
2. The training program for newer AUSAs includes an annual in-house "Trial Training Program," which runs three full days and includes a series of Continuing Legal Education (CLE) approved lectures by distinguished alumni of the USAO. During

this three-day program, AUSAs perform videotaped skills tests based on a hypothetical case and are critiqued by more experienced AUSAs.

1-0 Senior Management

1-1 United States Attorney

Assessment 1: U.S. Attorney Loretta E. Lynch substantially complies with the EOUSA Management Standards; there are no significant management or morale issues regarding U.S. Attorney Lynch.

The Honorable Loretta E. Lynch has served as the Presidentially-appointed U.S. Attorney since May 2010. She previously served as the U.S. Attorney for the Eastern District of New York from 1999-2001. She was an AUSA in the office for approximately ten years, worked in several law firms, and was counsel to the Prosecutor at the United Nations International Criminal Tribunal for Rwanda. She is exceptionally well-qualified for the position she holds.

U.S. Attorney Lynch is highly respected by the USAO staff, the agencies, and the judiciary for her professionalism, integrity, and competence. She is effective as the chief law enforcement representative for the Attorney General and the USAO, meeting regularly with the law enforcement agencies and courts and serving as a frequent speaker before various community and other groups. She is bright, articulate, and charismatic, and is truly an exemplar of efficient stewardship and managerial excellence. Although she has considerable responsibilities as the co-chair of the Attorney General's Advisory Committee and chair of the OMB subcommittee, she is actively engaged in the management of the USAO. She exhibits a thorough knowledge and understanding of the cases and issues in the office, and has a genuine concern and empathy for USAO personnel. She meets on a weekly basis with the Executive AUSA, Criminal and Civil Division Chiefs, and section supervisors to review significant cases and investigations, promoting excellent communication throughout the office. An extraordinarily high percentage of USAO personnel expressed the highest respect and regard for her. She personally reviews all indictments and actively participates in decisions affecting significant cases. She reviews responses to significant requests for information from Department components. She also regularly reviews and assesses the performance of the office's key operations and priority programs, as well as the office's organizational structure, chain of command, supervisory personnel, and policies and procedures. She effectively promotes integrity, efficient stewardship, managerial excellence, and performance-based, mission-focused leadership in managing the USAO and she substantially complies with the EOUSA Management Standards for U.S. Attorneys. There are no significant morale issues regarding U.S. Attorney Lynch.

1-2 Executive Level AUSAs

Assessment 2: The USAO substantially complies with the EOUSA Management Standards regarding executive level AUSAs; there are no significant management or morale issues regarding the executive AUSA.

At the time of the evaluation, the position of First AUSA was vacant, a result of the departure from the office of the former First AUSA and the freeze on new hiring. U.S. Attorney Lynch has been authorized to fill the position and has selected a candidate, who is completing the background investigation.

██████████ has served as the Executive AUSA since 1993. He is an experienced supervisor and has in-depth knowledge of the office, having served as an AUSA since 1980. He was Intake Chief and Criminal Chief before becoming the Executive AUSA. He is well respected by the USAO staff, the agencies, and the judiciary for his professionalism, integrity, and competence. Executive AUSA ██████████ has performed many of the functions of a First AUSA, his duties having included: serving as the Acting U.S. Attorney in Ms. Lynch's absence; reviewing indictments and other documents requiring U.S. Attorney approval; meeting weekly with the U.S. Attorney, the Criminal and Civil Chiefs, and section supervisors to review significant cases and investigations; overseeing the Administrative Division; recruiting and hiring AUSAs; managing the office awards program; and handling other special projects as assigned. He effectively promotes integrity, efficient stewardship, managerial excellence, and performance-based, mission-focused leadership in managing the USAO. He substantially complies with the EOUSA Management Standards for executive level AUSAs.

1-3 Communications

Assessment 3: The USAO substantially complies with all but one of the EOUSA Management Standards regarding communications.

Assessment 4: There is not effective communication between the Criminal Division and the Financial Litigation Unit. *[Management Standard 1-3.140]*

The USAO effectively coordinates its external communications and outreach. The investigative and civil agencies reported that they have good communications with the USAO and its staff. The USAO does not have a formal Law Enforcement Coordinating Committee but uses its strategic initiatives and training as a venue for coordination with law enforcement entities. The LEC Coordinator, a former New York Police Department (NYPD) officer, manages this function. In addition, the USAO has a Community Resource Specialist who assists the LEC Coordinator with hosting and identifying training needs and resources for law enforcement. The U.S. Attorney and the Community Resource Specialist are also involved in community outreach. There is an outreach committee that meets once a month. The Community Resource Specialist has promoted the participation of the USAO staff in "neighborhood clean-ups," and is working on the creation of a community youth court to handle infractions by area youth. She and the LEC

Coordinator are working together to determine ways to reach out to the Muslim community, an endeavor important to the U.S. Attorney. Noteworthy is the outreach effort of the Chief of the Criminal Civil Rights Section, who has spoken on civil rights issues to various groups in the local community, nationally, and internationally on many occasions.

The USAO has several positive internal communication practices. Each Friday, the Criminal Division e-mails a newsletter to all employees that states what is happening in the Criminal Division the next week. The newsletter, called the TWIEDNY (This Week in the EDNY), includes information about ongoing trials, convictions, takedowns, significant court dates, and available training and lectures. The Civil Division has a similar practice, e-mailing to all staff a civil TWIEDNY that includes information about court arguments and conferences; motions, briefs, and orders to be filed; forfeiture and return of property matters; and meetings and case developments. In addition, the Public Information Officer prepares and e-mails to all staff a daily compilation of news articles about the USAO and other matters of interest.

The U.S. Attorney conducts weekly meetings with the Criminal Division supervisors and bi-weekly meetings with the Civil Division supervisors. She also conducts periodic office-wide “all hands” meetings that AUSAs and staff are required to attend. In the Criminal Division, the AUSAs in the General Crimes Section reported satisfaction with the level of communication within the Section. However, in other sections of the Criminal Division, some AUSAs reported that they thought there should be more meetings with supervisors and more transparency on issues involving transfers among criminal sections. Although this is not a negative assessment, it is suggested that the Criminal Division sections conduct regular meetings.

The USAO has an effective parallel proceedings policy. The Criminal Division AUSAs effectively ensure that new matters and cases are coordinated with asset forfeiture and affirmative civil enforcement (ACE) sections of the Civil Division. However, communications between the Criminal Division AUSAs and the FLU could be improved. As discussed in more detail below in Section 5-30, Management of the FLU, the FLU and the Criminal Division need to improve coordination in the pre-indictment and prejudgment stages of criminal cases to identify assets that could be applied to anticipated restitution and criminal fines. The FLU should consider reviewing criminal case intake forms in victim cases to identify appropriate cases where the FLU can assist with pre-plea asset identification, and negotiation of plea agreement provisions intended to facilitate early payment of criminal restitution. This is a repeat finding from the prior evaluation.

Recommendation 4: The USAO should work to improve communication between the Criminal Division and the FLU to identify and preserve assets to satisfy criminal judgments and provide restitution for victims of crime. [Management Standard 1-3.140]

1-4 Hiring and EEO

Assessment 5: The USAO substantially complies with the EOUSA Management Standards regarding hiring and EEO.

The USAO has effective hiring and diversity programs that promote the recruitment and retention of skilled and professional personnel who are committed to excellence and integrity in the management and conduct of USAO activities and programs.

The USAO has appropriate and effective protocols for recruiting, screening, interviewing, and hiring AUSAs. The Executive AUSA oversees the hiring program, which includes several screening panels and rounds of interviews, a detailed form for evaluating candidates, and executive level interviews. The office is committed to implementing and enforcing the Department's Equal Employment Opportunity (EEO) policies and has communicated this commitment to all USAO personnel. Appropriate EEO notifications and posters are located on each floor in the most frequented photocopy areas and in the Human Resources (HR) section. The USAO has designated persons to serve as the required Points of Contact and Special Emphasis Program managers as follows: [REDACTED] (Black Affairs); [REDACTED] (Federal Women's Program and Limited English Proficiency Coordinator); [REDACTED] (Sexual Harassment Point of Contact); [REDACTED] (Reasonable Accommodation Coordinator); [REDACTED] (Hispanic Employment Program), and [REDACTED] (Native American/Alaska Native Program; Lesbian, Gay Bisexual, Transgender Program; and Selective Placement Program for Individuals and Veterans with Disabilities). The office provides EEO training for all USAO personnel. There are no current "Findings of Discrimination" against the USAO.

1-5 Training and Quality of Written Work/Advocacy Skills

Assessment 6: The USAO substantially complies with the EOUSA Management Standards regarding training and quality of written work and advocacy skills, and there are no significant performance, management, or morale issues regarding the USAO's training program.

The USAO has an outstanding in-house training and mentoring program administered by the Criminal and Civil Division Chiefs, Senior Litigation Counsel (SLC), and other supervisory AUSAs. All new Criminal Division AUSAs are assigned to the General Crimes Section, where they undergo extensive training. The ratio of supervisors to line AUSAs is particularly high in this section to ensure proper guidance and oversight. General Crimes AUSAs have a "second chair" assigned to their first three trials and all AUSAs present their opening statements to supervisory AUSAs in a "moot court" setting. The USAO also includes the Office of Legal Education (OLE)/National Advocacy Center (NAC) as part of their training curriculum by sending new AUSAs to basic courses, including the two-week trial advocacy course. District and appellate court judges consistently reported that the written work and oral advocacy of the USAO equals or exceeds the work of the private bar and Federal Public Defender's Office.

Two aspects of the USAO's training program for Criminal Division AUSAs are noteworthy. First, all AUSAs with less than three years experience must attend monthly lectures known as the "Sophomore Lecture Series." During these sessions more experienced AUSAs discuss litigation trends and complex issues they have encountered in their practice. Second, the USAO puts on an annual in-house "Trial Training Program," which runs three full days and includes a series of lectures by distinguished alumni of the USAO. During this three-day program, AUSAs perform videotaped skills tests based on a hypothetical case and are critiqued by more experienced AUSAs.

In the Civil Division, new AUSAs are formally assigned a non-supervisory mentor. Supervisors review new AUSAs' written work product. Additionally, new AUSAs are accompanied to court for their first several appearances. Moreover, a weekly training program is mandatory for AUSAs with less than three years experience and includes lectures on all substantive areas of civil practice. To improve writing skills, the Civil Division developed a lecture series on the "Preparation and Drafting of Summary Judgment Motions," and brought in two Duke University Law Professors to teach the fundamentals of legal writing to all civil AUSAs.

1-6 Ethics Program

Assessment 7: The USAO substantially complies with most of the EOUSA Management Standards for government ethics programs.

Assessment 8: GCO Form 1s are not timely signed as required. [Management Standard 1-6.600]

Assessment 9: Supervisors do not conduct semiannual reviews of the matters and cases assigned to the personnel whom they supervise and certify those reviews on GCO Form 3. [Management Standard 1-6.630]

Assessment 10: The Ethics Advisor does not maintain all GCO Form 3 certifications in a central file. [Management Standard 1-6.640]

With a few exceptions, the USAO effectively supervises its compliance with the Department's ethics program. The USAO has appointed two very experienced AUSAs as Ethics Advisors. They are held in high regard and are readily available for consultation. They effectively and timely handle employees' ethics inquiries and provide timely and effective training to USAO employees regarding integrity and compliance with government ethics requirements. Overall, the USAO's ethics program effectively promotes the highest standards of ethical conduct on the part of USAO personnel.

The USAO does not fully comply with the requirements relating to General Counsel's Office (GCO) Forms 1 and 3. The Evaluation Team determined that in the Central Islip branch office in some civil cases AUSAs do not sign the GCO Form 1 conflict of interest certification at

the time the case is opened. Instead, the conflict form is signed when the case is closed. In addition, supervisors in the USAO do not conduct semiannual reviews of the matters and cases assigned to the personnel whom they supervise, and the Ethics Advisor does not maintain all GCO Form 3 certifications of the semiannual review in a central file. The USAO should take appropriate steps to ensure that its line AUSAs properly certify in all of their pending matters and cases that they do not have any financial conflicts of interest in handling those matters and cases. Further, supervisory AUSAs should conduct semiannual reviews of the matters and cases assigned to the personnel whom they supervise and certify those reviews on GCO Form 3. The Ethics Advisors should maintain all completed GCO Form 3 certifications in a central file.

