

27. ADMINISTRATION OF JUSTICE

Table 27-1. FEDERAL RESOURCES IN SUPPORT OF ADMINISTRATION OF JUSTICE

(In millions of dollars)

Function 750	1996 Actual	Estimate					
		1997	1998	1999	2000	2001	2002
Spending:							
Discretionary Budget Authority	20,684	22,819	24,415	25,186	24,382	24,806	25,518
Mandatory Outlays:							
Existing law	-36	767	566	539	400	404	400

Federal, State, and local governments share the responsibility for fighting crime. Most of the effort occurs at the State and local level. The Federal Government primarily addresses criminal acts that require a national response, and supports State and local law enforcement and criminal justice activities.

Federal, State, and local resources devoted to the administration of justice—including law enforcement, litigation, judicial, and correctional—have grown from \$68.3 billion in 1988 to an estimated \$139.4 billion in 1997—by 104 percent or, as Chart 27-1 illustrates, by 53 percent in constant 1988 dollars. During this same period, the Federal law enforcement component, including transfer payments to State and local law enforcement activities, grew by 151 percent, from \$9.5 billion in 1988 to \$23.9 billion in 1997. Despite this growth, Federal resources account for only about 17 percent of total governmental spending for administration of justice.

Nevertheless, Federal resources devoted to law enforcement and crime prevention are consuming a larger slice of total Federal discretionary spending. In 1988, administration of justice expenditures were about two percent of Federal discretionary spending. In 1997, they will consume nearly five percent.

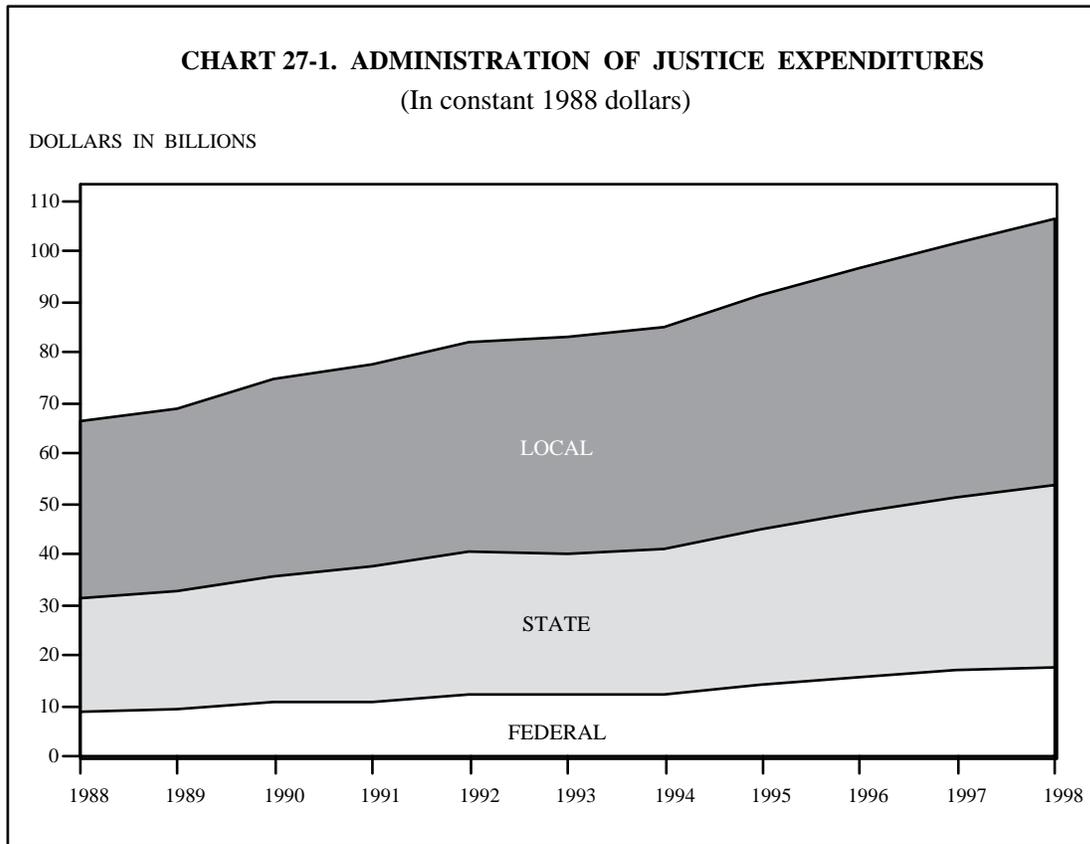
Federal Activities

Federal funding for the Administration of Justice function includes: (1) Federal law

