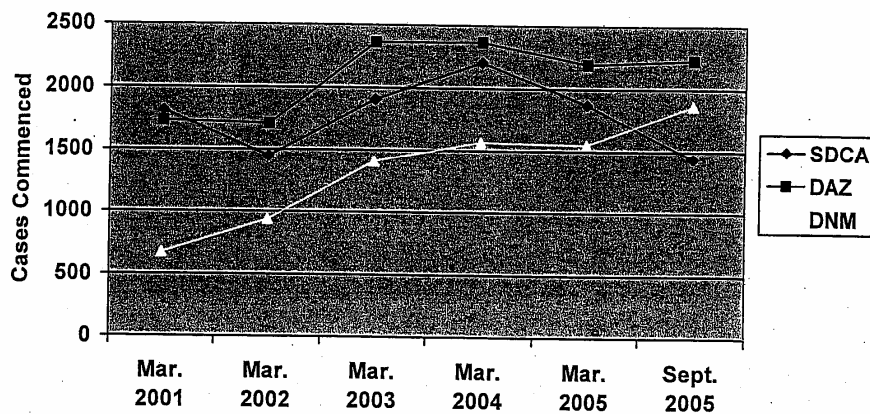


Immigration Enforcement Data

According to data obtained from the U.S. District Courts for the period from September 30, 2004 to September 30, 2005, the Southern District of California had 398 protections for illegal reentry by an alien and 1041 prosecutions for "other" immigration offenses. The U.S. Courts data includes all felony and class A misdemeanor cases. This is the most recent data available from the courts.

The U.S. Courts website has historical data on prosecution cases commenced broken down by district and by type of crime from 2000 to 2005. The chart below contains a line graph of the trends in immigration prosecutions for SDCA, Arizona, and New Mexico. Since the fiscal year ending in March 2001, Arizona and New Mexico have had an upward trend in their immigration prosecutions. SDCA peaked in 2003-04 and has since had a precipitous decline. Comparing SDCA's performance using 111 AUSAs and New Mexico's higher case commencement numbers using 59 AUSAs, it seems that SDCA should be doing much more. In fairness, there may be differences in each district not reflected in a simple line graph that could account for the disparity, but the data helps to focus attention on the problem.

**Trends in Overall Immigration Prosecutions by District
(Felonies and Class A Misdemeanors)**



Data Source: United States Courts

Prosecution Guidelines

The prosecution guidelines employed by SDCA may help explain why their immigration prosecutions have declined in the past two years. SDCA does not prosecute purely economic migrants. SDCA directs its resources to bringing felony charges against the most egregious violators, focusing on illegal aliens with substantial criminal histories such as violent/major felons, recidivist felons, repeat immigration violators on supervised release, and alien smugglers and guides.

By contrast, New Mexico has a lower threshold for accepting immigration cases for prosecution. New Mexico accepts illegal reentry cases even when the illegal alien has no prior criminal record. New Mexico also takes in alien smuggling cases, focusing on cases where there is evidence of a profit motive or where the health and safety of the persons transported was jeopardized.

Analysis of Specific Immigration Offenses Being Prosecuted

The differences in prosecution guidelines are borne out by the case filing data from each district. When the immigration prosecutions are broken down by specific offense, it is apparent why SDCA is now lagging behind the other border districts in the number of prosecutions.

According to the data, SDCA is doing as well as any other district, except for SDTX, in alien smuggling prosecutions under 8 U.S.C. 1324. In 2005, SDCA filed 484 alien smuggling cases with 554 defendants, a number comparable to Arizona, which filed 380 alien smuggling cases with 585 defendants. New Mexico had far fewer alien smuggling cases in 2005 with 111 cases filed with 145 defendants.

SDCA could be doing more alien smuggling cases with the fast track program it has in place. In their supplementary materials requesting reauthorization of the fast track program, SDCA admits its prosecution guidelines have resulted in fewer cases being filed: “[i]n 2004, we adjusted our prosecution guidelines to, among other things, eliminate a large number of criminal alien cases where the alien was a suspected foot guide without a serious criminal history. This change in the prosecution guidelines resulted in a decrease of approximately 360 cases in 2005.”

SDCA filed far fewer illegal entry cases under 8 U.S.C. 1325 than Arizona and New Mexico. In 2005, Arizona filed 3409, New Mexico filed 1194, and SDCA filed 470 illegal entry cases.

SDCA is also lagging far behind other border districts in the number illegal reentry prosecutions under 8 U.S.C. 1326. In 2005, Arizona filed 1491 illegal reentry cases, New Mexico filed 1607 illegal reentry cases, and SDCA filed 422 illegal reentry cases. SDCA filed almost half as many illegal reentry cases in 2005 than it did in 2004.

Conclusions and Recommendations

It appears that SDCA is employing prosecution guidelines that are more restrictive than other districts in immigration prosecutions. The most immediate fix would be to change the prosecution guidelines so they are more in line with the guidelines employed by other border districts. In particular, SDCA should place a greater emphasis on pursuing illegal reentry cases and alien smuggling cases.

Any additional resources provided to the district to lower the vacancy rate should be done with a clear understanding that they will supplement current resources focused on criminal aliens. To the extent that Border Patrol is dissatisfied with the level of immigration prosecutions, Customs and Border Protection or the Bureau of Immigration and Customs Enforcement should provide SDCA with Special Assistant United States Attorneys to focus on immigration prosecutions and

improve the manpower issues.

This analysis was based mostly on U.S Courts data, EOUSA data, as well as information self-reported by the districts. I have received an EARS evaluation of SDCA, which contains much greater detail about the situation at that office, including the results of interviews of office personnel. I will prepare a supplement to this memorandum incorporating the findings and recommendations of the evaluation team as they pertain to immigration enforcement efforts at SDCA.

Mercer, William W

From: Sampson, Kyle
Sent: Wednesday, May 31, 2006 6:34 PM
To: Mercer, Bill (ODAG)
Subject: RE: Immigration Enforcement

No. I have to leave in five.

-----Original Message-----

From: Mercer, Bill (ODAG)
Sent: Wednesday, May 31, 2006 6:33 PM
To: Sampson, Kyle
Subject: Re: Immigration Enforcement

Are you going to be upstairs for awhile?

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Sampson, Kyle
To: Mercer, Bill (ODAG)
Sent: Wed May 31 18:26:58 2006
Subject: Immigration Enforcement

Has ODAG ever called Carol Lam and woodshedded her re immigration enforcement? Has anyone?

If the AG ordered 20 more prosecutors to S.D. Cal. to do immigration enforcement only, where would we get them from (remember the premise: AG has ordered it)? Please advise.

Mercer, William W

From: Mercer, Bill (ODAG)
Sent: Wednesday, May 31, 2006 6:40 PM
To: Sampson, Kyle
Subject: Re: Immigration Enforcement

I don't believe so.

Not that I am aware of.

There are good reasons not to provide extensive resources to SD Ca. Other border districts have done substantially more. It will send the message that if your people are killing themselves, the additional resources will go to folks who haven't prioritized the same enforcement priority.

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Sampson, Kyle
To: Mercer, Bill (ODAG)
Sent: Wed May 31 18:26:58 2006
Subject: Immigration Enforcement

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Mercer, William W

From: Sampson, Kyle
Sent: Thursday, June 01, 2006 11:17 AM
To: Mercer, Bill (ODAG)
Subject: RE: Draft Analysis of Immigration Prosecutions in SDCA

This is helpful, but a comparison of S.D. Cal. and S.D. Tex. would be most helpful, as San Diego and Houston likely are better comparables. In any event, I got some guidance from the AG this morning and we need to talk. When is good?

-----Original Message-----

From: Mercer, Bill (ODAG)
Sent: Thursday, June 01, 2006 9:32 AM
To: Sampson, Kyle
Subject: Fw: Draft Analysis of Immigration Prosecutions in SDCA

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Fridman, Daniel (ODAG)
To: Mercer, Bill (ODAG)
Sent: Thu Jun 01 09:29:59 2006
Subject: RE: Draft Analysis of Immigration Prosecutions in SDCA

Bill -

Here is the most current version.

Dan

-----Original Message-----

From: Mercer, Bill (ODAG)
Sent: Wednesday, May 31, 2006 7:19 PM
To: Fridman, Daniel (ODAG)
Subject: RE: Draft Analysis of Immigration Prosecutions in SDCA

If I can get either the older draft or the updated one first thing tomorrow, that would be good.

-----Original Message-----

From: Fridman, Daniel (ODAG)
Sent: Wednesday, May 31, 2006 7:16 PM
To: Mercer, Bill (ODAG)
Subject: Re: Draft Analysis of Immigration Prosecutions in SDCA

Bill -

That's not the most current draft. The one I gave you last Friday for the DAG to take with him was a revised version. Although that version had more detail about SDCAs fast track program, revised prosecution numbers, and some of the findings of the EARS report, I've since had a chance to go through EARS more completely and will revise the report one final time. I can email you the most recent version tomorrow. I can have a final revised version for you by Friday.

Bill

-----Original Message-----

From: Mercer, Bill (ODAG)

Mercer, William W

From: Sampson, Kyle
Sent: Thursday, June 01, 2006 5:25 PM
To: Mercer, Bill (ODAG)
Cc: Elston, Michael (ODAG)
Subject: San Diego Immigration Enforcement

Importance: High

Bill, this relates (certainly in the AG's mind) to the e-mail I just sent to Elston (cc to you) re our pressing need to, in the very short-term, generate some deliverables on immigration enforcement, and in the long-term, insulate the Department from criticism by improving our numbers. AG has given additional thought to the SD situation and now believes that we should adopt a plan -- something like the following:

- Have a heart-to-heart with Lam about the urgent need to improve immigration enforcement in SD;
- Work with her to develop a plan for addressing the problem -- to include alteration of prosecution thresholds; additional DOJ prosecutors; additional DHS SAUSA resources; etc.
- Put her on a very short leash;
- If she balks on any of the foregoing or otherwise does not perform in a measurable way by July 15 [my date], remove her.
- AG then appoints new USA from outside the office.

This seems to me like the sort of thing for ODAG and EOUSA to execute. Can you think about how to do this right, tune up my plan/list of bullets, and be prepared to (1) present such plan to the AG tomorrow or early next week for his approval and (2) execute the plan next week?

To: Fridman, Daniel (ODAG)
Sent: Wed May 31 18:49:43 2006
Subject: Re: Draft Analysis of Immigration Prosecutions in SDCA

n: is this your final draft?

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Fridman, Daniel (ODAG)
To: Mercer, Bill (ODAG)
Sent: Mon May 22 08:59:44 2006
Subject: Draft Analysis of Immigration Prosecutions in SDCA

Bill -

Here is my first cut at an analysis of SDCA. I still have questions about the data and materials provided by EOUSA which I will follow up on today. There is also some additional data I'd like to see.

Let me know if this is what you had in mind.

Dan

-----Original Message-----

From: dan_fridman@yahoo.com
To: Fridman, Daniel (ODAG)
CC: dan_fridman@yahoo.com
Sent: Mon May 22 07:12:29 2006
Subject: dan_fridman@yahoo.com

Do You Yahoo!?
Tired of spam? Yahoo! Mail has the best spam protection around
<http://mail.yahoo.com>

TO: DAG
FROM: PADAG
RE: Supplement to the Fridman Analysis on resources and productivity in the SD CA
DATE: June 4, 2006

While the approach to immigration cases and actual output in that area is instructive, there are other factors for your consideration.

- I. PSN/Firearms Cases. Attached are: (1) a summary from the PSN FY 05 District Review Report, (2) a March, 2004 report from EOUSA to Kyle, and (3) a follow-up memo from ODAG to Kyle on the results of conference calls between DAG Comey and USA Lam.

Cases filed under 18 U.S.C. §§ 922, 924 hit a 10 year low in SD CA in FY 2005 even after the conversation between Jim and Carol.

