

27. ADMINISTRATION OF JUSTICE

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

(In millions of dollars)

Function 750	1997 Actual	Estimate					
		1998	1999	2000	2001	2002	2003
Spending:							
Discretionary Budget Authority	22,942	24,229	25,728	24,554	24,381	24,551	25,075
Mandatory Outlays:							
Existing law	78	1,359	640	287	149	174	160
Proposed legislation		10	51	55	49	42	35

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 national response. In 1998, anti-crime expenditures will consume 4.6 percent of all Federal discretionary spending, compared with about two percent in 1988.

Total Federal, State, and local resources devoted to the administration of justice—including law enforcement, litigation, judicial, and correctional activities—grew from \$71.8 billion in 1989 to an estimated \$141.7 billion in 1998—by 97 percent or, as Chart 27-1 shows, by 46 percent in constant 1992 dollars. During this period, the Federal law enforcement component, including transfer payments to State and local law enforcement activities, more than doubled, from \$10.1 billion in 1989 to \$25.3 billion in 1998. Nevertheless, Federal resources account for only 18 percent of total governmental spending for administration of justice.

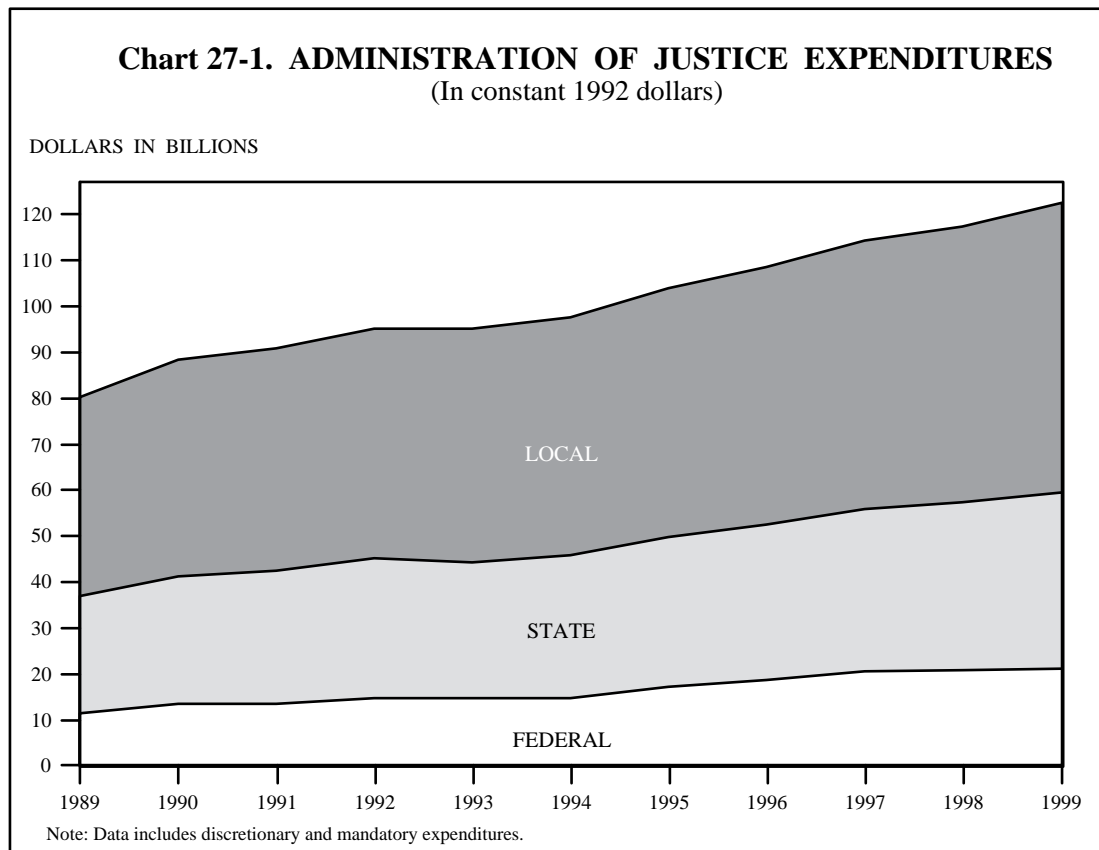
The number of criminal offenses that law enforcement agencies reported fell by three percent from 1995 to 1996—marking the fifth straight year that the crime rate has fallen. The number reported in the first six months of 1997, the most recent period for which figures are available, was four

percent lower than in the same period in 1996. The drop in crime, when compared with increases in anti-crime spending during the same period, appears to suggest a general 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.

