

Crime and Justice in America: A Perspective

To read the goals, objectives, and strategies of the FY 2003-2008 Department of Justice Strategic Plan is to get a snapshot of crime and justice in the United States in this first decade of the 21st Century. The themes reflected by the four goals described in this publication offer an informative perspective. Those goals - addressing the areas of terrorism, law enforcement and legal representation, assistance to state and local authorities, and secure operation of the United States federal justice system - cover the principal mission areas for which DOJ employees are responsible and uniquely qualified. It is not by coincidence that these goals exist; to meet them successfully is to control the elements that threaten the safety and liberties of America and its people.

THE CHALLENGES

Terrorism. Even a cursory reading of the DOJ Strategic Plan reveals how deeply the terrorist attacks of September 11, 2001, have burned in the collective consciousness. Counterterrorism in the new plan, as it had been in its predecessor, is the top priority of the Attorney General. Its appearance as the first strategic goal is more than symbolic. The other three strategic goals, while broader in their scope, clearly have undercurrents of counterterrorism running through them also. Since the attacks, it has become impossible to think of violence without thinking of terrorist violence; of guns without thinking of explosives; of grass roots law enforcement without thinking of first responders, or of federal trials and incarceration without thinking of terrorist suspects being brought to justice. The

"traditional" work of law enforcement continues, as it always will. Since September 11, however, terrorism has raised a whole new dimension in the public psyche.

The aftermath of the terrorist attacks of September 11, 2001, made it clear to the American people how real the terrorist threat is, how costly in terms of lives, money, and intangibles, and how vulnerable the U.S. remains to the threat. There were over 3,000 victims of the terrorist attacks that day, including 71 law enforcement officers. Unofficial estimates place economic losses in the United States from the attacks at \$2 trillion.

Although the number of anti-U.S. attacks in 2002 dropped from 219 to 77, down 65% from the previous year, the threat remains. Thirty U.S. citizens were killed in terrorist attacks in 2002, and the State Department has identified 36 foreign terrorist organizations that still threaten the security of U.S. nationals or the national security of the United States. This volatile environment will shape the nature of law enforcement for years to come.

As a result, counterterrorism has become a national priority. A new Cabinet-level agency, the Department of Homeland Security, has been established with the primary mission to protect the Nation against further terrorist attacks. Other federal agencies have exerted their authorities to fight terrorism through economic sanctions, international diplomacy, military action, and infrastructure protection. Congress has passed the USA PATRIOT Act

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and other legislation to combat terrorism and to facilitate the investigation of those who practice it. State and local authorities have installed safeguards and developed contingency plans to prevent or diminish the effects of another attack.

Within DOJ, counterterrorism has become the top priority. To this end, FBI overhauled its counterterrorism program, reassigning almost 7,000 agents to counterterrorism duties after the September 11 attacks, exponentially augmenting its core of just over 600 previously engaged in such work. Nearly 300 translators specializing in Middle Eastern languages were hired to assist in intelligence and investigative activities. The Bureau's information technology systems are being overhauled, with the rollout of new hardware, the upgrade of critical networks, and the redesign of investigative applications.

The fight against terrorism is carried on by every component in DOJ. As illustrated in Goal I, the FBI, U.S. Attorneys, and the Criminal Division spearhead terrorist-related investigations and prosecutions within the Department. But the rest of DOJ is also immersed in the effort: ATF has developed investigative and inspection programs to detect and deter terrorists' use of firearms and explosives, and, through regulation, the agency works to prevent the use of explosives as terrorist tools. The ATF also eliminates a potential source of funding for terrorist groups by preventing the illegal trafficking of alcohol and tobacco products, the proceeds of which have been traced to

terrorist organizations. DEA's enforcement of drug laws plays a critical role in protecting our national security and our allies overseas from narco-terrorism, by depriving terrorist groups of drug proceeds that may be used to fund terrorist acts.