SDCA filed 12 gun cases under those statutes in FY 2005. SW border peer districts charged considerably more cases under those statutes in FY 2005: Arizona (268), New Mexico (164), Western Texas (285), and Southern Texas (223). The other California districts also brought substantially more cases under those statutes in FY 2005: CD California (131), ED California (126), ND California (102).

This is a long-standing issue. PSN has not had an impact on the number of federal firearms prosecutions in SDCA. In fiscal years 2002-2005, the number of prosecutions brought in SDCA under 18 U.S.C. §§ 922, 924 total 71 and exceeded twenty cases in a single year only once (FY 2002). Numbers of cases brought under those statutes in SDCA in FYs 1994-1998 exceeded 24 each year.

- II. Overall case production in 2005. It may be useful to compare SDCA to other SW border districts. The Sentencing Commission has just released its report for fiscal year 2005. This contains information about sentencing in felony and class A misdemeanors.

SD Texas: 6,414 defendants were sentenced there in FY 05. This is the largest number for any district in the country in FY05.

Of those, 4,313 were sentenced for immigration offenses.
1,482 were sentenced for drug trafficking offenses
99 were sentenced for fraud offenses.

WD Texas: 5,839 defendants were sentenced there in FY 05.

Of those, 2,519 were sentenced for immigration offenses.
2,412 were sentenced for drug trafficking offenses

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215 were sentenced for fraud offenses.

New Mexico: 2,575 defendants were sentenced there in FY 05.

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24 were sentenced for fraud offenses.

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140 were sentenced for fraud offenses.

SD California: 2,536 defendants were sentenced there in FY 05.

Of those, 1,413 were sentenced for immigration offenses.
826 were sentenced for drug trafficking offenses
153 were sentenced for fraud offenses.

III. Current AUSA resources in the SW border districts

As of early March, the on-board full-time AUSA counts from the direct appropriation (excluding ACE, health care fraud, and OCDETF) was as follows:

Arizona	114
SD Cal	111
New Mexico	63
SD Texas	143
WD Texas	111

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Immigration/Drug/Fraud Cases

The Sentencing Commission has just released its report for fiscal year 2005. This contains information about sentencings in felony and class A misdemeanors.

Arizona: 4,521 defendants were sentenced there in FY 05.

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215 were sentenced for fraud offenses.

Firearms Cases

The Commission has also published sentencing data for defendants in firearms cases for the FY 02-05 period where the primary offense is a "firearms" offense. They report the following information per district:

Arizona

2002 -- 100 defendants
2003 -- 145 defendants

ASG000000261

2004 -- 184 defendants
2005 -- 226 defendants

New Mexico

2002 -- 69 defendants
2003 -- 63 defendants
2004 -- 86 defendants
2005 -- 103 defendants

Southern District of California

2002 -- 18 defendants
2003 -- 19 defendants
2004 -- 12 defendants
2005 -- 10 defendants

Southern District of Texas

2002 -- 192 defendants
2003 -- 153 defendants
2004 -- 161 defendants
2005 -- 227 defendants

Western District of Texas

2002 -- 131 defendants
2003 -- 133 defendants
2004 -- 213 defendants
2005 -- 204 defendants

ASG000000262

Mercer, William W

From: Mercer, Bill (ODAG)
Sent: Monday, June 05, 2006 3:25 AM
To: McNulty, Paul J
Cc: Elston, Michael (ODAG)
Subject: 6/3-4

There are a few other items that came up over the weekend, I got to over the weekend, and/or I forgot to report last week.

1. 3

(b) What, if anything, should be done in SDCa to address concerns about inadequate immigration enforcement numbers. The range of options includes: replace Carol, replace Carol only if she fails to make demonstrable improvements within 90 days (maybe shorter like 45 days), add AUSAs -- maybe to the exclusion of any other SW border district in order to have maximum impact -- immediately after Carol's successor is named or, if she is retained, after the 90 day period whether she is retained or not, make request for DHS lawyers to serve as SAUSAs. Most is your fax is related to this subject. I did a separate memorandum to supplement what Dan Fridman provided to you before Memorial Day.

On resources, Steve Parent says 7 AUSAs and 4 support staff (which would reduce current vacancy rates across the SW border to the national average of 10 percent) would cost 1.6 million in FY 07. Of this amount, 4 AUSA and 2 support would go to SD Ca. He advised over the weekend that they have the money to fund the 7/4 plan now. AG may ask whether all 11 should go to SD Ca.

(c)

2.

3.

4.

5.

6.

7.

Sent from my BlackBerry Wireless Handheld

Mercer, William W

From: Mercer, Bill (ODAG)
Sent: Wednesday, June 07, 2006 2:37 PM
To: Taylor, Jeffrey (OAG)
Subject: Fw: USA prosecutions - Secs. 1324 and 1326

Interested in your thoughts.

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Scott-Finan, Nancy
To: Voris, Natalie (USABO); Seidel, Rebecca; Crews, John (USABO); Smith, David L. (USABO)
CC: Mercer, Bill (ODAG); Roland, Sarah E
Sent: Wed Jun 07 14:22:12 2006
Subject: RE: USA prosecutions - Secs. 1324 and 1326

I have spoken with the staffer who advises that she is inquiring as the Senator herself has asked. The Senator has heard that our prosecution numbers are down. Is there someone in EOUSA who can talk to the staffer and say that we prosecute all of the cases that need prosecuting? Thanks.

-----Original Message-----

From: Voris, Natalie (USABO)
Sent: Tuesday, June 06, 2006 2:05 PM
To: Scott-Finan, Nancy; Seidel, Rebecca; Crews, John (USABO); Smith, David L. (USABO)
Cc: Mercer, Bill (ODAG); Roland, Sarah E
Subject: RE: USA prosecutions - Secs. 1324 and 1326

We definitely do not give out prosecution guidelines.

From: Crews, John (USABO)
Sent: Tuesday, June 06, 2006 1:22 PM
To: Seidel, Rebecca; Scott-Finan, Nancy; Voris, Natalie (USABO); Smith, David L. (USABO)
Cc: Roland, Sarah E
Subject: RE: USA prosecutions - Secs. 1324 and 1326

To my knowledge we decline to give out prosecution guidelines.

My assumption is that you are correct, that this is related to the real report that Ms. Lam sent us, and the faux and redacted copy of that report that Congressman Issa often quotes from.

JGC

From: Seidel, Rebecca
Sent: Tuesday, June 06, 2006 1:18 PM
To: Scott-Finan, Nancy; Voris, Natalie (USABO); Smith, David L. (USABO)
Cc: Roland, Sarah E; Crews, John (USABO)
Subject: RE: USA prosecutions - Secs. 1324 and 1326

We don't generally give out prosecution guidelines - right? And this is a set up related to that report that Issa got his hands on? And Carol Lam responded to?

From: Scott-Finan, Nancy
Sent: Tuesday, June 06, 2006 1:12 PM
To: Voris, Natalie (USAE0); Smith, David L. (USAE0)
Cc: Seidel, Rebecca; Roland, Sarah E
Subject: USA prosecutions - Secs. 1324 and 1326

The good news is that Senator Feinstein's staffer Renee has finally called me for information instead of calling SD Ca directly. She would like to know the prosecutive guidelines for 18 USC Secs. 1324 and 1326 for not only Southern District of California, but also El Paso, Yuma and Tuscon. This may be something that you would want to have a conference call with her--Kelly Shackelford has done great briefings in the past about how no case that needs prosecution is not prosecuted. I am not sure who would do this in Kelly's stead.

Mercer, William W

From: Moschella, William
Sent: Thursday, June 08, 2006 6:38 AM
To: Mercer, Bill (ODAG)
Subject: Re: USA prosecutions - Secs. 1324 and 1326

Can you bring the numbers that you handed out once before to the morning mtg and we can discuss?

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Mercer, Bill (ODAG)
To: Moschella, William
Sent: Thu Jun 08 05:48:41 2006
Subject: Fw: USA prosecutions - Secs. 1324 and 1326

Do you think that Taylor and I should give your staff an overview of what we know about the data and the practice? We don't want anyone to represent that "we are prosecuting all that need to be prosecuted.". It strikes me as a difficult argument given the numbers and the anecdotes.

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Mercer, Bill (ODAG)
To: Scott-Finan, Nancy; Voris, Natalie (USAE0); Seidel, Rebecca; Crews, John (USAE0); Smith, David L. (USAE0)
CC: Roland, Sarah E
Sent: Thu Jun 08 05:43:33 2006
Subject: Re: USA prosecutions - Secs. 1324 and 1326

Where? SDCA, California as a whole, or nationally?

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Scott-Finan, Nancy
To: Voris, Natalie (USAE0); Seidel, Rebecca; Crews, John (USAE0); Smith, David L. (USAE0)
CC: Mercer, Bill (ODAG); Roland, Sarah E
Sent: Wed Jun 07 16:01:15 2006
Subject: RE: USA prosecutions - Secs. 1324 and 1326

Can we try to pull numbers for each of the two sections--can we show that prosecution numbers are up?

-----Original Message-----

From: Scott-Finan, Nancy
Sent: Wednesday, June 07, 2006 2:22 PM
To: Voris, Natalie (USAE0); Seidel, Rebecca; Crews, John (USAE0); Smith, David L. (USAE0)
Cc: Mercer, Bill (ODAG); Roland, Sarah E
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Mercer, William W

From: Sampson, Kyle
Sent: Wednesday, June 21, 2006 12:05 PM
To: Mercer, Bill (ODAG)
Subject: FW: Sen. Feinstein letter 6-20-06

Attachments: Sen. Feinstein letter 6-20-06.pdf

We need to talk about this.

From: Taylor, Jeffrey (OAG)
Sent: Wednesday, June 21, 2006 11:38 AM
To: Sampson, Kyle
Subject: FW: Sen. Feinstein letter 6-20-06

From: Chambers, Shane P
Sent: Wednesday, June 21, 2006 11:01 AM
To: Moschella, William; Mercer, Bill (ODAG); Taylor, Jeffrey (OAG)
Subject: Sen. Feinstein letter 6-20-06



Sen. Feinstein
letter 6-20-06....

Shane P. Chambers
Office of Legislative Affairs
U.S. Department of Justice
Washington, D.C. 20530
(phone) 202.616.5637
(fax) 202.305.2643

DIANNE FEINSTEIN
CALIFORNIA



COMMITTEE ON APPROPRIATIONS
COMMITTEE ON ENERGY AND NATURAL RESOURCES
COMMITTEE ON THE JUDICIARY
COMMITTEE ON RULES AND ADMINISTRATION
SELECT COMMITTEE ON INTELLIGENCE

United States Senate

WASHINGTON, DC 20510-0504
<http://feinstein.senate.gov>

June 15, 2006

Honorable Alberto Gonzales
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Gonzales:

During our meeting last week you asked if I had any concerns regarding the U.S. Attorneys in California. I want to follow up on that point and raise the issue of immigration related prosecutions in Southern California.

It has come to my attention that despite high apprehensions rates by Border Patrol agents along California's border with Mexico, prosecutions by the U.S. Attorney's Office Southern District of California appear to lag behind. A concern voiced by Border Patrol agents is that low prosecution rates have a demoralizing effect on the men and women patrolling our Nation's borders.

It is my understanding that the U.S. Attorney's Office Southern District of California may have some of the most restrictive prosecutorial guidelines nationwide for immigration cases, such that many Border Patrol agents end up not referring their cases. While I appreciate the possibility that this office could be overwhelmed with immigration related cases; I also want to stress the importance of vigorously prosecuting these types of cases so that California isn't viewed as an easy entry point for alien smugglers because there is no fear of prosecution if caught. I am concerned that lax prosecution can endanger the lives of Border Patrol agents, particularly if highly organized and violent smugglers move their operations to the area.

Therefore, I would appreciate responses to the following issues:

- Please provide me with an update, over a 5 year period of time, on the numbers of immigration related cases accepted and prosecuted by the

ASG00000270

U.S. Attorney Southern District of California, particularly convictions under sections 1324 (alien smuggling), 1325 (improper entry by an alien), and 1326 (illegal re-entry after deportation) of the U.S. Code.