Federal Activities

Federal funding for the Administration of Justice function includes: (1) Federal law enforcement activities; (2) litigative and judicial activities; (3) correctional activities; and (4) financial assistance to State and local entities (see Chart 27-2). In 1998, 70 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 budget proposes in 1999 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. DOJ's 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



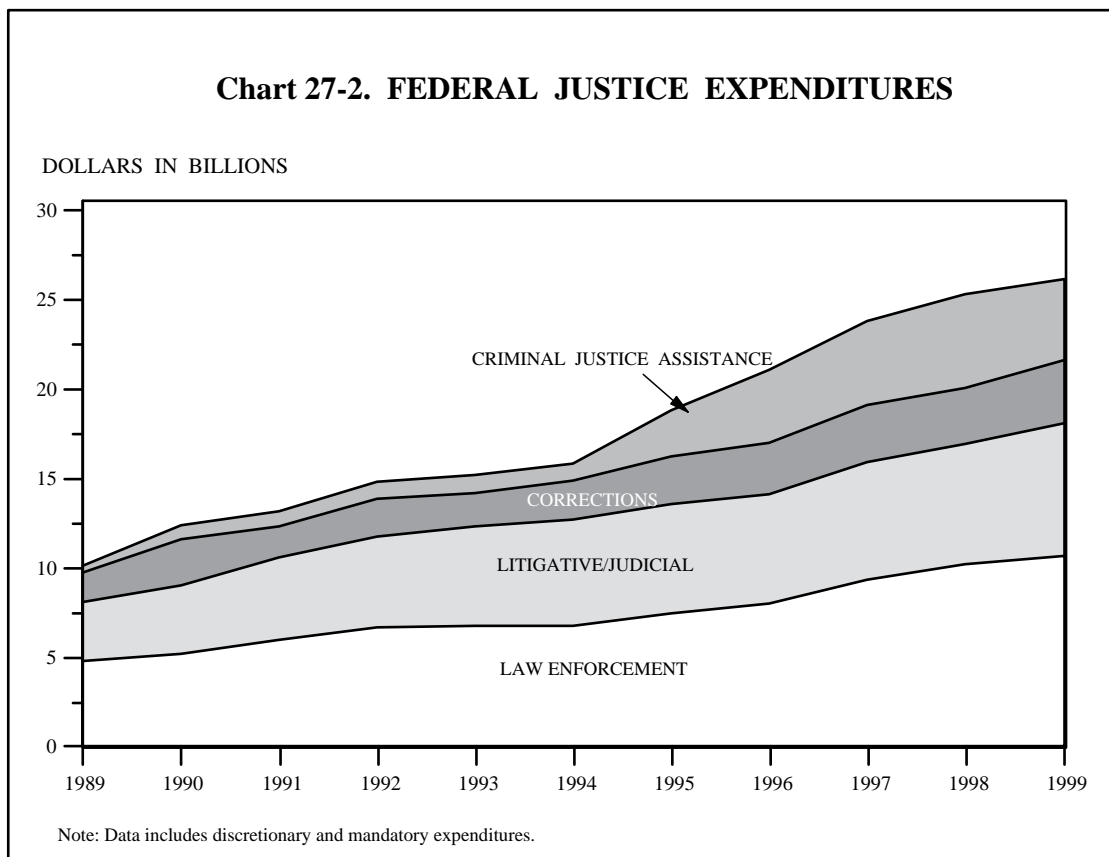
services to legal aliens. These agencies, and the ones discussed below, also work with State and local law enforcement agencies, often through joint task forces, to address drug, gang, and other violent crime problems.

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 smuggling across our borders; firearms trafficking; arson and explosives crime; financial crime and fraud, including money laundering, counterfeiting, and credit card fraud; and the regulation of the alcohol, tobacco, and firearms industries. The Secret Service protects the President, Vice President, and foreign dignitaries. The Federal Law Enforcement Training Center (FLETC) trains Federal law enforcement personnel.

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 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 enforces the criminal civil rights laws.

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—and the budget proposes \$7.5 billion for this purpose. This task falls primarily 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. 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.

The Judiciary's growth in recent years arises from increased Federal enforcement efforts and Congress' continued expansion of the Judiciary's jurisdiction. Accounting for 13 percent of total law enforcement spending, the Judiciary comprises the Supreme Court and 12 circuit courts of appeals, 90 bankruptcy courts, and 94 district 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 2,096 Federal judges and nine Supreme Court justices.

Correctional Activities: The budget proposes \$3.5 billion for corrections activities. Due to higher spending on law enforcement and tougher sentencing, the number of Federal Prison System inmates has risen to 114,000, more than double the number in 1988. The Federal inmate population—less than a tenth of the total U.S. 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 sentencing requirements tied to Federal prison grant funds. In the Federal system, about 62 percent of inmates serving time were convicted on drug-related charges.