Recommendation 8: The USAO should take appropriate steps to ensure that the GCO Form 1 is signed at the time each case is opened. *[Management Standard 1-6.600]*

Recommendation 9: The USAO should take appropriate steps to ensure that supervisors conduct semiannual reviews of the matters and cases assigned to the persons whom they supervise and certify those reviews on GCO Form 3. *[Management Standard 1-6.630]*

Recommendation 10: The USAO should take appropriate steps to ensure that the Ethics Adviser maintains all GCO Form 3 certifications in a central file. *[Management Standard 1-6.640]*

1-7 Professional Responsibility

Assessment 11: The USAO substantially complies with the EOUSA Management Standards regarding professional responsibility.

The USAO has appointed three outstanding Professional Responsibility Officers (PROs): [REDACTED], Chief of the Appellate Section; [REDACTED], Civil Chief; and [REDACTED], Chief of the Business/Securities Fraud Section. All three are capable and experienced supervisors who are well respected by the senior supervisors, AUSAs, and judges for their integrity, professionalism, and good judgment. AUSAs reported that the PROs are readily accessible and very responsive to their professional responsibility inquiries. At least one of the PROs regularly attends Department-sponsored training for PROs at the NAC. The Professional Responsibility Program is well managed and encourages the highest standards of ethical conduct. The judges reported that the AUSAs have an excellent reputation for integrity and professionalism.

1-8 Case Management

Assessment 12: The USAO substantially complies with all but one of the EOUSA Management Standards regarding case management. *[Management Standard 1-8.200]*

Assessment 13: The USAO does not fully or accurately report its AUSA, Special AUSA, or support staff time into the USA-5/5A system. *[Management Standard 1-8.200]*

The USAO's LIONS case management system is reasonably current, accurate, and retrievable. Supervisory AUSAs conduct semi-annual reviews, which include making any corrections or updates to AUSAs' case and matter listings. A review of cases three years and older indicated some errors, but most of the listed cases were either pending or, in criminal listings, were in fugitive status. The Systems Manager has been assigned oversight of the LIONS system, and he provides training and guidance on the correct application of the system, monitoring its accuracy twice a year. The USAO timely certifies the accuracy of its LIONS data to EOUSA.

The USAO does not fully or accurately report its AUSA, Special AUSA, or support staff time into the USA-5/5A system. Although Criminal Division AUSAs reported that they timely and accurately enter their time into the system, underreporting was found in a number of priority areas, including Project Safe Neighborhoods (PSN) and Computer Hacking and Intellectual Property (CHIP), despite the fact that extensive amounts of work were done in these areas. For example, two CHIP AUSAs who spent substantial time working on computer crime cases reported most of their time in the organized crime category because organized criminal groups were the targets of their computer crime investigations and cases. Significant support staff underreporting was also found in priority areas, including asset forfeiture, CHIP, corporate fraud, and Organized Crime Drug Enforcement Task Force (OCDETF). Moreover, a fulltime Special AUSA has not reported any of her criminal immigration work in the USA-5/5A system. Some AUSAs also expressed confusion about the need to report overtime hours.

While the USAO's recent training to improve USA-5/5A reporting is promising, the office should continue to monitor and stress to all staff the importance of full and accurate reporting.

Recommendation 13: The USAO should take steps to ensure that AUSAs, Special AUSAs, and support staff fully and accurately report their regular and overtime hours in the USA-5/5A system. *[Management Standard 1-8.200]*

1-9 Performance Management

Assessment 14: The USAO complies with all but one of the EOUSA Management Standards regarding performance management. *[Management Standard 1-9.130]*

Assessment 15: The Results and Expected Outcomes in some AUSA and support staff Performance Work Plans are too vague to be meaningful. [Management Standard 1-9.130]

The USAO has made substantial progress in the area of performance management since the previous evaluation. Generally, the USAO effectively manages its Performance Appraisal program. A random sampling of Performance Work Plans (PWP), Progress Reviews, and Performance Appraisals by the Evaluation Team found that, with a few exceptions, they are timely issued and completed, and accurately reflect the work being performed. The PWP also contain Results and Expected Outcomes (REOs), which were absent from many PWP during the last evaluation. However, it also was found that a significant number of those REOs, in PWP for both AUSAs and support staff, were too general and vague to be meaningful. For example, some REOs simply indicated the employee was expected to perform required work. The USAO should take steps to revise REOs to identify specific goals and expectations, beyond reiterating mere compliance with the performance standard. The USAO has an effective awards program, although until recently, the office did not have a posted, written awards policy. The office cured this deficiency during the evaluation by posting its written awards policy to its Sharepoint directory, thereby making it available to all AUSAs and support staff.

Recommendation 15: The USAO should take steps to revise employee PWP to include specific REOs to be accomplished during the rating period. [Management Standard 1-9.130]

1-10 Judicial Relations

Assessment 16: The USAO substantially complies with the EOUSA Management Standards for judicial relations.

The USAO maintains effective, professional relations with the judiciary. U.S. Attorney Lynch has met individually with each of the district judges in the district, and has spoken at judicial functions at the judges' invitation. Senior supervisors communicate regularly with individual judges as issues arise. These communications are highly effective and the judges expressed the highest regard for the U.S. Attorney, senior supervisors, and USAO staff. Overall, relations with the judiciary are excellent.

2-0 Criminal Division Cases and Personnel

2-10 Criminal Division Management Structure

Assessment 17: The USAO substantially complies with the EOUSA Management Standards regarding Criminal Division management structure.

The USAO's Criminal Division management structure effectively promotes efficient supervision, and effective enforcement of federal criminal laws. The Criminal Division is supervised by a criminal chief and two deputy chiefs. They, in turn, oversee chiefs of seven

litigating units in Brooklyn (organized according to subject matter), the chief of the Intake Section in Brooklyn, and the chief of the Central Islip branch office. Each of the litigating units, with the exception of Intake, has one or two deputy chiefs. This structure is appropriate for the Criminal Division and appears to be effective. The organizational chart accurately reflects the existing management structure and the chain of command for the Criminal Division, and the AUSAs and support staff have a clear understanding of the management structure and chain of command.

2-20 Management of Criminal Division Personnel

2-21 Supervisory AUSAs

Assessment 18: The USAO substantially complies with all of the EOUSA Management Standards for criminal supervisory AUSAs; there are no significant performance, management, or morale issues regarding any Criminal Division supervisory AUSA.

Criminal Chief [REDACTED] and Deputy Criminal Chiefs [REDACTED] and [REDACTED] are well respected by the USAO personnel, the investigative agencies, and the judiciary for their professionalism, integrity, and managerial competence. The courts and investigative agencies repeatedly singled out Chief [REDACTED] for his competence, integrity, and responsiveness. The USAO has complied with the training requirement for new supervisors, however, some of the less experienced deputy chiefs of the litigating units would benefit from some additional supervisor training. They are very competent lawyers and do an excellent job overseeing cases and legal issues, but several of them have been AUSAs for only a few years and they lack experience dealing with the wider range of issues faced by supervisors, including various administrative and personnel matters. The USAO should consider encouraging these more recently appointed supervisors to attend the Justice Leadership Institute Phase I training at the NAC. Section chiefs and deputies have clearly defined roles and responsibilities that are understood by the AUSAs. The supervisory AUSAs have independently developed case management tools for file reviews, appraisals, and awards. The Criminal Division supervisory AUSAs are sufficiently accessible to the AUSAs whom they supervise even though they also carry significant caseloads.

2-22 Line AUSAs

Assessment 19: The USAO substantially complies with the EOUSA Management Standards; there are no significant performance or morale issues regarding any Criminal Division line AUSA.

The Criminal Division line AUSAs are well respected by the supervisory AUSAs, the law enforcement agencies, and the courts, for their professionalism, integrity, competence, and productivity. They come from a variety of backgrounds, including judicial clerkships, major law firms, and local prosecutors' offices. Although their experience levels vary, they have sufficient levels of competence, experience, and training to handle their assigned work. They make effective use of available case management systems, litigation research tools, USAO and

Department manuals and guides, and agency resources to manage their assigned matters and cases competently, professionally, and timely. Representatives of the law enforcement agencies reported that the AUSAs are readily accessible and responsive. The judiciary expressed high regard for the criminal AUSAs, consistently rating them equal or superior to their counterparts in the private bar or with the Federal Public Defender's Office. The morale of the criminal AUSAs was generally high, although some expressed frustration at the high number of vacancies left by the hiring freeze and the effect on workload. Teamwork is evident within and among the various sections in the Criminal Division. Most AUSAs report that they enjoy their jobs and feel it is a privilege to work for the office.

2-23 Special AUSAs

Assessment 20: The USAO substantially complies with the EOUSA Management Standards regarding criminal Special AUSAs; there are no significant performance or morale issues regarding any criminal Special AUSA.

The USAO benefits from the full-time assistance of a Special AUSA on detail from the Bureau of Immigration and Customs Enforcement Office of Chief Counsel, who prosecutes immigration offenses almost exclusively. Additionally, seven state prosecutors from throughout the District are designated as Special AUSAs and spend approximately five percent of their time on federal prosecutions -- primarily Project Safe Childhood (PSC) cases. Special AUSA appointments and clearances are appropriately documented, and Special AUSAs receive training at the beginning of their appointment. The full-time Special AUSA, for example, reported that she received two weeks of in-house training when she reported for duty to familiarize her with Department of Justice policies and procedures. By all accounts, the Special AUSAs are respected for their professionalism and integrity, and they make an important contribution to the work of the USAO. There were no reports of morale issues or other concerns regarding Special AUSAs.

2-24 Support Personnel

COMMITTEE CONFIDENTIAL

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

COMMITTEE CONFIDENTIAL

[REDACTED]

[REDACTED]

[REDACTED]

2-31 Matter/Case Intake, Assignment, and Review

Assessment 25: The USAO substantially complies with the EOUSA Management Standards for matter and case intake, assignment, and review; there are no significant USAO, investigative agency, or judicial concerns about the level, caliber, or focus of the USAO's matter/case intake, assignment, or review procedures.

The USAO effectively manages its intake of matters and cases, assigns them to appropriately skilled AUSAs, and periodically reviews the handling of those matters and cases to ensure timely, mission-focused prosecutions. The USAO's prosecution guidelines are consistent with the Department's Principles of Federal Prosecution, the Department policy regarding prior approval of the prosecution of certain offenses, and the Department and USAO Strategic Goals and Objectives.

Law enforcement agencies present matters and cases directly to section chiefs or Intake Chief AUSA [REDACTED], all of whom review and approve matters and cases in a timely manner. Law enforcement agencies reported no issues or problems with the USAO's prosecution guidelines, intake procedure, or response, and were particularly complimentary of AUSA [REDACTED]. Supervisory AUSAs assign cases and matters to talented and appropriately skilled AUSAs within the office. Supervisory AUSAs have developed their own systems for periodic file review of all pending matters. Both supervisory and line AUSAs reported that the file reviews are effective to ensure that cases are being capably and timely handled.

There are no significant USAO, investigative agency, or judicial concerns about the level, caliber, or focus of the USAO's matter/case intake, assignment, or review process.

2-32 Grand Jury/Pre-Indictment Practice

Assessment 26: The USAO substantially complies with the EOUSA Management Standards regarding grand jury and pre-indictment practice.

The USAO effectively manages its grand jury and pre-indictment practices to ensure that its personnel enforce the laws of the United States vigorously, fairly, and uniformly, and with due regard for the constitutional rights of all citizens and applicable Department requirements. The USAO ensures that enough grand juries are empanelled to address the needs of the District. The regular grand juries are in session five days a week in Brooklyn and three days a week in Central Islip, all for at least four hours each session. A special grand jury also sits one day a week. Each session is reported to be productive, efficient, and not wasteful of grand jurors' time.

AUSAs consistently understand and comply with Department mandates regarding both sensitive and non-sensitive investigation matters. Supervisory AUSAs monitor both routine and non-routine search warrants and other investigative techniques, thereby ensuring consistent application and quality.

