CHAPTER ONE

I

Crime and Justice
In America
An Overview of Recent Trends
and Emerging Challenges

CHAPTER ONE
Crime and Justice in America: An Overview of Recent Trends and Emerging Challenges*

At its very onset, the new millennium bore witness to a series of the most profound events to occur on United States soil: the terrorist attacks of September 11, 2001, on the World Trade Towers in New York City, the Pentagon in Washington, D.C., and the skies over Pennsylvania. But while no one disputes that these events will produce fundamental changes in the Nations approach to crime and justice, the extent and effects of those changes may not be clear to us for many years.

Trends in other areas of crime and justice are more discernible, however, as data collected over the past thirty years provide a vantage point which affords a view of where we have been and where we may be headed. This section of the plan briefly describes these major developments, focusing on broad nationwide trends and issues. In addition, it attempts to look into the near term future to identify key conditions, including the terrorist threat, that are likely to impact crime and justice over the next five years and which have particular implications for the Department's strategic approach.

REVERSING THE UPWARD TREND OF CRIME

Since the mid 1990s there has been a remarkable and sustained reduction in the Nation's rate of serious violent crime. As figure 2 shows, all of the leading measures of crime indicate a steady decline.
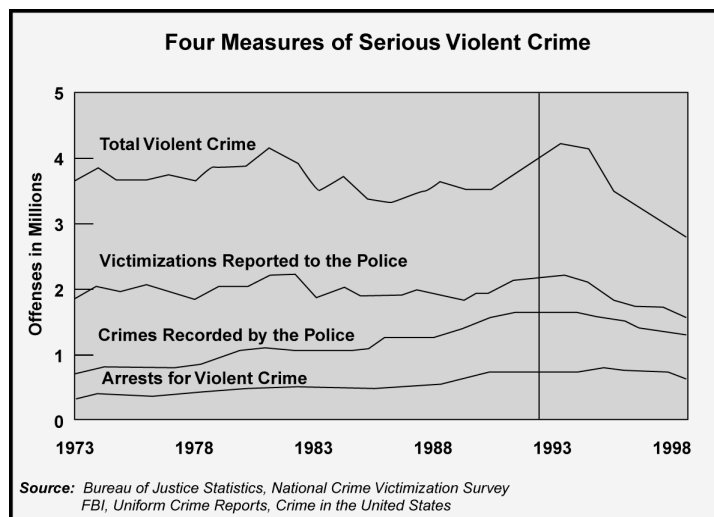

Figure 2

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.

---

* This chapter is based in part on an unpublished paper prepared by Abt Associates for the National Institute of Justice.

Not long ago, the picture was not so bright. In the 1960s, the generally downward course that crime rates had followed since the 1930s came to an end. The use of illegal drugs became more widespread, and governments at all levels responded aggressively by strengthening enforcement efforts against drug law violators, attempting to block illegal drugs at the borders, working with other countries to dismantle the criminal organizations that manufacture and distribute drugs, and mounting efforts to reduce demand for drugs. In addition, serious crimes, including violent ones, committed by young people began to increase at a fast rate. By the late 1980s, violent crime committed by young people had reached epidemic proportions. This was tied in part to a growing market for cocaine and especially its derivative, crack, in the 1980s and by the easy availability of guns.

As crime escalated, the police made more arrests; lawmakers began passing tougher laws; the number of cases prosecuted by the courts increased; and the number of people in prisons or jails, or under probation and parole supervision, reached historic highs. Over time, there were widespread changes in policies regarding crime and criminals, the resources invested in fighting crime, and the institutions that we rely upon to prevent crime and enforce the law. Foremost among these changes were the following developments:

