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**Crime and Justice
Trends in the
United States
During the Past
Three Decades**

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Prepared for
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Contents

The Course of Crime During the Past Three Decades	2
Homicide and Other Violent Crimes	2
Guns	8
Hate Crimes – A Newly Targeted Offense	9
Drug Abuse and Worldwide Trafficking	10
Alcohol and Crime	11
The Costs of Substance Abuse	12
Property Crime Rates Are Declining	12
The High Cost of Personal Crimes	14
White Collar/Economic Crimes Continue	15
Environmental Crimes – Newly Defined Offenses	16
Immigration Offenses – More Offenders, Stiffer Penalties	16
Increasing Use of Computers and Advanced Technologies by Criminals	17
The “Globalization” of Crime	18
Strengthening the Nation's Efforts to Combat Crime	19
Forging a National Response to Crime in a Federal System	19
Reaching Beyond Criminal Justice Agencies	23
Victims Get Involved	24
Strategies for Combating Violent, Gun, and Drug Crime	24
Changes in Policing	29
Courts and Prosecution	31
Major Reforms in Sentencing Policies and Law	33
Prisons and Jails	34
Probation and Parole	36
Toward a More Just and Lawful Criminal Justice System	37
Crime and the Nation’s Justice Institutions in the Coming Five Years	38
The Widening Gap Between the Haves and Have-Nots and Prospects for the Poor .	38
Growing Numbers of Youths at Risk	38
Continued Alcohol and Drug Abuse	39
New Technologies, New Weapons, and New Opportunities for Crime	39
Globalization and Growing Exposure to Crime	40
The Lure of a Strong United States Labor Market	40
Ongoing Strong Demand for Criminal Justice Agency Resources	40
Endnotes	42

At the close of the century, we are in a distinctive period of crime and law enforcement that has now lasted three decades. In the 1960s, for reasons not entirely understood, the generally downward course that crime rates had been marking since the 1930s came to an end. Crimes reported to the police rose, the police made more arrests, lawmakers began passing tougher laws that increased penalties for lawbreaking, the number of cases prosecuted by the courts increased, the number of people in prisons, jails, and under probation and parole supervision increased dramatically, and spending by all levels of government for criminal justice institutions grew. The Federal Government's role in the Nation's efforts to fight crime was also transformed.

These developments reflected many different forces at work, but a few stand out.

- Use of illegal drugs began to be more widespread in the late 1960s, and governments responded aggressively with a broad program of arresting drug law violators, incarcerating them in large numbers, 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.
- Serious crimes, including violent ones, committed by young people increased at a fast rate. By the late 1980s, violent crime committed by young people 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. Young people in some quarters joined gangs, worked as the street soldiers in drug distribution networks, armed themselves, and killed one another with rising frequency. Fortunately, this began to subside in the mid-1990s.
- Abuse of alcohol has been implicated in a substantial proportion of violent crimes. Although not given the concentrated public attention that abuse of illegal drugs has received, it continues to threaten public safety.
- Opportunities for white collar crime appear to be growing, a consequence in part of the "information revolution" that is occurring, with rapid advances in computerization and telecommunications. The growing reliance upon electronic information expands the opportunities for crime that is hard to detect.
- The increasing integration of the world's economies has also expanded opportunities for organized criminal enterprises to traffic in drugs more efficiently and with less risk, to support terrorism, and to commit theft, often on a massive scale.
- Reliance upon incarceration has reached historic highs. The most significant determinant of this development has been the "war" on illegal drugs, although sterner policies regarding other types of crimes have also contributed.

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- This period has also seen the emergence of a more active Federal role in crime control. In a watershed event, Congress, in the Safe Streets Act of 1968, began to define the Federal Government's responsibility for carrying out a coordinated *national* fight against crime. Prior to this point, law enforcement and justice system activities were almost entirely within the province of State and local governments. Widespread urban rioting, anti-war activities, and increasing lawlessness heightened concern about public safety, and Congress responded by passing the Safe Streets Act of 1968, which established the Law Enforcement Assistance Administration. Through this instrument, Federal aid was passed in unprecedented amounts to States and localities. A decade later, in the mid-1970s, Federal funding began to wane and nearly ended in the early 1980s. Soon afterwards, however, the emerging epidemic of crack and powdered cocaine abuse and its associated violence ignited public concerns. Congress responded again, passing the Crime Control Act in 1984 and the Anti-Drug Abuse Act of 1988, which renewed Federal involvement and support for crime control.¹ Subsequent legislation has broadened the Federal role, both in terms of jurisdiction and support for State and local governments. (Despite the expansion of the Federal Government's role, the principal burden of crime fighting still remains at the State and local levels.)

This chapter traces these developments and looks into the near future to see where current conditions and developments may lead with respect to crime and criminal justice institutions.

The Course of Crime During the Past Three Decades

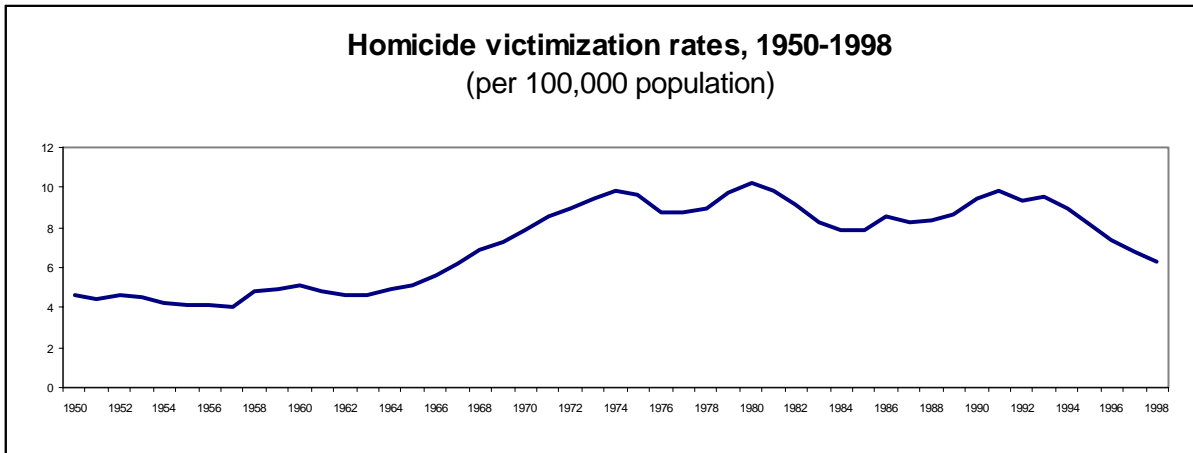
Although violent crimes and drug law offenses receive the most attention in local and national news media, other types of criminality inflict substantial costs on our society. This section describes briefly the major trends in several broad types of crimes that have occurred, principally since 1970, to the extent that they can be discerned. It also indicates the costs associated with these types of crimes.

Homicide and Other Violent Crimes

Trends in violent crime during this century, and the distinctiveness of the current period, is seen most clearly in the changing incidence of the bellwether crime of homicide.* Homicide rates declined during the latter part of the nineteenth century but then increased sharply in the early 1900s, rising to a peak of 9.7 homicides per 100,000 persons in the early 1930s. After that, rates followed a downward path that lasted until the mid-1960s. At that point, they rose sharply and, by the early 1970s, reached the highest levels in this century. The rates continued to climb until 1980, when homicides occurred at the rate of 10.2 per 100,000 persons (figure 1). Since then, rates have declined to 6.8 homicides in 1997, the lowest level since the 1960s.²

* Homicide has been the most reliably reported crime throughout the period. In 1933, the Federal Bureau of Investigation began its system for collecting information about selected offenses reported to local law enforcement agencies (the Uniform Crime Reporting system), but the resulting counts vary not only with changes in the incidence of crime but also victims' willingness to report crimes and the willingness of local agencies to report completely, if at all.

Figure 1



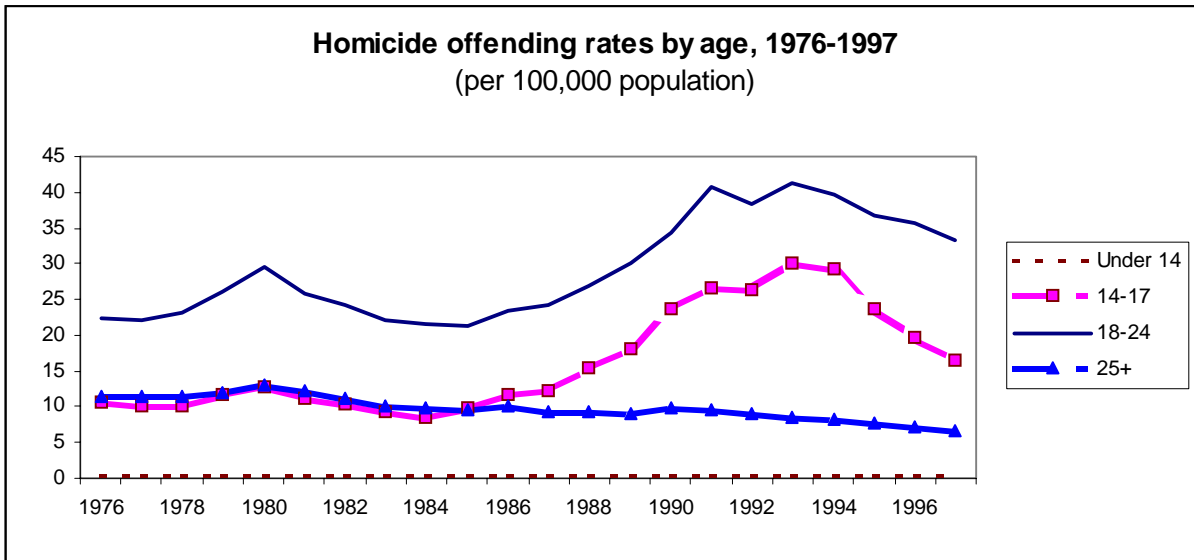
Source: FBI, *Uniform Crime Reports*, 1950-98.

These general trends obscure a more dramatic development during the post-1970 period, however. The likelihood of being killed by a young person, and the likelihood of a young person being killed, increased greatly. From 1976 to 1993, the proportion of youths aged 14 to 17 committing homicide tripled and, for 18 to 24 year olds, almost doubled. Indeed, by 1986 the homicide rate for 14 to 17 year olds surpassed the homicide rates for older persons aged 25 to 49 (figure 2).³ The easy availability of guns played a significant role in this, as did the emergence of a volatile market for crack cocaine. The proportion of homicides committed by teenagers and young adults in which they used a gun rose from 56 percent in 1985 to 78 percent in 1994.⁴

The odds of young persons under 25 being murdered also escalated between 1985 and 1997.⁵ Men and young boys were most at risk during this period, especially African Americans. During 1997, for example, males were 3.6 times more likely to be murdered than were females.⁶ African Americans were 7 times more likely to be killed than whites (and 8 times more likely than whites to commit homicide).⁷ High murder rates of African-American males reflects in substantial part the effects of expanding drug markets, especially crack cocaine. Young African-American youths participated disproportionately as sellers in inner-city crack markets and were at much higher risk, especially because firearms were widely present in these drug marketplaces. The widespread possession of guns spurred an “arms” race among those not involved in selling, as people living in these areas bought guns for protection. This led to intentional and unintentional killing.⁸

Homicide rates by young persons, especially those involving guns, began declining in 1994 and have continued to fall, accounting for much of the decline in aggregate homicide rates.⁹ The rates of youth homicide remain distressingly high however: the proportions of homicides committed by teenagers or youths using a gun have dropped only slightly, from 78 percent in 1994 to 75 percent three years later,¹⁰ and all types of homicide among these age groups still remain at a level that is 50 percent above the 1976 level.

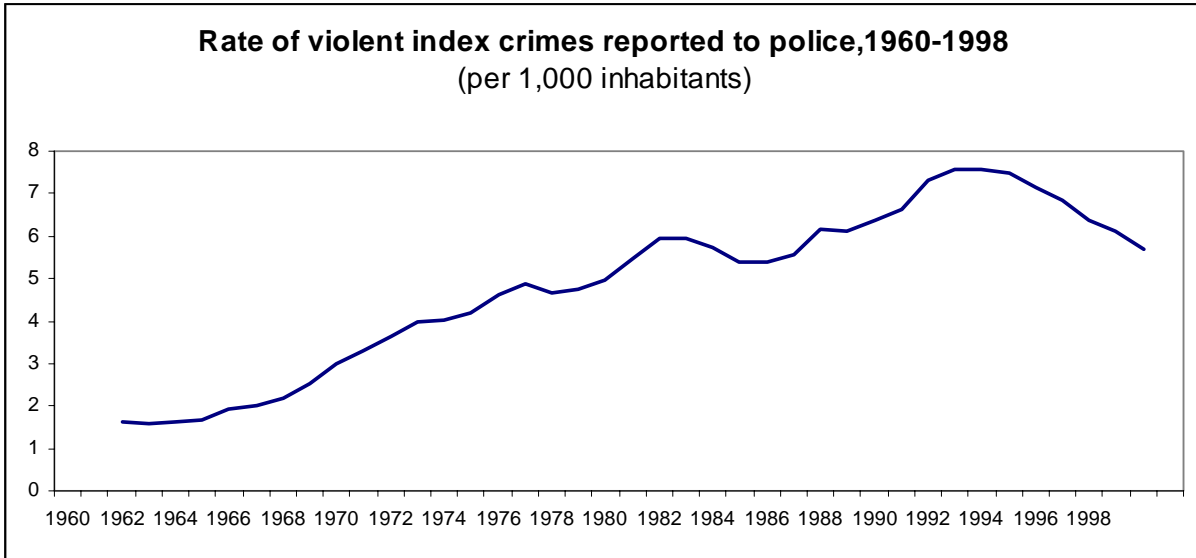
Figure 2



Source: FBI, Supplementary Homicide Reports, 1976-1997

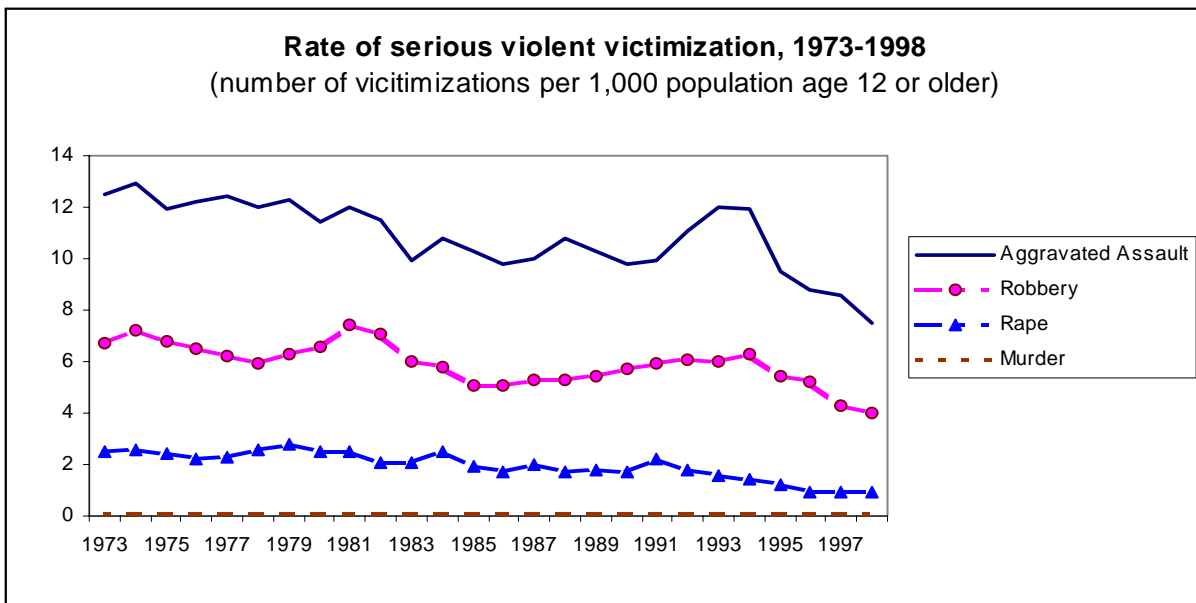
Long-term trends in other violent crimes are difficult to discern because the only measure available before the 1970s was crime reported to and recorded by the police. By this measure, rates of violent crime generally—not just homicide but also rape, robbery, and assault, both simple and aggravated—appeared to increase during the 1960s, continuing upwards until turning downwards in the mid-1990s (figure 3). This measure provides a somewhat misleading picture of violent crime trends, however, because many victims fail to contact the police. In 1973, the Federal Government began the National Crime Victimization Survey to estimate the true prevalence of violent crime, whether or not reported to the police. This annual survey paints a different picture of the past two and a half decades. Survey respondents have reported generally *declining* rates of serious violent crimes against them since 1973, with levels in 1997 at a 25-year low (figure 4).