The issue of grand jury security noted in the previous two evaluations has been solved. The remodeled grand jury space is private and secure, and includes a sufficient number of witness interview rooms. Grand jury proceedings are no longer audible from the hallway. The grand jury area also includes a separate and secure entrance for prisoners.

The USAO has procedures in place to ensure compliance with Department requirements and local practice regarding the logging and return of grand jury subpoenas, tax return information, and other pre-indictment practices. Criminal AUSAs reported that they substantially comply with the provisions of the Right to Financial Privacy Act governing the return, presentation, use, destruction, or return and maintenance of financial records and keeping of individual grand jury subpoena logs.

There are no findings by a court, the Office of Professional Responsibility, or any other Department component that a grand jury or investigative decision or practice was improper or in violation of law or Department requirements. There are no complaints from the judiciary concerning the USAO's management of the grand juries.

2-33 Charging Decisions

Assessment 27: The USAO substantially complies with the EOUSA Management Standards regarding charging decisions; there are no significant USAO, investigative agency, or judicial concerns about the level, caliber, or focus of the USAO's charging and/or pretrial decisions.

The USAO efficiently manages charging and pretrial decisions through a review and approval process set forth in the office's Charging, Plea and Sentencing memorandum of July 23, 2010, which tracks Attorney General Holder's Memo of May 19, 2010. New AUSAs in the General Crimes Section draft prosecution memoranda in every case. In other sections, AUSAs draft prosecution memos in all but routine cases. AUSAs must explain the factual and legal basis supporting enhanced penalties, such as 21 U.S.C. § 851 enhancements and 18 U.S.C. § 924(c) charges, and obtain supervisory approval before they are filed. All prosecution memos and draft indictments are reviewed by supervisors, including the Criminal Chief and the U.S. Attorney in significant cases. AUSAs comply with the USAO's procedures and the requirements of the Attorney General's memo concerning Fast Track dispositions for cases involving drug couriers. New AUSAs in the General Crimes Section receive training on pretrial detention and make pretrial detention decisions in their cases in close consultation with supervisors.

2-34 Plea Agreements and Sentencing

Assessment 28: The USAO substantially complies with the EOUSA Management Standards regarding plea agreements and sentencing; there are no significant USAO, investigative agency, or judicial concerns about the level, caliber, and focus of the USAO's plea agreement and sentencing recommendation decisions.

The USAO effectively manages its plea agreement and sentencing recommendation practices to ensure that those decisions promote the Department's Strategic Plan and Goals, comply with applicable Department requirements and Attorney General directives, and fairly and uniformly enforce the laws of the United States. The USAO has procedures in place to ensure that the USAO's plea agreement decisions comply with the Department's Principles of Federal Prosecution and with Department and USAO prosecution guidelines. The USAO also has internal procedures to ensure that its sentencing recommendation decisions are made in compliance with Department guidelines. No complaints or concerns were reported by either the judges or the investigative agencies.

AUSAs uniformly use the office's standard plea agreement in resolving criminal cases, tailoring the standard agreement to fit the facts of their particular case. Plea agreements reflect the totality of a defendant's conduct and are reduced to writing. Deviation from the standard plea agreement – whether seeking a plea to a lesser charge, dismissing a 924(c) charge as part of plea, or reaching a Rule 11(c)(1)(C) plea, for example – must be requested in writing and approved by a committee of division and section chiefs, as documented in the Criminal Division Manual and the office's Chain of Review memo. Similarly, requests for downward departures pursuant to U.S.S.G. § 5K1.1, or Fed.R.Crim.P. 35, must be timely made in writing and approved by a committee of division and section chiefs. Law enforcement agencies reported that AUSAs consult with agents before entering into plea agreements.

By policy, plea agreements provide that a guidelines sentence is the appropriate sentence. As a general policy, AUSAs do not make specific sentencing recommendations, although they argue relevant law and facts and make all relevant information known to the court and probation

office. AUSAs routinely file sentencing memoranda in important cases, highlighting key facts about the nature of the offense and the defendant's history and characteristics.

2-35 Victim-Witness

Assessment 29: The USAO substantially complies with the EOUSA Management Standards for Victim-Witness programs.

The USAO effectively upholds the rights of, and provides the highest standard of direct services to, federal crime victims and witnesses. The USAO's Victim-Witness (VW) program is effectively managed. The VW Coordinator is competent, skilled, and experienced in the field of victim services. The VW program has procedures in place that ensure that the USAO and its employees comply with all relevant VW laws (including the Justice For All Act of 2004), policies, and administrative guidelines relating to the management of the VW program. There have not been any findings by a court or any Department component that a victim's rights were not upheld by any USAO employee in violation of the Crime Victims' Rights Act as a result of a systemic deficiency in the USAO.

In Fiscal Year 2011, the USAO had 410 pending cases with 58,427 victims. While the number of cases handled by the USAO was comparable to other extra large districts, the number of victims was much higher than many of the comparable districts. The USAO effectively uses the Case Management/Electronic Case Filing system (CM/ECF) to coordinate notification to victims through the Victim Notification System (VNS).

2-36 Criminal Discovery Practice

Assessment 30: The USAO substantially complies with the EOUSA Management Standards regarding criminal discovery practice.

The USAO effectively manages its criminal discovery practice to ensure that all discovery decisions comply with legal requirements, Departmental policy, and the USAO's internal policies. The USAO developed an approved, comprehensive Discovery Policy, created in part by the Discovery Trainer, Deputy Criminal Chief [REDACTED] who is a highly experienced and trained supervisory attorney. No issues with performance, management, or morale regarding the criminal discovery practice or the Discovery Trainer were identified. The USAO ensures both annual discovery training for all criminal AUSAs and designated discovery training for all newly hired criminal AUSAs. There are no findings of criminal discovery violations by any AUSA by a court, any state bar, or the Department's Office of Professional Responsibility.

2-40 Investigative Agency Relations

Assessment 31: The USAO substantially complies with the EOUSA Management Standards for investigative agency relations; there are no significant performance, management, or morale issues regarding the USAO's relations with the investigative agencies.

The USAO maintains professional and effective relations with the criminal investigative agencies. The agencies reported they have outstanding communication with the USAO. U.S. Attorney Lynch meets and talks frequently with the investigative agencies, who hold her in very high regard. Agencies reported that the U.S. Attorney and senior supervisors are readily accessible, and that line AUSAs have excellent communication with investigative agency supervisors. There were no reports of backlogged cases, no criticisms of prosecution policies, and no complaints that any personnel were not accessible or responsive. The only criticism recorded was the observation that AUSAs handling Health Care Fraud cases tended to leave or transfer before developing real expertise in the area, but this did not adversely affect relations. There are no issues regarding the USAO's relations with the criminal investigative agencies.

2-50 Criminal Division Workload

Assessment 32: The USAO substantially complies with the EOUSA Management Standards for criminal workload.

The USAO successfully addresses the Department's prosecution priorities and effectively manages its criminal workload. According to the EOUSA Resource Management Report on Specially Allocated Full Time Equivalents (FTE), the office committed more than 10.5 AUSA workyears to anti-terrorism, the Department's and the USAO's highest priority, during the 12 month period preceding the evaluation. This exceeded the office's FTE allocation and represents approximately ten percent of the Criminal AUSA workyears reported in Fiscal Year 2011. According to EOUSA Data Analysis Criminal Workyear Statistics for Fiscal Year 2011, the USAO dedicated substantial AUSA workyears to several other priority areas, including 14 percent of total criminal AUSA workyears to violent crime, 21 percent to white collar crime, over 20 percent to OCDETF and narcotics, and almost 14 percent to organized crime. In all criminal categories combined, the USAO handled more cases and defendants per AUSA than the national average. Between Fiscal Year 2010 and Fiscal Year 2011, the office had increases in the number of cases and defendants prosecuted in white collar crime, violent crime, and drug cases, including both OCDETF and non-OCDETF categories.

The USAO's senior supervisors and other criminal supervisory AUSAs periodically assess the current and projected criminal workload of the individual criminal line AUSAs and the criminal litigating units. Supervisors review and report major developments during periodic section meetings, and discuss cases, staffing, and workload during a monthly meeting with the criminal chief. Criminal supervisors conduct periodic file reviews with criminal AUSAs, and informally monitor AUSAs' work on an on-going basis. They make some use of LIONS/

ALCATRAZ, but rely more on other methods, including case listings that the supervisors maintain and regular communications with criminal AUSAs and investigative agency officials.

Both the quality and quantity of the criminal workload are fairly distributed among the criminal litigating units and among AUSAs within each criminal litigating unit. Over 80 percent of criminal AUSAs reported their workload was heavy but manageable. Interviews with AUSAs indicated that the accumulation of AUSA vacancies over a number of years has heightened the perception that workloads have been heavy. Only one AUSA reported the workload to be too heavy/unmanageable. A majority of criminal AUSAs reported that workloads were fairly distributed among and within litigating units. A very small percentage reported uneven distribution, but no particular unit was identified as having either an exceptionally higher or lower workload than others. The fact that a fairly large number of criminal AUSAs simply did not know or had no opinion about workload distribution, suggests that workload distribution is not a source of dissatisfaction among criminal AUSAs. A review of USA-5/5A overtime reporting information provided by the office showed a fairly even distribution of overtime reported among Criminal Division AUSAs across the different sections. A few AUSAs reported minimal overtime, which likely is attributable to a failure to report. Otherwise, reporting generally reflected a fairly even distribution of reported overtime among AUSAs and among litigating sections.

The workload of criminal AUSAs is manageable, but it is very heavy. As noted, only one criminal AUSA reported the workload was too heavy. Overtime reporting indicates that AUSAs in the Criminal Division put in long hours. A review of the Management Survey and anecdotal information from AUSAs and the judges indicates that the office handles a large number of difficult and complex cases. However, the total reporting of 40+ work hours for criminal AUSAs in Fiscal Year 2011 was 18.5 percent lower than overtime hours reported in Fiscal Year 2010 (31.31 criminal AUSA workyears in Fiscal Year 2011 compared to 38.41 criminal AUSA workyears in Fiscal Year 2010). This difference was greater than the 3.5 percent reduction in total criminal AUSA workyears over those years (4.08 AUSA workyears, down to 111.10 from 115.18 criminal AUSA workyears). Given the overall increase in the number of cases and defendants filed by the USAO between Fiscal Year 2010 and Fiscal Year 2011 (an increase of 3.8 percent for cases filed and an increase of 11.2 percent for defendants filed) and the decline in total workyears, it appears that the office's productivity increased substantially (assuming the inaccuracy in reporting overtime hours remained constant). Any workload strains are likely to be ameliorated in the coming months with the hiring of new AUSAs to fill a number of vacancies, made possible by the recent waiver to the hiring freeze authorizing the office to hire as many as 12 additional AUSAs.

There are no significant performance, management, or morale issues regarding the USAO's criminal workload.

2-60 Management of Criminal Division Priorities

2-61 Prevention of Terrorism

Assessment 33: The USAO substantially complies with the EOUSA Management Standards regarding the prevention of terrorism.

The USAO has a very active, successful anti-terrorism program. Anti-Terrorism Advisory Council (ATAC) Coordinator [REDACTED] is an experienced and capable AUSA who is held in very high regard by the staff, the judges, and the law enforcement community. He works closely with the Joint Terrorism Task Force (JTTF) and with the state and local anti-terrorism agencies. No problems coordinating the efforts of the ATAC and the JTTF were reported. The ATAC meets quarterly and there are weekly meetings with the agencies that participate on the JTTF. The ATAC Coordinator communicates anti-terrorism information frequently through the JTTF, as well as the ATAC. The USAO has approximately 200 anti-terrorism investigative matters opened and it has defendants from ten anti-terrorism indictments awaiting trial or plea. These matters and cases are all handled by the ATAC Coordinator and other line AUSAs who fill the USAO's allocated anti-terrorism AUSA positions. The USAO Anti-Terrorism Section also handles violent crime offenses within the District including Anti-Gang work. They are an effective, dedicated unit that is universally praised by the agencies, the judges, and co-workers. They work extremely hard handling a heavy caseload and realize the importance of their work on terrorism cases, gang cases, and other violent crime prosecutions.