> **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 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 are more and more playing 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 partnerships 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 correlates of crime and delinquency are far too numerous and complex for any one agency to address single-handedly, 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). Today,
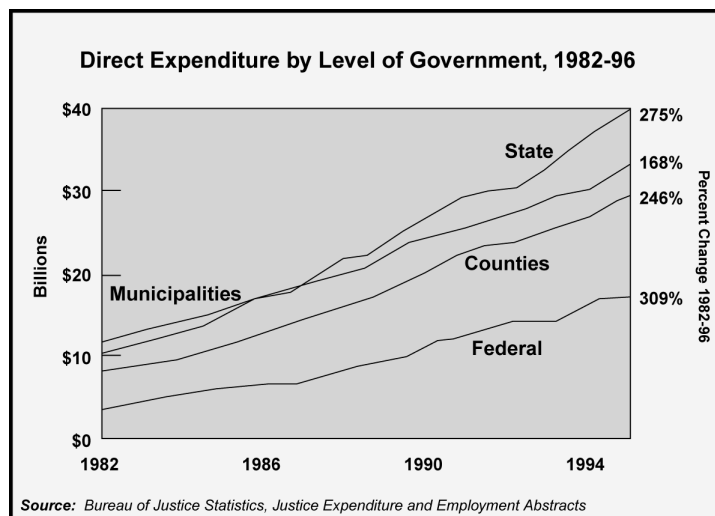
Direct Expenditure by Level of Government, 1982-96

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

Figure 3

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, 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) for matching DNA profiles of suspected offenders.

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 and 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, e.g., 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.

Combating Gun Violence. In the 1990s, the Federal Government, as well as many states, adopted a more aggressive approach to gun control. The Brady Handgun Violence Prevention Act required background checks during a five-day waiting period before the purchase of a handgun and the FBI established a National Instant Criminal Background Check System. 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.

Involving Victims. 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, and 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 discretion 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. This sterner mood 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 have begun to offer correctional services.

A CHANGING WORLD

The Department's strategic direction for fiscal years 2001-2006 builds on these developments in the Nation's justice system. It also recognizes that, despite recent successes, the challenges ahead are formidable. Many of the issues that have occupied our time and attention the past several decades will continue but their shape and prevalence will be influenced by a changing external environment. In addition, new issues, some impossible to fully discern at present, will emerge. Two trends that will significantly affect the crime and justice challenges we face in the coming five years are largely visible now: globalization and technology.

Globalization. The world is a smaller place. People, goods, and capital increasingly flow with ease across territorial borders. These developments provide many benefits, including increased trade. At the same time, they present new opportunities for criminal acts and new threats to safety and security. These threats include the imminent possibility for terrorist attacks and the proliferation of weapons of mass destruction. They also include smuggling of illegal drugs and weapons; trafficking in humans; money laundering schemes; and the use of illegal offshore tax havens.

Even before the terrorist attacks of September 2001, the trend toward globalization had profound effects on the Department. In response, we have emphasized international partnerships in dealing with issues ranging from immigration and drug control to antitrust enforcement and the environment. We have pursued a variety of approaches to strengthening international cooperation. These include participating in the International Police Organization (INTERPOL); entering into mutual legal assistance treaties and other international agreements; providing training and technical assistance to foreign counterparts; and supporting bilateral and multilateral initiatives. In the years ahead, we anticipate that the Department's work will continue to include a substantial international dimension.

Advances in Science and Technology. Rapid developments in technology are radically changing almost every facet of life. They are altering the way we do business and conduct government, speeding communications, expanding opportunities for cultural and political expression, and

greatly increasing access to a wealth of information and services. More and more, almost anyone can connect to a worldwide communications network at anytime and from anyplace.

But the benefits of an increasingly technology-dependent and interconnected world are accompanied by new challenges, including issues of privacy, security, and accessibility. Our reliance on interconnected information technology infrastructures makes us more vulnerable to possible terrorist attacks on these infrastructures. Technology is also providing new opportunities for other crimes, including fraud, theft of intellectual property, price fixing, and child pornography.

For the Department, staying abreast with, and taking advantage of, the technology revolution is especially critical. It affects every area of our work--from our attorneys who will deal with the complex legal issues technology raises, to our law enforcement personnel who increasingly depend on technological tools and resources to detect and investigate crimes, to our immigration officers who rely on technology to provide timely information and services. Advances in DNA and other forensic technologies, for example, have already significantly impacted law enforcement and prosecutorial activities.