- What are your guidelines for the U.S. Attorney's Office Southern District of California? How do these guidelines differ from other border sectors nationwide?

By way of example, based on numbers provided to my office by the Bureau of Customs and Border Protection and the U.S. Sentencing Commission, in FY05 Border Patrol agents apprehended 182,908 aliens along the border between the U.S. and Mexico. Yet in 2005, the U.S. Attorney's office in Southern California convicted only 387 aliens for alien smuggling and 262 aliens for illegal re-entry after deportation. When looking at the rates of conviction from 2003 to 2005, the numbers of convictions fall by nearly half.

So I am concerned about these low numbers and I would like to know what steps can be taken to ensure that immigration violators are vigorously prosecuted. I appreciate your timely address of this issue and I look forward to working with you to ensure that our immigration laws are fully implemented and enforced.

Sincerely,



Dianne Feinstein
U.S. Senator



Senator Dianne Feinstein

of California

331 Hart Senate Office Building
Washington, DC 20510
(202) 224-3841

TO: WILLIAM MURIELLA

FROM: SEN FEINSTEIN - MONTSERRAT MELLER

TOTAL # OF PAGES (W/COVER): 3

COMMENTS:

ORIGINAL TO FOLLOW

NOTE: The information contained in this fax is confidential. If you receive this transmission in error, please notify the sender immediately.

ASG000000272

July 5, 2006

MEMORANDUM

TO: Carol Lam
United States Attorney
Southern District of California

FROM: William W. Mercer
Principal Associate Deputy Attorney General

SUBJECT: Reconciliation of Sentencing Data for Immigration and Firearms Offenses
in the Southern District of California

In the course of on-going discussions regarding resource allocation and DOJ priorities, I have reviewed different data. The following summary is drawn from Sentencing Commission data. It is dependent upon information provided to the Commission by the judges in each district. So, if a particular district court underreports, these data understate the work of the federal prosecutors in that district. Can you advise whether these data underreport the work of your office?

Immigration/Drug/Fraud Cases

The Sentencing Commission has just released its report for fiscal year 2005. This contains information about sentencings in felony and class A misdemeanors.

Arizona: 4,521 defendants were sentenced there in FY 05.

Of those, 2,275 were sentenced for immigration offenses.
947 were sentenced for drug trafficking offenses
140 were sentenced for fraud offenses.

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SD California: 2,536 defendants were sentenced there in FY 05.

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ASG000000273

826 were sentenced for drug trafficking offenses
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2003 -- 145 defendants
2004 -- 184 defendants
2005 -- 226 defendants

New Mexico

2002 -- 69 defendants
2003 -- 63 defendants
2004 -- 86 defendants
2005 -- 103 defendants

Southern District of California

2002 -- 18 defendants
2003 -- 19 defendants
2004 -- 12 defendants
2005 -- 10 defendants

Southern District of Texas

ASG000000274

2002 -- 192 defendants
2003 -- 153 defendants
2004 -- 161 defendants
2005 -- 227 defendants

Western District of Texas

2002 -- 131 defendants
2003 -- 133 defendants
2004 -- 213 defendants
2005 -- 204 defendants

ASG000000275

III. Current AUSA resources in the SW border districts

As of early March, the on-board full-time AUSA counts from the direct appropriation (excluding ACE, health care fraud, and OCDEF) was as follows:

Arizona	114
SD Cal	111
New Mexico	63
SD Texas	143
WD Texas	111

ASG00000276

U.S. DISTRICT COURTS - CRIMINAL DEFENDANTS COMMENCED BY MAJOR OFFENSE AND DISTRICT (EXCLUDING TRANSFERS), DURING THE 12-MONTH PERIOD ENDING SEP. 30, 2005

CIRCUIT AND DISTRICT	DRUG OFFENSES		FIRMS AND EMPLOYEES OFFENSES	SEX OFFENSES	JUSTICE SYSTEM OFFENSES	IMMIGRATION OFFENSES		GENERAL OFFENSES	REGULATORY OFFENSES	TRAFFIC OFFENSES
	MARIJUANA	ALL OTHER DRUGS				IMPROPER ENTRY BY ALIEN	OTHER			
TOTAL...	7,349	25,288	10,328	1,828	1,229	11,653	6,669	2,800	1,962	4,142
DC.....	1	326	138	6	4	11	13	37	45	-
1ST....	37	920	243	37	35	121	33	79	47	3
ME.....	10	62	60	9	2	13	6	5	3	-
MA.....	22	289	87	17	16	23	7	37	16	2
NH.....	2	79	40	6	4	3	-	3	3	-
RI.....	3	57	32	1	1	16	1	1	1	-
PR.....	-	433	44	4	12	60	19	33	24	1
2ND....	167	2,275	546	107	103	295	158	381	83	12
CT.....	3	236	50	13	8	8	1	20	14	-
NY,N.....	21	187	62	11	7	44	62	29	12	12
NY,E.....	20	655	114	27	40	42	10	90	18	-
NY,S.....	12	848	191	26	29	156	35	230	24	-
NY,W.....	50	290	68	36	13	36	16	9	15	-
VT.....	55	59	41	-	4	9	-	3	-	-
3RD....	123	1,259	514	115	63	134	94	143	118	5
DE.....	4	44	23	-	-	16	-	2	18	-
NJ.....	88	336	96	42	13	24	21	68	35	2
PA,E.....	23	357	209	18	3	35	4	29	43	-
PA,W.....	4	243	47	22	32	21	32	23	9	3
PA,N.....	4	156	94	31	7	25	9	14	8	-
VI.....	-	23	25	2	7	13	28	7	8	-
4TH....	489	3,278	1,513	128	127	190	149	297	217	2,287
MD.....	9	378	143	20	21	29	17	40	9	674
DC.....	140	284	208	8	10	19	37	32	48	468
DC,N.....	13	143	143	3	3	11	39	4	4	-
DC,S.....	10	405	222	19	22	39	1	22	12	1
DC,W.....	11	571	257	29	15	20	15	20	18	-
VA,E.....	286	724	284	27	21	39	89	140	112	1,142
VA,W.....	9	356	153	6	13	16	2	10	2	-
NV,N.....	7	286	69	7	14	3	-	13	1	-
NV,S.....	4	151	34	4	8	7	-	3	3	-
5TH....	2,438	3,406	1,278	157	157	5,094	2,795	266	259	36
IA,S.....	10	163	79	5	17	19	13	7	89	1
IA,N.....	3	32	78	4	6	1	1	6	40	-
IA,W.....	63	288	78	12	8	17	8	20	9	1
MS,S.....	7	85	32	15	1	1	-	5	3	-
MS,N.....	3	182	75	12	6	16	7	23	3	-
TX,N.....	9	334	197	26	10	128	57	50	10	2
TX,E.....	8	459	218	24	6	37	18	22	6	-
TX,S.....	791	922	341	22	51	2,847	1,935	55	49	8
TX,W.....	1,544	1,051	280	37	42	2,008	736	67	51	19
6TH....	368	2,243	1,177	175	101	178	56	209	163	47
KY,E.....	89	235	106	20	12	15	14	11	15	-
KY,W.....	82	147	73	17	8	9	-	77	23	39
MO,E.....	83	301	151	15	14	28	14	16	26	-
MO,W.....	13	157	91	10	9	4	43	6	10	-
OH,N.....	41	481	194	42	11	27	12	32	20	-
OH,S.....	41	312	138	20	12	10	-	29	25	-
OH,W.....	21	284	188	8	13	19	4	16	15	6
TN,N.....	14	103	89	11	7	21	3	14	8	-
TN,W.....	4	221	180	21	16	6	4	7	25	2
7TH....	100	1,434	630	85	58	115	65	138	103	112
IL,N.....	8	537	145	22	21	50	11	88	31	-
IL,C.....	3	119	54	12	-	12	21	10	9	39
IL,S.....	47	173	57	7	10	13	12	7	7	-
IL,W.....	25	130	189	9	8	6	11	3	3	-
IN,S.....	7	168	68	16	7	5	5	20	12	3
WI,E.....	6	170	87	13	6	15	3	8	25	-
WI,W.....	4	137	34	6	6	12	2	2	7	10
8TH....	261	2,239	1,096	236	85	327	207	151	147	22
AR,E.....	73	107	108	13	19	11	15	20	4	-
AR,W.....	19	68	31	13	5	31	17	3	3	2
IA,N.....	4	191	63	19	5	46	18	16	3	-
IA,S.....	5	204	75	17	8	51	64	9	4	-
NH.....	66	248	84	18	7	17	1	16	16	1
MO,E.....	58	377	243	28	15	37	3	15	71	19
MO,W.....	42	264	313	30	12	19	17	15	11	-
NE.....	12	471	143	5	3	59	14	5	13	-
ND.....	-	89	44	31	2	38	47	13	12	-
SD.....	2	140	20	42	12	18	11	37	10	-
9TH....	2,316	3,379	1,339	488	304	2,812	2,344	535	443	691
AK.....	2	56	25	8	-	2	2	25	25	16
AS.....	1,268	402	290	70	41	2	610	70	101	9
CA,N.....	24	201	103	34	20	62	74	40	78	24
CA,E.....	71	393	129	68	34	132	16	69	44	47
CA,C.....	16	440	152	69	35	180	322	68	49	3
CA,S.....	744	366	8	7	29	398	1,041	37	16	-
RI.....	3	243	55	9	3	3	2	11	8	154
ID.....	3	126	32	14	7	63	5	10	10	2
MT.....	25	128	99	57	37	41	10	41	20	49
NV.....	1	204	124	18	8	37	9	18	10	-
OR.....	30	180	131	17	20	26	145	60	27	-

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TABLE D-3 DEFENDANTS
 U.S. DISTRICT COURTS - CRIMINAL DEFENDANTS COMMENCED, BY MAJOR OFFENSE AND DISTRICT (EXCLUDING TRANSFERS),
 DURING THE 12-MONTH PERIOD ENDING SEP. 30, 2005