The USAO has appointed a capable and experienced law enforcement/intelligence analyst to serve as its Intelligence Specialist. Intelligence Specialist [REDACTED] assists the ATAC Coordinator with the gathering, analysis, and sharing of intelligence information, and in representing the interests of the USAO at ATAC, JTTF, and other prevention of terrorism task force meetings. The Intelligence Specialist also assists the ATAC Coordinator by providing intelligence-oriented support in specific anti-terrorism investigations and prosecutions. In addition, he works pro-actively at the JTTF on a weekly basis, fully expends his time on both the prevention of terrorism and the investigation and prosecution of terrorism cases. The ATAC Coordinator appropriately supervises, and provides technical oversight to the Intelligence Specialist.

The USAO more than fully expends its specially allocated anti-terrorism resources. The office has been allocated seven AUSA FTE for anti-terrorism, and reports 10.5 AUSA workyears in the category. A total of 13 AUSAs work on terrorism, violent crime, and anti-gang cases. The USAO slightly underreports its five specially allocated support positions, but all five of those support staff work in the Violent Crimes and Terrorism Section.

2-62 Reduction of Violent Crime

Assessment 34: The USAO substantially complies with the EOUSA Management Standards regarding reduction of violent crime programs.

The USAO has a comprehensive and successful program for reducing violent crime in the District. The PSN and Anti-Gang programs incorporate partnership development, strategic planning, training, community outreach, and accountability to fight the District's violent crime problem. The USAO has developed an effective strategic plan as well as partnerships with its PSN Steering Committee, which includes the Kings, Queens, Richmond, and Nassau County District Attorneys' Offices.

The USAO has also teamed up with federal and local law enforcement agencies such as the Federal Bureau of Investigation (FBI), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), Drug Enforcement Administration (DEA), NYPD, and the Nassau and Suffolk County Police Departments, to develop Racketeer Influenced and Corrupt Organizations (RICO) cases aimed at dismantling gangs. To streamline the intake process and foster good working relationships, local law enforcement agencies may present gun cases directly to the USAO. In the past, the USAO effectively used local prosecutors as full-time Special AUSAs to augment federal resources to prosecute gun and gang cases in federal court. Unfortunately, this practice ended when PSN funding stopped.

The USAO provides extensive local training to various federal, state, and local law enforcement agencies. The USAO has also funded re-entry programs through the district attorney's offices, including the Kings County Re-Direct initiative that assists admitted gang members with abandoning gang life and becoming better citizens. Finally, the USAO hired the Urban Institute in 2008 to provide a comprehensive statistical analysis of the long-term impact of the PSN Program.

2-63 Reduction of Illegal Drug Trafficking

Assessment 35: The USAO substantially complies with all but one of the EOUSA Management Standards for the reduction of illegal drug trafficking.

Assessment 36: The USAO is not fully expending its specially allocated OCDETF support resources on OCDETF matters and cases as required. [*Management Standard 2-63.120*]

Overall, the USAO has an extremely effective OCDETF program. The USAO has formed effective partnerships with the federal, state, and local drug enforcement agencies to address illegal drug trafficking in the District. The OCDETF/Narcotics Section prosecutes high-quality cases and those prosecutions are consistent with Department and Regional Drug Strategic Plans, and OCDETF Program Guidelines. The agencies are extremely satisfied with the productivity and the quality of the legal work of the OCDETF/Narcotics Section.

The Lead OCDETF AUSA effectively reviews and supervises OCDETF investigations.

He provides appropriate coordination with federal, state, and local authorities. The Regional OCDETF Coordinator confirmed that the USAO timely submits its required OCDETF reports to the Regional OCDETF Coordinator and subsequently to EOUSA.

While overall, the USAO has a very effective OCDETF program, it is not fully expending its specially allocated OCDETF support staff resources on OCDETF matters and cases as required. The USAO has been allocated 12.7 OCDETF support FTE, but the USAO only burned 5.5 support FTE in OCDETF matters. Currently, the OCDETF/Narcotics Section only has seven support staff members working on OCDETF/Narcotics cases. The Lead OCDETF AUSA is aware of this underburn; the office should take steps to ensure that it is fully using its allocated resources.

Recommendation 36: The USAO should monitor the time spent by the OCDETF support personnel and take steps to ensure that it is fully using its allocated resources.
[Management Standard 2-63.120]

2-64 Combating White Collar Crime

Assessment 37: The USAO substantially complies with the EOUSA Management Standards regarding white collar crime, with one exception.

Assessment 38: The USAO does not fully expend its specially allocated health care fraud resources as required. *[Management Standard 2-64.140]*

The USAO has a vibrant white collar crime program that has generated many noteworthy corporate fraud, health care fraud (HCF), cybercrime, and white collar prosecutions. The white collar crime programs are effective. Several sections handle white collar prosecutions, including the General Crimes Section, the Public Integrity Section, and the Business and Securities Fraud Section, the latter of which has primary responsibility for investigating and prosecuting major, complex white collar crimes. The sections are led by capable and experienced supervisors who effectively oversee the office's work in these areas.

With one exception, the office fully expends its specially allocated white collar crime resources. The HCF program is allocated six AUSA FTE and the USA-5/5A data reflects an underburn (-0.82) in this area. This underburn is attributable to an AUSA who transferred from the OCDETF/Narcotics Section and retired from federal service after working on HCF cases for only six months. Currently, the USAO appears to be fully burning its HCF resources. The office should ensure that it continues to do so.

The USA-5/5A data accurately reflects the use of specially allocated resources in all but the cybercrime area in which the office has underreported time actually spent on cybercrime matters and cases. The USAO was allocated three cybercrime AUSA FTE and the USA-5/5A reporting accounts for only 0.46 AUSA workyears in this area. The two cybercrime coordinators are in the Violent Crime and Organized Crime Sections, and, because many of the cybercrime cases involve organized criminal groups, they have been reporting their time in the organized

crime category. In fact, they spend most of their time working on large cybercrime cases. AUSAs in other sections also work on cybercrime cases, but have not fully captured that time in the USA-5/5A system. As recommended in Section 1-8, Case Management, the office should take steps to ensure correct reporting in this area.

Apart from these few discrepancies, the white collar program is exceptional. The CHIP coordinators plan and conduct outreach and training of prosecutors, law enforcement, and others in the industry, which is an improvement over the previous evaluation. The USAO focuses on high-level, international hacker targets and has had great success in preventing financial loss. The bankruptcy fraud program has improved considerably since the previous evaluation. The Assistant United States Trustee reported that the Bankruptcy Coordinator provides prompt notification regarding declinations and stated that this USAO is the best with which she has ever worked. The Bankruptcy Fraud Coordinator has reached out to her FBI counterpart in order to effectively promote the criminal bankruptcy program.

The office has a good HCF program. The USAO aggressively targets pharmaceutical companies for off-label marketing fraud. The USAO is also focusing on Medicare fraud involving physical therapy clinics in Brooklyn. The AUSAs working criminal HCF cases work closely with their civil counterparts in effectively managing these cases. The USAO effectively investigates and prosecutes a variety of identity theft crimes, including theft of customer personal identifier information from companies and using false identities to obtain passports.

The AUSAs who coordinate the prosecution of white collar crimes are capable and experienced and are well respected by the USAO staff, the judiciary, and the investigative agencies for their professionalism, integrity, and competence. They work effectively with the criminal chief and appropriate local, state, or federal law enforcement authorities to identify appropriate targets. Morale, productivity, and performance in this area are all positive. The investigative agency representatives who were interviewed were all very pleased with the work the USAO does in prosecuting white collar crimes.

Recommendation 38: The USAO should takes steps to ensure that it continues to fully expend its specially allocated criminal HCF AUSA resources. [Management Standard 2-64.140]

2-65 Prosecution of Civil Rights Cases

Assessment 39: The USAO substantially complies with the EOUSA Management Standards regarding prosecution of civil rights cases.

The office's Civil Rights Section is exemplary. Although there are no specially allocated resources, two experienced attorneys are assigned to prosecute civil rights matters full-time, demonstrating the USAO's commitment to civil rights prosecutions. The section is led by AUSA [REDACTED], who is the point of contact for all civil rights matters. She is highly regarded both by the agencies and within the USAO for her commitment to civil rights prosecutions and her

management of the section; Deputy Chief [REDACTED] was singled out for praise in agency interviews for her work on civil rights cases. The office has steadily increased the AUSA workyears dedicated to civil rights prosecutions during the last four years expending 2.23 workyears in Fiscal Year 2011. The unit focuses primarily on trafficking cases (sex and labor, foreign and domestic), color of law violations, and hate crimes. The Civil Rights Section benefits from excellent relationships with its two primary agencies, FBI and ICE, as well as local law enforcement and non-governmental organizations who report civil rights violations. The office has a track record of handling highly sensitive and potentially volatile cases with skill.

2-66 Prosecution of Immigration Cases

Assessment 40: The USAO substantially complies with the EOUSA Management Standards regarding prosecution of immigration cases.

The USAO aggressively pursues all provable immigration cases presented to the office. The majority of the re-entry, visa fraud, and passport fraud cases are prosecuted by AUSAs in the General Crimes Section. Other sections, including Civil Rights, OCDETF/Narcotics, and the Violent Crime and Terrorism Sections, prosecute the more complex document fraud, alien smuggling, and human trafficking cases. The AUSAs who prosecute immigration cases are capable and well respected by the USAO staff, the judiciary, and the investigative agencies for their professionalism, integrity, and competence. The USAO fully coordinates with the relevant immigration enforcement agencies. ICE is very pleased with the work that the USAO does in the prosecution of these cases. Morale, productivity, and performance in this area were all positive. All work expended on immigration matters and cases is fully and accurately reported in the USA-5/5A system in a timely manner.

2-67 Reduction of Child Exploitation

Assessment 41: The USAO substantially complies with the EOUSA Management Standards for reduction of child exploitation.

The USAO effectively manages its reduction of child exploitation program. The USAO's PSC program includes the five required core elements designed to fit the specific online child exploitation and abuse problems of the District. The USAO has developed effective partnerships that bring together federal, state, and local law enforcement efforts in the District to ensure a uniform and comprehensive approach to the investigation and prosecution of child exploitation cases, and to identify and rescue child victims. The USAO has developed and submitted to EOUSA a strategic plan to investigate and prosecute child exploitation cases, and to identify and rescue child victims in the District. The USAO effectively conducts training for federal, state, and local law enforcement officers and prosecutors in the investigation and prosecution of child exploitation cases. The USAO works with federal, state, and local law enforcement officers within the District to increase awareness of, and participation in, PSC. The USAO participates with other PSC partners in coordinated national initiatives.

The USAO's PSC Coordinator is a capable and experienced AUSA who is well respected by the USAO staff, the judiciary, and the investigative agencies for his professionalism, integrity, and competence. There were comments from judges and law enforcement agency representatives praising his competency and commitment to the prosecution of these cases. He has attended available Department-sponsored training and effectively oversees, monitors, and directs the USAO's PSC program. In addition, he participates in providing training at the NAC and to law enforcement on conducting investigations. The senior supervisors conduct periodic reviews of the effectiveness of the USAO's PSC program. The USAO timely submits its annual PSC reports to the Attorney General through EOUSA.

The USAO has one specially allocated AUSA child exploitation position. There is a slight underburn (-0.14), but based on the number of cases prosecuted by the USAO, this is viewed as a result of underreporting. The USAO is encouraged to closely monitor USA-5 entries in this area.

2-68 Indian Country

Assessment 42: The USAO substantially complies with the EOUSA Management Standards regarding Indian Country.

The USAO effectively manages Indian Country issues within the District. The USAO has appointed an AUSA as the Tribal Liaison who is well-respected by law enforcement and the judiciary. The Shinnecock Nation received federal recognition in October 2010. The USAO held its first consultation with the Shinnecock Indian Nation in March 2011 to develop an operational plan to improve the public safety and fair administration of justice in the Shinnecock Nation. In December 2011, the USAO hosted another consultation meeting, attended by the U.S. Attorney and members of the USAO, as well as leaders of the Shinnecock Nation and supervisors of federal, state and local law enforcement agencies. The USAO submitted an operational plan addressing public safety in the Shinnecock Nation in June 2011. The USAO is assisting the Shinnecock Nation in assessing the training needs of the tribal security force. The Tribal Liaison forwards training and grant opportunity announcements from the Department to the Shinnecock Nation communications director. Although there are no cases as yet from the Shinnecock Nation, the office is well poised to handle whatever matters and cases arise.

