

26. ADMINISTRATION OF JUSTICE

Table 26-1. Federal Resources in Support of Administration of Justice
(In millions of dollars)

Function 750	1999 Actual	Estimate					
		2000	2001	2002	2003	2004	2005
Spending:							
Discretionary Budget Authority ...	26,488	26,648	29,000	29,956	30,121	30,291	30,938
Mandatory Outlays:							
Existing law	937	1,491	1,504	794	657	2,111	2,169
Proposed legislation						-1,460	-1,524

In 2001, the Federal Government will spend \$29 billion on the administration of justice—including law enforcement, litigation, judicial and correctional activities—doubling the amount spent in 1993. Total Federal, State, and local resources devoted to the administration of justice are estimated to grow from \$98 billion in 1993 to an estimated \$175 billion in 2001—a 79-percent increase (see Chart 26-1).

Representing the lowest annual serious crime count since 1985, the 1998 Crime Index total was estimated at approximately 12.5 million offenses. Down 14 percent from 1992, this total represented the seventh consecutive annual decline in the Crime Index. And continuing this success, the number reported in the first six months of 1999, the most recent period for which figures are available, was ten percent lower than in the same period in 1998.

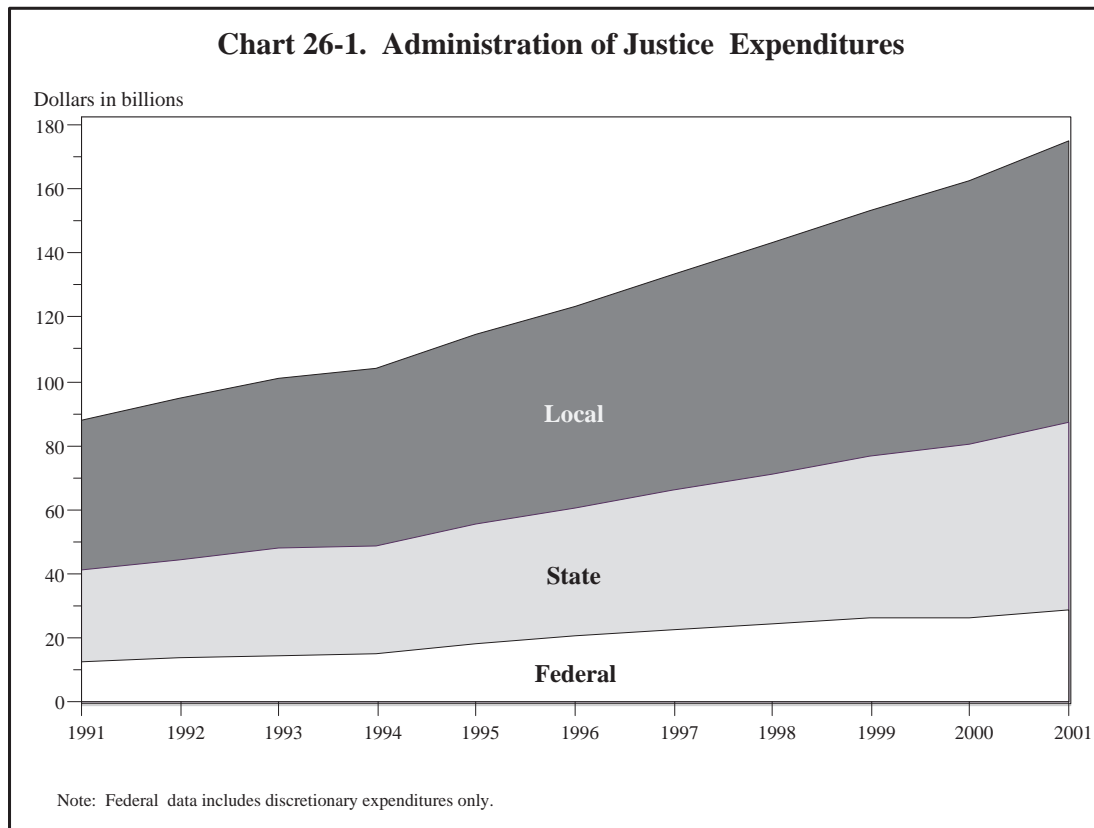
While States and localities bear most of the responsibility for fighting crime, the Federal Government plays a critical role, both in supporting State and local activities and investigating and prosecuting criminal acts that require a Federal response. Although crime is affected by varying factors, the fact that the national crime rate has dropped at the same time that Federal anti-crime spending has increased points to a causal relationship. The budget builds upon this