CIRCUIT AND DISTRICT	TOTAL	VIOLENT OFFENSES					PROPERTY OFFENSES				
		HOMICIDE	ROBBERY	ASSAULT	OTHER	LARCENY AND THEFT	EMBEZZLEMENT	FRAUD	FORGERY AND COUNTERFEITING	OTHER	
TOTAL...	91,632	204	1,181	988	719	3,012	710	9,929	1,394	247	
DC.....	693	5	3	3	13	16	3	67	2		
1ST.....	2,024	1	36	15	33	28	14	323	19		
ME.....	221		3	1	4	5	2	30			
MA.....	643		9	1	3	8	6	116			
NH.....	221		11		5	3		60	2		
RJ.....	159		13		2	5	2	22	2		
RI.....	718	1		11	19	7	2	95	13		
2ND.....	5,461	6	33	20	117	115	35	528	72	8	
CT.....	461		4		4	6	4	89	1		
NV.....	980		7		7	19	6	83	4		
NY.....	1,315	1	3	2	62	4	9	195	28	2	
NJ.....	2,148	5	9	7	41	61	19	417	36	2	
NY.....	729		14	4	2	24	1	127	5	4	
VT.....	228		3			1		17	1		
3RD.....	3,837	12	110	38	64	148	57	692	138	10	
DE.....	155		4	1	2	6	2	25	8		
MD.....	1,223		31	6	25	92	24	261	36	3	
PA.....	1,023	1	33	10	29	13	15	181	20		
PA.....	709	5	10	8	2	21	4	89	12	2	
PA.....	559	1	28	4				114	40	1	
VI.....	168	5	4	9	6	1	1	23	2	4	
4TH.....	11,007	10	191	156	64	368	64	1,050	192	37	
ND.....	1,793		25	32	14	198	12	104	12	5	
ND.....	1,493		25	10	3	68	6	130	17	10	
NC.....	476	1	48		3	6	8	37	12		
NC.....	343	3	30	6	9	13	5	96	5		
SC.....	1,379	1	34	2	13	30	18	240	85		
VA.....	3,408	4	15	78	13	241	17	343	28	15	
VA.....	643		2	3	5	11	3	43	4	3	
WV.....	442		6	3	1	2	2	19	6	4	
WV.....	278		6	2	3	5	5	38	2	2	
5TH.....	18,045	8	89	96	60	320	78	1,278	214	16	
LA.....	552	1	10	1	16	14	8	75	22	2	
LA.....	252				1	2	3	72	2	1	
LA.....	620			12	2	84	5	93	9		
MS.....	162		4	1		7	1	16	7		
MS.....	441	2	8	4	4	16	16	76	11	2	
TX.....	1,168		28	3	3	36	11	204	55	3	
TX.....	966	2	10	18	3	22	12	59	20		
TX.....	7,245	3	8	15	15	9	8	201	21		
TX.....	6,619		21	40	14	130	14	492	67	6	
6TH.....	6,494	9	166	63	73	342	99	806	145	14	
KY.....	647	3	7	11	5	13	8	59	24		
KY.....	747		4	17	1	192	7	39	11		
MI.....	853	2	23	2	12	12	10	121	23		
MI.....	471	2	21	17	4	18	8	37	9		
OH.....	1,474		30	4	12	18	30	163	36	1	
OH.....	809		27	2	5	29	12	130	15	2	
OH.....	657		8	4	15	13	12	59	4	1	
OH.....	364		8	1	5	5	4	62	3	6	
OH.....	732		18	5	14	42	8	137	20	2	
7TH.....	3,845	3	86	16	24	109	68	627	66	6	
IL.....	1,445		36	5	14	69	37	320	30	1	
IL.....	426		10	1	1	10	6	47	13		
IL.....	392		6	3		6	3	32			
IL.....	498		4		8	5	7	86	4		
IL.....	377		1	2	1	9	4	40	8		
IL.....	431		1		1	3	4	71	1	4	
IL.....	278		8	1		3	7	25	4	1	
8TH.....	5,999	33	90	112	34	118	67	625	104	45	
AR.....	469	2	6	4	2	11	5	53	9	7	
AR.....	240		12		2	12	4	28	6	4	
AR.....	416		1		3	2	3	36	4		
AR.....	499		6					45	3	1	
AR.....	561	2	23	8	2	2	9	81	8		
AR.....	1,079		15		4	12	8	141	33		
AR.....	1,034	2	13	5	3	37	10	95	23		
AR.....	810		6		11	7	7	34	9		
AR.....	334	5	20	3	3	7	1	16	5	1	
AR.....	537	22	4	88	4	20	18	76	4	29	
9TH.....	17,973	75	209	273	118	549	94	1,789	185	60	
AK.....	216		3	1		8	2	30		1	
AZ.....	5,182	48	12	151	45	81	10	244	5	6	
CA.....	934		20	6	10	47	5	173	10	3	
CA.....	1,326	1	12	8	6	64	8	199	24	1	
CA.....	1,350	4	46	20	8	80	12	398	71	2	
CA.....	2,882		4	8		2	13	358	1	2	
CA.....	568		3	0	3	11	3	41	3	2	
CA.....	353	2	1	12	3	9	5	23	3	3	
CA.....	538	8	5	28	3	8	5	64	7	22	
CA.....	799		28	10	10	20	6	148	14	4	

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United States Attorneys—Criminal Caseload Statistics
 8 U.S.C. 1324**, 8 U.S.C. 1325*** and 8 U.S.C. 1326****
 Fiscal Year 2003*****

Listing Sorted: Alphabetically by District

District	8 U.S.C. 1324**			8 U.S.C. 1325***			8 U.S.C. 1326****		
	Cases Filed	Defendants in Cases Filed	Defendants Convicted*****	Cases Filed	Defendants in Cases Filed	Defendants Convicted*****	Cases Filed	Defendants in Cases Filed	Defendants Convicted*****
1 Alabama, Middle	1	1	1	0	0	0	3	3	3
2 Alabama, Northern	1	1	1	0	0	0	20	20	16
3 Alabama, Southern	0	0	0	0	0	1	1	1	0
4 Alaska	0	0	0	2	2	2	7	7	6
5 Arizona	260	390	374	13	21	15	2,008	2,016	2,072
6 Arkansas, Eastern	0	0	1	0	0	0	5	5	5
7 Arkansas, Western	2	2	0	0	0	0	34	34	37
8 California, Central	25	40	48	211	213	193	200	200	207
9 California, Eastern	3	5	1	257	260	246	342	346	155
10 California, Northern	6	7	4	77	78	78	160	160	117
11 California, Southern	448	541	550	857	868	764	761	777	612
12 Colorado	5	11	8	6	7	4	88	93	81
13 Connecticut	0	0	0	3	3	1	7	8	16
14 Delaware	0	0	0	0	0	0	8	8	7
15 District of Columbia	0	0	12	0	0	1	18	21	9
16 Florida, Middle	9	25	5	2	8	2	92	92	85
17 Florida, Northern	0	0	0	0	0	0	2	2	4
18 Florida, Southern	43	83	85	3	4	7	111	112	135
19 Georgia, Middle	0	0	0	0	0	0	7	8	8
20 Georgia, Northern	17	50	12	43	46	49	80	80	80
21 Georgia, Southern	0	0	0	0	0	0	9	12	6
22 Guam	3	3	3	1	1	0	8	8	10
23 Hawaii	3	3	7	0	0	0	1	1	9
24 Idaho	0	1	1	3	3	5	81	82	67
25 Illinois, Central	6	7	22	0	0	1	12	12	14
26 Illinois, Northern	6	6	13	1	1	7	96	96	76
27 Illinois, Southern	5	6	1	2	2	2	16	16	13
28 Indiana, Northern	0	0	0	0	0	0	1	1	1
29 Indiana, Southern	0	0	0	0	0	0	8	9	9
30 Iowa, Northern	8	5	3	3	3	2	56	56	46
31 Iowa, Southern	1	1	1	0	0	1	46	51	62
32 Kansas	3	3	2	7	19	4	59	60	58
33 Kentucky, Eastern	3	5	2	5	8	6	15	15	14
34 Kentucky, Western	1	2	2	1	1	1	12	16	16
35 Louisiana, Eastern	1	3	3	0	0	0	18	18	17
36 Louisiana, Middle	0	0	0	0	0	0	7	7	6
37 Louisiana, Western	7	9	3	2	2	2	7	7	10
38 Maine	0	0	0	9	9	7	6	6	6
39 Maryland	0	1	1	1	1	2	36	36	30
40 Massachusetts	1	1	0	0	0	0	40	40	42
41 Michigan, Eastern	16	24	8	4	4	1	26	26	15
42 Michigan, Western	0	0	0	1	1	1	42	42	32
43 Minnesota	0	0	0	0	0	3	12	14	16
44 Mississippi, Northern	0	0	0	0	0	0	3	3	1
45 Mississippi, Southern	0	0	0	0	0	0	17	17	15
46 Missouri, Eastern	5	6	9	4	4	3	38	38	34
47 Missouri, Western	4	6	5	10	10	10	35	35	33
48 Montana	4	10	2	7	7	6	27	27	22

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District	§ U.S.C. 1324**			§ U.S.C. 1325***			§ U.S.C. 1326****		
	Cases Filed	Defendants In Cases Filed	Defendants Convicted*****	Cases Filed	Defendants In Cases Filed	Defendants Convicted*****	Cases Filed	Defendants In Cases Filed	Defendants Convicted*****
49 Nebraska	0	0	0	3	3	0	82	92	89
50 Nevada	4	4	1	4	4	8	187	187	182
51 New Hampshire	1	1	1	0	0	0	10	10	5
52 New Jersey	3	3	6	0	0	0	28	28	20
53 New Mexico	128	168	188	372	372	400	1,304	1,308	1,333
54 New York, Eastern	4	6	4	5	13	1	108	108	101
55 New York, Northern	23	28	17	78	84	74	48	48	47
56 New York, Southern	11	25	17	21	22	28	114	116	79
57 New York, Western	10	15	7	7	8	5	26	26	24
58 North Carolina, Eastern	0	0	0	0	0	0	20	20	15
59 North Carolina, Middle	2	2	0	0	1	1	36	36	34
60 North Carolina, Western	1	9	1	1	1	3	16	18	7
61 North Dakota	1	1	0	4	5	2	29	31	25
62 Northern Mariana Islands	0	0	3	0	0	0	0	0	0
63 Ohio, Northern	2	3	0	0	0	0	16	20	25
64 Ohio, Southern	0	0	2	0	0	0	9	10	8
65 Oklahoma, Eastern	0	0	0	0	0	0	0	0	0
66 Oklahoma, Northern	0	0	0	0	0	0	3	4	5
67 Oklahoma, Western	2	2	2	0	0	0	10	10	9
68 Oregon	3	3	3	203	205	186	258	258	227
69 Pennsylvania, Eastern	0	0	0	0	0	0	37	38	39
70 Pennsylvania, Middle	2	2	1	0	0	1	12	12	11
71 Pennsylvania, Western	0	0	0	0	0	0	7	7	7
72 Puerto Rico	7	13	11	0	0	2	59	59	81
73 Rhode Island	2	6	1	1	1	0	14	14	13
74 South Carolina	5	6	5	130	188	105	19	19	19
75 South Dakota	0	0	0	0	0	0	10	10	16
76 Tennessee, Eastern	3	5	6	27	30	22	66	66	66
77 Tennessee, Middle	1	1	0	0	0	1	24	24	17
78 Tennessee, Western	0	0	1	2	5	0	14	14	14
79 Texas, Eastern	1	10	6	2	6	6	58	58	46
80 Texas, Northern	37	47	43	12	16	15	222	223	173
81 Texas, Southern	604	829	708	424	428	339	1,960	1,964	1,828
82 Texas, Western	219	347	318	102	119	88	1,450	1,461	1,300
83 Utah	10	12	7	0	0	1	203	204	228
84 Vermont	11	21	12	4	8	5	5	8	4
85 Virgin Islands	1	4	1	134	140	192	8	8	7
86 Virginia, Eastern	13	30	13	4	10	3	36	36	25
87 Virginia, Western	2	2	1	2	2	0	6	6	7
88 Washington, Eastern	2	2	5	2	2	2	136	136	121
89 Washington, Western	3	8	3	31	31	18	15	15	8
90 West Virginia, Northern	0	0	0	0	0	0	1	1	1
91 West Virginia, Southern	1	1	0	0	0	0	2	2	1
92 Wisconsin, Eastern	0	0	0	0	0	1	29	29	26
93 Wisconsin, Western	1	2	2	1	1	3	9	9	11
94 Wyoming	0	1	3	9	12	10	26	26	22
All Districts	2,015	2,878	2,589	3,131	3,313	2,950	11,432	11,523	10,631

*Caseload data extracted from the United States Attorneys' Case Management System.

**Data includes any and all criminal cases/defendants where 8 U.S.C. 1324 (Bringing in and Harboring Certain Aliens) was brought as any charge against a defendant.

***Data includes any and all criminal cases/defendants where 8 U.S.C. 1325 (Entry of Alien at Improper Time/Place, Misrepresentation and Concealment of Facts) was brought as any charge against a defendant.

****Data includes any and all criminal cases/defendants where 8 U.S.C. 1326 (Reentry of Deported Aliens) was brought as any charge against a defendant.