2-69 Organized Crime Program

Assessment 43: The USAO substantially complies with the EOUSA Management Standards for Organized Crime programs.

The USAO has an Organized Crime Strike Force (OCSF) section which effectively uses its resources to target and prosecute La Cosa Nostra (LCN) and international organized criminal enterprises. The AUSAs assigned to the section have a heavy caseload of high quality LCN investigations and prosecutions. The AUSAs who prosecute organized crime cases are capable

and experienced AUSAs who are well respected by the USAO staff, the judiciary, and the investigative agencies for their professionalism, integrity, and competence.

OCSF Chief [REDACTED] works effectively with federal law enforcement agencies to identify organized criminal enterprise targets. At least one investigative agency reported that it preferred to present cases to the USAO because of the high quality of work done by the OCSF.

The OCSF has identified cases that involve a High Priority Organized Crime Group – the LCN, and is targeting international organized crime organizations. This includes an investigation and prosecution of Romanian cyber crime groups. The OCSF Chief maintains close coordination with the Organized Crime and Gang Section on issues that cross jurisdictional borders, and complies with all OCGS approval and reporting requirements.

3-0 Civil Division Cases and Personnel

3-10 Civil Division Management Structure

Assessment 44: The USAO substantially complies with the EOUSA Management Standards regarding Civil Division management structure.

The Civil Division is supervised by the Civil Chief, the Principal Deputy Chief, and four Deputy Chiefs. The Civil Chief has primary responsibility for meeting the Civil Division’s mission and for its day-to-day operations. The Principal Deputy Chief and each of the Deputy Chiefs, who report directly to the Civil Chief, have administrative and substantive oversight over specific Civil Division units and programs. Within each unit or program, there are civil AUSAs who have been designated as section, unit, or program chiefs for discrete unit and program functions, for example, Immigration, Employment Discrimination Litigation, and similar areas of specialization. The management structure is appropriate for the size of the office and the Civil Division workload. The structure promotes communication with senior management, performance-based, mission-focused leadership, efficient supervision of personnel and workload, affirmative enforcement of federal law, and effective defense of cases in which the federal government or its officers are named defendants. The organization of the Civil Division and its chain of command are accurately reflected on the organizational chart and are clearly understood by civil AUSAs and support staff.

3-20 Management of Civil Division Personnel

3-21 Supervisory AUSAs

Assessment 45: The USAO substantially complies with the EOUSA Management Standards regarding civil supervisory AUSAs; there are no performance, management, or morale issues regarding any civil supervisory AUSA.

All of the civil supervisory AUSAs are experienced attorneys and capable, competent managers. They are respected by senior management, the civil agencies, and the judiciary for their professionalism, integrity, and competence. They have sufficient levels of legal experience and management training to be productive and effective managers. Civil Chief [REDACTED] has supervised the Civil Division since 2003. Principal Deputy Civil Chief [REDACTED] is the newest member of the civil supervisory team with approximately two years of experience in the position. Deputy Civil Chiefs [REDACTED], [REDACTED], [REDACTED], and [REDACTED] are all AUSAs of long standing, each of whom has more than five years of management experience.

The civil supervisory AUSAs have clearly defined roles and responsibilities that are understood by the division. They are accessible to Civil Division personnel and carry caseloads that allow them sufficient time to handle their supervisory responsibilities. They effectively promote integrity, resource stewardship, managerial excellence, and performance-based, mission-focused leadership in managing the division. There are no significant performance, management, or morale issues regarding the civil supervisory AUSAs.

3-22 Line AUSAs

Assessment 46: The USAO substantially complies with the EOUSA Management Standards for line AUSAs; there are no significant performance, management, or morale issues regarding any Civil Division line AUSAs.

The Civil Division line AUSAs have a wide range of experience. They are well respected by their supervisory AUSAs, the civil agencies, their peers, and the judiciary for their professionalism, integrity, competence, and productivity. Several of the civil AUSAs were commended by the judiciary for their written work, as well as for their advocacy skills. They have sufficient levels of competence, legal experience, and training to handle their assigned work. They make effective use of available case management systems, litigation research tools, USAO and Department manuals and guides, and agency and support staff resources to manage their assigned matters and cases competently, professionally, and timely. The civil line AUSAs enjoy excellent morale, work closely as a team, and are dedicated to the mission of the USAO and the Department.

3-23 Special AUSAs

Assessment 47: The USAO substantially complies with the EOUSA Management Standards for civil Special AUSAs; there are no significant performance, management, or morale issues regarding any civil Special AUSA.

The Civil Division is assisted by several Special AUSAs from a variety of civil agencies including the Internal Revenue Service, Social Security Administration (SSA), Department of Justice, and Citizen and Immigration Services. All but two of the Special AUSAs work on USAO matters part time. The Special AUSAs have sufficient levels of training and competence to handle the matters assigned to them, and their written work product and oral advocacy is appropriately managed by civil supervisory AUSAs. The Special AUSAs are appropriately approved and documented. The USAO has ensured that SSA attorneys who prepare and file appellate briefs or argue appeals have been appointed Special AUSAs. There are no significant performance, management, or morale issues regarding any of the civil Special AUSAs.

3-24 Support Personnel

Assessment 48: The USAO substantially complies with the EOUSA Management Standards regarding civil support personnel; there are no significant performance, management, or morale issues regarding civil support personnel.

The USAO's civil support personnel are competent, productive, and professional. They have sufficient levels of training and competence to handle their assigned work. Although the workload is reported by some as heavy, the workload is manageable and equitably distributed. The support personnel are accessible and appropriately responsive to the AUSAs with whom they work.

3-30 Management of Civil Division Cases

3-31 Matter/Case Intake, Assignment, and Review

Assessment 49: The USAO substantially complies with the EOUSA Management Standards regarding matter and case intake, assignment, and review; there are no significant USAO, civil agency, or judicial concerns about the level, caliber, and focus of the USAO's matter and case intake, assignment, or review procedures.

The USAO effectively manages its intake of matters and cases. Civil supervisory AUSAs assign matters and cases to appropriately skilled AUSAs and periodically review the handling of those matters and cases to ensure a high quality of work. Matter and case assignments are made in a manner that fairly distributes the workload. The subject matter knowledge of the AUSAs, as well as their preferences, is considered in the assignment of cases. The USAO has established internal procedures concerning the filing of new civil complaints to ensure compliance with applicable statutes, regulations, Executive Order 12988, and the *United States Attorneys Manual*

(USAM). Supervisory AUSAs conduct periodic file reviews of all pending matters and cases to ensure that those matters and cases are being capably and timely handled. They periodically discuss the status of pending matters and cases with appropriate civil agency supervisors.

3-32 Discovery and Settlement

Assessment 50: The USAO substantially complies with all but one of the EOUSA Management Standards regarding discovery and settlement.

Assessment 51: The USAO improperly delegated settlement authority to the FLU Chief, a non-paid supervisory AUSA. [Management Standard 3-32.200]

The Civil Division effectively and appropriately manages and coordinates all discovery with civil agencies, including electronic discovery. Civil agencies are timely and appropriately consulted on all settlement decisions.

The U.S. Attorney has delegated to the Civil Chief, a paid supervisory attorney, suit initiation and settlement authority for civil cases and matters. The U.S. Attorney has also delegated to the FLU Chief, in writing, suit initiation and settlement authority for cases and matters assigned to the FLU. However, the FLU Chief is not a paid supervisor nor has the FLU Chief been approved as a supervisory attorney by EOUSA. The written authority directed to the FLU Chief to initiate FLU suits and settle FLU cases and matters should be rescinded and re-delegated to an appropriate supervisor.

Recommendation 51: The USAO should promptly rescind the written delegation to the FLU Chief to initiate FLU suits and settle FLU cases and matters. [Management Standard 3-32.200]

3-40 Civil Agency Relations

Assessment 52: The USAO substantially complies with the EOUSA Management Standards regarding the USAO's relations with the civil agencies.

The USAO maintains professional and effective relations with the civil agencies. The USAO communicates well with the civil agencies. Agencies are promptly advised of new cases and significant developments in pending cases, and are encouraged to participate in the development of case strategy at the earliest stage. Copies of pertinent pleadings and other documents are timely sent to the civil agencies and they are kept apprised of significant hearings, depositions, and meetings, as well as the trial date. The civil agencies uniformly praised the Civil Division's work.

3-50 Civil Division Workload

Assessment 53: The USAO substantially complies with the EOUSA Management Standards for civil workload.

The USAO successfully addresses the Department's priorities and effectively manages its civil workload. The USAO senior supervisors, the Civil Chief, and the civil supervisory AUSAs periodically assess the current and projected civil workload of individual civil line AUSAs and the civil litigating units. In assessing the Civil Division's pending and projected workload, supervisors review LIONS/ALCATRAZ data, USA-5/5A reports, conduct periodic file reviews with each civil AUSA, and, when appropriate, consult with civil agencies. Based on the *Civil Workload Assessment Protocol*, the civil workload is consistent with the USAO's and the Department's priorities, is distributed fairly among and within the civil litigating units, and is manageable. Morale is good among the civil AUSAs regarding their workloads.

3-60 Management of ACE and Civil HCF

Assessment 54: The USAO substantially complies with the EOUSA Management Standards regarding management of the ACE and civil HCF programs.

The USAO has excellent, successful, and very effective Affirmative Civil Enforcement (ACE) and civil HCF programs. The ACE Chief and the civil HCF Chief are experienced and very capable AUSAs, who are highly respected by the USAO staff, the judiciary, and the investigative agencies for their professionalism, integrity, and competence. The ACE and civil HCF supervisors and AUSAs work effectively with Criminal Division AUSAs and appropriate local, state, and federal law enforcement authorities to identify appropriate targets. The USAO fully expends its specially allocated civil resources in these areas as required. No morale, productivity, or performance problems were noted. In fact, morale overall is very good, and the AUSAs are all very productive and hard-working, as well as enthusiastic about their work. The investigative agency representatives who were interviewed highly praised the work done by the AUSAs in connection with the ACE and civil HCF programs.

4-0 Management of the Administrative Operations

4-10 Administrative Organization and Management

4-11 Administrative Division Structure

Assessment 55: The USAO substantially complies with the EOUSA Management Standards regarding Administrative Division structure.

The Administrative Division's organizational structure is well defined and provides optimal and efficient use of staff resources. The USAO recently opened a Document Management Services (DMS) center and made it a priority to add staff, primarily Information

Technology (IT) contractors, to the center in order to cut costs and ensure that documents are processed securely and timely. Use of the DMS center is not mandatory, however, it has already saved funds for the USAO that can be used to purchase new copiers and other items or resources for the office.

4-12 Administrative Officer

Assessment 56: The USAO substantially complies with the EOUSA Management Standards regarding the Administrative Officer.

Administrative Officer (AO) [REDACTED] is hard working, service oriented, and is respected by senior management and the staff of the USAO. The AO is a member of the USAO's senior supervisory team and is a trusted and frequent advisor to the U.S. Attorney, the Executive AUSA, and other senior supervisors. He makes himself available to answer questions and solve problems during the day, after hours, and on the weekends. He is conscientious in evaluating the most efficient use of resources, and has developed his own "Balanced Scorecard" to track and analyze data reflecting the use of specially allocated FTE, USA-5/5A reporting, overtime reporting, and other information. He is adding more USA-5 program categories to the AUSA analysis and is creating a system to track support staff FTE. The AO keeps financial projections and administrative goals for current and future fiscal years in order to ensure the best use of USAO resources.

4-13 Administrative Division Staffing

Assessment 57: The USAO substantially complies with the EOUSA Management Standards regarding Administrative Division staffing.