record by continuing to provide substantial funding for proven anti-crime programs.

Funding for the administration of justice function includes: (1) law enforcement, which includes investigation, litigation and judicial activities; (2) correctional activities; and, (3) assistance to State and local entities (see Chart 26-2). In 2001, 68 percent of these funds will go to the Justice Department while the majority of the remaining funds will go to the Treasury Department and the Judicial Branch.

Law Enforcement

Department of Justice (DOJ): Within DOJ, the Federal Bureau of Investigation (FBI) and the Drug Enforcement Administration (DEA) enforce diverse Federal laws dealing with violent crime, terrorism, white collar crime, drug smuggling, and many other criminal acts. These agencies also work with State and local law enforcement agencies, often through joint task forces, to address drug, gang, and other violent crime problems. The United States Attorneys Offices then prosecute those cases investigated by the law enforcement agencies in which perpetrators have been apprehended for Federal crimes. 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.



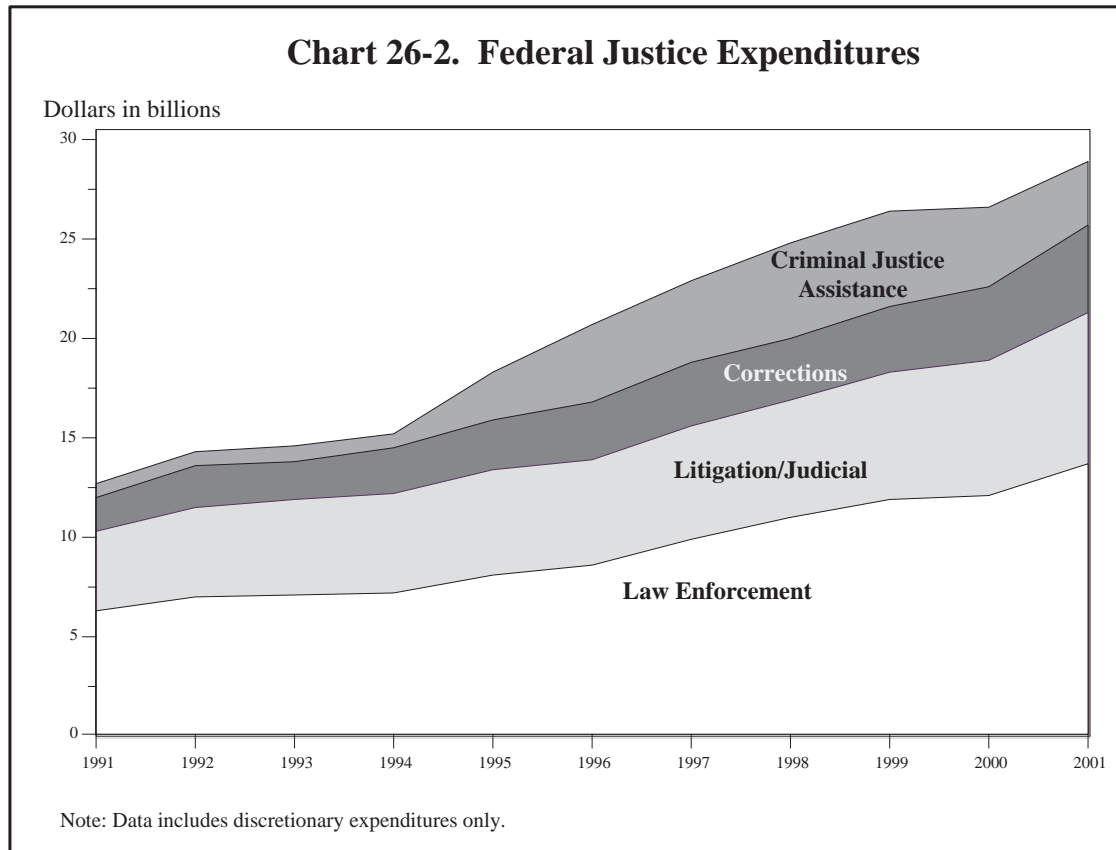
DOJ also contains six legal divisions specializing in specific areas of criminal and civil law. These divisions—the Civil, Criminal, Civil Rights, Environment and Natural Resources, Tax, and Antitrust Divisions—work with the U.S. Attorneys to ensure that violators of Federal laws are brought to justice.