Figure 3



Source: FBI, Crime in the United States, annually. "Violent crime" includes murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault.

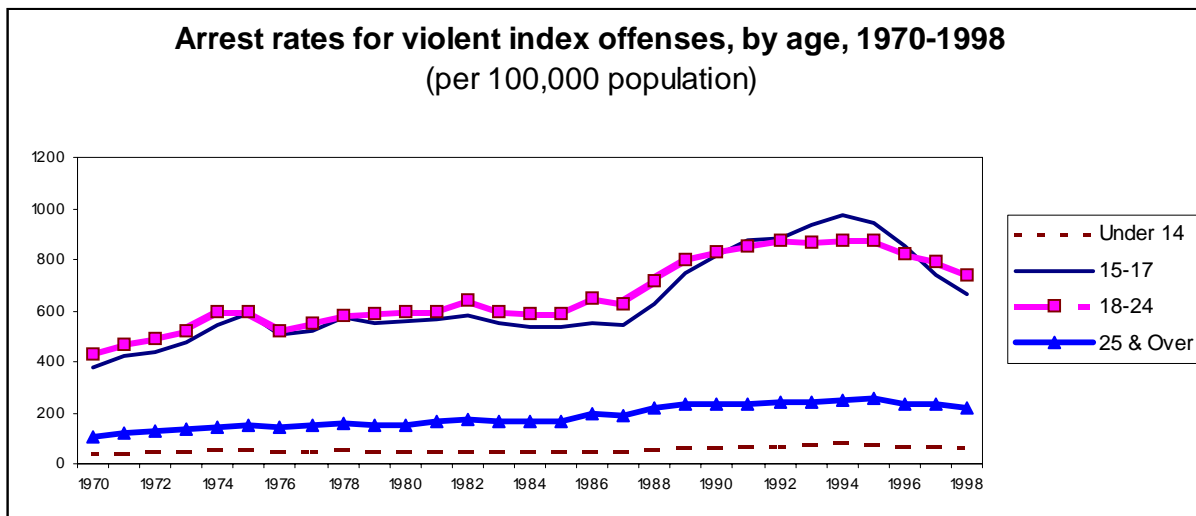
Figure 4



Source: BJS, National Crime Victimization Survey crime trends, 1973-1998. 1973-1991 data adjusted to make data comparable to data after the redesign of the victimization survey in 1992. Murder rates were calculated from the FBI's Supplementary Homicide Report.

As with homicide, these general trends obscure distinctly different violent crime patterns. Crimes by adults and by youths have marked different courses, for example. Violent crimes by youths have increased at a much faster rate during the past decades than have rates of violent crime by adults. Violent crime rates among individuals 25 years and older have been below the rates of youths throughout the 1970-1998 period (figure 5). Moreover, arrest rates for violent crimes rose sharply in the mid-1980s among individuals in their middle to late teens and in their early twenties. The sharpest change was among fifteen to seventeen years olds (figure 6). Between 1987 and 1994, the rate of arrest for violent crimes in this age category rose 80 percent, compared to 39 percent among those 18-24 and 29 percent among those 25 or older. The decline in arrest rates was steepest since 1994 in the 15-17 age group—32 percent—which brought the rate part way back to the mid-1980 levels. This rate is still high relative to other age categories.

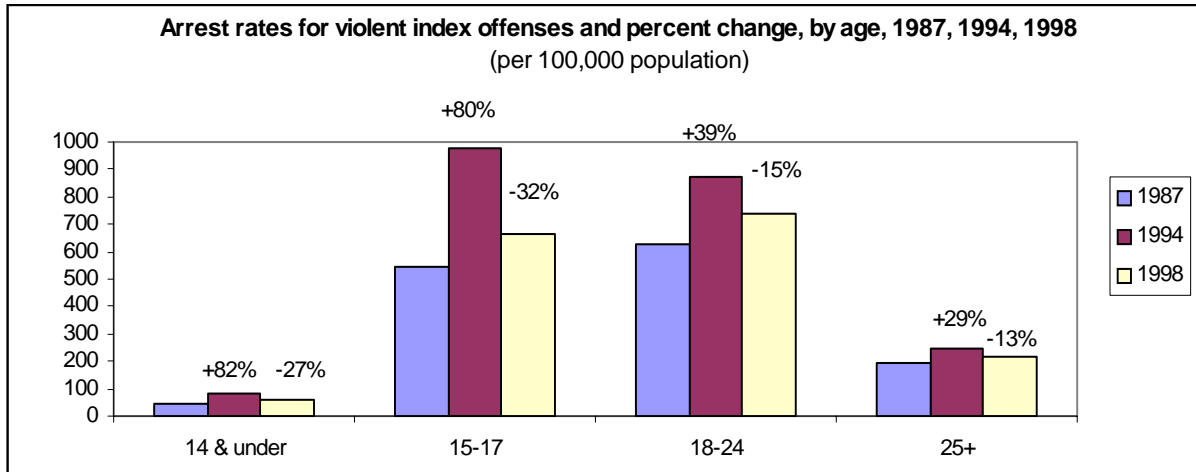
Figure 5



Source: FBI, Uniform Crime Reports, annually.

Note: Violent index offenses include murder and nonnegligent manslaughter, forcible rape, robbery, aggravated assault. Rates are calculated using the U.S. resident population on July 1 of each year.

Figure 6



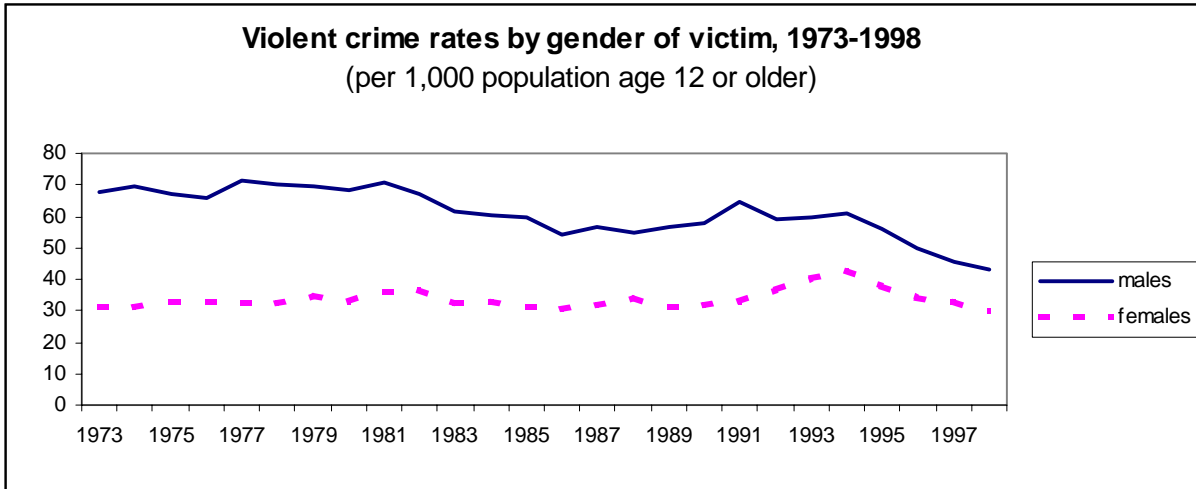
Source: FBI, Uniform Crime Reports, annually.

Note: Violent index offenses include murder and nonnegligent manslaughter, forcible rape, robbery, aggravated assault.

Violent youth crimes are more likely to be committed by males (although the rate of female involvement in violent juvenile crime is increasing rapidly). Young African American males were more likely to kill others and to be killed.¹¹ Juveniles who commit violent crimes are more likely to be armed (or carry weapons frequently) and to use drugs.¹² Fifty-five percent of violent juvenile crimes are committed by groups of youth.¹³

Violent crimes against men and women also followed different paths (figure 5). National Crime Victimization surveys show that the self-reported rates of violent victimization of women aged twelve or older have changed little during the past twenty-five years, in contrast to those for men. In 1973, males were more than twice as likely to be victimized as females. Twenty-five years later, the rate for men had dropped to the point where it was close to that for women (43 per 1,000 males 12 years or older versus 30 per 1,000 females).

Figure 7



Source: Rape, robbery, and assault data are from the National Crime Victimization Survey (NCVS), annually. The homicide data is from FBI, Uniform Crime Reports (UCR), annually.

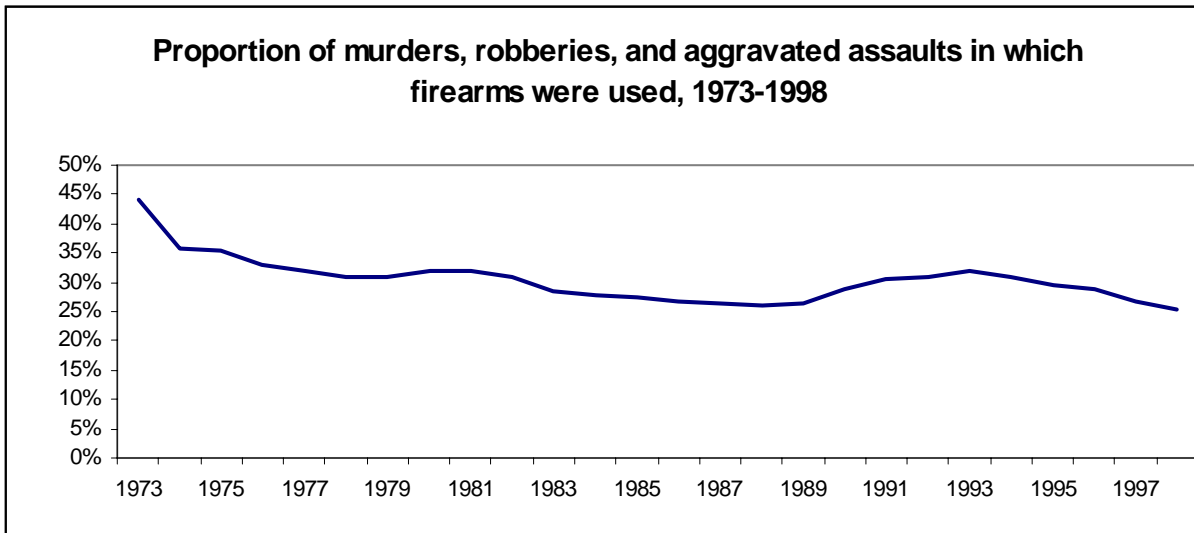
Note: Violent crimes included are homicide, rape, robbery, and both simple and aggravated assault. Because of changes made to the victimization survey in 1992, data prior to 1992 was adjusted to make them comparable to data collected under the redesigned methodology.

Violent crime is not just a big-city problem. During 1998, 46 in 1,000 city dwellers age twelve or older reported being the victim of a violent crime. Rates were lower in rural areas but still significant: 28 in 1,000 persons. Suburbanites reported being victimized at the rate of 36 per 1,000 persons.¹⁴

Guns

Guns are a common ingredient in violent crime. In 1998, about 65 percent of all murders reported to the police, 38 percent of all robberies, and 19 percent of aggravated assaults were committed with a gun.¹⁵ Throughout most of the past 30 years, a quarter to a third of these crimes have been committed with a gun (figure 8). The large number of guns in private hands in this country no doubt contributes to this. In 1994, for example, 44 million Americans owned 192 million firearms, 65 million of which were handguns. Twenty-five percent of adults owned at least one firearm. Guns are found in an estimated 40 percent of the Nation's households.¹⁶

Figure 8



Source: Calculated from data in FBI, Crime in the United States, annually.

Note: The large decrease between 1973 and 1974 may reflect a change in methodology rather than in incidence.

The past three decades have seen a significant increase in crimes committed with firearms. In 1973, there were 361,100 murders, robberies, and aggravated assaults reported to the police that involved the use of firearms. The number rose sharply between the mid-1980s until 1993, when almost 600,000 such crimes were reported.¹⁷ (In 1993, the National Crime Victims Survey estimated that twice as many people—1.3 million victims of robbery, aggravated assault, and sexual assault—faced an offender with a firearm as in 1973.¹⁸) Since 1993, the numbers have dropped back to levels experienced during the mid-1980s. This has occurred while police are arresting larger numbers of people for weapons law violations. In 1998, law enforcement officials made 218,900 such arrests, from 155,400 in 1973, an increase of 41 percent.¹⁹

Shootings in schools in recent years have received much attention, although they are relatively rare—compared to shootings elsewhere. Similarly, terrorist acts, such as the bombing of the World Trade Center in New York City and the Murrah Federal Building in Oklahoma City, have been nearly singular events. Despite their relative rarity, however, these crimes have had powerful impacts on public consciousness—heightening concerns for their personal security and safety.