The USMS responsibility for protecting the courtroom has become more dangerous and visible, as alleged terrorists stand trial in our courts. At the same time, Deputy U.S. Marshals are active in fugitive task forces established to investigate and capture suspected terrorists. The Federal Bureau of Prisons' work has taken on significantly greater risk with the incarceration of high-profile convicted terrorists, whose release is of paramount concern to terrorists at large. And the Civil Division defends counterterrorism-related legislation in the courts and administers the Victims' Compensation Fund to those immediately affected by the attacks.

Violent Crime. Terrorism is not the only threat to American society. Although counterterrorism has received most of the attention in the media, traditional crime is still an insidious threat to our safety and freedoms. The direct tangible costs to crime victims annually are staggering: over \$100 billion in medical expenses, lost earnings, and public program costs related to victim assistance. According to a 1996 National Institute of Justice study, pain, suffering, and reduced quality of life increase the cost to \$450 billion annually.

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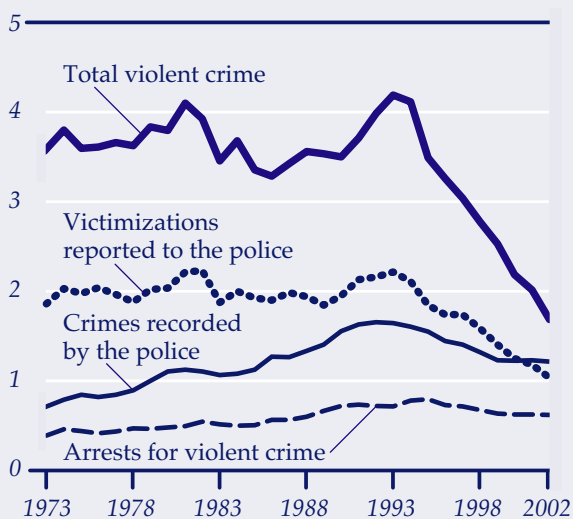
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Fortunately, serious violent crime (rape, robbery, aggravated assault, and homicide) continues to drop. According to the Bureau of Justice Statistics (BJS), there were 1,686,568 incidents within these categories in 2002, down 16% from the previous year's total of 2,014,400. Comparing the rates from the last two years (2001-2002) to the previous two-year period (1999-2000), the rate shows a 21% improvement.

Figure 2 below describes the trend since 1973:

Four measures of serious violent crime

Offenses (millions)



Note: The serious violent crimes included are rape, robbery, aggravated assault, and homicide. Because of changes made to the victimization survey, data prior to 1992 are adjusted to make them comparable to data collected under the redesigned methodology. Estimates for 1993 and beyond are based on collection year while earlier estimates are based on data year.

Crimes against children remain a matter of great concern. HHS' Children's Bureau estimates that there were 826,000 victims of child mistreatment across the Nation in 1999, with youths between the ages of 12 and 19 experiencing the highest rate of crime victimization (Source: BJS, Criminal Victimization 2001). Between July 1998 and June 2001, the CyberTipline at the National Center for Missing and Exploited Children received over 40,000 reports of online sexually exploitive behavior of children. Guns play a prominent role in crimes involving children: 64 percent of the homicide victims under the age of 22 were killed with a firearm in 2001 (National Center for Juvenile Justice. Juvenile Offenders and Victims: 1999 National Report).

Illegal Drugs. The link between violent crime and substance abuse has always been a strong one. According to the National Crime Victimization Survey (NCVS), in 1999, there were 7.4 million violent victimizations of residents age 12 or older. About 28% of these victims reported that the offender was using drugs, alone or in combination with alcohol. The same year, the Arrestees Drug Abuse Monitoring (ADAM) program collected data from more than 30,000 adult male arrestees in 34 sites, more than 10,000 adult female arrestees in 32 sites, more than 2,500 juvenile male detainees in 9 sites, and more than 400 juvenile females detainees in 6 sites. Of these, about two-thirds of the adult arrestees and more than half of the juvenile arrestees tested positive for at least one drug. Nearly a third of

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those charged with aggravated assault were under the influence at the time of the crime.