- In 2001, the Federal Government will continue its commitment to reduce the incidence of violent crime. In 1994, the FBI reported 714 offenses per 100,000 population; in 1998, the number was down to 566 offenses per 100,000.
- DOJ will also increase the number of dismantled violent gangs affiliated with the FBI's seven national target groups. In 1999, DOJ dismantled 30 of these violent gangs and plans to dismantle 50 more in 2001.

DOJ's Immigration and Naturalization Service (INS) protects the U.S. borders from illegal immigration while providing services

to legal aliens. Since 1993, INS has added over 5,400 new Border Patrol agents, more than 130 percent of the 1993 level, and intends to add 430 additional agents in 2001.

- As part of its comprehensive enforcement strategy, INS removed 178,168 illegal aliens pursuant to final removal orders from the United States in 1999, up from 172,515 in 1998, and plans to increase that number to 195,000 in 2001, of which over 70,000 will be criminal aliens.
- DOJ, in conjunction with the Treasury and Agriculture Departments, plans to increase the percent of air passengers cleared through primary inspection in 30 minutes or less from 61 percent in 1998 to over 70 percent in 2001.
- INS has reduced the average time between application receipt and naturalization decisions of qualified candidates from 27 months in 1998 to 12 months in 1999 and



intends to reduce the time to six months in 2001 and maintain this standard in the future.

Within DOJ, the U.S. Marshals Service protects the Federal courts and their officers; apprehends fugitives; and maintains custody of prisoners involved in judicial proceedings.

- In 2001, the U.S. Marshals intends to continue to improve its performance, apprehending 80 percent of violent offenders within one year of a warrant's issuance, and reducing the fugitive backlog by five percent from 1999 levels. At the end of 1999, there were 8,642 outstanding fugitive warrants.
- In addition, the U.S. Marshals will strive to 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. This is an ongoing standard of zero tolerance related to court security.

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 crimes; 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 provides basic and advanced training to Treasury and other law enforcement personnel. In 2001, the Treasury Department will:

- help solve violent crimes and reduce firearms trafficking by tracing up to 240,000 firearms used in criminal activities, compared to 188,299 in 1998;

- ensure the physical protection of the President, Vice President, visiting foreign dignitaries, and others protected by the Secret Service;
- have at least 50 percent of Secret Service financial crime cases accepted for federal prosecution, up from 49 percent in 1996;
- maintain or improve upon its 99 percent collection rate for trade revenue (duties, taxes, and user fees); and,
- improve importers' compliance with trade laws (e.g., quotas, trademarks, classification, etc.) from 81 percent in 1997 to 90 percent in 2001.

Federal Drug Control Activities: The Office of National Drug Control Policy 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, religious institutions and not-for-profit agencies, 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. In 1998, the overall rate of illegal drug use was 6.2 percent, statistically unchanged from the 6.4 percent reported in 1997.
- Reduce the rate of crime associated with drug trafficking and use by 15 percent from the 1996 baseline. (The rate of violent crime, regardless of cause, from the Uniform Crime Reports will be used as a proxy measure. In 1998, the violent crime rate was 566 per 100,000 U.S. inhabitants, compared to 636 in 1996, an 11 percent decline.)
- Reduce by 10 percent from the 1996 baseline the health and social costs associated with drug use.