Hate Crimes – A Newly Targeted Offense

Certain crimes are particularly heinous because they harm not only the immediate victim but are intended to threaten every member of the group to which the victim is seen as belonging. “Hate crimes”—offenses motivated in whole or in part by bias against a particular race, region, ethnicity, or sexual orientation—not only violate ancient proscriptions against harming persons but also challenge our Nation’s commitment to equality. Consequently, in 1990 Congress passed the Hate Crime Statistics Act that defined what constitutes a hate crime and established a reporting requirement. Local jurisdictions enacted similar laws; as of 1999, 24 States and the

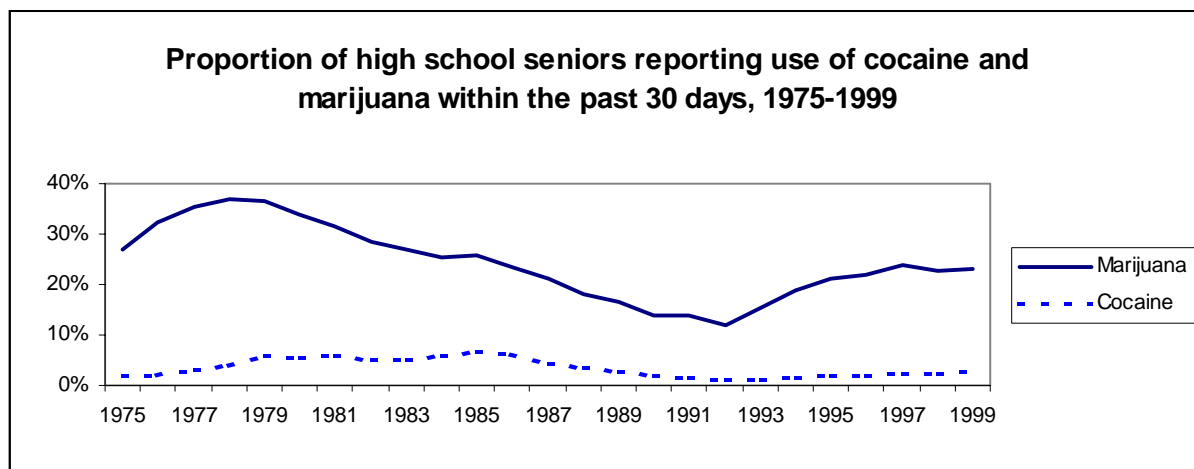
District of Columbia had their own data collection statutes.²⁰ Laws have also been passed to enhance penalties for bias-motivated violence and intimidation.

In 1997, 8,049 hate crime incidents were reported to the FBI by local law enforcement agencies, nearly 60 percent reportedly motivated by racial bias. Almost 70 percent were crimes against persons, 30 percent were property crimes. Among the former, the mostly commonly charged offense was intimidation (55 percent); aggravated assault accounted for 26 percent and simple assault 18 percent.²¹

Drug Abuse and Worldwide Trafficking

The late 1960s saw the emergence of widespread drug use, predominantly marijuana but also psychedelics, amphetamines, heroin and other drugs. A domestic market developed for cocaine in the 1970s and for its derivative, crack, in the 1980s. Surveys of high school seniors and households found that daily use of marijuana peaked in the late 1970s (when one in nine high school seniors reported daily use of the drug) and that cocaine use (including crack cocaine) peaked in the mid-1980s (figure 9). Since then, the amount of cocaine consumed in this country has dropped by an estimated 35–45 percent, according to estimates by Abt Associates Inc.²²

Figure 9



Source: University of Michigan, Monitoring the Future, ongoing.

Drug use began to rise again in the early 1990s, especially among adolescents. Heroin made a comeback, principally among users between the ages of 12 and 26. Cheap and high-potency heroin became widely available in the 1990s. Whereas street-level heroin was about 5 percent pure in the early decades, purity levels of heroin imported from South America soared to 68-80 percent by the mid-1990s, according to DEA. Heroin of this purity enables users to get high by snorting and smoking the drug rather than injecting, which makes experimentation and use less frightening.²³ Abuse of methamphetamines, which can be snorted, smoked, or injected, has also been increasing. Use of this stimulant is associated with violence, delusions, and paranoia—effects that users often seek to buffer with other drugs such as heroin and cocaine. The 1996 National Household Survey on Drug Abuse found an estimated 4.9 million people reporting use of methamphetamine at some time in their lives, up from 3.8 million in 1994.²⁴ Other synthetic (“designer”) drugs, such as MDMA, gamma hydroxy butyrate (GHB) are

popular at clubs and raves for their sedative, euphoric effects. GBH and flunitrazepam (Rohypnol, or “Roofies”) are being used as a “date rape” drug because they sedate and tranquilize. At higher doses, flunitrazepam causes loss of muscle control, of consciousness, and anterograde amnesia; combined with alcohol, the effects can be deadly.²⁵

Of special concern is the continuing and regular use of drugs by a minority of “hard core” users who are criminally involved. A 1998 survey conducted by the Arrestee Drug Abuse Monitoring program, which is conducted in 35 counties across the Nation, found that between 46 to 79 percent of those arrested in these counties tested positive for illicit drug use within the prior 48 hours.²⁶

Since 1985, worldwide production of cocaine—nearly all in Andean countries (Peru, Colombia, and Bolivia)—has more than doubled, and production of opium has almost tripled.²⁷ About 90 percent of the world’s illicit opiates are cultivated in two regions—the Golden Crescent (Afghanistan, Iran, and Pakistan) and the Golden Triangle (Lao PDR, Myanmar, and Thailand).²⁸ Strong demand for illegal drugs in the United States and throughout the world has fueled the growth of a large number of international and now 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. The illicit drug trade in the United States alone generated approximately \$65 billion for these criminal organizations in 1998, according to Abt Associates’ estimates.²⁹ Trafficking organizations have corrupted financial institutions here and abroad and are increasingly using new electronic means of transferring funds, which makes money laundering easier and far more difficult to detect. In recent years, Russian organized crime groups have also established their own sophisticated money laundering networks which have made inroads into this country. Traffickers are also exploiting other new telecommunication technologies to facilitate their business. These includes two-way pagers, wireless telephones, prepaid calling cards, digital encryption systems, and satellite and Internet-based communications. Advances in these technologies are outpacing the ability of governments worldwide to monitor and detect illegal activity.

Most drugs enter this country through a transit zone that is roughly the size of the U.S., including the Caribbean, the Gulf of Mexico, and overland across the Southwest Border.³⁰ Cocaine and Southeast Asian heroin are also being shipped to Canada for smuggling into the U.S. Ethnic Chinese and North American gangs of Asian descent have established a base in Vancouver, from which they distribute drugs to the East and West coasts. Distribution of crack cocaine appears to be changing. Previously, street-level dealers purchased powdered cocaine and converted it to crack; wholesale cocaine dealers in Florida are now being arrested with large quantities of already-converted crack.

Alcohol and Crime

Alcohol abuse figures significantly in criminality, contributing to an estimated 25-30 percent of violent crime.³¹ 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.³² About half of all murderers in State prisons that year reported that alcohol was a factor in the murders they committed.³³ Whereas about one-fifth of all motor vehicle crashes are thought to be caused by drunk drivers, the proportion of fatal vehicle crashes involving alcohol is much higher—nearly 40 percent. Costs associated with motor vehicle crashes by drunk drivers were estimated to be \$13.6 billion in 1992.³⁴

The Costs of Substance Abuse

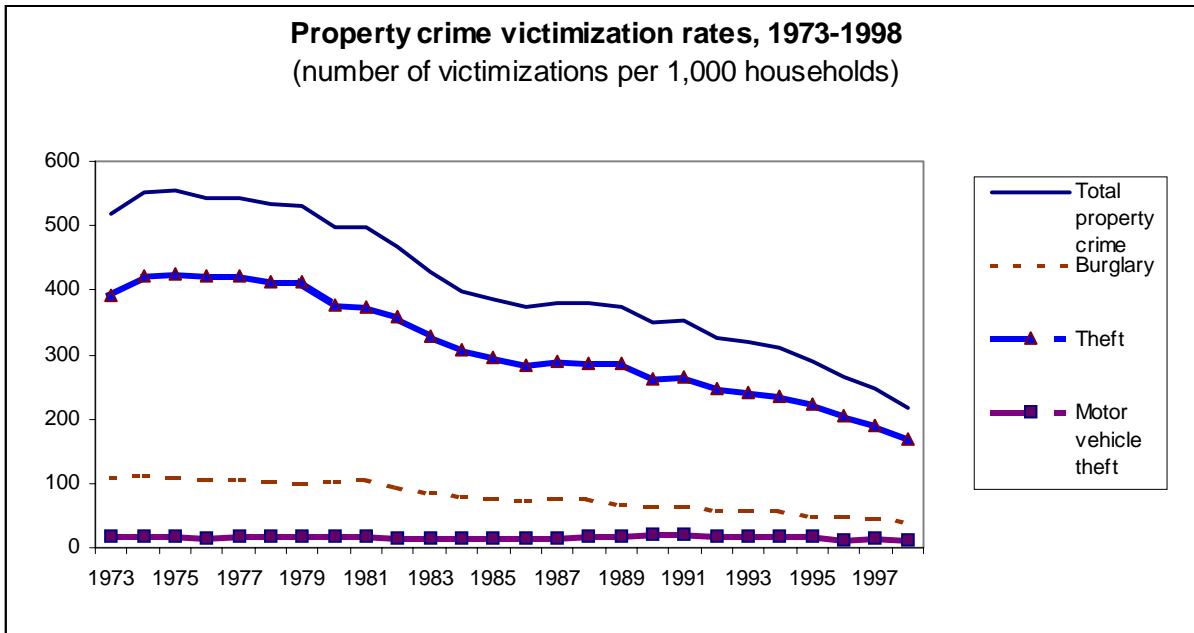
Abuse of alcohol and other drugs inflicts high costs on individuals, families, and entire societies. One estimate of the *economic* cost puts the total at more than \$250 million a year. Most of this (an estimated \$150 million) is associated with alcohol-related criminality. The cost of illicit drug use is thought to amount to more than \$98 million.³⁵ Approximately two-thirds of these cost represents from lost earnings; the rest reflect spending for health care and costs associated with crime, and with motor vehicle crashes. The economic costs are actually higher than these estimates suggest, however, because they do not include the considerable criminal justice expenditures incurred by governments to apprehend, prosecute, and sanction persons arrested for drug and alcohol-related crimes. Also excluded are social costs not easily translated into dollar values—the breakup of families and abuse and neglect of children, for example.

Nor do these include the other profound social costs borne by other nations as a result of this country's demand for illegal drugs. For example, drug trafficking organizations operating throughout South and Central America pose grave challenges to constitutional governments in these regions. Traffickers in the Andean countries corrupt government officials, assassinate them, and maintain heavily armed paramilitary organizations. In transit zones, such as Mexico, corruption of government and law enforcement by drug traffickers has reached dangerous heights.³⁶ Organized drug trafficking networks thereby threaten the political, social, and legal foundations of democratic rule.

Property Crime Rates Are Declining

Rates of burglary, theft, and motor vehicle theft—the three property crimes tracked by the National Crime Victimization Survey since 1973—have fallen considerably below the high-water mark reached in 1975. In that year, there were an estimated 554 such crimes for every 1,000 households. By 1998, the rate had dropped 61 percent, to 217 crimes per 1,000 households (figure 10). Burglary rates dropped most dramatically (65 percent), from 110 per 1,000 households in 1975 to 39 per 1,000 in 1998. Theft rates declined from 424 to 168 per 1,000 households, and motor vehicle thefts from 20 to 11 per 1,000 households—the lowest rate ever recorded.³⁷

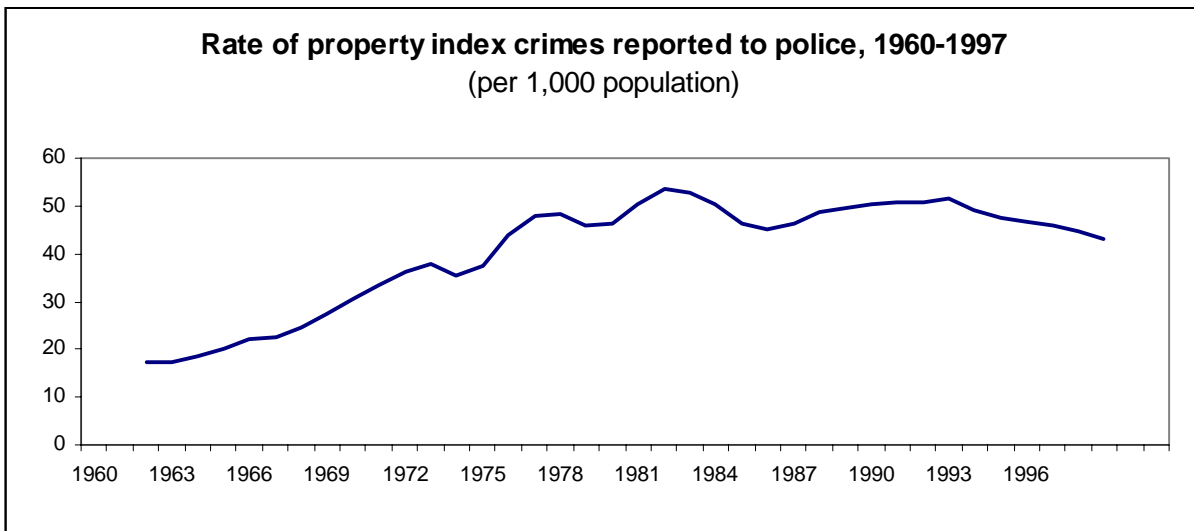
Figure 10



Source: BJS, National Crime Victimization Survey crime trends, 1973-1998.
1973-1991 data adjusted to make data comparable to data after the redesign of the victimization survey in 1992.

Rates of property crimes reported to the police exhibited a somewhat different trend (figure 11). Rates of reported burglary, theft, and stolen vehicles peaked in 1991 (for a combined rate of 51 such crimes per 1,000 inhabitants) and then declined to 41 reported crimes per 1,000 inhabitants in 1998. The burglary rates dropped by 33 percent, theft rates by 11 percent,³⁸ and motor vehicle thefts by 22 percent.³⁹

Figure 11



Source: FBI, Crime in the United States, annually.

The numbers presented here are State-level estimates and may vary from those previously published or available from other sources. Property index offenses include burglary, larceny-theft, and motor vehicle theft.

The High Cost of Personal Crimes

A recent study estimates the annual financial cost of personal crimes to be approximately \$105 billion during 1987–1990.** This includes expenditures for medical care, lost earnings, and public assistance to victims. Losses associated with harm to victims—such as pain, suffering, and a reduced quality of life—were estimated to be valued at \$345 billion annually. The estimated total annual cost of personal victimization, which combines all these costs, was therefore about \$450 billion in 1987–1990. Most of these costs were associated with violent crime, including drunk driving and arson (about \$426 billion), and the remainder (about \$24 billion) with property crime.⁴⁰ The total cost to society would be even higher if spending for criminal justice processing of these offenders were included.