enforcement activities; (2) litigation and judicial activities; (3) correctional activities; and (4) financial assistance to State and local entities. Most of these funds go to the Departments of Justice and the Treasury, and to the Judiciary (see Chart 27-2).

Law Enforcement: The budget proposes \$24.9 billion in 1998 to enforce a wide range of laws, reflecting the unique Federal role in law enforcement. Some responsibilities—such as customs enforcement—date from the beginning of the country. The Justice Department's Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), and Immigration and Naturalization Service (INS) enforce diverse Federal laws dealing with terrorism, white collar crime, border control, drug smuggling, and many other criminal acts. The Treasury Department enforces laws related to smuggling drugs and contraband across our borders, and to regulating trade, telecommunications, financial institutions, and the alcohol, tobacco, and firearms industries. Treasury also trains Federal law enforcement agency personnel and protects the President, the Vice President, and foreign dignitaries. These Federal agencies, and the ones discussed below, also work with State and local law enforcement agencies, often through joint task forces to address drug, gang, and other violent crime problems, as well as civil rights laws.

The Federal responsibility to enforce civil rights laws in the areas of employment

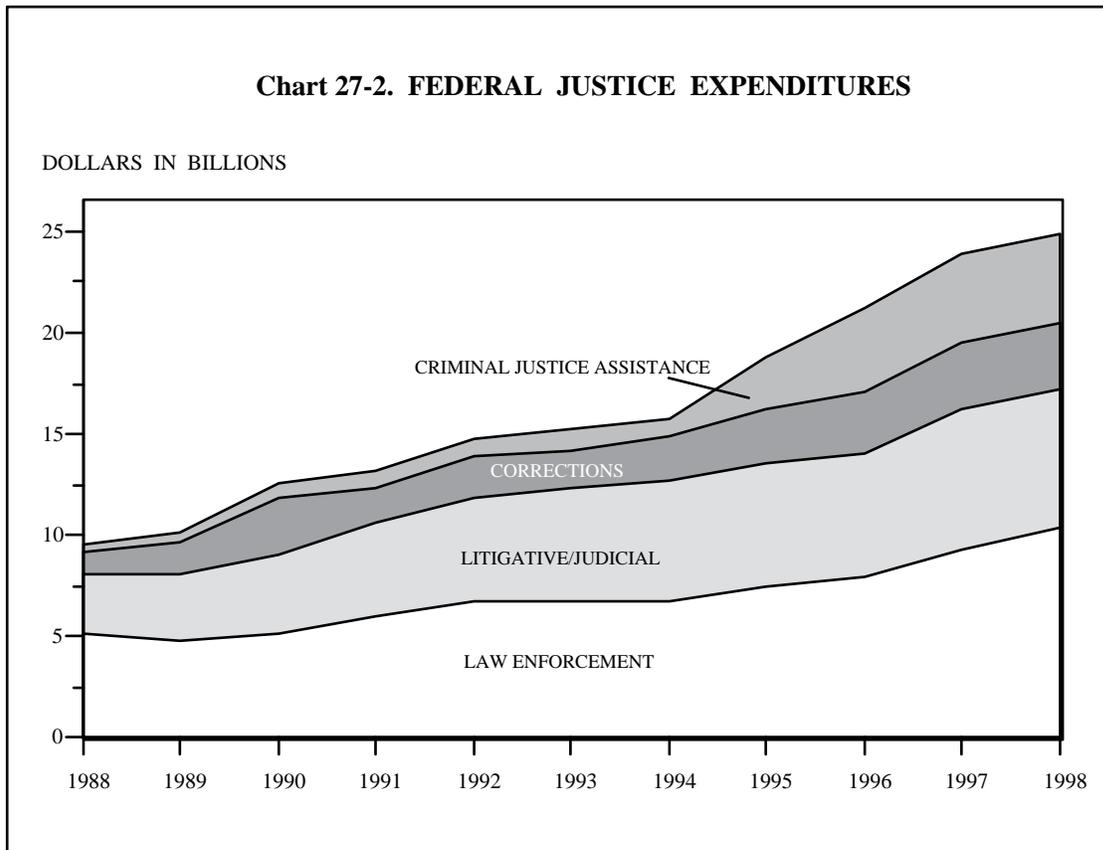


and housing arises from Title VII and Title VIII of the Civil Rights Act of 1964, as amended, and is further augmented by more recent civil rights legislation, including the Age Discrimination in Employment Act and the Americans with Disabilities Act. The Department of Housing and Urban Development's (HUD) Office of Fair Housing and Equal Opportunity enforces laws that prohibit discrimination on the basis of race, color, sex, religion, disability, familial status, or national origin in the sale or rental, provision of brokerage services, or financing of housing. The Equal Employment Opportunity Commission enforces laws that prohibit employment discrimination on the basis of race, color, sex, religion, disability, age, and national origin.

Litigation and Judicial Activities: Of course, after such law enforcement agencies as the FBI, DEA, and Treasury's Bureau of Alcohol, Tobacco and Firearms have investigated and apprehended perpetrators of Federal crimes, the United States must prosecute

them—and the budget proposes \$6.7 billion for this purpose. This task falls to the 93 United States Attorneys and the 4,450 Assistant United States Attorneys. Along with prosecuting cases referred by Federal law enforcement agencies, the U.S. Attorneys work with State and local police and prosecutors in their efforts to bring to justice those who have violated Federal laws—whether international drug traffickers, organized crime ringleaders, or perpetrators of white collar fraud.