The nexus between drugs and violence is not new, but since 9/11, the reality of narco-terrorism, the use of drug trafficking to fund the violence perpetrated by terrorist groups, has become starkly clear. The funding of Al Qaeda through drug trafficking in Afghanistan is but one example of this looming threat.

Drug trafficking networks are both international and domestic. Of the drug trafficking organizations posing the greatest drug threat to America, all are internationally operated, with more than half based in South and Central America. Moreover, these groups and others offer a wider array of illicit products than ever before: cocaine, heroin, marijuana, methamphetamine, and so-called "club drugs" such as MDMA "Ecstasy," GHB, and ketamin. These pose serious problems in the U.S., along with the diversion and abuse of pharmaceutical controlled substances such as Oxycontin.

In 1992, the overall cost of drug abuse to society was approximately \$102 billion. The projected overall cost reached \$160.7 billion in 2000 (Office on National Drug Control Policy, March 2003).

Non-violent Crime. Just as erosive to the foundations of the Nation are crimes committed without violence. In a society that has become globalized and more technologically advanced, the opportunities for criminals to exploit others have increased

exponentially. Economic crime, cybercrime, fraud, and the myriad forms of other white collar crimes can have a devastating effect on individuals and the country as a whole. Telemarketing fraud alone costs consumers and others \$40 billion annually.

Perpetrators of non-violent crime include corporations as well as individuals. Corporate fraud destroys our confidence in the securities and investment markets and casts doubt over investments into legitimate companies. In 2000, the Securities and Exchange Commission took action against 33 different companies for using "pump and dump" schemes to inflate stock prices of more than 70 micro-cap stocks through the use of electronic newsletters and message boards that spread false information on the internet (FBI, "Securities and Commodities Fraud"). Securities regulators estimate that securities and commodities fraud totals approximately \$40 billion a year (National White Collar Crime Center, Richmond, VA).

Linked to fraud, identity theft has become a serious problem. In FY 2002, the Federal Trade Commission received nearly 219,000 reports of identity theft or suspected identity theft. The number of calls reporting complaints to the Theft Identity Hotline at the FTC increased from 445 calls a week in November 1999 to over 4,500 a week in December 2002. Between its conception in 1999 through 2002, the number of complaints the FTC received doubled every year (FTC, "Information on Identity Theft for Consumers and Victims from January 2002 through December 2002").

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With the technological advances seen in the last decade, and with the meteoric rise in internet usage, cybercrime has become a source of criminal complaints. The exploitation of children through the internet is a matter of grave concern. It has been estimated that one in five children between the ages of 10 and 17 will receive a sexual solicitation over the internet in the next year, and that one in 33 will receive an aggressive invitation to meet the solicitor, have telephone contact, or receive mail, money, and gifts (National Center for Missing and Exploited Children).

Overall, the Internet Fraud Complaint Center at the FBI received nearly 50,000 complaints in 2001. The top five online fraud complaints were internet auction fraud, non-deliverable merchandise, Nigerian letter fraud, credit card fraud, and confidence schemes. Complaints on non-fraudulent activities included computer intrusions, SPAM/unsolicited mail, and child pornography (FBI, "2001 Internet Fraud Report"). An investigation by the Internet Fraud Complaint Center at the FBI found that 56,000 victims had been defrauded of \$117 million in 2000 (FBI, "Internet Fraud Crime Problem").

In another fertile area for perpetrators of fraud, the U.S. General Accounting Office reports that health care fraud totals 10 percent of total health care expenditures each year, which puts annual health care fraud losses at \$100 billion (National White Collar Crime Center). Health care fraud not only siphons off billions of dollars paid out for fraudulent claims, but also may disguise inadequate and improper treatment

of patients, posing a threat to the health and safety of Americans.