Violent victimization accounts for an estimated 3 percent of all U.S. medical spending (about 14 percent of injury-related medical spending); wage losses equal about 1 percent of Americans' earnings; and as much as 20 percent of all spending for mental health care is attributable to victimization. About half of expenditures for mental health care are incurred by children treated for abuse.⁴¹

In addition to economic costs are the corrosive effects crime has on peoples' sense of personal security and safety. In 1980, 37 percent of all persons surveyed expressed high levels

** "Personal" crimes were defined to include homicide, assault, rape and sexual assault, robbery, child abuse, drunk driving, arson, burglary, larceny, and motor vehicle theft. Drug law offenses and white collar crimes were not included.

of “formless fear”—measured as nonspecific worries about the safety of one’s home, neighborhood, and larger community.⁴² This was during a period when rates of self-reported victimization were higher than they are now. However, recent surveys in twelve cities suggested that public fears of crime have not diminished, even though rates of victimization have decline. Between 20 and 49 percent of those polled during 1998 said they were fearful of crime in their neighborhoods; one-third reported keeping a weapon at home for security; one-third said they were afraid of being a victim of street crime, especially those involving guns.⁴³ A few years earlier, in 1992, crime was ranked as the most important problem in the nation, a “first” in the history of public opinion surveys.⁴⁴

White Collar/Economic Crimes Continue

Although usually not as visible as violent crimes, illegal acts that employ deception for the purpose of financial gain inflict huge costs. These “white collar” crimes include, among others, employee theft, health care fraud, fraud of consumers or persons (including telemarketing scams), insurance fraud, corporate tax fraud, corporate financial crimes (such as price fixing, false advertising), computer-related crime, check fraud and counterfeiting, telecommunications fraud, credit card fraud, money laundering, mortgage loan frauds, and arson-for-profit.

The prevalence of fraud is difficult to discern, and only about 3 percent of all persons arrested are suspected of fraud.⁴⁵ But a 1991 telephone survey of randomly selected households estimated that about a quarter of the respondents reported being defrauded, and another quarter were the near victims of an attempt to defraud them.⁴⁶ Crimes against businesses or governments are more difficult to detect. For example, criminal organizations have been committing massive frauds against government health care insurance programs; the extent of such crimes has been difficult to detect because highly automated billing and payment procedures are relied upon for payments.⁴⁷

Financial losses attributable to white collar crimes dwarf monetary losses resulting from violent crimes. A recent estimate puts the annual financial losses associated with white collar crimes at \$426 billion to \$1.7 trillion.⁴⁸ Beyond financial losses due to fraud are other 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, which poses a threat to the health and safety of Americans, including those most vulnerable members of our society.

Estimates of losses from health care fraud range from \$10 to \$100 billion annually, or about \$100–1,000 per household.⁴⁹ (Compare this to bank robberies, which result in annual losses of about \$65 million.)⁵⁰ Comprehensive audits by the Office of the Inspector General for the U.S. Department of Health and Human Services estimated that 14 percent (or \$23.2 billion) of all Medicare payments in FY 1996 and 7 percent in FY 1998 (\$12.6 billion) resulted from overpayments to providers, often for fraudulent billing.⁵¹

Losses associated with other types of fraud are staggering. They include, among others:

- Workers’ compensation fraud: about \$58 billion annually;⁵²
- an estimated ten percent of all U.S. insurance claims are fraudulent, costing \$17–\$100 billion annually;⁵³

- consumer and personal frauds (e.g., telemarketing, bogus business opportunities, auto and appliance repair scams): \$40 to \$100 billion a year;⁵⁴
- tax fraud by as many as two-thirds of all corporations: \$7 to \$50 billion annually;⁵⁵
- financial crimes (antitrust violations, price-fixing, bribery, pollution law violations, kickbacks, etc.): \$200–550 billion annually;⁵⁶
- computer-related/high tech crimes: \$100 million–\$40 billion;⁵⁷
- check fraud and counterfeiting: \$800 million–\$10 billion;⁵⁸
- telecommunications fraud: \$2–9 billion annually;⁵⁹
- money laundering: \$100–15 billion;⁶⁰ and
- savings and loan fraud: \$8–\$25 billion annually,⁶¹ and the final bill for the bailout might exceed \$1 trillion.⁶²

Environmental Crimes – Newly Defined Offenses

As environmental regulatory standards and laws have been developed in this country and abroad, new forms of crimes have been created. Environmental criminal enforcement can protect human health, safeguard natural resources and ensure regulatory compliance with important national environmental laws and international treaties. To achieve these ends, federal prosecutors prosecute egregious violators, and utilize multi-agency enforcement initiatives to maximize the impact of limited federal resources. The number of offenders so prosecuted are small—104 in the Federal courts during 1998, or 0.2 percent of all Federal offenders⁶³—but often for grave offenses.

For example, in *U.S. v. Eatman and Walls*, Federal prosecutors successfully prosecuted individuals who sprayed the homes of poor people with a dangerous crop pesticide, causing scores of people to seek medical attention, and requiring the government to spend nearly \$100 million for restitution and remediation of contaminated homes. In the National CFC Enforcement Initiative, federal prosecutors launched a wholesale attack on smugglers seeking to bring banned ozone-depleting chemicals into the United States. By coordinating the efforts of several federal agencies, the Department of Justice was able to convict over 80 smugglers, seize tens of thousands of pounds of dangerous chemicals, and obtain significant jail sentences and millions of dollars in criminal penalties. These high-profile criminal prosecutions deter potential violators and help create a “culture of compliance” in the regulated community.

Immigration Offenses — More Offenders, Stiffer Penalties

The Federal Government administers the laws governing immigration and naturalization. The increasing ease of global transportation and communications, and the continuing lure of the strong U.S. job market, have led to high levels of immigration in recent years, both legal and illegal. The security of our borders is challenged by increasingly sophisticated criminal organizations who are smuggling illegal immigrants and using foreign nationals to bring drugs into the country. Enforcement activities have also expanded inside our borders as legal changes

in welfare, child support, employment and licensing require verification of citizenship status, laws that only the Immigration and Naturalization Service can enforce.

In 1980, 2,200 persons were convicted of Federal immigration law offenses; the number in 1987 was virtually unchanged (2,138).⁶⁴ The vast majority of cases involved illegal entry or reentry, or harboring or bringing aliens into the country.⁶⁵ By 1998, the number sentenced in Federal district courts had increased to 8,039, or 16 percent of all convicted Federal offenders that year.⁶⁶ Ninety-three percent of these immigration law violators were not U.S. citizens, slightly fewer than half had criminal records, and approximately 17 percent were sentenced as “career criminals.”⁶⁷ Sentencing practices have been stern: 93 percent were sentenced to prison, with an average sentence of 23 months.⁶⁸

Immigration law enforcement has intensified in recent years. In late 1994, the Federal government began carrying out a systematic border strategy that included significant increases in officers and technology support. In addition, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 increased penalties for immigration-related offenses, authorized further increases in enforcement personnel, and enhanced enforcement authority. This resulted in large increases in arrests and tougher treatment of offenders. Noncriminal aliens, mostly economic migrants, who were previously more likely to be charged with misdemeanors before U.S. Magistrates, were now referred to U.S. Immigration judges for formal sanctions and deportation. Deported aliens with serious prior felony convictions were no longer charged with misdemeanors but instead with felony offenses that sent them to prison for substantial terms. Prosecution of lower-level marijuana smugglers was also intensified, with tougher sanctions. Those caught smuggling illegal immigrants, including foot guides, were charged with felonies rather than misdemeanors. These changes resulted in many more prosecutions—from 1,183 in 1994 to 3,785 in 1998 in the Southern District of California alone.⁶⁹

Increasing Use of Computers and Advanced Technologies by Criminals

Computers and high technology are revolutionizing not commerce but also criminality. Gangs use computers to clone telephones and to re-encode credit cards. Drug dealers are using computers to store their ledgers. Fraud schemes now are advertised on the Internet. Counterfeiters use computers to make excellent copies of paper money, to create realistic-looking false identification documents, and to counterfeit checks. Information stored in computers has become the target of criminal activity, including theft of credit card numbers, malicious destruction of software, intellectual property offenses, employee sabotage, identity theft, and commercial and governmental espionage. Computers are used by criminals to communicate with each other by means of electronic mail and Internet Relay Chat.

Because individuals can hide their identities in computer-based communications, computers are being used increasingly for sex crimes. Child pornographers use the Internet to exploit children, distributing images of them widely. Federal law enforcement officials have encountered numerous incidents in which pedophiles have made contact and established relationships with minors through online chat rooms, and later contacting them to engage in criminal sexual activities. In response, the FBI launched an undercover initiative to combat exploitation of children using commercial online services; by the end of 1998, this netted 232 convictions.⁷⁰ In October 1998, President Clinton signed into law a bill that made it a Federal crime to use any means of interstate communications to knowingly communicate with any person with the intent to solicit or entice a child into unlawful sexual activity.⁷¹

The growth of such crimes has led to an explosion in the number and variety of computers and computer systems encountered in the course of criminal investigations and the

consequent seizure of computer systems and electronic information stored in computer systems. Individual law enforcement agencies and police departments do not have the resources necessary to keep pace either with the volume of work being generated in cases involving high technology or with the costs associated with maintaining the skills and equipment necessary to address crimes involving high technology.⁷²

The Globalization of Crime

The U.S. has always been vulnerable to criminals based beyond its borders, but the remarkable increase in worldwide trade during the past decades and the rapid advances in communications and transportation technologies have created opportunities and threats of a different magnitude. In 1998, \$1.4 trillion in legitimate goods and services were imported into the U.S., up from just \$60 billion in 1970. Exports grew from \$68 billion to \$1.2 trillion during the same period.⁷³ With such growth in cross-border traffic, illegal goods and activities are likely that have increased dramatically during the same period. Since the early 1980s, international trafficking in illegal drugs has increased vastly. The collapse of the Soviet Union and the military alliances among authoritarian governments that characterized the bipolar world during the Cold War have also created room for powerful criminal organizations to emerge and operate more freely. In the summer of 1994, for example, the Russian Ministry of Internal Affairs estimated that 25 percent of the Russian gross national income was derived from organized criminal activities. Government and academic experts believe that there were, at that date, 5–6,000 stable criminal organizations in that country, several with worldwide operations.⁷⁴ Russian “mafia” have established themselves in this country and in nearby countries and are active in drug trafficking, money/capital laundering, and extortion, among other crimes. Recent charges of Russian nationals compromising New York banking officials to launder huge sums of money are but one example, albeit a spectacular one.

Many foreign political movements opposing their nations’ governments use terror to further their political interests, and sometimes direct it against U.S. citizens here and abroad. Although these events have been infrequent, opportunities for them are expanding with the growth of cross-border activities and the increasing power that these organizations have in the home countries.

Establishing rules to govern international trade creates new classes of crimes. Over 400 laws apply to merchandise as it moves across borders.⁷⁵ These laws have been created to protect the American public from environment and health threats, trade in endangered species, and violations of fair trade and intellectual property rights. For example, textile products—principally clothing—are often imported in amounts that violate quotas; they are also shipped illegally through third countries to disguise their origins in order to evade quotas. Counterfeiting and pirating of U.S. goods are also becoming more pervasive, with illegal copying of music and video products and other patented or copyrighted goods. American companies lose more than \$200 billion a year, according to some estimates, to merchandise counterfeiting.⁷⁶ Still other billions are stolen by means of industrial theft and economic espionage—stealing trade secrets from U.S. companies and the U.S. Government.

Trade laws also ensure that U.S. national security interests are protected against hostile regimes and international criminals, and they prevent exports of sensitive technologies to inappropriate destinations. These include technologies that can be used to develop and deploy nuclear, chemical, and biological weapons of mass destruction and the missile systems to deliver them, as well as computer hardware, software, and communications technologies that can be used to facilitate international crimes and terrorism. Criminal sanctions are available to

prosecute violators, although the enforcement of such crimes requires inter-government cooperation.

Strengthening the Nation's Efforts to Combat Crime

The past three decades have seen widespread changes in policies regarding crime and criminals, in the resources invested in fighting crime, and in the institutions that we rely upon to prevent crime and to enforce the law. One is a shift from the decentralized approach to criminal justice that had prevailed since the founding of the Republic to a more coordinated national effort supported by the Federal Government. A great deal of innovation has occurred at local, State, and Federal levels, often with the assistance of Federal Department of Justice agencies, which has transformed how governments at all levels respond to crime and criminals. This section describes briefly some of the changes that have occurred during the past thirty years in criminal justice agencies and practices to improve the effectiveness and fairness of the Nation's response to crime.

Forging a National Response to Crime in a Federal System

Until the 1960s, the Federal Government played a very modest role in local crime control. Due to limited Federal criminal jurisdiction and the reluctance in many quarters to create an extensive Federal criminal investigative apparatus—witness the tensions surrounding the FBI's role in the Lindbergh baby kidnaping—Federal authorities for many decades focused their attention on providing national-level information and statistics on crime problems and tackling a relatively small number of crimes impinging on clear Federal interests (primarily regulatory crimes), bearing an interstate or extra-local character (e.g., certain bank robberies, racketeering, and fraud cases), or involving political corruption.⁷⁷ These somewhat stable, though vaguely defined, spheres of influence were vastly expanded in the 1960s and early 1970s on the heels of three national crime commissions: the President's Commission on Law Enforcement and the Administration of Justice (1965–67), the National Advisory Commission on Civil Disorders (1967–68), and the National Commission on the Causes and Prevention of Violence (1968–69).⁷⁸ Each of these commissions charted a more activist course for the Federal criminal justice system. Thirty years later, the result has been the development of more coordinated national effort, even though the major share of responsibility for criminal justice is still borne by State and local governments.