In addition, the Justice Department contains several legal divisions specializing in specific areas of criminal and civil law. These divisions—including the Civil, Criminal, Civil Rights, Environment and Natural Resources, Tax, and Antitrust Divisions—work with the U.S. Attorneys to ensure that violators of a myriad assortment of Federal laws are brought to justice. Individuals and corporations who would knowingly and illegally pollute a local river, evade Federal income taxes, or conspire to fix consumer prices are all targets of Federal prosecutors. The



Federal Government, through the Legal Services Corporation, also promotes equal access to the Nation's legal system by funding local organizations that provide legal assistance to the poor in civil cases.

As for the Federal Judiciary, its rapid growth is a result of increased Federal law enforcement efforts over the recent past. Accounting for 14 percent of total law enforcement spending, the Judiciary comprises the Supreme Court and 196 courts of appeals, bankruptcy courts, and district courts, and is overseen by 2,102 Federal and Supreme Court judges.

Corrections Activities: The budget proposes \$3.2 billion for corrections activities. Due to higher spending on law enforcement and other factors, the number of criminals incarcerated also has risen. The U.S. inmate population has doubled since 1988, with the total number of sentenced inmates exceeding a million during 1996. The Federal inmate popu-

lation—slightly less than a tenth of the State inmate population—will continue to grow due to the abolition of parole, minimum mandatory sentences, and sentencing guidelines. State inmate populations will grow, in part, due to stringent sentencing requirements tied to Federal prison grant funds. In the Federal system, about 61 percent of the inmates serving time have been convicted on drug-related charges.

Criminal Justice Assistance: The 1994 Crime Act fueled the rapid post-1994 growth in Federal criminal justice assistance to State and local governments, which has increased from \$800 million in 1994 to a proposed \$4.4 billion in 1998. The Act authorized such programs as the Community Oriented Policing Services (COPS) program, prison grants, and the State Criminal Alien Assistance Program. Most funding authorized under the Act supports grants to States and localities—designed to help States and local criminal justice systems perform their roles as the primary agents of law enforcement.

The Results—and Long-term Trends

The Justice Department's national crime statistics show that criminal offenses reported by law enforcement agencies fell by three percent from 1995 to 1996—marking the fifth straight year the crime rate has dropped.

The decrease in crime, when compared with increases in anti-crime spending during the same period, appears to suggest a general relationship. Many factors unrelated to Federal spending, however, also probably played an important role in the drop in crime.