Civil Rights Violations/Hate Crimes. Backlash against Arabs and Muslims, and those perceived to be Arabs and Muslims, is a concern in the current law enforcement environment. Nearly 10,000 incidents of hate and bias crime were reported to the FBI in 2001, involving 11,451 separate offenses, 12,020 victims, and 9,239 known offenders (FBI, Uniform Crime Reports, 2001). In 2001, there were 481 anti-Islamic hate crimes reported to the FBI, an alarming increase over the 28 incidents reported in 2000. Since 9/11, there has been a 1,700 percent increase in reported hate and bias crimes against Arabs, Muslims and those perceived to be Arab or Muslim (Human Rights Watch, November 2002).

THE RESPONSE

The challenges to law enforcement in the foreseeable future are many. Some are longstanding; others are more recent. To meet the challenges, the Federal Government, and the Department of Justice in particular, will continue to develop new mechanisms and tools to enhance law enforcement and crime prevention, as well as rely on the successful strategies of the last few decades.

A More Coordinated National Effort. In 1968, Congress passed the Safe Streets Act. This watershed event marked a key step toward defining the Federal Government's responsibility for carrying out a coordinated national fight against crime. For the first

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time, the Department was authorized to provide federal financial assistance to strengthen and improve state and local criminal and juvenile justice systems.

After declining precipitously in the early 1980s, federal financial assistance has increased significantly in recent years. It has helped states, localities, and others adopt innovative and promising practices in a wide variety of program areas, including community policing, domestic violence, and victim assistance. At the federal level, it has helped develop and disseminate new knowledge about crime, delinquency and the criminal and juvenile justice systems.

During this same time period, the Federal Government, and specifically the Department, began to increasingly invoke federal laws and resources to tackle sophisticated criminal organizations and serious offenders. It formed numerous multijurisdictional partnerships with state and local law enforcement, and supported improved information-sharing efforts among criminal justice agencies. In the 1990s, these collaborative partnerships among federal, state, and local law enforcement agencies were strengthened and expanded. For example, U.S. Attorneys assumed more instrumental roles in working with state and local law enforcement to define district-level priorities and develop coordinated strategies.

A More Collaborative Approach. Since the late 1980s, criminal and juvenile justice agencies have relied increasingly on part-

nerships not only with other government agencies but also with community-based organizations (including schools, churches, social service providers, health care agencies, victim advocacy groups, and the business community) to address specific crime and delinquency problems at the local level. In part, these interdisciplinary and interagency collaborations are a response to the growing awareness that the causes and correlations of crime and delinquency are far too numerous and complex for any one agency to address singlehandedly, and that effective solutions must involve more than a law enforcement response.

Stronger, Better Prepared Criminal Justice Agencies. Criminal justice capabilities of all levels of government have been significantly strengthened over the past three decades, largely as the result of increased spending for criminal justice purposes. Figure 3 describes the trend since 1982.

Today, law enforcement and other justice agencies are better staffed, better trained, and better equipped than they were 30 years ago. Most have also been able to modernize by automating and enhancing their records and data systems, improving communications, upgrading forensic capabilities, and introducing computerized mapping and other analytic techniques. At the federal level, there have been similar improvements. For example, in recent years, the FBI has upgraded its National Crime Information Center (NCIC), introduced a new Integrated Automated Fingerprint Identification System (IAFIS), and developed the Combined DNA Index System (CODIS)

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for matching DNA profiles of suspected offenders. ATF, through its National Integrated Ballistic Information Network (NIBIN) Program, deploys Integrated Ballistic Identification System (IBIS) equipment into State and local law enforcement agencies for their use in imaging and comparing crime gun evidence.

Community Policing. During the 1970s, most police executives pursued a strategy of insulating their agencies from politics and the community to create independent, autonomous policing organizations that merely "enforced the law" impartially. However, problems with drugs, guns, gangs, public disorder, and other crime-related conditions continued unabated, or increased. As a result, beginning in the 1980s more agencies shifted to a community policing model. With community policing, law enforcement officers work closely with local community groups, government agencies, and nongovernmental organizations, such as youth groups, to identify and solve problems collaboratively. Today, community policing has been adopted by most of the Nation's larger law enforcement agencies and its core concepts are increasingly being applied to other areas of the criminal justice system, including prosecution, courts and corrections. This "community justice" movement is diminishing the distance between the police, prosecutors and other justice officials, and the communities they serve; helping restore and strengthen communal bonds; and bringing a wider range of resources to bear on solving specific community problems.