In the 1970s, largely because of a national dialogue launched by the three crime commissions, the newly-established Law Enforcement Assistance Administration (LEAA) sponsored law enforcement training institutes for State and local officials, began to develop national criminal justice data-gathering and information-sharing networks, and encouraged local community-based crime control initiatives.⁷⁹ In the main, however, the LEAA launched a massive grant-making program to channel Federal financial support to State and local criminal justice systems. Before it was formally terminated in 1982, it had spent an unprecedented \$8 billion on State and local crime control.⁸⁰ While Federal criminal jurisdiction burgeoned with the passage in 1970 of the Controlled Substances Act (criminalizing possession and trafficking of a wide range of drugs) and the 1973 establishment of the Drug Enforcement Administration (DEA), street level enforcement activities by these agencies remained comparatively limited.⁸¹

In the 1980s, the Attorney General's Task Force on Violent Crime recommended new operational alliances between State and local law enforcement authorities and Federal law

enforcement agencies like the DEA, the FBI (given drug jurisdiction, along with DEA, for the first time in 1982), and the Bureau of Alcohol, Tobacco, and Firearms.⁸² Through Federally-driven task forces and information networks, the Federal Government began to invoke Federal drug and weapons jurisdiction more frequently to tackle higher-level offenders and more sophisticated criminal organizations. With the 1984 Omnibus Crime Bill,⁸³ Federal authorities enacted tough new weapons and drug penalties and created a new Federal sentencing regime that made it even more advantageous for Federal, State, and local authorities to seek Federal prosecution of the most serious criminals and gang leaders.⁸⁴ Federal sentencing laws got even stronger with the passage of the 1988 Anti-Drug Abuse Act.⁸⁵ But while the Federal operational role became relatively more pronounced, perhaps the most influential Federal impact during the 1980s was felt through the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, a block grant funding program created under the 1988 Act. The Byrne program created a wide range of funding targets, including a variety of discretionary preventive and community-based programs (e.g., the “Comprehensive Communities” and “SafeFutures” Programs), but the most heavily funded activity (nearly 40 percent of what was a \$475 million budget in fiscal year 1996) were multijurisdictional task forces—locally led law enforcement teams focusing on local and regional crime problems, but relying on Federal information-sharing and joint investigative work to target particular drug, gang, and weapons offenders.⁸⁶

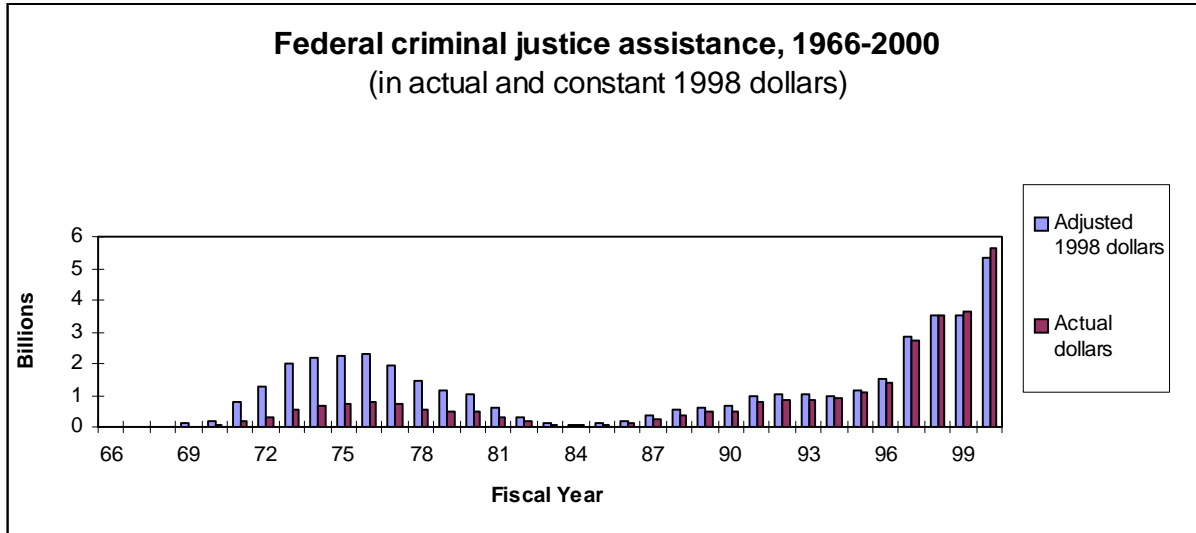
The 1990s witnessed another shift in Federal, State, and local collaboration. At the zenith of the violent crime epidemic in the early 1990s, when gang wars over crack cocaine seemed to spill into urban areas everywhere, Federal prosecutions rose sharply as offenders were charged in large numbers with Federal weapons offenses in an effort to rid communities of armed career criminals (“Operation Triggerlock”).⁸⁷ Federal task force activity also increased with the establishment of the FBI’s Safe Streets Program, which, following the demise of communism in Eastern Europe, reassigned over 300 counterintelligence officers to fight violent crime in American cities.⁸⁸ Even initiatives with a preventive component, such as the “Weed and Seed” Program (combining community-oriented law enforcement ‘weeding’ initiatives with human resource development ‘seeding’ elements), bore a highly directive Federal style in their early years.⁸⁹

With the drop in crime in the middle of the 1990s and the penetration of problem-solving law enforcement into Federal thinking about crime, collaborative partnerships with State and local authorities were strengthened. While Byrne Program funding continued at high levels, and while large sums were allocated by Federal authorities to hire over 100,000 community-oriented police pursuant to the 1994 Crime Bill,⁹⁰ the operational role of Federal authorities became better defined through strategic planning orchestrated through U.S. Attorney’s Offices. Starting with the 1994 Anti-Violent Crime Initiative, U.S. Attorneys were tasked with defining district-level law enforcement priorities with extensive input from local law enforcement officials.⁹¹ While this coordination role promised more strategic and judicious use of Federal criminal prosecutions for the highest-level drug and gang offenders, in some jurisdictions there has been tremendous local pressure to use Federal weapons laws to reach an even broader group of criminals (e.g., Richmond, Virginia’s, “Project Exile”).⁹²

Federal expenditure for criminal justice operations and assistance to other governments grew from \$1.5 billion in 1971 to \$22.7 billion in 1995.⁹³ Some of this has been in the form of assistance to State and local criminal justice agencies, the amount of which has varied widely during this thirty-year period. Federal assistance grew each year following passage of the Safe Streets Act in 1968, reaching its peak in 1976. It declined in subsequent years, almost disappearing in 1984 (figure 12). It began to rise again, following the 1984 Crime Control Act,

and continued until 1994, when the Violent Crime Control and Law Enforcement Act was passed. Federal assistance to state and local governments for criminal justice activities increased hugely in the following years, and is budgeted to total \$5.6 billion in FY2000.

Figure 12

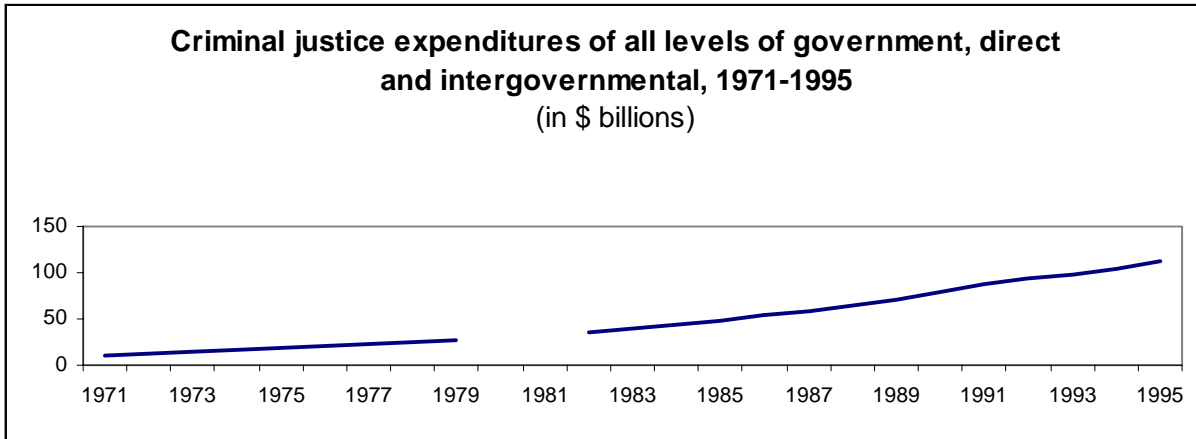


Source: Federal assistance data from *Budget of the United States Government, Fiscal Year 2000*, table 12.3.
 Note: Includes only assistance provided by the U.S. Department of Justice; excludes various justice assistance given by other Federal agencies. Constant 1998 dollars were calculated using CPI-1998
 (*Source:* Statistical Abstract of the US, table 775.) FY1999 and FY2000 data assume a 3% annual inflation rate.

Even with the huge increase in Federal assistance and other direct spending for Federal government agencies, State and local governments still do most of the criminal justice work and spend most of the resources. In 1995, four-fifths of the Nation’s total expenditure for criminal justice operations were spent by State and local governments.⁹⁴ If the Federal Government’s grants to other governments are not counted, the State and local share of spending was even larger that year—86 percent. Fewer than one percent of all persons arrested are prosecuted in Federal courts.⁹⁵ Of the 1.2 million offenders in prison at the end of 1998, only 123,000—just over 10 percent—were in Federal prisons.⁹⁶

Criminal justice spending has increased steadily at all levels during the past three decades. In 1971, expenditures for law enforcement, prosecution, courts, and corrections totaled \$11 billion. By 1995, they had grown to \$113 billion (figure 13).⁹⁷ Some of this increase reflected the loss of buying power due to inflation. Adjusting for inflation, the “real” increase in spending (in 1971 dollars, that is) was about \$30 million. Spending has been heaviest at the local government level, \$58.8 billion in 1995, compared to \$37.4 billion spent by State Governments (figure 14).⁹⁸

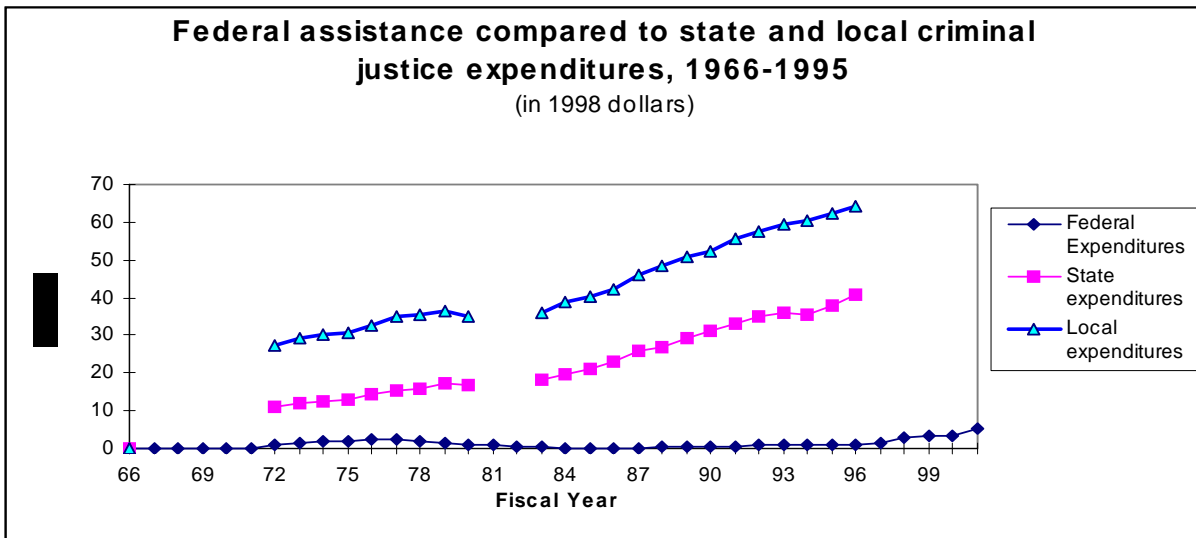
Figure 13



Source: 1982-1995 data from BJS, *Justice Expenditure and Employment Extracts*, tables 1 and 4. 1971-1979 data from Timothy J. Flanagan and Maureen McLeod, eds., *Sourcebook of Criminal Justice Statistics-1982*, tables 1.2, 1.4, 1.6.

Note: Duplicative transactions between levels of governments are excluded from the total for all governments, the State and local total, and the local total. Such intergovernmental expenditures consist of payments from one government to another and eventually show up as a direct expenditure of a recipient government. Complete data were not available for 1980-1981.

Figure 14



Source: 1971-1979 data from BJS, *Justice Expenditure and Employment Data, 1988*. 1982-95 data from BJS, *Criminal Justice Expenditure and Employment Extracts Program, FY1982-1995*. Federal Assistance data taken from *The Budget of the United States Government, Fiscal Year 2000*, table 12.3. Note: All data have been adjusted using CPI-1998 (Source: *Statistical Abstract of the US*, table 775.) FY1999 and FY2000 data assume a 3% annual inflation rate.

Reaching Beyond Criminal Justice Agencies

Coordination has not only been furthered vertically—with Federal, State, and local criminal justice agencies developing closer working relationships—but horizontally as well, by means of collaborative relationships among other justice agencies and other public agencies and private organizations. Since the late 1980s, criminal and juvenile justice agencies have relied increasingly on partnerships with other government agencies and with community-based organizations to address specific crime problems, to prevent and control crime in local communities, and to address substance abuse. In part, these collaborations are a response to the growing awareness that the causes and correlates of crime are too numerous and complex for any one agency to address single-handedly, and that the solutions involve more than a law enforcement response.⁹⁹ Examples of these collaborative initiatives include:

- *Weed and Seed*, a Federal, State, and local effort to improve the quality of life in targeted high crime areas of America's cities by simultaneously "weeding out" criminals and promoting community restoration;¹⁰⁰
- The *Comprehensive Communities Program*, an initiative that teams law enforcement with social service agencies to control gang and youth violence in 16 cities;¹⁰¹
- *Project PACT* (Pulling America's Communities Together), which combines the resources of six Federal agencies to support municipal and statewide efforts to prevent and control youth violence in four sites across the Nation;
- *Operation Ceasefire*, a comprehensive, multiagency strategy adopted in Boston to reducing firearm violence (including homicides) among youths and gangs by coordinating the work of all the public safety and criminal justice agencies in the city, as well as local clergy, community leaders, and academic experts;¹⁰²
- *SafeFutures*, which teams government agencies and private organizations to create a continuum of care for at-risk youth and their families in six different sites; and
- *The Empowerment Zones/Enterprise Communities Program*, an economic development and social service program to revitalize communities that includes participation of key local, State, and Federal criminal and juvenile justice agencies.

Three other collaborations are noteworthy:

- *Drug treatment courts*. Today, more than 350 of these courts, which combine community-based supervision of nonviolent substance abusing offenders with an intensive drug treatment regimen and ancillary support services, have been implemented or are being planned nationwide.¹⁰³
- *Public health and corrections collaborations*. Virtually all correctional systems now collaborate with public health agencies to prevent and treat HIV/AIDS, sexually transmitted diseases, and tuberculosis within correctional facilities.¹⁰⁴ Partnerships between corrections departments and local health, mental health and social service providers are also proving essential to serving mentally ill offenders returning to the community.¹⁰⁵

- *Police/corrections partnerships.* Dozens of police and corrections agencies around the country have formed partnerships in order to enhance supervision of offenders on probation or parole, locate individuals who abscond from probation or parole supervision, share information on offenders, and solve problems of mutual concern.¹⁰⁶

Victims Get Involved

A vigorous crime victims movement began during the 1970s¹⁰⁷ as justice system practitioners realized that a large proportion of crimes were never reported—much less solved—in part because victims feared “getting involved” with the criminal justice system.¹⁰⁸ At the same time, several special interest groups, troubled by the psychological and financial burdens that crime inflicted on its victims, formed the National Organization for Victim Assistance (NOVA) to promote a victim-oriented perspective in the administration of criminal justice.

In 1982, a Presidential Task Force on Victims of Crime investigated the needs of victims and the most effective means of addressing them. The following year, pursuant to a Task Force recommendation,¹⁰⁹ the Justice Department created the Office of Victims of Crime to promote victims’ rights. In 1984, the Federal Victims of Crime Act (VOCA) established the Crime Victims Fund to help pay for local victim compensation and local victim service programs, awarding over \$500 million in 1996 alone.