*****FY 2003 numbers are actual data through the end of September 2003.

*****Displayed defendant outcome information based upon the outcome of the charge only.

United States Attorneys—Criminal Caseload Statistics
8 U.S.C. 1324^(a), 8 U.S.C. 1325^(a) and 8 U.S.C. 1326^(a)
Fiscal Year 2004^(b)

Listing Sorted: Alphabetically by District

District	8 U.S.C. 1324 ^(a)			8 U.S.C. 1325 ^(a)			8 U.S.C. 1326 ^(a)		
	Cases Filed	Defendants in Cases Filed	Defendants Convicted ^(c)	Cases Filed	Defendants in Cases Filed	Defendants Convicted ^(c)	Cases Filed	Defendants in Cases Filed	Defendants Convicted ^(c)
1 Alabama, Middle	0	0	0	2	2	0	3	3	3
2 Alabama, Northern	0	0	0	3	3	1	17	17	16
3 Alabama, Southern	1	1	0	0	0	0	11	11	5
4 Alaska	0	0	0	0	0	0	11	11	10
5 Arizona	475	737	413	14	19	26	1,888	1,888	1,507
6 Arkansas, Eastern	1	2	0	0	0	0	6	6	6
7 Arkansas, Western	9	11	5	2	2	2	29	29	31
8 California, Central	42	87	40	582	588	437	202	206	90
9 California, Eastern	0	0	3	49	49	158	153	154	113
10 California, Northern	1	1	3	38	38	68	87	86	71
11 California, Southern	497	602	497	880	880	879	800	804	896
12 Colorado	2	3	2	0	0	4	103	103	90
13 Connecticut	0	0	1	0	0	1	6	6	5
14 Delaware	0	0	0	1	1	1	10	10	8
15 District of Columbia	2	4	6	1	1	3	18	18	17
16 Florida, Middle	10	11	6	56	58	7	134	134	111
17 Florida, Northern	0	0	0	1	1	0	8	8	5
18 Florida, Southern	24	62	43	0	0	2	126	127	85
19 Georgia, Middle	0	0	0	0	0	0	10	10	5
20 Georgia, Northern	5	11	14	80	80	73	78	78	62
21 Georgia, Southern	1	1	0	1	1	1	8	8	11
22 Guam	2	2	7	1	4	5	2	2	4
23 Hawaii	0	0	3	9	0	0	3	3	0
24 Idaho	0	0	0	2	2	2	72	72	87
25 Illinois, Central	11	13	9	1	2	0	11	11	10
26 Illinois, Northern	4	4	5	2	2	1	63	63	69
27 Illinois, Southern	2	2	4	0	0	0	8	8	7
28 Indiana, Northern	0	0	0	0	0	0	4	4	3
29 Indiana, Southern	0	0	0	0	0	0	7	7	9
30 Iowa, Northern	10	16	11	6	10	6	58	58	59
31 Iowa, Southern	9	11	9	0	0	1	56	56	50
32 Kansas	7	7	8	6	6	8	90	91	71
33 Kentucky, Eastern	2	2	1	0	0	0	23	23	19
34 Kentucky, Western	0	0	1	1	1	1	12	12	10
35 Louisiana, Eastern	0	0	0	0	0	0	20	20	20
36 Louisiana, Middle	1	1	1	0	0	0	3	3	3
37 Louisiana, Western	3	7	6	2	3	1	9	9	7
38 Maine	0	0	0	2	2	2	8	8	7
39 Maryland	3	8	2	1	1	1	28	28	35
40 Massachusetts	6	9	3	0	0	0	31	31	26
41 Michigan, Eastern	17	27	14	1	2	1	34	34	26
42 Michigan, Western	1	2	0	1	1	1	50	50	46
43 Minnesota	1	3	1	3	3	3	13	13	12
44 Mississippi, Northern	0	0	0	1	1	1	0	0	2
45 Mississippi, Southern	0	0	0	0	0	0	16	16	18
46 Missouri, Eastern	4	6	9	2	2	2	28	28	29
47 Missouri, Western	8	14	6	0	0	0	33	35	31
48 Montana	0	0	2	0	0	0	29	30	18

ASG00000281

District	8 U.S.C. 1324**			8 U.S.C. 1326***			8 U.S.C. 1326****		
	Cases Filed	Defendants in Cases Filed	Defendants Convicted*****	Cases Filed	Defendants in Cases Filed	Defendants Convicted*****	Cases Filed	Defendants in Cases Filed	Defendants Convicted*****
49 Nebraska	2	2	1	0	0	0	48	48	58
50 Nevada	4	6	9	5	6	9	103	103	114
51 New Hampshire	0	0	1	0	0	0	14	14	14
52 New Jersey	11	12	6	0	0	0	33	33	25
53 New Mexico	114	166	105	79	79	86	1,267	1,267	1,107
54 New York, Eastern	9	21	2	3	3	2	72	75	88
55 New York, Northern	25	31	28	92	92	88	84	84	68
56 New York, Southern	13	21	13	7	7	6	140	140	106
57 New York, Western	7	10	10	0	0	2	30	30	26
58 North Carolina, Eastern	0	0	0	3	4	1	23	23	20
59 North Carolina, Middle	7	11	4	1	4	0	55	55	43
60 North Carolina, Western	3	3	1	1	1	1	27	28	24
61 North Dakota	11	11	6	16	16	16	33	33	34
62 Northern Mariana Islands	5	8	3	7	22	14	0	0	0
63 Ohio, Northern	2	2	2	0	0	0	34	34	22
64 Ohio, Southern	1	2	0	0	0	0	15	15	10
65 Oklahoma, Eastern	0	0	0	0	0	0	0	0	0
66 Oklahoma, Northern	0	0	0	1	1	0	4	4	4
67 Oklahoma, Western	1	1	0	0	0	0	2	2	3
68 Oregon	3	4	2	148	148	153	196	196	58
69 Pennsylvania, Eastern	6	7	3	1	1	0	54	54	48
70 Pennsylvania, Middle	0	0	2	2	3	0	26	28	21
71 Pennsylvania, Western	6	6	0	0	0	0	12	12	11
72 Puerto Rico	25	46	15	4	4	2	89	90	69
73 Rhode Island	1	1	0	0	0	9	13	13	13
74 South Carolina	2	2	4	2	5	17	23	23	18
75 South Dakota	0	0	0	3	3	2	20	20	12
76 Tennessee, Eastern	2	3	0	3	3	2	40	41	43
77 Tennessee, Middle	0	0	0	0	0	0	26	26	21
78 Tennessee, Western	1	1	1	1	1	6	8	8	12
79 Texas, Eastern	11	23	11	1	1	1	51	51	68
80 Texas, Northern	25	46	35	20	27	29	145	147	162
81 Texas, Southern	705	974	656	649	652	516	2,441	2,443	1,955
82 Texas, Western	240	350	262	153	159	128	1,594	1,598	919
83 Utah	4	6	2	2	2	0	222	227	156
84 Vermont	11	18	10	6	6	4	12	12	11
85 Virgin Islands	7	7	2	195	195	142	9	9	6
86 Virginia, Eastern	7	7	16	4	5	4	46	47	38
87 Virginia, Western	1	1	3	0	0	2	10	12	7
88 Washington, Eastern	8	8	7	10	10	3	122	122	124
89 Washington, Western	9	9	1	49	48	35	20	20	16
90 West Virginia, Northern	0	0	0	0	0	0	3	4	0
91 West Virginia, Southern	1	1	0	0	0	0	3	3	4
92 Wisconsin, Eastern	1	2	1	2	2	0	34	34	26
93 Wisconsin, Western	0	0	2	0	0	0	10	10	12
94 Wyoming	0	0	0	5	6	7	18	19	18
All Districts	2,451	3,486	2,361	3,217	3,281	2,987	11,650	11,689	9,149

*Cases/data extracted from the United States Attorneys' Case Management System.

**Data includes any and all criminal cases/defendants where 8 U.S.C. 1324 (Bringing in and Harboring Certain Aliens) was brought as any charge against a defendant.

***Data includes any and all criminal cases/defendants where 8 U.S.C. 1326 (Entry of Alien at Improper Time/Place, Misrepresentation and Concealment of Facts) was brought as any charge against a defendant.

****Data includes any and all criminal cases/defendants where 8 U.S.C. 1326 (Reentry of Deported Aliens) was brought as any charge against a defendant.

*****FY 2004 numbers are actual data through the end of September 2004.

*****Displayed defendant outcome information based upon the outcome of the charge only.

23-Nov-05

ASG00000282

United States Attorneys—Criminal Caseload Statistics
 8 U.S.C. 1324***, 8 U.S.C. 1325*** and 8 U.S.C. 1326***
 Fiscal Year 2005****

Listing Sorted: Alphabetically by District

District	8 U.S.C. 1324***			8 U.S.C. 1325***			8 U.S.C. 1326***		
	Cases Filed	Defendants In Cases Filed	Defendants Convicted*****	Cases Filed	Defendants In Cases Filed	Defendants Convicted*****	Cases Filed	Defendants In Cases Filed	Defendants Convicted*****
1 Alabama, Middle	0	0	0	3	3	0	6	6	5
2 Alabama, Northern	0	0	0	3	3	3	15	15	14
3 Alabama, Southern	0	0	1	0	0	0	5	5	9
4 Alaska	1	1	1	0	0	0	3	3	3
5 Arizona	380	565	372	36	37	34	1,491	1,494	1,123
6 Arkansas, Eastern	4	7	5	1	1	1	11	11	11
7 Arkansas, Western	2	2	7	0	0	1	29	29	27
8 California, Central	33	76	75	405	405	514	190	190	187
9 California, Eastern	3	5	2	8	10	13	194	194	219
10 California, Northern	12	24	2	57	57	61	69	69	86
11 California, Southern	484	554	552	470	471	504	422	422	377
12 Colorado	4	7	9	1	1	2	108	109	79
13 Connecticut	0	0	0	1	1	1	8	8	2
14 Delaware	0	0	0	0	0	0	17	17	14
15 District of Columbia	1	3	1	0	0	1	16	17	12
16 Florida, Middle	21	29	22	5	6	17	185	186	179
17 Florida, Northern	0	0	0	0	0	1	17	17	9
18 Florida, Southern	41	81	32	2	2	1	119	123	122
19 Georgia, Middle	0	0	0	0	0	0	3	3	9
20 Georgia, Northern	11	54	4	82	82	86	38	38	47
21 Georgia, Southern	0	0	0	1	1	1	7	7	8
22 Guam	9	15	5	0	0	0	1	1	0
23 Hawaii	0	0	0	0	0	0	3	3	3
24 Idaho	3	9	4	4	4	1	86	88	53
25 Illinois, Central	17	21	14	0	0	2	12	12	10
26 Illinois, Northern	9	10	6	3	7	3	52	52	59
27 Illinois, Southern	8	10	4	0	0	0	16	16	10
28 Indiana, Northern	5	8	0	11	15	5	7	7	2
29 Indiana, Southern	2	4	4	0	0	0	7	7	5
30 Iowa, Northern	7	7	7	0	0	3	54	54	56
31 Iowa, Southern	12	13	11	19	38	2	61	61	69
32 Kansas	9	9	10	4	4	3	85	85	83
33 Kentucky, Eastern	2	4	2	0	0	0	17	18	20
34 Kentucky, Western	0	0	0	1	1	0	9	9	9
35 Louisiana, Eastern	1	2	0	1	2	0	21	21	11
36 Louisiana, Middle	0	0	0	0	0	0	2	2	3
37 Louisiana, Western	4	10	3	3	6	2	18	18	13
38 Maine	2	2	1	2	1	1	20	20	19
39 Maryland	1	2	5	1	1	0	31	31	23
40 Massachusetts	6	9	2	1	1	0	28	29	27
41 Michigan, Eastern	7	7	17	2	2	2	31	31	33
42 Michigan, Western	2	2	3	2	2	0	45	45	55
43 Minnesota	1	1	3	1	2	4	19	19	10
44 Mississippi, Northern	0	0	0	0	0	0	2	2	1
45 Mississippi, Southern	3	3	0	1	1	1	18	18	13
46 Missouri, Eastern	1	1	2	0	0	0	39	39	35
47 Missouri, Western	12	16	6	5	6	0	28	30	26
48 Montana	2	3	1	4	6	5	48	49	40