The success the Department has in accomplishing its mission over the next five years depends greatly upon its ability to anticipate and utilize the scientific and technological advances sweeping the globe. In addition to continuing breakthroughs in information technology, these are likely to include developments in biotechnology and bioengineering (such as the decoding of the human genome), and nanotechnology (the ability to manipulate matter at the atomic and molecular level).

Perhaps most daunting is simply the pace with which technology is advancing. The Department must prepare for these future developments. At the same time, it must ensure that it has an advanced, robust and reliable information infrastructure able to support its mission and provide the level of service citizens have a right to expect.

KEY CRIME AND JUSTICE CHALLENGES OVER THE NEXT FIVE YEARS

Globalization and scientific and technological advances are overarching trends that will affect virtually every aspect of the Department's work in the years ahead--whether in the criminal justice arena, in administering the immigration laws, or in ensuring competitive practices in the new global economy. Some of the specific issues we expect to focus on include:

Terrorism. Terrorist incidents within the United States have been on the rise, beginning with the bombings of the World Trade Center in New York City and the Murrah Federal Building in Oklahoma City. The attacks of September 2001 demonstrated the Nation's vulnerability to such crimes and the need to strengthen its defenses against them. Improved transportation and telecommunications technologies and rapid advances in the miniaturization of electrical and mechanical devices make it easier for both amateurs and sophisticated organizations to plan and carry out attacks on people and property. At the same time, possible attacks on information infrastructures and the emerging threats of chemical, biological, radiological, and nuclear weapons make the potential consequences of terrorism more dire.

Worldwide Drug Trafficking. The supply and trafficking of illegal drugs into the United States continue to be fueled by a number of international and transnational drug trafficking organizations, many of which have amassed vast financial resources, are well-organized, extremely sophisticated, and use deadly violence to further their criminal aims. Despite successes against the Cali and Medellin cartels, a diverse group of smaller, more specialized and entrepreneurial Colombian drug rings and Mexican and Caribbean transportation organizations has emerged to fill the void left by their collapse.

Violence. Violence is still far too prevalent in American communities. Young people are especially at risk, both as potential victims and perpetrators of violent acts. American Indians are twice as likely as other U.S. residents to be victims of violent crime. Firearms are

used in about one-fourth of all violent crimes--and 65 percent of all homicides. About 30 percent of all female murder victims are killed by their intimate partners.

White Collar/Economic Crimes. With the information technology revolution, opportunities for white collar crime increase. White collar crime inflicts both financial and social costs. Health care fraud, for example, 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. Antitrust violations harm American consumers, and environmental crimes threaten our natural world, including the air we breathe and the water we drink.

Substance Abuse and Crime. Research indicates that there is a clear nexus between substance abuse and crime. In 1997, three-quarters of state and federal prison inmates reported being involved with alcohol or drug abuse in the time leading up to their arrest. More than 36 percent of all convicted adult offenders under the jurisdiction of probation authorities, prisons, jails, or parole agencies in 1996 had been drinking at the time of their offense. Of special concern for the future is the continuing and regular use of drugs by a minority of "hard core" users who are criminally involved. For the many offenders likely to be returning to their communities in the coming years, breaking the cycle of substance abuse and crime is critical to increasing their chances of successful reintegration.

Immigration. The increasing ease of worldwide transportation and communications, as well as the globalization of the economy, are adding to immigration pressures. Whether to work, study, seek refuge from persecution, or simply visit, we can expect more and more people will enter this country lawfully. Providing high quality customer service to these many lawful immigrants will be a significant challenge. At the same time, we can expect that many persons will attempt to enter the United States illegally. Controlling our borders, thwarting organized alien smuggling rings, and identifying and deporting those here illegally, especially those who commit crimes, will continue to be top priorities.

Civil Rights/Hate Crimes. The increasing racial, cultural, and ethnic diversity of our society emphasizes that the civil rights of all Americans must be protected. This includes combating those crimes that are motivated by hatred against a particular group; promoting mutual tolerance; and ensuring that the institutions of justice are themselves fair, impartial, and free of bias.

The American people rightfully look to the Federal Government, and specifically the Department of Justice, to provide leadership in meeting these and other challenges. The strategic goals, objectives, and strategies described in Chapter II of this plan provide our roadmap for doing so.