Throughout the 1970s and 1980s, jurisdictions increasingly set up victim-witness assistance programs, typically within prosecutor offices, to advocate for victims in the criminal justice system.¹¹⁰ A number of new national organizations and thousands of community-based groups also formed to assist special victim groups, including parents of murdered children, elderly victims, and victims of drunk drivers, rapists, and batterers.¹¹¹ Many States—often through constitutional amendments—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.¹¹²

During the 1980s and 1990s thousands of community-based programs formed to respond to the needs of victims of crime. Two citizen initiatives to *prevent* crime also became widespread during this period. By 1986, an estimated 600 Crime Stoppers programs were working with the news media, community, and law enforcement to offer cash rewards to reluctant citizens who would provide anonymous information to the police about suspected criminals.¹¹³ At the same time, thousands of Neighborhood Watch programs formed whose members actively watch for and report suspicious activity in their neighborhoods.

Strategies for Combating Violent, Gun, and Drug Crimes

During the past three decades, the Nation’s criminal justice agencies have implemented a wide range of approaches designed to reduce violent crime, drug abuse and drug trafficking, and crimes involving firearms. Examples of these developments include the following.

Violent Crime Prevention and Control. Many jurisdictions have implemented the following initiatives designed to reduce violent crime:

- *Situational crime prevention* (“target hardening”) that modifies conditions that facilitate criminal acts,¹¹⁴ such as using traffic barriers to block access by automobiles;¹¹⁵ installing closed-circuit television in housing complexes; and keeping two clerks on duty at convenience stores.¹¹⁶

- *Civil remedies* such as abatement and property forfeiture to reduce drug dealing on rental properties,¹¹⁷ and victim suits to secure damages from individual and corporate offenders.¹¹⁸
- *Increasing the number of police officers* on the beat—the Justice Department's Community Oriented Policing Services (COPS) Office alone has helped local law enforcement agencies hire additional police officers and sheriff's deputies.
- Applying problem-solving approaches to *high-crime "hot spots,"* such as drug markets.¹¹⁹
- *Saturating high-crime neighborhoods* with enhanced enforcement resources to "weed" out violent offenders and other criminals coupled with "seeding" the community with intensified, human services programs and neighborhood revitalization initiatives.¹²⁰
- *Multi-jurisdictional task forces,* principally assembled to disrupt illicit drug supply networks; to arrest, convict, and incarcerate drug traffickers; and to confiscate the illegal operation's assets and profits.
- *Prosecuting violent Juveniles in adult courts;* most states have lowered the age at which juveniles charged with violent crimes can be tried as adults and given adult-sized sentences upon conviction.
- *Reducing witness intimidation,* for example, by relocating intimidated witnesses.¹²¹
- *Increasing the certainty or severity of sentences* to deter and incapacitate violent criminals, including more frequent revocation of parole for parole violators;¹²² the abolishment of parole board release for all offenders by 14 States and the Federal system;¹²³ mandatory minimum sentencing laws in all 50 States and for Federal offenders that require judges to sentence offenders convicted of particular crimes (usually violent or drug offenses) to a specified amount of time prison;¹²⁴ "Three Strikes and You're Out" laws¹²⁵ that provide for still longer prison terms than mandatory minimum sentencing laws; "truth-in-sentencing" laws in 27 States requiring imprisoned offenders to serve at least 85 percent of their sentences;¹²⁶ and legislation requiring or authorizing stiffer sentences for repeat offenders. These sentencing changes have increased the average sentences offenders serve.
- *Requiring sex offenders to register* with a central agency in the community¹²⁷ and requiring or authorizing law enforcement agencies to notify the public about released sex offenders.¹²⁸
- Prevention efforts focused on *particular categories of victims,* such as women, through the Federal Violence Against Women Act (VAWA) of 1994, which provides demonstration grants for States to develop and strengthen law enforcement and prosecution strategies to combat violent crimes against women. Other prevention initiatives have focused on reducing victimization of the *elderly, children, and youth.*

- *Improved collection of hate crime data* (e.g., through the Hate Crimes Statistics Act of 1990) and new laws against bias-motivated violence and intimidation (typically providing for enhanced penalties for perpetrators).
- Initiatives for *breaking up youth gangs*, including information sharing,¹²⁹ innovative Federally funded anti-gang initiatives, disseminating model anti-gang strategies,¹³⁰ and police-probation collaboration.¹³¹

Guns. Throughout the 1970s and 1980s, the Federal Government and localities addressed the problem of gun-involved crime largely through enforcement of the firearms regulatory legislation enacted in the 1960s, including the Gun Control Act, the National Firearms Act, and the Arms Export Control Act. During the 1990s, the Federal Government began to adopt a more aggressive approach to gun control. The 1993 Brady Handgun Violence Prevention Act required background checks during a five-day waiting period before the purchase of handguns, preventing an estimated 70,000 unauthorized purchases in 1996 alone.¹³² The Violent Crime Control and Law Enforcement Act of 1994 prohibited the manufacture, sale, and possession of most makes and models of military-style firearms and outlawed most large capacity magazines.¹³³ The 1996 Lautenberg Act banned gun ownership by persons convicted of domestic violence misdemeanors—including law enforcement officers. Many States enacted their own firearms restrictions that mandate waiting periods and licenses or permits to purchase a handgun, registration of weapons,¹³⁴ and bans on the purchase of more than one handgun per month.¹³⁵

During the 1990s, several Federal Government initiatives targeted gun crime, including demonstration projects designed to help State and local governments reduce illegal trafficking in firearms,¹³⁶ the collection and dissemination of information about firearms recovered by law enforcement agencies for use in operations against criminals illegally transferring firearms to prohibited persons,¹³⁷ and community-based programs focused on containing youth handgun violence.¹³⁸

In 1999, the Department of Housing and Urban Development (HUD) announced a \$15 million initiative to create community gun buyback programs administered by public housing authorities in which citizens are paid cash for each usable gun they turn in.¹³⁹ Many municipalities also implemented gun buyback programs—in 1994, St. Louis paid citizens \$250,000 for turned-in guns.¹⁴⁰ Other local initiatives, some with Federal funding, have included beefing up police patrols to increase gun seizures¹⁴¹ and installing weapons detectors and security guards in schools.¹⁴²

In the late 1990s, 29 cities and counties initiated lawsuits against handgun manufacturers, typically to recover the cost of gun violence to the cities and end allegedly illegal marketing practices, or to require improvements in safety technology.¹⁴³ In 1999, a Federal District Court jury in Brooklyn, New York, found several gun manufacturers liable for negligence in their marketing practices.¹⁴⁴

Anti-Drug Strategies. The Nation's strategy for responding to illegal drug use throughout the past three decades has relied most heavily on interdiction of drugs at borders, efforts to dismantle criminal organizations, and arrest and prosecution of drug users and traffickers. As the world's illicit drug markets continue to fluctuate and become increasingly multi-national, the U.S. has relied on cooperative law enforcement programs with foreign counter-narcotics agencies to provide an effective response. This collaborative strategy has been

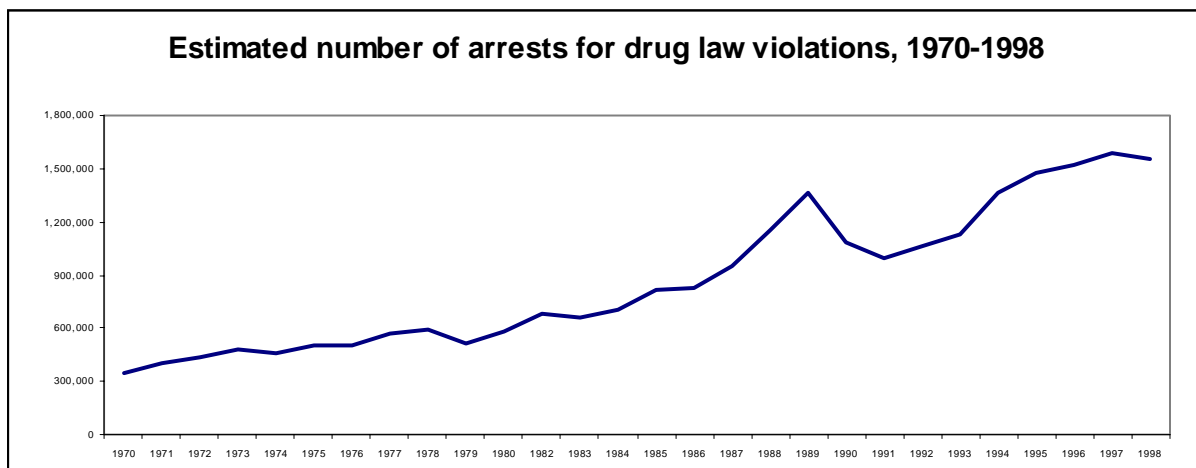
implemented through bilateral investigations (partnerships between various US enforcement agents and counter-narcotics agents in Peru, Bolivia, and Thailand have been particularly effective), the promotion of international anti-narcotics forums such as the annual International Drug Enforcement Conference (IDEC), support in the development of strong law enforcement institutions such as the Colombian National Police (CNP) and bi-national task forces in the Mexican states of Monterrey, Juarez, and Tijuana, shared intelligence gathering (e.g., the Joint Information Coordination Center's Program which provides computer training to Latin American anti-drug enforcement agencies), and on-site training for foreign anti-drug enforcement officers. One of the most successful manifestations of this multi-national anti-narcotics strategy is the US supported Peruvian air bridge program. According to U.S. embassy reports, approximately 25 suspect aircraft were destroyed in Peruvian airspace between 1995 and 1998 in accordance with the policy.

In an effort to curb the flow of illegal narcotics to this country, the U.S. spends roughly \$2 billion on interdiction programs annually.¹⁴⁵ In 1999, the number of inspectors, agents and pilots working for the U.S. Customs Service alone totaled approximately 1,200 in Florida, 5,000 along the Southwest border, and 6,200 in other ports of entry including the Canadian border. Twenty-three separate federal agencies and scores of state and local agencies patrol our land borders, seaports and airports. However, an effective anti-drug strategy along the border requires more than significant increases in agency resources. To this end, the U.S. has increased its focus on a number of key areas including:

- The standardization of available information on the current drug threat along the entire border, not just jurisdiction by jurisdiction.
- Increasing our ability to screen trucks and railcars for contraband along the Southwest border.
- Improving coordination among federal, state, and local agencies.
- Enhanced drug-control synchronization. (e.g., increases in numbers of customs inspectors must be consistent with increases in capabilities within prosecutorial systems).
- Cultivating and maintaining solid bi-lateral law enforcement partnerships with drug exporting countries such as Mexico and Colombia.
- Integrating our approach to issues related to drug control, including trading policies, immigration, arms trafficking, and money laundering.
- Domestic law enforcement agencies have made concerted efforts to break up the criminal organizations that traffic in drugs in this country. In 1970, Congress passed the Racketeering Influenced and Corrupt Organizations Act (RICO), which has been used to facilitate prosecution of these enterprises. Laws were passed to permit seizure of assets thought to be the products of illegal activities. Federal agencies have sought to intercept the command and control communications of major trafficking organizations that operate across national boundaries and use the intelligence and evidence obtained to dismantle them.

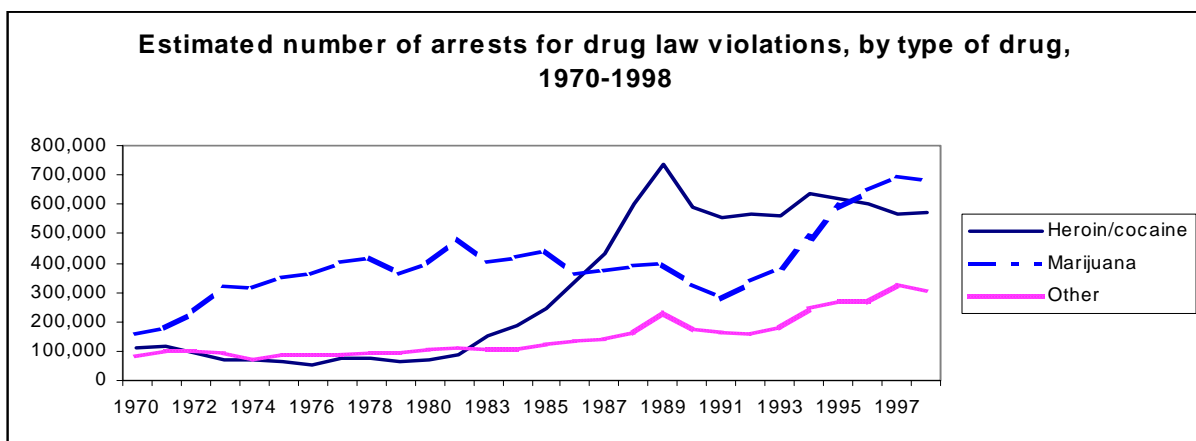
A third prong in anti-drug policy has been the passage of tough laws at State and Federal levels and their vigorous enforcement. Beginning in 1973 (in New York), tough mandatory minimum prison sentencing laws were passed for drug trafficking, and many states followed. Federal anti-drug statutes were passed in 1986 and 1988. To enforce these laws, police have employed a number of anti-drug strategies, including multi-jurisdictional task forces, deployment of DEA agents domestically (at the invitation of police chiefs), undercover “buy and bust” practices and surveillance, heavy reliance upon informants, reverse stings, asset seizure, and various efforts to disrupt street-level retail markets. Annual arrests for drug crimes increased dramatically, from 416,000 in 1970 to 1.6 million in 1998 (figure 15). Increases were steepest for cocaine and heroin (figure 16).

Figure 15



Sources: 1970-80 data from Timothy J. Flanagan and Maureen McLeod, eds., *Sourcebook of Criminal Justice Statistics-1982*. 1982-1998 data from FBI, *Crime in the United States*, annual report.

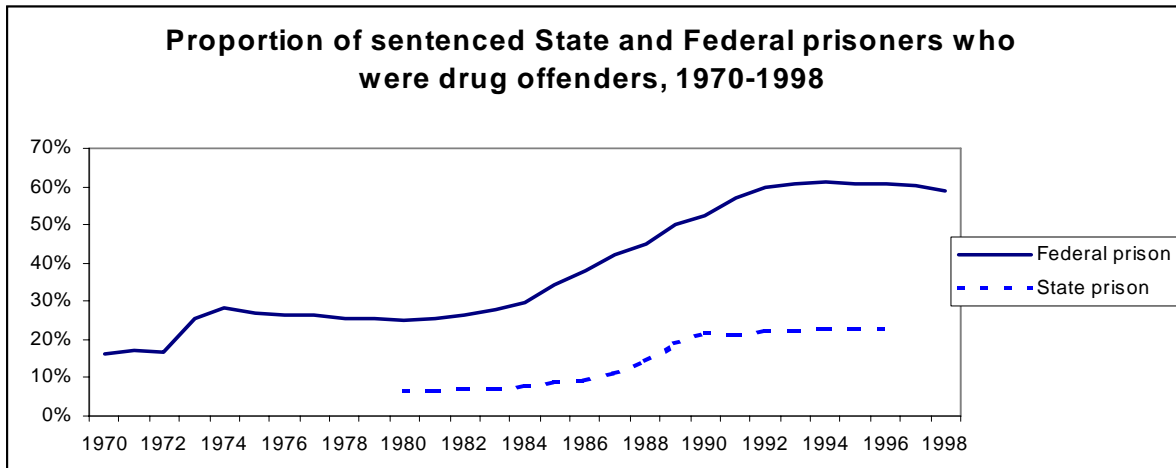
Figure 16



Sources: 1970-80 data from Timothy J. Flanagan and Maureen McLeod, eds., *Sourcebook of Criminal Justice Statistics-1982*. 1982-1998 data from FBI, *Crime in the United States*, annual report.