The responsibilities of the staff are well defined and there is sufficient staff to perform the functions assigned to the Administrative Division to ensure requirements for internal controls and separation of duties are met. It is clear who is responsible for what area of expertise in the Administrative Division, and proper back-ups are in place to ensure customer service at all times. The AO and Deputy AO work closely to monitor the workload of the Administrative Division and ensure administrative support is adequate for the legal staff. Members of the administrative staff have attended several NAC classes to ensure they have the training to do their jobs efficiently and effectively.

4-20 Role of the Administrative Division

4-21 Mission of the USAO

Assessment 58: The USAO substantially complies with the EOUSA Management Standards regarding the mission of the USAO.

The Administrative Division staff is very supportive of the litigative mission of the USAO. In order to ensure there is good communication with the legal staff, the AO, and Deputy AO meet with the Criminal and Civil Division Chiefs every two weeks and periodically meet with section supervisors in those Divisions. The AO and Deputy AO also meet weekly with the U.S. Attorney and the Executive AUSA, and are considered important members of, and advisors to, senior management. Senior management is very supportive of the Administrative Division and understands the regulations that must be followed while supporting the mission of the USAO.

4-22 Customer Service Orientation

Assessment 59: The USAO substantially complies with the EOUSA Management Standards regarding customer service.

The AO, Deputy AO, and other administrative staff members have regular contact with supervisors, AUSAs, and support staff in the Brooklyn and Central Islip offices and are accessible to ensure that services are provided without interruption. The AO and Deputy AO have regular meetings with the administrative staff and with the U.S. Attorney, Executive AUSA, and other supervisors in order to ensure open communication and address concerns. The AO, Deputy AO, and several administrative managers have Blackberrys to ensure that routine and emergency matters are handled promptly. The AO, Deputy AO, and administrative staff have an open door policy and effectively support the mission of the USAO. USAO staff updates, and changes in Department, EOUSA, and USAO policies and procedures, are communicated via all-hands and supervisory meetings, e-mail, and by posting changes on the USAO intranet site.

For more than a year, the Brooklyn building has been undergoing a major renovation, enclosing the entire structure in scaffolding and cloth. The construction project will not be completed until late 2013. The Administrative Division has been very proactive in meeting with General Services Administration regularly on this project. Additional administrative resources have been added to this project in order to monitor complaints, ensure the staff's safety and security, and minimize disruption of the USAO staff.

4-30 Management of the Human Resources Program

4-31 Management Advisory Services

Assessment 60: The USAO substantially complies with the EOUSA Management Standards regarding management advisory services in the human resources program.

The AO, Deputy AO, and Human Resources (HR) Officer have regular discussions with the senior supervisors on HR issues such as merit staffing, recruitment, and position management. The senior supervisors appear to have a good understanding of HR issues and work with the Administrative Division staff to ensure appropriate use of available resources.

4-32 Customer Service Orientation

Assessment 61: The USAO substantially complies with the EOUSA Management Standards regarding HR customer service.

The HR staff maintains an open door policy and is available and accessible to all employees concerning HR issues. At least one member of the staff is always available to respond to the needs of employees in the USAO. The responses to both the pre-evaluation questionnaires and to the supervisory interview questions verified that the HR staff is responsive to customer needs and requests.

4-33 Employment and Staffing

Assessment 62: The USAO substantially complies with the EOUSA Management Standards regarding employment and staffing.

The HR staff effectively attracts quality applicants to the USAO. When a vacancy occurs within the USAO for a non-attorney position, the HR staff discusses with the applicable supervisor the various methods of advertising the vacancy. On many occasions, the USAO will concurrently advertise Merit Staffing and request that EOUSA advertise the Delegated Examining announcement at various grade levels. In addition, the HR Officer participates in recruitment job fairs at local colleges in order to attract volunteer student interns. The USAO uses USA Staffing and category rating to evaluate candidates and determine the best qualified candidates for vacancies.

4-34 Position Management and Classification

Assessment 63: The USAO substantially complies with all but one of the EOUSA Management Standards regarding position management and classification.

Assessment 64: The USAO has not conducted a thorough review of all USAO position descriptions, and as a result, not all positions are classified in accordance with Office of Personnel Management classification standards. [Management Standard 4-34.100]

The HR Officer serves as the Position Management Officer in the USAO. He works with senior supervisors to design position structures that are effective in carrying out the litigative mission of the office. There is involvement and coordination between the HR staff and the senior supervisors in the recruitment process and the USAO makes good use of career ladder positions for enhanced promotion and career development opportunities for USAO employees. However, the office has not conducted a thorough review of position descriptions, including those classified in the GS-900 series, Assistant Work in the Legal and Kindred Group, and in the GS-2210 series, Administrative Work in the Information Technology Group. Nor has the office reviewed supervisory and lead support staff positions to ensure that Office of Personnel Management (OPM) position classification requirements have been met to support the current position title, series, and grade. The USAO should undertake these reviews and ensure that position descriptions are accurate, up-to-date, and support the current position titles, series, and grades.

Recommendation 64: The USAO should conduct a comprehensive review of all position descriptions classified in the GS-900 series, Assistance Work in the Legal and Kindred Group; the GS-2210 series, Administrative Work in the Information Technology Group; and for supervisory and lead support staff positions, to ensure that the OPM position classification requirements are met to support the current position title, series, and grade. [Management Standard 4-34.100]

4-35 Employee Training and Development

Assessment 65: The USAO substantially complies with the EOUSA Management Standards for employee training and development.

The USAO has procedures in place for selecting employees to participate in training and developmental opportunities. OLE training opportunities are posted on the USAO's intranet site and a review of the USAO's training records demonstrated that training opportunities appear to be equitably distributed among employees.

The HR Unit has an effective office orientation program for new employees. New employees begin their orientation in the HR Unit, where they complete required documents and receive information regarding their pay, benefits, compensation, office policies and procedures, government ethics, sexual harassment prevention, and EEO. This is followed by scheduled orientation visits with key administrative staff and senior supervisors. All new employees are required to complete the computer security training.

4-36 Employee Relations

Assessment 66: The USAO substantially complies with all but two of the EOUSA Management Standards regarding employee relations.

Assessment 67: Justifications for outstanding ratings and incentive awards do not accurately document the specific contributions or accomplishments. *[Management Standard 4-36.110]*

Assessment 68: Performance Work Plans do not include accurate Results and Expected Outcomes of the work to be performed during the rating period. *[Management Standard 4-36.120]*

The USAO's performance management program is deficient in several areas. Written justifications for outstanding ratings and incentive awards do not accurately document the specific contributions and accomplishments supporting the rating or award in accordance with USAP3-4.430.001. PWP's do not include accurate REOs for the work to be performed during the rating period. A number of REOs were cast in broad terms and required no more than the performance already required by the performance standards. The USAO should take steps to ensure that supervisory personnel are aware of and follow the requirements set forth in the EOUSA Performance Evaluation Handbook, USAP 3-4.430.001, and should revise PWP's to include accurate REOs of the work to be performed during the rating period.

Supervisors notify the HR staff of employee performance problems and meetings are held to discuss the details of the conduct and/or performance problems. All employee discipline, grievances, or appeal issues are handled in accordance with Department and EOUSA procedures. The USAO is pleased with the level of support received from General Counsel's Office.

Recommendation 67: The USAO should take steps to ensure that supervisory personnel are aware of and follow the requirements set forth in the EOUSA Performance Evaluation Handbook, USAP 3-4.432.001. *[Management Standard 4-36.110]*

Recommendation 68: The USAO should revise PWP's to include accurate REOs of the work to be performed during the rating period. *[Management Standard 4-36.120]*

4-37 Pay and Leave Administration

Assessment 69: The USAO substantially complies with all but one of the EOUSA Management Standards regarding pay and leave administration.

Assessment 70: Some of the supervisors are not aware of all the rules and regulations governing compensatory time and restored leave. *[Management Standard 4-37.200]*

The USAO has published policies on the use of compensatory time, overtime, and leave. If an employee has any questions concerning these matters, the HR staff is available to answer the questions.

A review of time and attendance records revealed that not all supervisors are familiar with the rules and regulations concerning compensatory time for religious observance (CT/R) and restored leave. The Evaluation Team suggested that supervisory training be conducted on approving compensatory time and a written policy be prepared for the supervisors' use.

Recommendation 70: The USAO should ensure that all supervisors are properly trained on the rules and regulations governing compensatory time requests and restored leave. [Management Standard 4-37.200]

4-40 Management of the Financial Program

4-41 Management Advisory Services

Assessment 71: The USAO substantially complies with the EOUSA Management Standards regarding management advisory services.

The AO and Budget Officer meet regularly and perform a complete analysis of funding to ensure that the USAO budget is efficiently and effectively managed. They do an excellent job of updating and advising the U.S. Attorney and senior supervisors on the status of the USAO's financial resources and of creating financial forecasts so that the appropriate decisions can be made to ensure the optimal use of resources. Senior supervisors fully understand the regulatory concerns relating to budget operations, and the U.S. Attorney and senior supervisors are very supportive of the financial staff.

4-42 Customer Service Orientation

Assessment 72: The USAO substantially complies with the EOUSA Management Standards regarding customer service from the Financial Section.

The Budget Officer and the financial staff understand and support the litigative mission of the USAO. They make themselves available to the legal staff to ensure that AUSAs and support staff have what they need to do their jobs timely and efficiently. The AO and Budget Officer are available via Blackberry service and home computers if anything is needed after hours. The financial staff has an open door policy, is proactive, and works as a team to meet the monthly, quarterly, and year-end deadlines. They ensure updates and changes in financial management policies are communicated to the Brooklyn and Central Islip staff, and they are available to answer questions. The financial staff was proactive in training the staff on the new E2 travel system. They not only gave group sessions to the staff, they also gave one-on-one training when requested.

4-43 Budget Management

Assessment 73: The USAO substantially complies with the EOUSA Management Standards regarding budget management.

The Budget Officer ensures that sound financial procedures and internal controls are in place to ensure sound financial management. The Budget Officer uses all of the financial reports available, and the AO and Budget Officer compile a complete analysis in order to give the best advice to senior supervisors on setting long term goals, creating an annual operating plan, and purchasing items from the yearly “wish list” that is created.

The Budget Officer ensures that all open obligations are reviewed and acted upon monthly and quarterly in order to eliminate unnecessary outstanding litigation obligations. She works directly with AUSAs on the status of litigation services. If the Budget Officer does not receive timely responses, she works with the AO and Supervisory AUSA to obtain current status information.

4-44 FTE and Payroll Management

Assessment 74: The USAO substantially complies with the EOUSA Management Standards regarding FTE and payroll management.

FTE reports are run and updated regularly, and the AO and Deputy AO provide senior supervisors with FTE data at regularly scheduled meetings. The “Balanced Scorecard” that has been created by the AO is a great tool for managing FTE and financial data. There is good coordination and communication between the HR and financial sections regarding personnel actions.

4-45 Internal Controls

Assessment 75: The USAO substantially complies with the EOUSA Management Standards regarding internal controls and separation of duties.

Proper internal controls are in place within the USAO, and USAO employees are informed of changes to policies and procedures via e-mail, meetings, and the intranet site. Although internal controls are monitored and are met with the current number of financial staff, it could become a problem if any of the staff members left the USAO. The USAO has adequate segregation of duties for each of its financial processes and ensures that sufficient back-up personnel are available when primary accountable officers are absent.

4-50 Management of the Acquisitions Program

4-51 Management Advisory Services

Assessment 76: The USAO substantially complies with EOUSA Management Standards regarding management advisory services.

The Lead Contracting Officer has no direct role in advising senior supervisors about the provisions of the acquisitions program. However, the AO provides relevant advice to senior supervisors during regular management meetings. The management team has a good level of understanding of the acquisitions program and is generally supportive of the regulatory concerns under which the Administrative Division operates.

The USAO has established long term acquisition goals and objectives. The USAO is proactive in planning for furniture and equipment purchases and meeting litigation requirements on large impact cases.

4-52 Customer Service Orientation

Assessment 77: The USAO substantially complies with EOUSA Management Standards regarding customer service by the Acquisitions Unit.

The members of the Acquisitions Unit are sensitive to the needs of USAO staff and they make themselves accessible. The acquisitions staff members appear to be resourceful in finding solutions to problems and are patient, competent, and professional with colleagues and customers. Communications are generally via e-mail, telephone, or in person. The AO meets regularly with the AUSAs and support staff, and the staff has an open door policy. Staff interviews indicated that the acquisitions staff was accessible and cooperative with those requiring acquisitions services.