Direct expenditure by criminal justice function, 1982-1999

Dollars (billions)

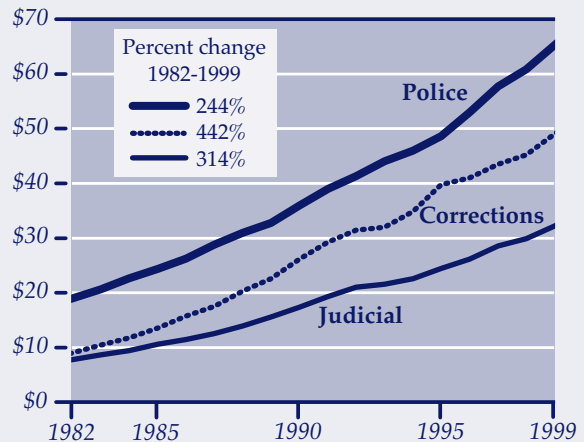


Figure 3

Source: Bureau of Justice Statistics, Justice Expenditure and Employment Abstracts

Combating Gun Violence. In the last ten years, the Federal Government, as well as many states, adopted a more aggressive approach to gun control. Central to that approach was the Brady Handgun Violence Prevention Act. Enacted in 1993, the Brady Act required background checks during a waiting period before the purchase of a handgun; the FBI established a National Instant Criminal Background Check System to perform the checks. By the end of 1999, more than half a million applicants with criminal records or other disqualifying conditions had been denied the purchase of a firearm by the FBI or state and local agencies. Since 1993, the use of firearms in the commission of crimes has declined, falling to levels last experienced in the 1980s.

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Assisting Victims of Crime. A movement to focus on the needs of crime victims began to gather strength in the late 1970s. In 1984, the federal Victims of Crime Act established an Office for Victims of Crime in the Department. Over the ensuing years, jurisdictions throughout the country, many with federal support, have set up more and more victim-witness assistance programs to advocate for victims in the criminal justice system. A number of new national organizations and thousands of community-based groups have formed to assist special victim groups, including parents of murdered children, elderly victims, victims of drunk drivers, rapists, and batterers. Many states – often through constitutional amendments – have provided for additional victim services, including victim notification of the status of court proceedings, victim impact statements during sentencing hearings, and victim compensation for medical costs and lost earnings. In addition, the Violence Against Women Act, enacted in 1994, improved the response of the Nation's criminal and civil justice systems to victims of domestic violence, sexual assault and stalking.

Sentencing Reform. The law, theory, and practice of criminal sentencing began to shift in the early 1970s. Faced with demands to "get tough on crime" in some quarters and to eliminate what was thought to be unequal justice in others, legislatures began curtailing judicial dis-

cretion and prescribing mandatory prison sentences for particular classes of offenses, such as drug sales and gun violations, and for particular types of offenders, such as repeat offenders. At the federal level, the Sentencing Reform Act of 1984 established federal sentencing guidelines requiring mandatory prison terms for certain offenses. It also abolished federal parole. The change was also evident in the return of the death penalty in the mid 1970s. By the end of 1998, 38 states and the Federal Government had statutes authorizing imposition of the death penalty in certain capital cases. In 1999, 98 persons were executed, the highest number since the early 1950s.

Incarceration of Offenders. The changes in sentencing laws and the more aggressive approach to drug law enforcement have had a profound impact on the Nation's prisons and jails. By 1999, about 1.8 million persons were incarcerated—an all-time high. Incarceration rates have risen sharply—from one in every 218 U.S. residents in 1990, to one in every 147 at midyear 1999. During this same time period, federal, state, and local governments have had to accommodate an additional 83,743 inmates per year. To meet the needs for prison and jail space, a number of new prisons and jails have been constructed. In addition, several private firms began to offer correctional services.