

## 28. ADMINISTRATION OF JUSTICE

**Table 28-1. FEDERAL RESOURCES IN SUPPORT OF ADMINISTRATION OF JUSTICE**

(In millions of dollars)

Function 750	1998 Actual	Estimate					
		1999	2000	2001	2002	2003	2004
<b>Spending:</b>							
Discretionary Budget Authority ....	24,840	26,177	26,376	26,754	26,915	26,734	26,833
Mandatory Outlays:							
Existing law .....	682	1,042	796	611	574	546	2,062
Proposed legislation .....							-1,522

While States and localities bear most of the responsibility for fighting crime, the Federal Government also plays a critical role. Along with supporting State and local activities, the Federal Government investigates and prosecutes criminal acts that require a Federal response. In 1999, anti-crime expenditures will consume 4.6 percent of all Federal discretionary spending, compared with about two percent in 1989.

Total Federal, State, and local resources devoted to the administration of justice—including law enforcement, litigation, judicial, and correctional activities—grew from \$82 billion in 1990 to an estimated \$153 billion in 1999—an 87-percent increase (see Chart 28-1). During this period, the Federal law enforcement component, including transfer payments to State and local law enforcement activities, more than doubled, from \$12.4 billion in 1990 to \$26.2 billion in 1999. Nevertheless, Federal resources account for only 17 percent of total governmental spending for administration of justice.

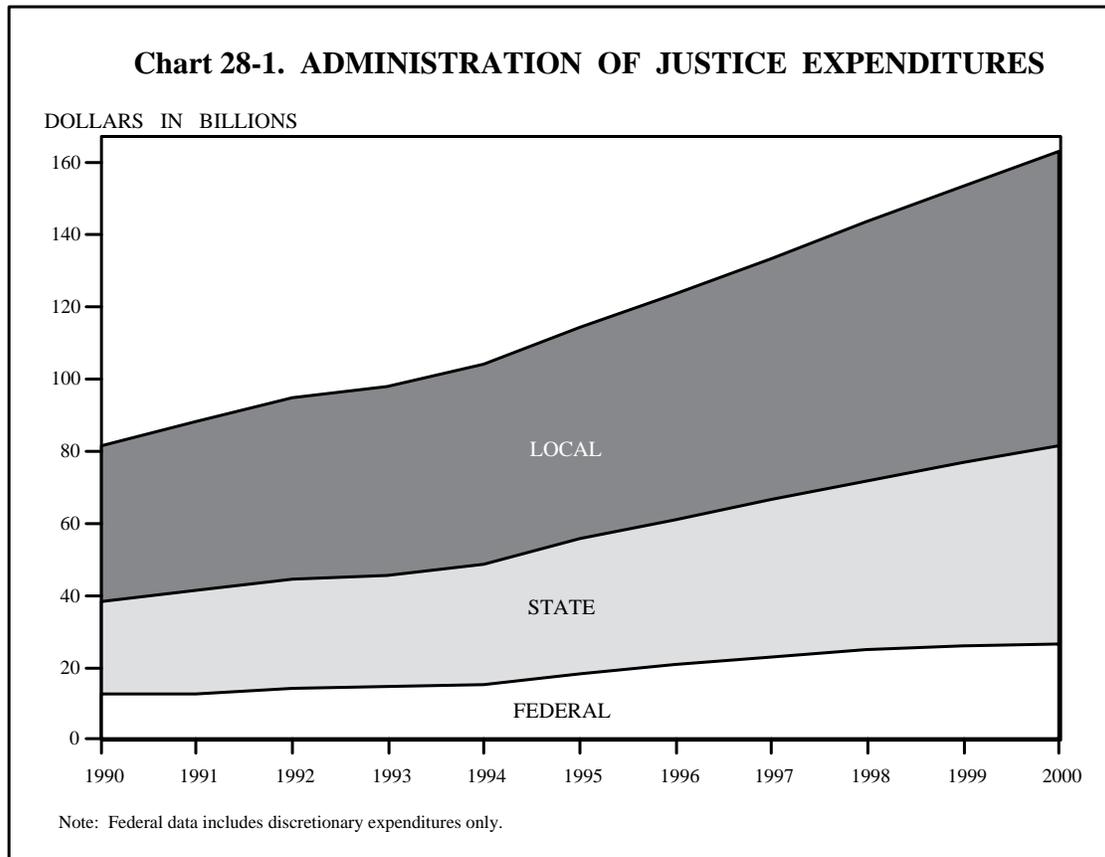
The number of criminal offenses that law enforcement agencies reported fell by two percent from 1996 to 1997—marking the sixth straight year that the crime rate has fallen. The number reported in the first six months of 1998, the most recent period for which figures are available, was five percent lower than in the same period in