The proportions of offenders in state prisons for drug offenses increased correspondingly, from 6 percent in 1980 to 23 percent in 1996 (figure 17). The proportions of drug law offenders in Federal prisons rose even more steeply during this period, from 16.3 percent in 1970 to 59 percent in 1998. These figures understate the numbers of drug-involved inmates in State and Federal prisons, because a large proportion of those charged with other offenses report serious drug or alcohol abuse. Three quarters of State and Federal prison inmates in 1997 reported serious abuse of drugs or alcohol prior to incarceration.¹⁴⁶ In recognition of this, States and the Federal Government have sought to reduce domestic demand for drugs by investing in drug abuse treatment programs for inmates, funded in part by Federal grant programs.

Figure 17

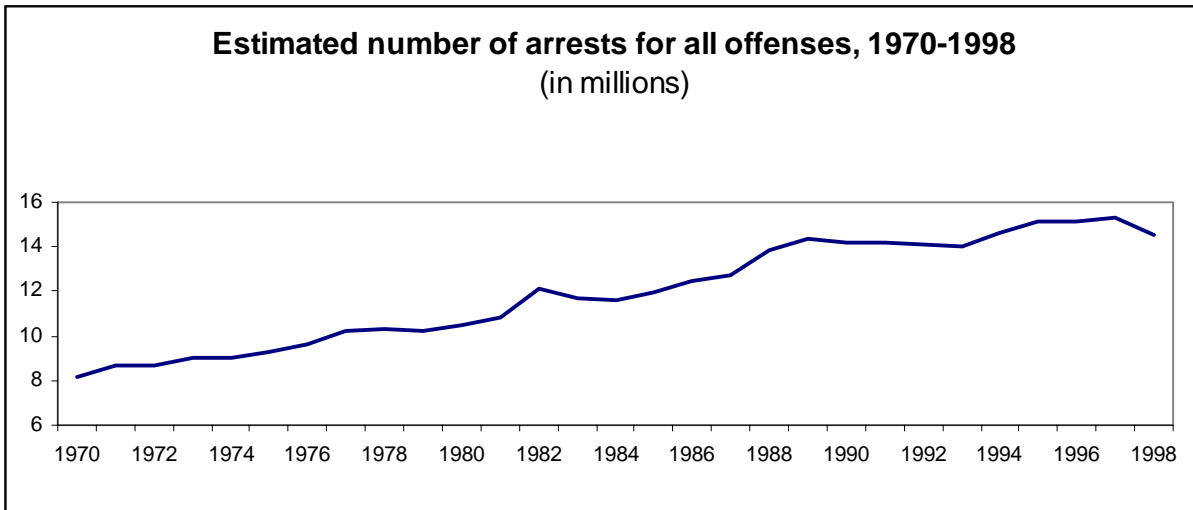


Source: Federal prison data from Federal Bureau of Prisons website, *Quick Facts*, 6 December 1999. State prison data from BJS, *Correctional Populations in the United States, 1996*, table 10.13.

Changes in Policing

The sharp increase in violent crime that began in the 1960s and the growing numbers of crimes reported to the police increased the demands for action from the Nation's police departments. As a result, the number and rates of arrests increased dramatically between the 1970s and the mid-1990s. In 1970, police made 8.1 million arrests; by 1998, the number had nearly doubled, to 14.5 million (figure 18). The number of arrests for serious violent crime (murder, rape, robbery, and aggravated assault) increased at an even faster rate, more than tripling during this period.¹⁴⁷

Figure 18



Source: FBI, Uniform Crime Reports, annually.

The growth of police forces matched increases in arrests during this period. (Between 1975 and 1998, the number of full time sworn law enforcement officers grew by 56 percent, and the number of arrests increased by 57 percent.)¹⁴⁸ Nonetheless, more sworn officers were put on the street and civilian employees took over administrative functions in station houses. Civilian employees constituted only 14 percent of police agency employees in 1971, but by 1994 had grown to 25 percent.¹⁴⁹ The burden of policing was also shared increasingly with private security forces hired by private individuals and organizations. By 1996, the number of private security personnel had grown to 955,000,¹⁵⁰ exceeding the number of sworn police that year by almost 44 percent.

To improve their effectiveness, many law enforcement agencies changed their approach to officer deployment during the past 20 years and relied increasingly on new technologies. 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 policing agencies shifted to a community policing model.¹⁵¹ By 1997, more than 60 percent of the departments serving 10,000 or more residents had a formal community policing plan. Overall, about 9 in 10 local police officers worked for a department having some kind of community policing plan.¹⁵²

With community policing, rather than respond to each 911 call, beat officers work closely with local community groups, government agencies (including other criminal justice agencies),¹⁵³ and nongovernmental organizations (e.g., youth organizations)¹⁵⁴ to identify and solve problems collaboratively.¹⁵⁵ By 1995, almost half of surveyed police and sheriff's departments had either implemented community policing (19 percent) or were in the process of doing so (28 percent).¹⁵⁶

An important development in arrest policies during the 1970s and 80s was the new practice of arresting persons accused of domestic violence rather than giving them a lecture or

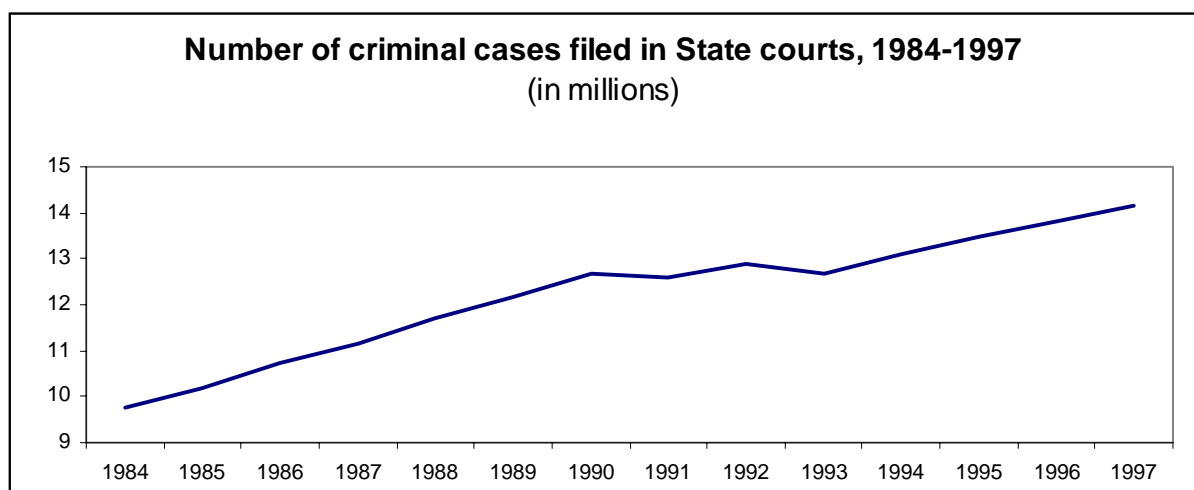
temporarily separating the disputants.¹⁵⁷ Preliminary findings of a 1984 national telephone survey of police agencies in cities with populations of over 100,000 indicated that 27 percent had adopted presumptive arrest policies.¹⁵⁸ As of 1992, 14 States had laws mandating arrest in crimes of domestic violence, and 47 States authorized warrantless probable-cause arrests in cases of misdemeanor domestic violence.¹⁵⁹ Recent research suggests that arresting batterers may reduce repeat violence only when the offenders are employed, however; arrest seems to *increase* recidivism among unemployed batterers.¹⁶⁰

Increasing number of policing agencies began to take advantage of technological innovations during this period, including switching from paper records to centralized computer records management systems,¹⁶¹ adopting computer-aided dispatch systems,¹⁶² installing mobile data terminals in patrol vehicles,¹⁶³ and introducing computerized mapping.¹⁶⁴ In addition, during the 1990s, the FBI replaced its National Crime Information Center with “NCIC 2000” to provide instantaneous information to law enforcement agencies. In 1999, the FBI introduced an Integrated Automated Fingerprint Identification System, a rapid response, electronic process that reduces the time to process fingerprint images from days to hours.

Courts and Prosecution

The growing numbers of arrested persons placed greater demands on the Nation’s courts and prosecutors. Between 1984 and 1997, the number of criminal cases filed in State courts increased 45 percent, from 9.8 million in 1984 to 14.1 million in 1997 (figure 19). Smaller numbers of persons were prosecuted in Federal district courts, but those numbers rose as well, from 40,000 in 1970 to 58,000 in 1998 (figure 20).

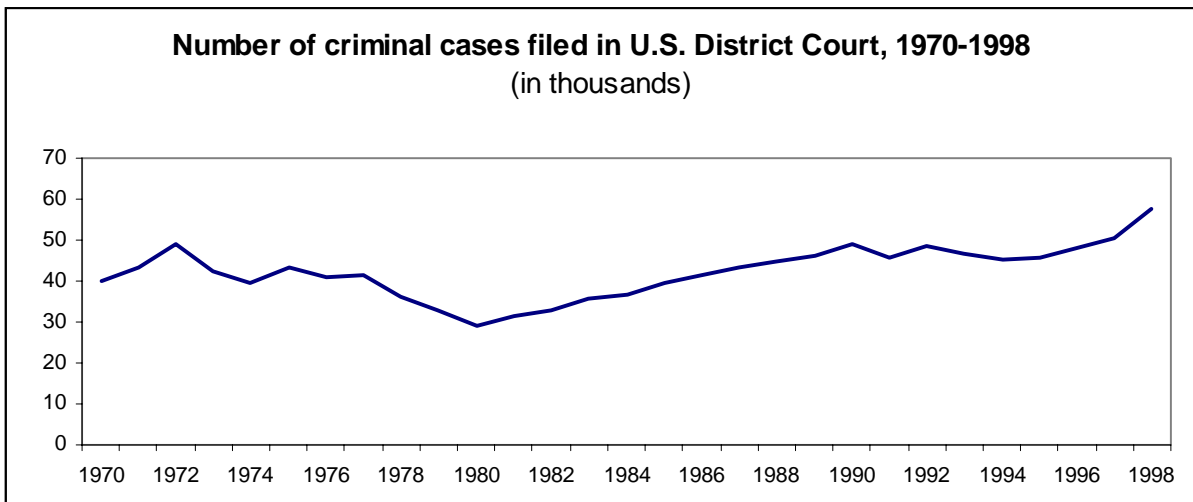
Figure 19



Source: National Center for State Courts, Court Statistics Project, ongoing.

Note: Includes Puerto Rico and Washington D.C.

Figure 20



Source: Kathleen Maguire and Ann L. Pastore, eds., *Sourcebook of Criminal Justice Statistics 1998*, table 5.8.
Note: Data represents “total filed,” or the combined number of original proceedings and cases received by transfer.

The Nation’s courts have responded to growing caseload pressures not only by hiring more court officers,¹⁶⁵ but also by instituting organizational reforms to increase productivity and improve outcomes. Many jurisdictions have assigned increased staff to the arraignment stage, expediting resolution of complaints (e.g., through plea bargaining, diversion programs) in order to reduce demand for subsequent processing (and to reduce demand for local jail resources). The passage of strict Federal sentencing laws in 1984 provided an incentive to refer certain cases from State to Federal jurisdiction for prosecution. In response to the dramatic increase in persons arrested for drug law offenses, courts in many jurisdictions have created specialized dockets to adjudicate these persons. Among these are “drug courts,” mentioned above.

Prosecutors have also responded more aggressively to youth crime. Laws have been changed to permit trying more violent juveniles in adult criminal courts than was previously permitted. Between 1985 and 1996, the number of transferred juveniles sentenced to adult prisons more than doubled, reaching almost 7,000 in 1996.

Changing attitudes towards domestic violence have led to new prosecutorial practices, including establishing domestic violence units to permit vertical prosecution; reviewing police reports on a regular basis to identify domestic violence incidents and conduct outreach to victims; developing objective filing and charging policies; and working with victim advocates to encourage victims to cooperate with prosecutors.¹⁶⁶ Similar procedures have been developed to prosecute sex crimes more effectively: passage of statutory reforms (e.g., rape shield laws) and creation of specialized sex crime units and victim advocate programs, among others.¹⁶⁷ Prosecution of child sexual abuse cases has been enhanced by new strategies ranging from videotaping victim testimony to giving these cases priority court scheduling.¹⁶⁸

To fight organized crime more effectively, Congress passed in 1970 the Racketeering Influenced and Corrupt Organizations (RICO) Act to facilitate the prosecution of principals in organized criminal enterprises.¹⁶⁹ A number of States enacted their own “little RICO” statutes patterned after the Federal Act.

Major Reforms in Sentencing Policies and Law

In the 1970s, a turning point was reached in the philosophy and approach to criminal sentencing and corrections. Prior to that, the theory, law, and practice of criminal sentencing followed a pattern largely established at the beginning of the century: legislatures gave judges broad discretion in sentencing; judges imposed largely “indeterminate” imprisonment sentences; and parole boards determined when offenders were “ready” for release. Underpinning this institutional arrangement was a theory that the criminal sanctions of imprisonment and probation were instruments of rehabilitating or “correcting” offenders. Such broad discretion was thought appropriate to the quasi-clinical task of matching sanctions to offenses and offenders.

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 demands to eliminate what was thought to be unequal justice in others, legislatures began reducing judges’ discretion in sentencing matters. Mandatory imprisonment sentences began to be required, ranges of permitted sentences were narrowed, and paroling authority was either narrowed or abolished. Faith in the rehabilitative ideal was largely abandoned at policy making levels, and various other purposes (deterrence, incapacitation, retribution) found new champions.

There were four principal lines of sentencing reform. First, legislatures began prescribing mandatory imprisonment sentences for particular classes of *offenses* (e.g., drug sales, as in the case of the New York State “Rockefeller” drug laws passed in 1973; guns, in Minnesota and Massachusetts; violent crimes; sex crimes). Legislatures also increasingly specified distinctions within types of offenses, for example, the distinction between powder cocaine and crack cocaine in Federal law. By 1983, three dozen states had passed mandatory minimum sentencing laws, and by 1994, all states had put them on the books.¹⁷⁰

A second trend was curtailment by legislatures of judicial sentencing discretion over types of *offenders*, regardless of their crime of conviction. For example, to take *repeat* offenders out of circulation, legislatively-established formulas required judges to impose stiff sentences on persons convicted of second and third felonies of any kind. Such laws included New York’s second- and third-felony offender laws, as well as the more recent “Three Strikes” laws, enacted in the Federal Code as well as by a number of States.