ASG00000283

District	8 U.S.C. 1324**			8 U.S.C. 1325***			8 U.S.C. 1326****		
	Cases Filed	Defendants in Cases Filed	Defendants Convicted*****	Cases Filed	Defendants in Cases Filed	Defendants Convicted*****	Cases Filed	Defendants in Cases Filed	Defendants Convicted*****
49 Nebraska	3	4	2	0	0	0	71	71	62
50 Nevada	2	5	1	7	7	6	99	99	95
51 New Hampshire	0	0	0	0	0	0	3	3	8
52 New Jersey	12	23	5	0	0	0	25	25	33
53 New Mexico	111	145	151	80	87	69	1,607	1,607	1,373
54 New York, Eastern	9	48	16	2	12	2	62	54	62
55 New York, Northern	31	40	25	107	108	99	50	51	54
56 New York, Southern	15	39	13	10	14	9	169	169	109
57 New York, Western	10	10	9	2	1	0	37	37	44
58 North Carolina, Eastern	1	1	1	1	1	4	20	20	18
59 North Carolina, Middle	1	1	5	0	0	2	46	46	50
60 North Carolina, Western	1	1	3	0	0	0	39	41	16
61 North Dakota	9	17	9	5	5	6	43	43	44
62 Northern Mariana Islands	0	0	5	0	0	5	0	0	0
63 Ohio, Northern	4	6	8	0	0	0	30	32	36
64 Ohio, Southern	1	1	1	0	0	0	14	14	15
65 Oklahoma, Eastern	1	1	1	0	0	0	3	3	0
66 Oklahoma, Northern	0	0	0	0	0	0	0	0	1
67 Oklahoma, Western	0	0	1	0	0	0	8	8	1
68 Oregon	1	1	1	147	147	100	171	174	67
69 Pennsylvania, Eastern	4	4	5	0	0	1	48	48	57
70 Pennsylvania, Middle	14	31	6	2	2	2	17	17	20
71 Pennsylvania, Western	2	2	4	4	4	4	28	28	43
72 Puerto Rico	11	18	26	1	1	1	73	73	71
73 Rhode Island	1	1	1	0	0	0	16	16	15
74 South Carolina	3	3	2	10	11	5	22	22	24
75 South Dakota	0	0	0	1	1	1	17	17	15
76 Tennessee, Eastern	1	1	2	2	2	4	24	24	26
77 Tennessee, Middle	0	0	0	1	1	1	22	25	26
78 Tennessee, Western	0	0	0	2	4	0	10	10	6
79 Texas, Eastern	7	10	14	6	13	7	61	61	51
80 Texas, Northern	30	46	34	15	17	19	129	129	119
81 Texas, Southern	833	1,150	956	728	726	798	2,899	2,912	2,659
82 Texas, Western	386	495	421	179	182	149	1,981	1,981	1,777
83 Utah	6	7	7	1	1	2	226	230	203
84 Vermont	20	32	22	4	6	6	10	10	11
85 Virgin Islands	8	14	4	5	10	43	16	17	12
86 Virginia, Eastern	12	20	8	3	11	5	47	48	46
87 Virginia, Western	0	0	0	1	5	0	4	6	7
88 Washington, Eastern	0	0	2	1	1	1	95	95	96
89 Washington, Western	8	13	6	78	78	73	20	20	11
90 West Virginia, Northern	2	2	2	0	0	0	4	4	3
91 West Virginia, Southern	0	0	1	0	0	0	1	1	1
92 Wisconsin, Eastern	2	5	0	6	6	1	18	18	32
93 Wisconsin, Western	0	0	0	0	0	0	12	12	10
94 Wyoming	1	1	0	11	14	3	18	20	11
All Districts	2,682	3,770	2,977	2,562	2,657	2,703	11,998	12,051	10,811

* Caseload data extracted from the United States Attorneys' Case Management System.

** Data includes any and all criminal cases/defendants where 8 U.S.C. 1324 (Bringing In and Harboring Certain Aliens) was brought as any charge against a defendant.

*** Data includes any and all criminal cases/defendants where 8 U.S.C. 1325 (Entry of Alien at Improper Time/Place, Misrepresentation and Concealment of Facts) was brought as any charge against a defendant.

**** Data includes any and all criminal cases/defendants where 8 U.S.C. 1326 (Reentry of Deported Aliens) was brought as any charge against a defendant.

***** FY 2005 numbers are actual data through the end of September 2005. FY 2006 data does not include data for the month of September 2005 for the Eastern District of Louisiana due to Hurricane Katrina.

***** Displayed defendant outcome information based upon the outcome of the charge only.

23-Nov-05

ASG00000284

FY 2005 Allocation vs. Obligation
 USAO's with Shortfalls
 (Dollars in Thousands)

Enca TAB
TADG FONDR
 Attachment 1
 11/4/2005

USAO	(1) Allocation	(2) Total Obligation	(3) = (2) Difference	(4) One-Time	(5) One-Time Moved	(6) = (4-5) Difference	(7) = (3+6) Total Difference
DIRECT							
ALASKA	3,975.1	3,996.1	(21.0)	18.0	8.0	10.0	(11.0)
CALIFORNIA CENTRAL	42,169.2	42,233.8	(64.6)	23.8	11.6	12.0	(52.6)
COLORADO	10,926.1	10,957.5	(31.4)	0.0	0.0	0.0	(31.4)
MICHIGAN WESTERN	6,285.0	6,287.1	(2.1)	0.0	0.0	0.0	(2.1)
NEW MEXICO	10,511.1	10,534.0	(22.9)	351.0	351.0	0.0	(22.9)
NORTH DAKOTA	3,525.1	3,538.3	(13.2)	0.0	0.0	0.0	(13.2)
OHIO NORTHERN	12,323.2	12,338.8	(15.6)	222.9	222.9	0.0	(15.6)
OHIO SOUTHERN	8,450.4	8,455.3	(4.9)	0.0	0.0	0.0	(4.9)
TOTAL DIRECT SHORTFALL	98,175.2	98,342.9	(167.7)	615.5	593.5	22.0	(145.7)
OCDEF							
CALIFORNIA CENTRAL	4,302.6	4,306.9	(4.3)	6.0	6.0	0.0	(4.3)
KENTUCKY EASTERN	325.5	326.0	(0.5)	0.0	0.0	0.0	(0.5)
LOUISIANA EASTERN	597.9	605.0	(7.1)	0.0	0.0	0.0	(7.1)
MINNESOTA	515.0	515.8	(0.8)	0.0	0.0	0.0	(0.8)
WASHINGTON WESTERN	757.4	761.6	(4.2)	4.0	4.0	0.0	(4.2)
TOTAL OCDEF SHORTFALL	6,498.4	6,515.1	(16.7)	10.0	10.0	0.0	(16.7)
HCF							
ALABAMA NORTHERN	68.9	108.3	(39.4)	0.0	0.0	0.0	(39.4)
ARIZONA	85.4	87.6	(2.2)	0.0	0.0	0.0	(2.2)
COLORADO	411.7	575.1	(163.4)	158.5	3.5	155.0	(8.4)
GEORGIA NORTHERN	596.2	597.8	(1.6)	25.0	25.0	0.0	(1.6)
IOWA SOUTHERN	221.9	223.0	(1.1)	0.0	0.0	0.0	(1.1)
LOUISIANA EASTERN	206.7	217.6	(10.9)	11.3	1.3	0.0	(0.9)
MISSOURI EASTERN	187.2	187.4	(0.2)	40.0	40.0	0.0	(0.2)
NEW YORK EASTERN	150.2	150.9	(0.7)	0.0	0.0	0.0	(0.7)
NEW YORK WESTERN	77.5	79.2	(1.7)	0.0	0.0	0.0	(1.7)
TEXAS NORTHERN	71.0	71.4	(0.4)	0.0	0.0	0.0	(0.4)
UTAH	102.1	106.0	(3.9)	11.1	11.1	0.0	(3.9)
WISCONSIN EASTERN	140.1	141.8	(1.7)	0.0	0.0	0.0	(1.7)
WISCONSIN WESTERN	234.3	237.3	(3.0)	0.0	0.0	0.0	(3.0)
TOTAL HCF SHORTFALL	2,553.3	2,783.5	(230.2)	245.9	80.9	165.0	(65.2)
TOTAL SHORTFALL			(414.6)				(227.6)

Weekly Enact Mtg
Update of issues
Body Numbers

Punishment?

ATTACHMENT 2

United States Attorneys
Southern District of California (SDCA) – History of Contractor Support

- In FY 1995, SDCA received approval to hire contractors to address border issues. Initially, the district was able to absorb these costs through surplus payroll. As part of this agreement, for every new full-time permanent support-staff position allocated, the district agreed to reduce the contract staff by the same amount. Over the years, this agreement was not upheld and significant amounts of funding were provided to SDCA by EOUSA to pay for contractors because the payroll surplus had dried up. Below is a chart that shows the one times provided to SDCA over the past 4 years:

	Contractor Costs	Funds Provided by EOUSA
FY 2002	\$2,604,035	\$2,220,808
FY 2003	2,817,614	2,343,700
FY 2004	2,762,381	2,385,000
FY 2005	2,479,348	2,000,000

- In April 2004, a letter from the Acting Chief Financial Officer, Theresa C. Bertucci was sent to the USA outlining a plan to reduce SDCA's contractor support. The district was supposed to take any and all actions necessary to reduce contractor costs by \$450,000, in FY 2005. As reflected in the chart, the district reduced their one-time requests in FY 2005, but their number of support employees has not been reduced proportionately. EOUSA continues to give the district one-times in support of these contractors.
- Attached is a comparison of support staff to attorneys in all of the extra large districts. With their current contractor staff, SDCA has the highest support to attorney ratio of any of the extra large districts. The average ratio is .96 support staff for every attorney. SDCA's ratio is 1.24 support staff for every attorney.

**AUSA to Support Staff Comparison
Extra Large USAOs -- FY 2006**

Extra Large Districts	Attorney	Support*	Comparison Supt:Atty	Exceeds Average
Arizona	119	117	0.98	-0.02
California CD	259	212	0.82	
California ND	103	115	1.12	-0.16
California SD**	114	141	1.24	-0.28
DC	333	310	0.93	
Florida MD	101	101	1.00	-0.04
Florida SD	213	187	0.88	
Illinois ND	145	139	0.96	0.00
Massachusetts	104	89	0.86	
Michigan ED	98	113	1.15	-0.19
New Jersey	127	118	0.93	
New York ED	164	143	0.87	
New York SD	204	224	1.10	-0.14
Pennsylvania ED	122	112	0.92	
Texas SD	141	129	0.91	
Texas WD	110	110	1.00	-0.04
Virginia ED	110	100	0.91	
	=====	=====		
	2567	2460	0.96 Average	Extra Large

*Support figures include Paralegals and Support. Students are not included

** Includes 40 contractors in support

Mercer, Bill (ODAG)

PAOLO BUDER

EDWA TAB

From: Parent, Steve (USAEO)
To: Friday, March 31, 2006 11:09 AM
Subject: Mercer, Bill (ODAG)
CA SD

Attachments: tmp.htm



tmp.htm (6 KB)

Bill,

Here's the information for San Diego. Compared to LA allocation growth has been at a higher percentage but FTE growth has been lower. And the contractor usage is a factor. As you know from the recent EARS review they had more contractors than any other extra large district and that has been coming back in line so there are reductions there. Here's the recap in the same format as what I sent you for Central District of California. Let me know if you need anything else.

From FY 2000 to FY 2006 the USA appropriation has grown by just over 33% from 1.18 billion to \$1.58 billion.
From FY 2000 to FY 2006 the budget allocation for the Southern District of California (SDCA) has grown by 41.1 percent from \$17.6 million to \$25.1 million.

From FY 2000 to FY 2006 the actual FTEs funded has risen from 209 to 215 and increase of 2.8 percent.

It is important to note that SDCA has also had significant numbers of contractor support staff in order to help process immigration cases. Beginning in FY 2000, SDCA had 52 support contractors on board. In FY 2006, the number of contractor support staff has fallen to 36. This reduction in contractor support staff better aligns SDCA's support staff numbers with the other extra large districts. SDCA's ratio of support to AUSA is 1.24 support to every AUSA. The average of all extra-large districts is .96 support to every AUSA. Without the contractors, SDCA's ratio drops to .89 support to every AUSA.