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 and the U.S. Attorneys enforce a variety of criminal and civil statutes that protect the constitutional and statutory rights of the Nation's citizens. In 2001, DOJ will devote increased attention to criminal civil rights violations with the Civil Rights Division, FBI and U.S. Attorneys working to improve the Federal response to hate crimes, police misconduct and involuntary servitude matters, including worker exploitation, church arson and discrimination and violence directed against health care providers.

- In an effort to serve the public better, the Equal Employment Opportunity Commission will reduce the backlog of private sector complaints from 40,225 at the end of 1999 to 28,000 at the end of 2001. The backlog was reduced from 57,000 to 40,225 during 1999.
- In the final year of a three year initiative, HUD will ensure that grantees in an additional 20 communities (for a total of 60) undertake fair housing audit-based enforcement to develop local indices of discrimination, identify and pursue violations of fair housing laws, and promote new fair housing enforcement initiatives at the local level.

Legal Services Corporation: The Federal Government, through the Legal Services Corporation (LSC), 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 1998, LSC assisted 1.1 million people; the 2001 requested funding level will allow for assistance to be provided to 1.3 million people.

Judicial Branch: The Judiciary's growth in recent years arises from increased Federal enforcement efforts and expansion of the Federal courts' jurisdiction. Accounting for 14 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 2,201 Federal judges and nine Supreme Court justices.

Correctional Activities

The budget proposes \$4.4 billion for corrections activities. As of December 1999, there were over 136,000 inmates in the Federal Prison System, more than double the number in 1990. This growth, which is expected to continue, is due to tougher sentencing guidelines, the abolition of parole, minimum mandatory sentences, and significant increases in law enforcement spending. This increase has been felt most by drug offenders, who now account for approximately 60 percent of inmates in the Federal system. The total U.S. inmate population, of which the Federal Prison System represents less than one tenth, has increased as well and is expected to reach two million during 2000. State inmate populations have grown, in part, due to sentencing requirements tied to Federal prison grant funds.

- Due to the increase in the Federal inmate population, the prison system is currently operating at 32 percent over capacity, up from 22 percent at the end of 1997. To reverse this trend, the 2001 budget includes significant new funding to add prison bed capacity and expand the prison construction program, thus reducing system wide overcrowding to approximately 30 percent by the end of 2001 and to 28 percent by 2006.
- The 2001 budget also provides additional funding to ensure the Federal Bureau of Prisons continues to enroll at least 34 percent of all inmates in one or more educational program, the percent enrolled in 1998.

Criminal Justice Assistance for State and Local Governments

Providing Community Policing and Preventing Gun Violence: The budget proposes \$4.4 billion to help State and local governments fight crime, including \$550 million to assist crime victims. The 2001 Budget builds on the success of the Community Oriented Policing Services (COPS) program and includes \$1.3 billion for the second year of the 21st Century Policing Initiative. This program expands the concept of community policing to include community prosecution, law enforcement technology assistance, and prevention.

- In 2001, DOJ will continue providing States and localities with funds to hire additional officers in order to reach the goal of up to 150,000 additional police officers by 2005. As of the end of 1999, DOJ provided funding to place 103,720 more officers on the street.

To address the continuing problem of gun violence, the Administration continues to support an 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, DOJ, 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. Since 1993, the number of crimes committed with firearms has declined and has now fallen to levels last experienced in the mid 1980's.

- In 1999, 62,189 people with criminal records were prevented from purchasing firearms. To continue to ensure that felons, fugitives, stalkers and other prohibited purchasers are prevented from buying guns, over 12 million prospective gun sales will be reviewed in 2001.

Stopping Violence against Women: To combat the significant problem of violence against women, the budget proposes \$504 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 2001.

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 2001, compared with 2000 levels, DOJ will seek to reduce the incidence of juveniles illegally carrying guns and reduce the number of juvenile gun-related crimes.