4-53 Delegation of Authority

Assessment 78: The USAO substantially complies with the EOUSA Management Standards regarding delegation of authority.

The USAO has an effective Acquisitions Program that promotes fiscal accountability by maintaining a clear separation of duties and internal controls throughout the entire acquisitions process. Proper delegations of authority are in place, and the proper paperwork is filled out in order for the USAO staff to acquire the litigative services and goods needed to perform their jobs. The USAO is to be commended for its effort in fully developing all of its contracting officers.

4-54 Management of the Purchase Card Program

Assessment 79: The USAO substantially complies with the EOUSA Management Standards for the Purchase Card Program.

With respect to the Purchase Card Program, the AO is providing the appropriate oversight, is ensuring adherence to purchasing and payment policies, and is maintaining the required Transaction Detail Report. At the completion of each billing cycle, the cardholder and the Purchase Card Approving Official validate all purchases and the Purchase Card Approving Official signs and dates the cardholder's monthly statement to certify the purchases were appropriate. The purchase card appears to be used to the maximum extent possible with no evidence of fraud, waste, or abuse.

The compliance review confirmed that the process used for purchasing with the government purchase card, from initial employee request through close-out, meets accountability and internal controls requirements. Prior to a purchase, the financial official certifies the availability of funds and assigns the accounting data required to record the purchase card transaction in the FMIS2+ system. Once the purchase is made, the financial official properly records the obligation in the FMIS2+ system as an undelivered order.

4-55 Certified Invoice Procedure for Litigation Expenses

Assessment 80: The USAO substantially complies with the EOUSA Management Standards for certified invoice procedures for litigation expenses.

Certified Invoice Procedure has been primarily re-delegated to supervisory AUSAs and supervisory paralegals. Litigation-related invoices are certified for payment by the requester who incurs the expense. The invoices are then forwarded to the Financial Unit for payment. Certified invoice-related purchases are appropriate and are not for recurring services or for goods/services required to be ordered and executed via a USA-47 or placed against an established contract or Blanket Purchase Agreement.

4-56 Court Reporting Services

Assessment 81: The USAO substantially complies with the EOUSA Management Standards regarding court reporting services.

The USAO obtains all grand jury court reporting services, and deposition services that are not provided through official court proceedings, through a formal contract. The contract is being appropriately administered.

4-57 Expert Witness/Litigative Consultant

Assessment 82: The USAO substantially complies with the EOUSA Management Standards regarding expert witnesses and litigative consultants.

AUSAs determine the need for an expert or alternative dispute resolution neutral, select the contractor, negotiate the fees, and provide the necessary information, including the scope of work, to their legal assistant for preparation of the USA-47. The AUSA's legal assistant forwards the USA-47 to a Contracting Officer for review. The Contracting Officer compares the contractor's fees with those of other experts in the same field via the FMIS2+ report to ensure the rate is fair and reasonable. The USA-47 is then forwarded to the Financial Unit for funding. A Contracting Officer completes and signs the USA-47, and the file is maintained in the Acquisitions Unit.

4-60 Management of the Support Services Program

4-61 Reception

Assessment 83: The USAO substantially complies with the EOUSA Management Standards in regards to reception.

Reception coverage is appropriate in view of the size of the USAO. The USAO has one full-time receptionist. The reception duties are covered by legal assistants and students in the absence of the full-time receptionist. The appearance of the reception area is professional and visitors experience a good first impression when entering the area.

4-62 Space Management

Assessment 84: The USAO substantially complies with the EOUSA Management Standards regarding space management.

The AO and Support Services Supervisor effectively manage the USAO space and ensure the space is used appropriately.

4-63 Property Management

Assessment 85: The USAO substantially complies with the EOUSA Management Standards in the area of property management.

The Fiscal Year 2010 wall-to-wall inventory and the Fiscal Year 2011 Capitalized, Laptops, and Firearms inventory have been completed and submitted to Facilities and Support Services Staff at EOUSA for processing within the allotted time. While conducting a random search for equipment, 20 of the 20 items were found to be correctly added to the Unicenter Asset

Portfolio Management (UAPM) system. The program has the proper controls in place to prevent fraud, waste, and abuse.

The USAO has an effective program that promotes the optimal use of its property inventory in support of the mission of the office. Property Hand Receipts are used to maintain accountability of sensitive items and items are properly entered into the property management system of record.

4-70 Management of the Information Technology (IT) Program

4-71 Management Advisory Services

Assessment 86: The USAO substantially complies with the EOUSA Management Standards regarding management advisory services in the IT program.

The Administrative Division advises senior supervisors on a regular basis regarding the technologies that are available to the USAO as well as how the office will be affected by new IT initiatives. However, one Red Flag was identified in this area. The IT staff should ensure that background checks are verified and documented before network accounts are created in order to comply with USAP 3-16.200.003, Network Account Security Management.

4-72 Customer Service Orientation

Assessment 87: The USAO substantially complies with the EOUSA Management Standards regarding customer service in the information technology area.

Generally, the IT staff is responsive to the needs of the office and it recently made efforts to enhance its customer service. The Help Desk hours were expanded until 9:00 p.m. in order to better serve the office. The AO and IT Specialist should continue to monitor the Help Desk closely to ensure the staff is getting the assistance necessary before and after normal hours in order to perform their jobs. The IT staff has done an excellent job of making positive changes to the USAO's intranet site and has worked very hard to start the Document Management Services (DMS) Center. The DMS Center manages and coordinates all ALS work for the USAO, with a goal of ensuring efficient workflow and a high quality product. Some of the services that DMS provides include the following: the processing and storage of discovery material; digital conversion of paper documents via high speed scanners; Optical Character Recognition of converted documents; organizing data into a searchable database format; and, reviewing and exporting data into USAO standard software (e.g. Concordance, IPRO) for a trial team review. The USAO should regularly monitor the work product and effectiveness of the program.

4-80 Management of the Branch Office

4-81 Branch Office Communications

Assessment 88: The USAO substantially complies with the EOUSA Management Standards regarding branch office communications.

The administrative staff has good communication with the Central Islip staff and is responsive to ensure that branch office employees get what they need to perform their jobs. Interviews indicated that the Central Islip support staff morale is good; however, the workload is very heavy. The IT Specialist in the office does an excellent job providing IT support to the office, and back-up support is sent from Brooklyn when the IT Specialist is out of the office.

5-0 Joint Areas of Responsibility

5-10 Management of Appellate Practice

Assessment 89: The USAO substantially complies with the EOUSA Management Standards for the management of appellate practice.

The USAO's appellate policies, procedures, and supervisory controls effectively assist USAO personnel to achieve professionalism, excellence, and integrity in their appellate practice. The USAO ensures that its work complies with applicable Department requirements and fairly and uniformly enforces the laws of the United States. The USAO's Criminal and Civil Appellate Chiefs are capable AUSAs who have significant appellate experience. The Criminal Appellate Chief has held the position for 20 years; the Civil Appellate Chief has held the position for 19 years. They are well respected by the USAO's appellate and managerial staff and the judiciary for their professionalism, integrity, and competence. The USAO has in place policies and practices to ensure the highest quality written and oral advocacy before the Court of Appeals. Deputy Chiefs in the Criminal Appellate Division review all appellate briefs after the trial attorney submits the draft via e-mail. The reviewer then finalizes the brief, making modifications ranging from minor to significant. The result is that the final briefs are consistently of the highest quality, as noted by the Chief Judge of the Second Circuit Court of Appeals. The Criminal Appellate Division also moots every oral argument, providing input not only as to the substance of the argument, but also tips as to matters that involve the particular panel assigned to the argument. The Criminal Appellate Chief provides regular training to the line attorneys and is consistently available to answer any questions regarding appellate issues. The appellate workload is manageable with existing AUSA and support staff resources and it is equitably distributed among the AUSAs and support staff who are assigned to handle appeals.

5-20 Management of Asset Forfeiture

Assessment 90: The USAO substantially complies with the EOUSA Management Standards for management of asset forfeiture.

The USAO's asset forfeiture program, part of the Civil Division, is productive and effective. In Fiscal Year 2011, more than \$178 million was deposited in seized assets funds, more than \$21 million was distributed as equitable sharing with state and local law enforcement agencies, and more than \$57 million from forfeited assets was distributed to victims of crime.

██████████, the Asset Forfeiture Unit Chief was recently promoted from the position of deputy chief, and is a capable AUSA with significant criminal and civil forfeiture experience. She is well respected by the USAO staff, the agencies, and the judiciary for her abilities. She was scheduled to attend management training at the NAC in late February 2012. The office should consider having her also attend the Justice Leadership Institute management training.

The USAO has specific policies and procedures in place to ensure that asset forfeiture is included in all appropriate criminal and civil cases. The USAO works effectively with federal, state, and local law enforcement agencies to identify forfeitable assets in all appropriate criminal cases. The asset forfeiture workload is heavy but manageable. Three AUSAs who handled asset forfeiture work recently left the unit, two left the office and one was promoted outside the unit. The workload is distributed among the Chief and three other AUSAs in the unit, as well as among other AUSAs in the Civil Division. In the coming months, the USAO should monitor the workload to determine the effect of the recent AUSA departures on the effectiveness of the unit.

For Fiscal Year 2011, the USAO reported 11.35 AUSA workyears in the asset forfeiture category, exceeding its 10 specially allocated Asset Forfeiture AUSA FTE. The USAO underreported its eight specially allocated support FTE, but that reporting did not include the work of seven contract paralegals and two contract analysts, who did not report time in the USA-5/5A system, and who performed support work for asset forfeiture in the Brooklyn and Central Islip offices. By these indications, the USAO fully expends more than the allocated support resources. Nonetheless, the USAO should continue to monitor the accuracy of USA-5/5A reporting for all legal support personnel and AUSAs who work on forfeiture matters.

5-30 Management of the FLU

Assessment 91: With a few exceptions, the USAO substantially complies with the EOUSA Management Standards regarding management of the Financial Litigation Unit.

Assessment 92: The appointment of a new FLU supervisory paralegal from outside the unit, who lacks FLU experience and training, has adversely affected morale. [Management Standard 5-30.135]

Assessment 93: The FLU does not routinely pursue the legal and administrative enforcement remedies available to maximize recovery efforts, such as garnishments, Treasury Offsets, depositions, debtor examinations, and execution actions. *[Management Standard 5-30.230]*

Assessment 94: The USAO does not effectively monitor its Private Counsel Program. *[Management Standards 5-30.160, 5-30.163]*

Assessment 95: The FLU does not actively coordinate asset investigations with the Criminal Division during the investigative and pre-indictment stages of cases and needs to improve its coordination and outreach to the Criminal Division in this area. *[Management Standard 5-30.250]*

The FLU is supervised by FLU Chief [REDACTED], who reports to [REDACTED], the Principal Deputy Civil Chief. The FLU Chief is an experienced AUSA who has served in the FLU for ten years. She is well respected by the USAO staff and is knowledgeable about financial litigation and collection matters. In addition to the FLU Chief, the FLU includes two other AUSAs, a supervisory paralegal, an investigator, and nine additional support staff members, including one lead debt collection agent, five paralegal assistants, two legal assistants, and one contract employee. The supervisory paralegal and the investigator report directly to the FLU Chief. The management structure is appropriate and the workload of the FLU is heavy but manageable.

The FLU Chief, FLU AUSAs, and support staff are generally capable, experienced, and respected by the USAO staff, the judiciary, and the agencies. The roles, responsibilities, and duties of the FLU Chief, FLU AUSAs, supervisory paralegal, lead debt collection agent, paralegal assistants, and legal assistants are clearly defined. Members of the FLU have a clear understanding of their duties and individual work assignments. The USAO has developed effective policies and procedures to ensure compliance with statutory requirements, the *USAM*, *USAPs*, and *EOUSA* guidelines. The FLU has developed an effective internal control policy and has submitted a Self-Certification of Processing Payments form in which no Red Flags were reported.