Here are the details:

The USA appropriation history:

- FY 2000 - \$1.18 billion
- FY 2001 - \$1.26 billion (+7.3 percent)
- FY 2002 - \$1.35 billion (+7.1 percent)
- FY 2003 - \$1.49 billion (+10.3 percent)
- FY 2004 - \$1.51 billion (+1.1 percent)
- FY 2005 - \$1.53 billion (+1.1 percent)
- FY 2006 - \$1.58 billion (+3.5 percent)

Percent change from FY 2000 to FY 2006 + 33.9%

The SDCA allocation history (includes reimbursable funds and funding one-times for contractors)

- 2000 - \$17.8 million
- 2001 - \$20.7 million (+16.6 percent)
- 2002 - \$22.4 million (+8.4 percent)
- FY 2003 - \$23.7 million (+5.7 percent)

FY 2004 - \$24.3 million (+2.4 percent)
FY 2005 - \$25.2 million (+3.8 percent)
FY 2006 - \$25.1 million (-.5 percent)

Percent change from FY 2000 to FY 2006 is 41.4%.

Total Actual FTE usage history for SDCA from FY 2000 to FY 2006
(Includes reimbursable FTE, but not contractors)

FY 2000 - 209.09
FY 2001 - 211.44 (+1.1 percent)
FY 2002 - 216.18 (+2.2 percent)
FY 2003 - 218.05 (+.9 percent)
FY 2004 - 215.98 (-.9 percent)
FY 2005 - 221.82 (+2.7 percent)
FY 2006 - 214.88 (-3.1 percent)

Total percent change of actual FTE usage in FY 2000 to projected FTE
usage in FY 2006 is +2.8 percent.

FY 2006 District 75 of 1% DIRECT Award Availability
 Report contains PP 10 data ending on 05/27/06

Handwritten note:
 75% of Current Total Payroll Dishes to Have Protection
 1% for Awards

District	Size	FY 2006 DIRECT Allocation with Out	Post New Allocation (a)	Post Old Allocation (b)	Reduction of Post Old for RTE (c)	Add Payroll Dollars for Business (d)	Assistance to Allow for LA (e)	One-Time Allocation (f)	FY 2006 Total DIRECT Allocation (g)	75% of Current Total Payroll Protection (h)	What May Need to Have Protection (i)
Alabama Middle	S	3,824,240	98,150						3,922,390	29,302	
Alabama Northern	M	7,018,400	74,250						7,092,650	52,437	
Alabama Southern	S	4,223,957	74,250						4,298,207	28,076	
Alaska	S	3,938,245	179,400						4,117,645	25,651	
Arizona	M	18,058,875	-						18,058,875	131,258	22,384
Arkansas Eastern	M	4,018,938	-						4,018,938	30,810	82,278
Arkansas Western	S	4,018,123	440,400						4,458,523	270,918	583,077
California Central	S	11,392,643	-						11,392,643	76,530	
California Eastern	S	18,846,126	213,888		(251,202)				18,804,812	127,668	200,733
California Southern	M	10,647,007	107,807		(61,000)				10,753,814	68,692	
Colorado	L	9,246,873	158,782						9,405,655	68,354	
Connecticut	S	3,278,027	-						3,278,027	21,154	
District of Columbia	M	80,100,730	922,714		(239,847)				80,793,607	130,883	130,883
Florida Middle	M	17,719,202	74,250						17,793,452	119,776	175,008
Florida Northern	M	5,315,983	-						5,315,983	36,953	
Florida Southern	M	38,981,848	183,500						39,165,348	280,850	
Georgia Middle	L	12,848,403	-						12,848,403	37,689	
Georgia Northern	M	12,848,403	74,250						12,922,653	87,433	170,231
Georgia Southern	S	3,242,424	74,250						3,316,674	31,039	29,534
Hawaii	M	4,961,818	-						4,961,818	33,248	
Illinois Central	M	4,118,072	-						4,118,072	28,938	
Illinois Northern	M	5,128,263	618,830						5,747,093	37,150	81,704
Illinois Southern	M	24,103,612	103,848		(28,451)				24,179,009	35,453	60,668
Indiana Northern	M	6,921,865	-						6,921,865	56,655	
Indiana Southern	M	5,078,241	-						5,078,241	42,279	
Iowa Northern	S	3,703,002	-						3,703,002	28,128	
Kentucky Eastern	M	7,159,292	-						7,159,292	26,884	28,233
Kentucky Western	M	6,159,322	-						6,159,322	50,652	
Kentucky Southern	M	8,860,189	101,564						8,961,753	83,740	34,246
Kentucky Western	L	3,746,598	80,078						3,826,676	24,250	
Louisiana Middle	M	6,037,705	-						6,037,705	41,253	
Louisiana Western	S	4,951,438	-						4,951,438	26,714	
Maine	S	11,720,518	192,150		(129,258)				11,783,410	80,705	
Maine Eastern	M	15,174,323	173,400						15,347,723	112,812	177,874
Maine Western	M	6,198,873	98,150						6,297,023	42,378	123,728
Massachusetts	L	8,154,017	-						8,154,017	63,133	
Massachusetts Northern	M	3,828,471	74,250						3,902,721	23,987	
Massachusetts Southern	L	7,411,131	74,250						7,485,381	38,232	
Massachusetts Western	M	8,253,925	74,250						8,328,175	68,905	
Michigan Eastern	S	4,180,479	78,000						4,258,479	28,214	137,239
Michigan Western	M	4,467,305	148,500						4,615,805	31,627	
Minnesota	M	6,858,889	-						6,858,889	44,615	
Minnesota Northern	S	4,467,305	-						4,467,305	29,303	110,233
Minnesota Southern	M	2,391,584	-						2,391,584	15,312	
Mississippi	S	22,879,714	281,100						23,160,814	168,717	
Missouri	L	8,162,815	231,100						8,393,915	53,866	60,896
Missouri Eastern	M	29,328,078	219,897						29,547,975	189,068	134,155
Missouri Western	M	8,101,426	89,150						8,190,576	47,493	
Montana	S	6,311,270	81,150						6,392,420	297,301	
Montana Eastern	L	6,311,270	81,150						6,392,420	89,048	

FY 2006 District 75 of 1% DIRECT Award Availability
Report contains PP 10 data ending on 05/27/06

District	Size	Allocation	FY 2006 Project Allocation with State	FY 06 New Allocation (Honey/Graze/Chp/1/Genag)	Reduction of Payroll Dollars for Residuals	Adopt Payroll Dollars for Districts	EOUSA Allowance to Purposes & Divides	One-Time Provided to Divides	FY 2006 Total DIRECT Allocation	EOUSA (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20) (21) (22) (23) (24) (25) (26) (27) (28) (29) (30) (31) (32) (33) (34) (35) (36) (37) (38) (39) (40) (41) (42) (43) (44) (45) (46) (47) (48) (49) (50) (51) (52) (53) (54) (55) (56) (57) (58) (59) (60) (61) (62) (63) (64) (65) (66) (67) (68) (69) (70) (71) (72) (73) (74) (75) (76) (77) (78) (79) (80) (81) (82) (83) (84) (85) (86) (87) (88) (89) (90) (91) (92) (93) (94) (95) (96) (97) (98) (99) (100)	75% of Current Divides to Have Protection	What May Need to be Provided to Divides to Have Protection
North Carolina Eastern	M	10,222.35	10,222.35	10,222.35	0	0	0	0	10,222.35	0	0	0
North Carolina Middle	M	3,650,838	3,650,838	3,650,838	0	0	0	0	3,650,838	0	0	0
North Carolina Western	M	4,984,747	4,984,747	4,984,747	0	0	0	0	4,984,747	0	0	0
Ohio	S	3,432,246	3,432,246	3,432,246	0	0	0	0	3,432,246	0	0	0
Ohio Northern	L	11,041,543	11,041,543	11,041,543	0	0	0	0	11,041,543	0	0	0
Ohio Southern	L	8,251,871	8,251,871	8,251,871	0	0	0	0	8,251,871	0	0	0
Ohio Western	S	2,808,738	2,808,738	2,808,738	0	0	0	0	2,808,738	0	0	0
Oklahoma	S	4,950,578	4,950,578	4,950,578	0	0	0	0	4,950,578	0	0	0
Oklahoma Southern	S	6,197,764	6,197,764	6,197,764	0	0	0	0	6,197,764	0	0	0
Oregon	S	2,008,332	2,008,332	2,008,332	0	0	0	0	2,008,332	0	0	0
Pennsylvania Eastern	M	8,594,444	8,594,444	8,594,444	0	0	0	0	8,594,444	0	0	0
Pennsylvania Middle	M	74,280	74,280	74,280	0	0	0	0	74,280	0	0	0
Pennsylvania Western	M	3,938,800	3,938,800	3,938,800	0	0	0	0	3,938,800	0	0	0
Puerto Rico	L	8,377,048	8,377,048	8,377,048	0	0	0	0	8,377,048	0	0	0
Rhode Island	S	5,811,237	5,811,237	5,811,237	0	0	0	0	5,811,237	0	0	0
South Carolina	L	8,900,893	8,900,893	8,900,893	0	0	0	0	8,900,893	0	0	0
South Carolina Eastern	M	4,120,498	4,120,498	4,120,498	0	0	0	0	4,120,498	0	0	0
South Carolina Middle	M	5,895,246	5,895,246	5,895,246	0	0	0	0	5,895,246	0	0	0
South Carolina Western	M	78,077	78,077	78,077	0	0	0	0	78,077	0	0	0
Tennessee	M	144,195	144,195	144,195	0	0	0	0	144,195	0	0	0
Tennessee Middle	L	4,688,330	4,688,330	4,688,330	0	0	0	0	4,688,330	0	0	0
Tennessee Western	L	9,947,819	9,947,819	9,947,819	0	0	0	0	9,947,819	0	0	0
Texas	L	1,735,397	1,735,397	1,735,397	0	0	0	0	1,735,397	0	0	0
Texas Eastern	L	173,342	173,342	173,342	0	0	0	0	173,342	0	0	0
Texas Northern	M	18,231,717	18,231,717	18,231,717	0	0	0	0	18,231,717	0	0	0
Texas Southern	M	89,106	89,106	89,106	0	0	0	0	89,106	0	0	0
Texas Western	M	83,383	83,383	83,383	0	0	0	0	83,383	0	0	0
Utah	S	3,848,428	3,848,428	3,848,428	0	0	0	0	3,848,428	0	0	0
Virginia	S	11,500	11,500	11,500	0	0	0	0	11,500	0	0	0
Virginia Eastern	M	16,095,212	16,095,212	16,095,212	0	0	0	0	16,095,212	0	0	0
Virginia Middle	M	4,511,043	4,511,043	4,511,043	0	0	0	0	4,511,043	0	0	0
Virginia Western	S	4,031,694	4,031,694	4,031,694	0	0	0	0	4,031,694	0	0	0
Washington	S	38,150	38,150	38,150	0	0	0	0	38,150	0	0	0
Washington Eastern	L	1,712	1,712	1,712	0	0	0	0	1,712	0	0	0
Washington Middle	S	2,600	2,600	2,600	0	0	0	0	2,600	0	0	0
Washington Western	S	22,800	22,800	22,800	0	0	0	0	22,800	0	0	0
West Virginia	S	3,231,413	3,231,413	3,231,413	0	0	0	0	3,231,413	0	0	0
West Virginia Eastern	S	1,428,271	1,428,271	1,428,271	0	0	0	0	1,428,271	0	0	0
West Virginia Middle	S	1,803,142	1,803,142	1,803,142	0	0	0	0	1,803,142	0	0	0
West Virginia Western	S	0	0	0	0	0	0	0	0	0	0	0
Wyoming	S	1,586,054	1,586,054	1,586,054	0	0	0	0	1,586,054	0	0	0
TOTALS		102,223,510	102,223,510	102,223,510	0	0	0	0	102,223,510	0	0	0

Footnotes:
* - Project with projected District specific COLA and Funding for new position allocations
* - Project with projected COLA and Funding for new position allocations
* - Project with projected COLA and Funding for new position allocations