1997. The drop in crime, when compared with increases in anti-crime spending during the same period, suggests a causal relationship, although crime is affected by varying factors. The budget builds upon this record of success by continuing to provide substantial funding for proven anti-crime programs.

Funding for the Administration of Justice function includes: (1) law enforcement activities; (2) litigative and judicial activities; (3) correctional activities; and (4) assistance to State and local entities (see Chart 28-2). In 1999, 69 percent of these funds went to the Justice Department (DOJ), while most of the rest went to the Treasury Department and the Judicial Branch.

### Law Enforcement

**The Department of Justice (DOJ):** The 2000 budget enables DOJ to enforce a wide range of laws. The FBI and Drug Enforcement Administration (DEA) enforce diverse Federal laws dealing with violent crime, terrorism, white collar crime, drug smuggling, and many other criminal acts. The Immigration and Naturalization Service (INS) protects the U.S. border from illegal migration while providing services to legal aliens. Federal agencies also work with State and local law enforcement agencies, often through joint task forces, to address drug, gang, and other violent crime prob-



lems. In 2000, with respect to violent crime, the Justice Department will:

- maintain the Federal Government's commitment to reduce the incidence of violent crime below the 1997 level of 611 offenses per 100,000 population.
- reduce specific areas of organized crime and its influence on unions and industries from the 1998 level, while intensifying efforts to prevent emerging organized crime enterprises from gaining a foothold in particular areas.
- apprehend 80 percent of violent offenders within one year of a warrant's issuance, and reduce the fugitive backlog by five percent from 1999 levels. At the end of 1998, there were 10,677 outstanding fugitive warrants.

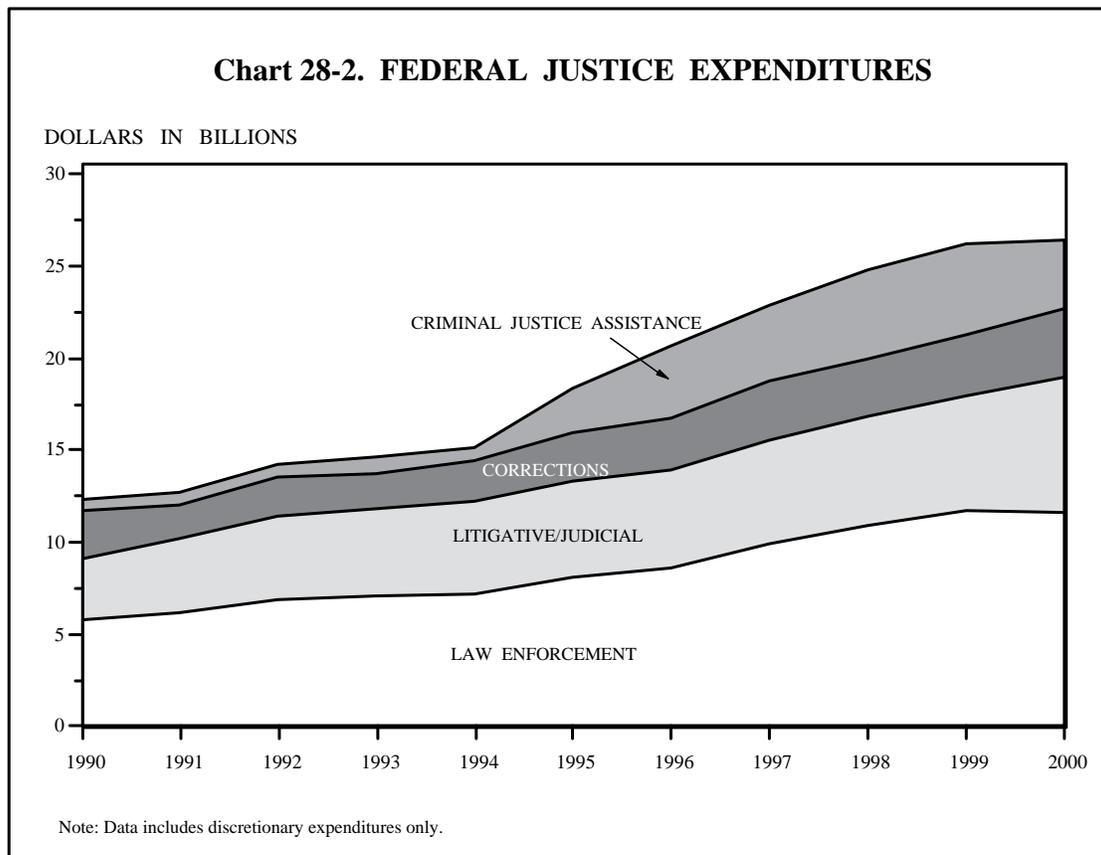
With respect to immigration and border control, DOJ will:

- increase the number of removals of aliens who are illegally in the United States from

114,386 in 1997 to approximately 165,800 in 2000.

- identify over 38,500 unauthorized alien workers, thereby opening up potential jobs for U.S. citizens and other legally authorized workers.
- in conjunction with the Treasury and Agriculture Departments, increase the percent of legitimate air passengers cleared through primary inspection in 30 minutes or less from 35 percent in 1998 to 65 percent in 2000; and work to process legitimate land border travelers through the primary inspection process on the Mexico border in 30 minutes or less in 2000.
- reduce the average time between application and naturalization of qualified candidates from an estimated 20 months in 1998 to six to nine months by the end of 2000.

**The Treasury Department:** Within the Treasury Department, the U.S. Customs Service, Bureau of Alcohol, Tobacco and Firearms



(ATF), United States Secret Service, and other bureaus enforce laws related to drug and contraband at our borders; commercial fraud; firearms trafficking; arson and explosives crime; and financial crimes, including money laundering, counterfeiting, and credit card fraud. In addition, the Customs Service regulates the importation and exportation of goods; ATF regulates the alcohol, tobacco, firearms, and explosives industries; and the Secret Service protects the President, Vice President, and visiting foreign dignitaries. The Federal Law Enforcement Training Center (FLETC) provides basic and advanced training to Treasury and other law enforcement personnel. In 2000, the Treasury Department will:

- help solve violent crimes and reduce firearms trafficking by tracing up to 285,000 firearms used in criminal activities, compared to 191,378 in 1997;
- ensure the physical protection of the President, Vice President, visiting foreign dignitaries, and others protected by the Secret Service.

- maintain or improve upon its 99 percent collection rate for trade revenue (duties, taxes, and user fees).
- enhance trade data quality by improving importers' compliance with trade laws (e.g., quotas, trademarks, classification, etc.) from 83 percent in 1997 to 86 percent in 2000.

**Federal Drug Control Activities:** The Office of National Drug Control Policy (ONDCP) has led the Federal drug control agencies in the development of a comprehensive set of aggressive societal goals for anti-drug programs, recognizing that achieving National Drug Control Strategy Objectives depends critically on the actions of not only the Federal Government, but of State, local, and foreign governments, the private sector and on the behavior of individuals. At the core of these crosscutting goals are 12 Impact Targets that define what the drug control community is trying to achieve by 2002 and 2007. Following are three of these goals for 2002:

- reduce the overall rate of illegal drug use in the United States by 25 percent, from the 1996 baseline of 6.1 percent to 4.6 percent.
- reduce the rate of crime associated with drug trafficking and use by 15 percent. (Collection and reporting of 1996 data is in progress.)
- reduce by 10 percent the health and social costs associated with drug use. (Collection and reporting of 1996 data is in progress.)

**Civil Rights Laws:** Federal responsibility to enforce civil rights laws in employment and housing arises from Titles VII and VIII of the Civil Rights Act of 1964, as well as more recent legislation, including the Age Discrimination in Employment Act and the Americans with Disabilities Act. The Department of Housing and Urban Development (HUD) 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. DOJ's Civil Rights Division enforces a variety of criminal and civil statutes that protect the constitutional and statutory rights of the Nation's citizens. The performance goals for this area are as follows:

- The Equal Employment Opportunity Commission will reduce the backlog of private sector complaints from 57,000 at the end of 1998 to 28,000 at the end of 2000.
- As part of a three year, 60 community initiative, HUD will ensure that its grantees in an additional 20 communities (for a total of 40) undertake fair housing audit-based enforcement, using a HUD-developed standardized methodology, to develop local indices of discrimination, to identify and pursue violations of fair housing laws, and to promote new fair housing enforcement initiatives at the local level.