Criminal Justice Assistance: The budget proposes \$4.6 billion to help State and local governments fight crime. The Administration is encouraging the adoption of community policing practices through the Community Oriented Policing Services (COPS) program. The Truth-in-Sentencing/Violent Offender Incarceration grant program seeks to ensure that convicted violent offenders are incarcerated and serve at least 85 percent of their sentences. Similar changes in law from 1984 for Federal prisoners increased the time served by 60 percent.

To combat the significant problem of violence against women, the budget proposes \$271 million to enhance the States' abilities to respond, and to further expand access to previously under-served rural, Indian, and other minority populations. To promote increased drug testing and treatment for individuals under the supervision of the criminal justice system, the budget proposes a \$94 million increase over the 1998 level for drug testing and treatment and Drug Courts. In addition, the budget continues to provide \$553 million in law enforcement assistance grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program.

To prevent young people from becoming involved in the juvenile justice system, the budget continues juvenile justice programs, including those that provide supervised afternoon and evening activities for youth. The budget also provides additional assistance to State and local prosecutors' offices to address gang violence and other juvenile crime, and to courts and court-related entities to expedite the handling of violent juvenile cases. Finally, the budget provides a \$6 million increase for "Weed and Seed," which helps communities develop and implement comprehensive strategies to "weed" out violent crime, illegal drugs, and gang activity, and

to "seed" their communities with programs that prevent crime.

Performance Goals

Federal agencies, as cited below, will work to achieve the following performance goals with the proposed budget funds:

With regard to violent crime:

- The Justice Department will maintain the Federal Government's commitment to reducing the incidence of violent crime below the 1996 level of 634 offenses per 100,000 population.
- The Justice Department will provide funding for communities to hire and deploy 16,000 more officers in 1999.
- The Treasury Department will help solve violent crimes and reduce firearms trafficking by tracing up to 275,000 firearms used in criminal activities, compared to 116,674 in 1996.
- The Justice Department will reduce specific areas of organized crime and its influence on unions and industries from the 1997 level, while intensifying its efforts to prevent emerging organized crime enterprises from gaining a permanent foothold in particular areas.
- The Treasury Department will ensure the physical protection of the President, Vice President, visiting foreign dignitaries, and others protected by the Secret Service.
- The Justice Department will 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 U.S. Marshals Service will apprehend 80 percent of violent offenders within one year of a warrant's issuance, and will reduce the fugitive backlog from 1998 by five percent.
- The Interior and Justice Departments will work to increase the number of law enforcement officers for Indian Tribes from the current level of 1.3 officers per 1,000 citizens to 2.9 officers per 1,000 citizens.

With regard to drug abuse:

- Federal and non-Federal entities will work together to reduce the availability and abuse of illegal drugs.

Separately, the Office of National Drug Control Policy will present a comprehensive set of societal performance measures for anti-drug programs, recognizing that achieving national drug control objectives depends critically on the actions of not only the Federal Government, but of State, local, and foreign governments and on the behavior of individuals.

With regard to immigration and border control:

- The Justice Department will reduce the average time between application and naturalization of qualified candidates from an estimated 24 months in 1997 to six to 10 months in 1999.
- The Treasury, Justice and Agriculture Departments will increase the percent of legitimate air passengers cleared through primary inspection in 30 minutes or less from an estimated 31 percent in 1997 to 39 percent in 1999; and will work to process legitimate land border travelers through the primary inspection process on the Mexico border in 30 minutes or less in 1999.
- The Justice Department will increase the number of removals of aliens who are illegally in the United States from 111,794 in 1997 to about 134,900 in 1999.

- The Justice Department will identify over 38,500 unauthorized workers, thereby opening up potential jobs for U.S. citizens and other legally authorized workers.
- The Treasury Department will increase trade revenue from duties collected and enhance the accuracy of trade data by improving importers' compliance with trade laws (e.g., quotas, trademarks, and copyrights) from 83 percent in 1997 to 85 percent in 1999.

With regard to civil rights and other matters:

- The Equal Employment Opportunity Commission will reduce the average time to process private sector equal employment complaints by doubling the number of complaints eligible for the mediation-based alternative dispute resolution program.
- The Department of Housing and Urban Development (HUD) will ensure that HUD grantees in 20 communities 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.
- The Treasury Department will step up its efforts to disrupt and dismantle the illegal activities of major violators of Federal financial crimes laws (e.g., counterfeiting, forgery, money laundering, and credit card fraud).