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An examination of the enforcement efforts of the FLU indicates that it rarely has brought enforcement actions authorized by the Federal Debt Collection Procedures Act (FDCPA), such as debtor's exams, executions, and garnishments, and the office does not consistently use the Treasury Offset Program (TOP). Indeed, errors in coding discovered during the evaluation indicate the office has taken fewer enforcement actions than reported. The USAO should make efforts to correct its coding of actions and seek to use all the legally appropriate tools provided under the FDCPA to increase its collection efforts.

The USAO employs private counsel through contracts with the Justice Management Division (JMD) to collect certain debts. The FLU provided training for private counsel in February 2011 and in November 2011, during which it advised private counsel of certain deficiencies in their performance. These deficiencies included delays in initiating litigation, failure to timely close cases where the judgment had been collected in full or where the judgment had been determined to be uncollectible, and failure to properly enter data in the Department's Consolidated Debt Collection System (CDCS). Despite the training and advice, private counsel have not corrected the deficiencies and are not in compliance with their contracts. The FLU should review private counsel collection efforts at least quarterly and immediately consult with JMD regarding available solutions if these issues remain. The FLU should also consider specific training for private counsel in the use of certain CDCS reports, which may be used by the FLU to monitor private counsel performance and compliance.

The FLU is notified when a case is presented for indictment and may begin coordinating with the Criminal Division to investigate and identify assets that might be seized or used to satisfy criminal judgments or restitution orders. However, there is no regular coordination between the FLU and the Criminal Division before indictment. Because many of the cases prosecuted by the USAO involve lengthy and complex investigations, the lack of pre-indictment communication and coordination risks overlooking or losing the chance to identify significant assets. The Department has placed nation-wide emphasis on a FLU using its tools, resources, and talents to improve pre-judgment identification and seizure of assets that could be used to satisfy restitution to the United States and to victims of crime. The FLU should make efforts to begin coordinating pre-judgment/pre-plea asset identification with the Criminal Division at the beginning of investigations.

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Recommendation 93: The USAO should correct its CDCS records concerning its enforcement activities and routinely use FDCPA enforcement tools and administrative remedies to maximize recoveries on behalf of the United States and victims of crime. [Management Standard 5-30.230]

Recommendation 94: The FLU should increase its periodic review of the Private Counsel Program using CDCS reports to ensure that private counsel are complying with Department policies and procedures. *[Management Standard 5-30.160]*

Recommendation 95: The USAO should promote better communication between the Criminal Division and the FLU to ensure that cases are being investigated for potential assets at the prejudgment stage of the criminal case. *[Management Standard 5-30.250]*

5-40 Management of FOIA Requests

Assessment 96: The USAO does not substantially comply with the EOUSA Management Standards regarding management of the FOIA program.

Assessment 97: The USAO does not effectively supervise its FOIA program. *[Management Standards 5-40.100, 120, and 130]*

Assessment 98: The USAO does not timely respond to requests for records. *[Management Standards 5-40.200, 210, and 220]*

Assessment 99: The FOIA Contact does not conduct periodic FOIA training for all USAO personnel or initial FOIA training for newly hired USAO employees. *[Management Standard 5-40.310]*

Assessment 100: The FOIA Contact does not provide USAO employees with updates on relevant FOIA issues and notices of changes in the law or in Department policies and procedures regarding relevant FOIA issues. *[Management Standard 5-40.320]*

The USAO has appointed an experienced paralegal to serve as the FOIA Contact. However, the USAO does not effectively supervise its FOIA program. Prior to the evaluation, the EOUSA FOIA Staff reported that the USAO had a substantial backlog of requests. In the months preceding the evaluation, the backlog was substantially reduced, from 62 overdue requests to less than 20. The USAO had a similar backlog at the time of its prior evaluation in 2008.

The FOIA Contact, who has served in the position since approximately 2004, has never attended EOUSA-sponsored FOIA training. The FOIA Contact back-up attended some training in Washington in 2003. The second FOIA Contact back-up, who was only recently designated as such, has very little knowledge about FOIA or the process involved with responding to FOIA requests, and has received no FOIA training.

Almost one-third of all AUSAs reported that they had not had FOIA training. The FOIA Contact has not conducted training for all USAO personnel or initial training for newly hired employees since he has served as the FOIA Contact. In addition, the FOIA Contact does not provide notice of changes in the law or Department policies regarding FOIA to the USAO employees.

Recommendation 97: The USAO should ensure that its FOIA program is effectively supervised by conducting periodic reviews of the FOIA Program and by providing EOUSA-sponsored training to the FOIA Contact and the back-ups. *[Management Standards 5-40.100, 120, and 130]*

Recommendation 98: The USAO should ensure that the FOIA Contact timely responds to requests for records made by members of the public by keeping an up-to-date logging system, timely locating responsive records, and timely forwarding records to the EOUSA FOIA Staff. *[Management Standards 5-40.200, 210, and 220]*

Recommendation 99: The USAO should provide periodic FOIA training for all USAO personnel and initial FOIA training for newly hired USAO employees. *[Management Standard 5-40.310]*

Recommendation 100: The USAO should provide all USAO employees with updates on relevant FOIA issues and notices of changes in the law or in Department policies and procedures regarding relevant FOIA issues. *[Management Standard 5-40.320]*

5-50 Management of Security

Assessment 101: The USAO substantially complies with the EOUSA Management Standards regarding the management of security.

The USAO's District Office Security Manager (DOSM) effectively manages the USAO's security programs. He has regularly attended Department-sponsored security training and he provides security training for all USAO employees. The DOSM has developed, implemented, and updated all required security plans for the USAO facility. The Deputy DOSM assists the DOSM as needed and also handles specific items such as mail security, identification cards, and facility access. However, the Deputy DOSM has not had Department-sponsored training. It is suggested that the Deputy DOSM attend such at the earliest possibility so that he is fully trained as a back-up to the DOSM.

The USAO has just recently appointed a new Crisis Management Coordinator (CMC). The CMC keeps the Critical Incident Response Plan (CIRP) up to date, which has been reviewed every six months as required. Copies of the CIRP have been circulated as required. The USAO recently conducted a table-top exercise and revised the plan based on the lessons learned from that exercise. The CMC reported that he will endeavor to record all of his time spent on CIRP duties under the appropriate USA-5A category.

List of Interviews

1. Attorney Personnel

Honorable Loretta E. Lynch, United States Attorney

Brooklyn

[REDACTED], Deputy Chief, Civil Division

[REDACTED], Deputy Chief, Organized Crime

[REDACTED], Deputy Chief, General Crimes

[REDACTED], Deputy Chief, Appellate Division

[REDACTED], Co-Chief, Violent Crimes

[REDACTED], Deputy Chief, Criminal Division

[REDACTED], Senior Trial Counsel

[REDACTED], Chief, Public Integrity

[REDACTED], Special AUSA

[REDACTED], Chief, Civil Rights

[REDACTED], Senior Trial Counsel

[REDACTED], Deputy Chief, Appellate Division

[REDACTED], Chief, Immigration Litigation

[REDACTED], Deputy Chief, General Crimes

[REDACTED], Chief, Civil Rights

[REDACTED], Chief, ACE

[REDACTED], Deputy Chief, Asset Forfeiture

[REDACTED], Deputy Chief, Appellate Division

[REDACTED], SLC

[REDACTED], Co-Chief, Violent Crimes

[REDACTED], Chief, Health Care Fraud, Civil Division

[REDACTED], Deputy Chief, Civil Division

[REDACTED], Special AUSA

[REDACTED], Special AUSA

[REDACTED], Chief, General Crimes

[REDACTED], Chief, Environmental Litigation

[REDACTED], Chief, Violent Crimes

[REDACTED], Chief, Social Security
Litigation
[REDACTED], Chief, Asset Forfeiture
[REDACTED], Deputy Chief, Civil Division
[REDACTED], Deputy Chief,
Business/Securities Fraud
[REDACTED], Chief,
Business/Securities Fraud
[REDACTED], Chief, Organized Crime
[REDACTED], Chief, Criminal Division
[REDACTED], Chief, Employment
Discrimination Litigation
[REDACTED], Executive AUSA
[REDACTED], Principal Deputy Chief,
Civil Division
[REDACTED], Deputy Chief, Appellate
Division
[REDACTED], Chief, Civil Appeals
[REDACTED], Acting Chief, International
Narcotics Strike Force
[REDACTED], Chief, Appellate Division
[REDACTED], Deputy Chief, Civil Rights
[REDACTED], Chief, Intake and
Arraignments
[REDACTED], Deputy Chief, Criminal
Division
[REDACTED]
[REDACTED] Special AUSA

[REDACTED], Chief, Civil Division
[REDACTED], Chief, FLU
[REDACTED], Deputy Chief,
OCDETF/Narcotics
[REDACTED], Deputy Chief, Public
Integrity
[REDACTED], Deputy Chief,
OCDETF/Narcotics
[REDACTED], SLC
Central Islip
[REDACTED] PSC Coordinator
[REDACTED], Chief, Criminal
Division/Intake
[REDACTED], Acting Deputy Chief,
Criminal Division
[REDACTED], Deputy Chief, Criminal
Division
[REDACTED] SLC
[REDACTED], Chief, Central Islip

[REDACTED], Deputy Chief, Central
Islip

[REDACTED]

[REDACTED], Supervisory Legal Technician

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED], CIO
[REDACTED], AO

2. Other USAO Personnel

Brooklyn

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED], Supervisor, Support Services
[REDACTED], DSOM/LECC

Coordinator

[REDACTED], Supervisor, FLU
[REDACTED], Assistant Supervisor,
Support Services

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED], Investigator, FLU
[REDACTED], Supervisory Administrative

Technician

[REDACTED], Supervisory

Paralegal

[REDACTED], Deputy CIO

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED], Public Information Officer

[REDACTED]
[REDACTED], Supervisory Paralegal

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED], Investigator, Violent Crimes and
Terrorism

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Central Islip

[REDACTED], Grand Jury Coordinator

[REDACTED]

[REDACTED], Office Manager

[REDACTED], Magistrate Judge

3. The Judiciary

Brooklyn

[REDACTED], Chief District Judge
[REDACTED], Magistrate Judge
[REDACTED], District Judge
[REDACTED], Magistrate Judge
[REDACTED], Chief Bankruptcy Judge
[REDACTED], District Judge
[REDACTED], Chief Magistrate Judge
[REDACTED], District Judge
[REDACTED], Chief Judge, Second Circuit
Court of Appeals

[REDACTED], District Judge
[REDACTED], District Judge
[REDACTED], Magistrate Judge
[REDACTED], District Judge
[REDACTED], District Judge
[REDACTED], Magistrate Judge
[REDACTED], Magistrate Judge
[REDACTED], Circuit Judge
[REDACTED], Magistrate Judge
[REDACTED], District Judge
[REDACTED], Circuit Judge
[REDACTED], District Judge
[REDACTED], District Judge

Central Islip

[REDACTED], District Judge
[REDACTED], Magistrate Judge
[REDACTED], District Judge
[REDACTED], District Judge
[REDACTED], Magistrate Judge
[REDACTED], District Judge
[REDACTED], District Judge
[REDACTED], Magistrate Judge

4. Agencies and Others

Brooklyn

[REDACTED], Associate Chief Counsel,
Customs & Border Protection
[REDACTED], SAC, ATF
[REDACTED], Regional Counsel, VA
[REDACTED], Regional Counsel, HUD
[REDACTED], Area Counsel, IRS
[REDACTED], Supervisory Special Agent, FBI
[REDACTED], ASAC, HUD/OIG
[REDACTED], ASAC, FBI
[REDACTED], Regional Solicitor, Department
of Interior
[REDACTED], Chief, Pretrial Services
[REDACTED], Deputy Chief Area Counsel,
Customs and Immigration Service
[REDACTED], Financial Administrator,
United States District Court
[REDACTED], United States Marshal
[REDACTED], Assistant Deputy Chief
Probation Officer
[REDACTED], Supervisory Regional Counsel,
SSA
[REDACTED], Managing Counsel, United
States Postal Service
[REDACTED], ASAC, Department of Labor,
Office of Racketeering and Fraud
Investigations
[REDACTED], SAC, FBI –
Counterterrorism Division
[REDACTED], Supervisor,
United States Postal Service
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