TOTAL DIRECT FTE:
X-Large 4.0% Above 250
Large 3.0% Above 100
Medium 2.1% Above 70
Small 1.0% Above 41
Below 41 0.5% Above 50

\$ 7,648,141 \$ 13,696,187
\$ (19,350,859) \$ (1,149,510)
\$ (11,702,894) \$ 12,398,676

ASG00000291



Immigr file

*9/21/03
Shedoff Mann
requires date
tracking*

**Graphical Highlights
Immigration**

**Immigration Cases
Defendants Disposed of in Magistrate Court and District Court**

District	Fiscal Year	U.S. Courts*			Dept. of Justice**		
		Magistrate Court	District Court	Total	Magistrate Court	District Court	Total
United States	2003	16,231	15,296	31,527	3,052	17,136	20,188
	2004	26,581	15,762	42,343	16,723	16,465	33,188
Southwest Border Federal Judicial Districts							
Arizona	2003	2,740	2,503	5,243	178	2,541	2,719
	2004	4,649	2,398	7,047	268	2,085	2,353
Cal, S.	2003	3	1,929	1,932	128	2,488	2,616
	2004	3	2,022	2,025	139	2,585	2,724
N Mexico	2003	37	1,422	1,459	231	1,636	1,867
	2004	3	1,414	1,417	75	1,368	1,443
Texas, S.	2003	8,626	2,886	11,512	454	3,037	3,491
	2004	16,176	3,035	19,211	13,905	3,231	17,136
Texas, W.	2003	4,227	1,755	5,982	1,483	1,768	3,251
	2004	5,261	1,815	7,076	1,829	1,405	3,234

* Administrative Office of U.S. Court figures are based upon its published counts [see Tables D-9 and M2 at <http://www.uscourts.gov/judbus2004/contents.html> and <http://www.uscourts.gov/judbus2003/contents.html>] for defendants charged with offenses under the "immigration laws." Magistrate figures include only petty offenses and exclude Class A misdemeanors as immigration offenses did not comprise a large enough category to be broken out separately. Thus, the AOUSC magistrate figures may represent an slight undercount of the actual volume of immigration defendants handled.

** Department of Justice (Executive Office for United States Attorney) figures are based upon internal files obtained by TRAC after court litigation under the Freedom of Information Act. Historically, reporting systems for magistrate cases have not been as well maintained, and reporting of petty offenses in particular appear less reliable and complete than court recording systems. This is reflected in the lower reported counts above. Counts here reflect prosecutions completed resulting from DHS-Immigration referrals for criminal prosecution.

William Mercer and Michael Elston
Re: Immigration/Drug/Fraud Cases
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Increased Border Corruption Cases

One of the office's goals has been to prosecute reactive border cases more efficiently and more intelligently.^{2/} By prioritizing the immigration cases we prosecute, we have freed up sufficient AUSA time to pursue a Department priority that directly impacts our efforts to reduce alien smuggling -- border corruption. In the past 12 months, SDCA has investigated and prosecuted seven corrupt Border Patrol agents and CBP officers who were working with alien smuggling organizations to smuggle illegal aliens into the country, either by releasing apprehended aliens into the United States or waving load cars through the inspection lanes at the Ports of Entry. Two additional Border Patrol agents who are under investigation suddenly resigned from the Border Patrol and have disappeared. Four of the corrupt Border Patrol agents and CBP officers were the subject of Title III wiretap investigations; all required extensive financial investigation to prove the bribery and substantiate forfeiture counts. These are extremely labor-intensive and time-consuming investigations for the AUSAs, yet they each add but a single immigration sentencing statistic -- alien smuggling conspiracy -- to our records. Addressing corruption by border inspectors is especially important in our district, because San Ysidro is the busiest land-based Port of Entry in the United States.

SDCA has reduced the number of "lower end" immigration cases it accepts in favor of seeking higher sentences for more serious offenders. In the past two years, our immigration trials have doubled in number, as have our appeals. SDCA has also devoted substantial AUSA time to investigating and prosecuting border corruption, which creates a serious threat to both national security and immigration policy. For all the reasons set forth above, it would be incorrect to assume that SDCA is less effective in border prosecutions than our colleagues elsewhere on the Southwest Border. To the contrary, we have worked hard to ensure that the immigration defendants we convict stay in custody for meaningful periods of time. With additional resources, we could certainly do more.

Firearms Cases

SDCA has been an active proponent of Project Safe Neighborhoods, holding regular PSN meetings and being deeply involved in the grant administration aspects of the program. The USAO SDCA has partnered with the San Diego District Attorney's Office, San Diego Sheriff's Office, the San Diego Police Department, and the Children's Initiative in funding various projects to eliminate illegal firearms.

^{2/} For example, we negotiated with Customs and Border Protection for the videotaping of post-arrest statements in reactive border cases, which increased the number of early dispositions, reduced motion practice time, and improved the rate of convictions at trial. We have recently reached an agreement with ICE for similar videotaping of post-arrest statements in reactive narcotics cases at the border.

ASG00000301

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The numbers of prosecutions for illegal firearms in SDCA remains low for now.^{3/} Several reasons exist for the low numbers. First, illegal firearms are simply not an overwhelming problem in the Southern District of California. Second, the Southern District of California is comprised of only two counties, with San Diego County (population 3.6 million) being by far the more heavily populated county (Imperial County has fewer than 60,000 people). Thus, firearms prosecutions are handled consistently and competently by a single District Attorney in San Diego County. Compare the number of counties in each of the other Southwest Border districts:

Number of Counties

D.AZ: 15 counties
D.NM: 33 counties
SDTX: 43 counties
WDTX: 68 counties
SDCA: 2 counties

A large number of counties within a single district leads to lack of consistency in enforcement, increasing the need for a federal presence in eliminating illegal firearms. Such inconsistency does not exist in SDCA.

Third, California has effective and onerous state firearms statutes, including substantial sentencing enhancements for use of a firearm during the commission of a felony. California's "Three Strikes" law, and its tough anti-gang laws and gang injunction statutes, also provide state prosecutors with good tools to obtain very high sentences in cases involving illegal firearms. We have approached the San Diego Chief of Police and the San Diego County Sheriff on numerous occasions to inquire whether they could benefit from federal prosecution of illegal firearms. We have good relationships with these agencies, and they have repeatedly told us that the San Diego District Attorney's Office provides them with good service in the prosecution of illegal firearms cases.

There is no question that illegal immigration will always be one of the top priorities in this district, and it is a priority that is uniquely federal in nature. If we prosecute firearms cases that could be prosecuted equally effectively by the state, we will have to prosecute fewer immigration cases. (The USAO in SDCA did not receive any AUSA positions in 2001 for the prosecution of firearms cases). Nonetheless, the office has made serious efforts to increase the number of illegal firearms cases in the district. A protocol was established with the San Diego County District Attorney's Office in 2003, whereby cases involving illegal firearms would be referred to the USAO if the potential federal sentence would exceed the state sentence by 24 months. Very few cases were referred pursuant to that protocol.

^{3/} The numbers of firearms cases actually **filed** are somewhat higher than the numbers of cases reflected in the Sentencing Commission report as having been sentenced. Some cases have not yet resolved, and some difficult "lie and buy" cases resulted in acquittals at trial.

ASG000000302

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We have recently revised the protocol and relaxed the standards for referrals of cases, and have gone to each police and sheriff substation to discuss the protocol with the gun desk at each substation. We expect that with this change, additional cases will be generated in the coming year.

Narcotics and Fraud Cases

While we are attempting to increase our numbers of illegal firearms cases, we have not shied away from prosecuting extremely sophisticated and difficult federal prosecutions. Our Narcotics Enforcement Section ranks #1 in the country for use of Title III surveillance in narcotics cases. In FY05 we indicted 79 OCDETF cases -- more than any of the other 11 districts in the Southwest region except for SDTX, which indicted 83. In 2005, we tried and convicted two sitting San Diego City Councilmen after a 3-month trial; investigated and convicted Congressman Randall "Duke" Cunningham for bribery; spent 11 months in trial against a major hospital chain in a Medicare anti-kickback case, resulting in the corporation's agreement to sell the hospital and pay \$21 million to resolve civil claims; indicted and closed down the Mexican manufacturers of more than 80% of the illegal steroids sold in the United States ("Operation Gear Grinder"); prosecuted and tried several cases involving violations of the Arms Export Control Act; and indicted several trustees and members of the San Diego City Employees Retirement System, who had brought San Diego to the edge of financial ruin.

This office never stands still, and it does not rest. Based upon our projections for FY 2006, if our current trend continues, our overall criminal caseload is expected to increase by approximately 30 percent. With additional attorney resources, we could increase the numbers of prosecutions along the border with Mexico while continuing to seek higher sentences.

ASG00000303

Mercer, William W

From: Meyer, Joan E (ODAG)
Sent: Saturday, September 16, 2006 10:25 AM
To: Mercer, William W
Subject: Re: DP/BOP

We had one case after you left where AZ got the seek letter and never filed the notice! Then before trial they asked for rehearing with the AG. Wouldn't take no for an answer. When I told Charleton he needed to file the notice when he got the seek letter, he professed not to know that. ??? OAG wasn't too happy.

-----Original Message-----

From: Mercer, William W
To: Meyer, Joan E (ODAG)
Sent: Sat Sep 16 10:07:54 2006
Subject: DP/BOP

Joan: I will forward a page from the AG Awards program booklet from Tuesday. I thought of our conversations w/Harley because one of the winners got an award based upon actions in conjunction with a homicide in a BOP institution in Arizona (last year, I believe). I'm willing to bet lunch that if they charge it, AZ will say it should be a no seek.

Mercer, William W

From: Gunn, Currie (SMO)
Sent: Thursday, December 07, 2006 1:32 PM
To: Mercer, William W
Subject: Pls call Mr. Paul Charlton at your convenience (his cell).

Mercer, William W

From: Mercer, William W
Sent: Thursday, December 07, 2006 1:58 PM
To: Sampson, Kyle
Subject: Re: Heads up

I have what I assume is my first call. Before I respond, do you have a status report?

-----Original Message-----

From: Sampson, Kyle
To: Mercer, William W
Sent: Tue Dec 05 22:50:48 2006
Subject: Heads up

Administration has determined to ask some underperforming USAs to move on (you'll remember I beat back a much broader -- like across the board -- plan that WHCO was pushing after 2004). Calls will go out on Thursday. Wanted you to know in case you get some calls from the field and so you can help manage the chatter that may result. See the attached for the details.

<<USA replacement plan.doc>>

Mercer, William W

From: Shaw, Aloma A
Sent: Thursday, December 07, 2006 4:37 PM
To: Mercer, William W
Subject: Phone Call

Dan Bogden

Mercer, William W

From: Mercer, William W
Sent: Tuesday, December 12, 2006 10:29 PM
To: Mercer, William W
Subject: Fw: Pls call Mr. Paul Charlton at your convenience

-----Original Message-----

From: Gunn, Currie (SMO)
To: Mercer, William W
Sent: Thu Dec 07 13:31:32 2006
Subject: Pls call Mr. Paul Charlton at your convenience

Mercer, William W

From: Davis, Deborah J
Sent: Wednesday, December 13, 2006 10:41 AM
To: Mercer, William W
Subject: Please Phone Paul Charlton (USA Arizona)

*Deborah J. Davis
Staff Assistant
U.S. Department of Justice
Phone: (202) 514-1773 Fax: (202) 514-0238*

Mercer, William W

From: Mercer, William W
Sent: Wednesday, December 13, 2006 3:53 PM
To: Charlton, Paul (USAAZ)
Subject: RE: Way Forward

will do -- backed up until 6ish (eastern)

From: Charlton, Paul (USAAZ) [mailto:Paul.Charlton@usdoj.gov]
Sent: Wednesday, December 13, 2006 3:09 PM
To: Mercer, William W
Subject: Way Forward

Bill,

When you get a chance please call me on my cell ;
opportunity.

Like to talk to you about my next

Paul