### **Litigation and Judicial Activities**

After law enforcement agencies such as the FBI, DEA, and ATF have investigated

and apprehended perpetrators of Federal crimes, the United States must prosecute them. This task falls primarily to the 93 United States Attorneys and the 4,700 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. The U.S. Marshals Service protects the Federal courts and their officers; apprehends fugitives; and maintains custody of prisoners involved in judicial proceedings.

In addition, DOJ 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 Federal laws are brought to justice. 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. In 2000, the Justice Department will seek to:

- increase the number of hate crime cases prosecuted, compared with 1999. In 1998, there were 17 cases prosecuted.
- ensure that no judge, witness, or other court participant is the victim of an assault stemming from his or her involvement in a Federal court proceeding.

The Judiciary's growth in recent years arises from increased Federal enforcement efforts and Congress' continued expansion of the Federal courts' jurisdiction. Accounting for 13 percent of total administration of justice spending, the Judiciary comprises the Supreme Court and 12 circuit courts of appeals, 94 district courts, 90 bankruptcy courts, 94 federal probation offices, the Court of Appeals for the Federal Circuit and the Court of International Trade. The Federal Judiciary is overseen by 2,196 Federal judges and nine Supreme Court justices.

### **Correctional Activities**

The budget proposes \$3.8 billion for corrections activities. As of December, 1998, there were more than 124,000 inmates in the Federal Prison System, more than double the number in 1989. This growth, which is expected to continue, is due to tougher sentencing guidelines, the abolition of parole, minimum mandatory sentences, and higher spending on law enforcement. The total U.S. inmate population, of which the Federal Prison System represents less than one tenth, has increased as well. State inmate populations have grown, in part, due to sentencing requirements tied to Federal prison grant funds. In the Federal system, 62 percent of inmates serving time were convicted on drug-related charges. In 2000, the Federal Bureau of Prisons will:

- keep the overcrowding rate below 32 percent by expanding its bed capacity and continuing to construct additional prisons within performance, schedule and budget targets.
- operate the Federal prison system in an efficient manner, in part by maintaining the 1997 daily per capita cost of \$59.83.

### **Criminal Justice Assistance for State and Local Governments**

***Community Policing and Preventing Gun Violence:*** The budget proposes \$4 billion to help State and local governments fight crime including \$424 million to assist crime victims. The 2000 budget builds on the success of the Community Oriented Policing Services (COPS) program and includes \$1.3 billion for the 21st Century Policing Initiative. This program expands the concept of community policing to include community prosecution, law enforcement technology assistance, and prevention. To address the continuing problem of gun violence, the Administration supports a new

effort under the Brady Law to keep guns out of the hands of criminals and to make America's streets safer. As part of this effort, the Justice Department, working with the States, is now conducting computerized background checks on all firearm purchases. The instacheck system has been used to block more than 100 illegal gun sales a day since the program was implemented. In 2000, DOJ will:

- provide funding to communities to hire over 6,000 additional officers.
- in conjunction with the Treasury Department, review over nine million prospective gun sales to prevent felons, fugitives, stalkers and other prohibited purchasers from buying guns.

***Stopping Violence against Women:*** To combat the significant problem of violence against women, the budget proposes \$462 million to enhance the States' abilities to respond, and to further expand access to previously under-served rural, Indian, and other minority populations.

- As a result of grants that encourage arrests, DOJ will seek to increase by 145 percent over the 1997 baseline estimate of 50, the number of grantees reporting a decrease in domestic violence calls in 2000.

***Combating Juvenile Delinquency:*** To prevent young people from becoming involved in the juvenile justice system, the budget includes \$289 million for juvenile justice programs, including those that provide supervised afternoon and evening activities for youth. In 2000, compared with 1999 levels, DOJ will seek to:

- reduce the incidence of juveniles illegally carrying guns.
- reduce the number of juvenile gun-related crimes.