A third trend was more general. Beginning with California, and spreading to 26 states within a decade, legislatures abolished the indeterminate sentencing structure altogether.¹⁷¹ Judicial discretion at sentencing was sharply curtailed across the board, judges were required to pick sentences within narrowly prescribed ranges, and parole boards were either abolished or required to conform to written guidelines.

A fourth trend was the development of “intermediate sanctions,” intended to counter the increasing reliance on imprisonment. These sanctions included, among others, expanded use of victim restitution or community service in lieu of incarceration; intensive supervision (including electronic monitoring) of probationers; “shock incarceration” programs (also referred to as correctional “boot camps”); day reporting; and day fines. The use of intermediate sanctions has grown during the past three decades, but they have been used for the most part to enhance surveillance or provide more effective sanctions for offenders who would not have gone to prison in their absence.¹⁷²

Most of these procedural court reforms reflected yet another trend: the growth of sterner sentiments regarding crime among the public and government officials. Legislatures enacted guidelines or mandatory sentencing provisions not only to control judges’ decisions but also to enforce policy preferences for stiffer sentencing. As a result, the proportions of offenders sentenced to prison rose, as did the average amount of time they spent behind bars before

release. Even in States in which parole authority was not abolished or curtailed, parole boards, sensing the shift in sentiment, began requiring prisoners to serve larger proportions of their sentences, if not their full term.

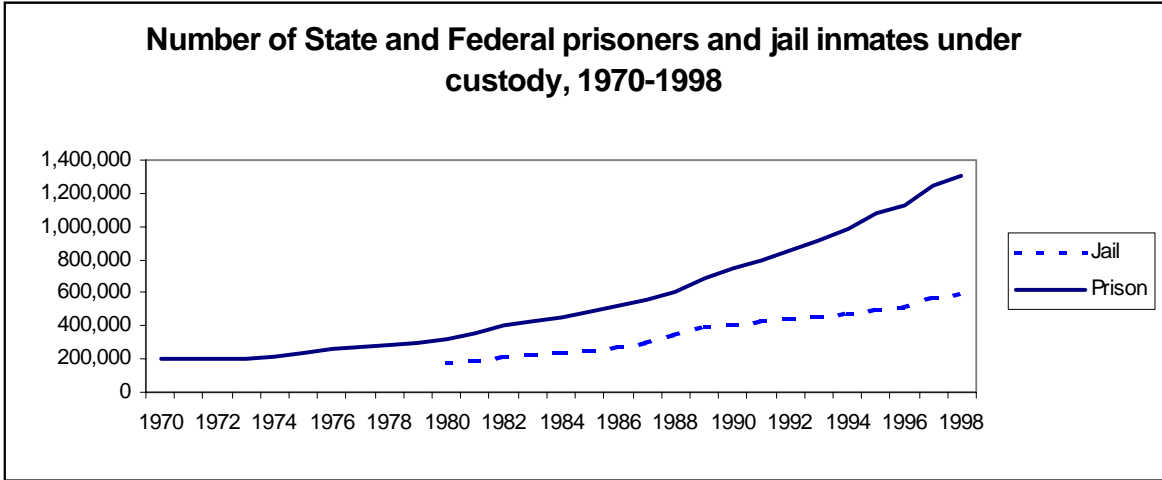
This sterner mood was also evident in the return of the death penalty. In 1971, the Supreme Court ruled in *Furman v. Georgia* that the death penalty as then administered was unconstitutional largely because of the arbitrary application of the death sentence.¹⁷³ States revised their capital punishment laws, and in 1976 the Court in *Gregg v. Georgia* upheld them.¹⁷⁴ Executions resumed the following year, with the number of executions each year generally rising steadily. In 1997, there were 74 executions, and 3,335 inmates were under sentence of death.¹⁷⁵ In November 1999, Federal prosecutors were about to schedule the Federal Government's first execution since 1963.¹⁷⁶ Changing public sentiment generally supported this change in law and practice. In 1965, only 38 percent of the public supported the death penalty. The proportion rose to almost half (47 percent) by 1970, and to 75 percent in 1997.¹⁷⁷

During the 21-year period between the resumption of executions in 1977 through 1997, six States have conducted 70 percent of the 432 executions. Texas accounted for one-third, including almost half the 74 executions in 1997. Although about 12 percent of the Nation's population, African Americans constituted 37 percent of offenders executed in 1997.¹⁷⁸

Prisons and Jails

The changes in sentencing laws had a profound impact on prisons and jails in the country. Prior to the wave of sentencing reforms, the numbers of prisoners held in State and Federal prisons had been declining. By 1972, the incarceration rate for adults in this country had dropped to its lowest level since the 1920s. As a result of the turnaround in sentencing policies, laws, and practice, and the tightening or abolition of parole release authority, the incarceration rate for adults in State and Federal prisons rose from 97 to 461 per 100,000 inhabitants between 1970 and 1998. The numbers of adults in State and Federal prisons increased from 196,400 to 1.3 million between 1970 and 1998 (figure 21).¹⁷⁹ Another 592,000 adults were in jails in 1998, up from 129,000 in 1970.¹⁸⁰ In recent years, prison populations have been growing at the rate of 7 percent per year.¹⁸¹

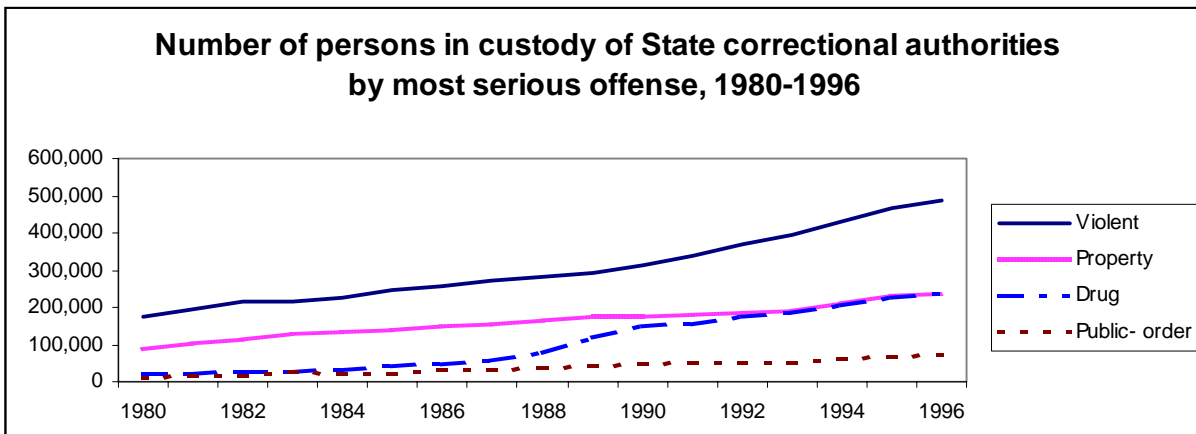
Figure 21



Source: Prison data from Kathleen Maguire and Ann L. Pastore, eds., *Sourcebook of Criminal Justice Statistics 1998*. Jail data from BJS, *Correctional Populations in the United States, 1996*.

The most important reason for the rising prisoner populations has been the “war” on drugs. As discussed above, most State legislatures enacted tougher anti-drug laws, and enforcement of these laws has been aggressive. A ten-fold increase in arrest rates for drug offenses and the increased reliance on imprisonment sentences following conviction has resulted in drug offenders becoming the fastest growing segment of the prisoner population (figure 22). Locking up more drug offenders accounted for about 45 percent of the total growth in prison populations between 1980 and 1996, far more than any other type of criminal offense accounted for.¹⁸²

Figure 22



Source: BJS, *Correctional Populations in the United States, 1996*, table 10.13.

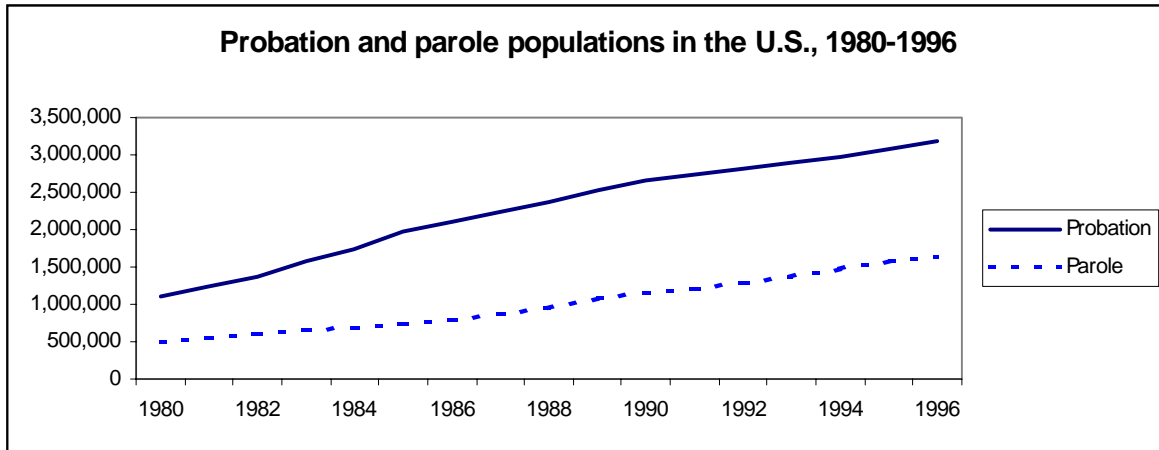
To accommodate this huge increase in prisoners, governments at all levels built and renovated correctional facilities, often with Federal assistance. Whereas there were about 600 State and Federal prisons in 1970, the number grew to 1,375 in 1995.¹⁸³ Between 1974 and 1994, State governments had spent approximately \$22.5 billion for capital construction and renovation projects. The annual cost of operating these facilities has grown rapidly, from \$1.3 billion in 1973 to \$20.7 billion in 1996, outpacing the growth of any other State governmental expenditure.¹⁸⁴

The strong demand for prison and jail cells has also stimulated the development of a private market for incarceration services. In the mid-1980s, private firms began to offer secure imprisonment to correctional agencies at any level of government that needed additional beds. By the end of 1997, the number of privately operated prisons had grown to about 90-100, and industry revenues reached about \$1 billion annually.¹⁸⁵ These facilities held 52,400 prisoners sent to them by 28 State or Federal correctional agencies, representing a small proportion of all State and Federal prisoners (3–5 percent).¹⁸⁶

Probation and Parole

In addition to those in prisons and jails are much larger numbers of convicted offenders who are being supervised in their communities by probation or parole agencies. In 1998 there were 4.1 million offenders under probation or parole supervision (figure 23), compared with 1.8 million in prison or jail.¹⁸⁷

Figure 23



Sources: BJS, *National Probation Data Survey*, annually, and BJS, *National Parole Data Survey*, annually.

A substantial number of offenders under community supervision have been convicted of serious felonies. Like prison inmates, the majority of them have drug or alcohol abuse problems, which, for many of them, contributed to their criminal activity. In 1995, half of all adult probationers reported being under the influence of alcohol or drugs at the time of the offense for which they were convicted. Alcohol use was much more common: nearly 67 percent of probationers said they had been drinking when they committed the current offense, compared with 14 percent reporting having been under the influence of illegal drugs. Larger proportions—about two-thirds—reported use of either drugs or alcohol prior to their offending, and a substantial

proportion could be considered drug or alcohol dependent.¹⁸⁸ Because of their histories of criminality and substance abuse, these offenders pose a substantial risk of committing other crimes.

Probation and parole agencies have expanded their range of sanctions, controls, and services to protect the public more effectively, typically by subjecting these and other high-risk cases to more intense surveillance. These administrative reforms have also been designed to punish offenders more fairly by matching sanctions to the seriousness of offense, and to build public support for community supervision.

In the mid-1990s, new visions of community supervision began to emerge. One such concept has been labeled “community probation” or “community justice.” Like the community policing movement in law enforcement, the focus of community probation is to solve problems that diminish community safety. With community probation, correctional agencies typically work in partnerships with other justice agencies and community organizations to identify common concerns and develop collaborative programs to address them. Because creating safety is often linked to places (that is, areas where crimes are more likely to happen or where particular offenders are more likely to reoffend), in the late 1990s several jurisdictions began experimenting with geographical tools (e.g., Global Positioning Systems (GOPS), Geographical Information System (GIS) analysis) and mobile communication devices (cell phones, pagers) to develop a new generation of electronic monitoring which can monitor offenders minute-by-minute as they move about a community.

Toward a More Just and Lawful Criminal Justice System

One of the recurrent challenges in this country has been to ensure that the laws, policies, practices and agencies that we rely upon to fight crime are fair, and that law enforcement agents themselves uphold the law. In the 1960s, the federal courts began taking a more activist stance to limit the discretion previously accorded law enforcement personnel, including the police, prosecutors, and correctional officers.¹⁸⁹ Bail practices began to be reformed in the 1960s, and continued apace during the 1970s, to permit release of defendants on their recognizance. This minimizes the unequal treatment of the poor, who were (and continue to be) detained awaiting trial because they are unable to post even small amounts of bail. Concerned about what Federal judge Marvin Frankel called the “lawlessness” of criminal sentencing, state legislatures also began restricting the discretion of sentencing judges by establishing guidelines or more tightly controlling statutes. Some lawmakers supported these changes to eliminate what were thought to be unwarranted disparities in sentencing, others because they sought to keep judges from “giving the courthouse away.”¹⁹⁰ Congress followed suit for the Federal courts in 1984 with the Sentencing Reform Act, although passage of tough mandatory minimum sentences for crack cocaine dealers in 1988 had the result of widening rather than narrowing sentencing differences among whites, Hispanics, and African-Americans.¹⁹¹ Police practices against minorities have periodically come under the national spotlight, especially in the wake of well-publicized beatings and deaths of African-Americans. This attention has generally spurred redoubling of efforts within police departments to root out conditions that support biased law enforcement and lawlessness. The community policing strategy has been adopted by many departments, for among other reasons, to diminish the distance felt by citizens toward their police. Although racism and bias is not yet absent from our Nation’s criminal justice system, or from American society generally, progress during the last thirty years has been substantial.

Crime and the Nation's Justice Institutions in the Coming Five Years

Law-breaking has existed as long as human societies have existed. Unsanctioned violence and murder have been known in all societies, at all stages of development. Theft has been a crime for as long as the institution of private property has existed. Mind and mood-altering substances have been used for thousands of years. What changes from one period to the other is not the existence of crime but its character and prevalence. The shape and prevalence of crime in the next half decade will reflect the social, economic, political, cultural, and technological conditions that will exist then. Those conditions are largely visible now.

The Widening Gap Between the Haves and Have-Nots and Prospects for the Poor

The long economic expansion the Nation has experienced during the past decades has not only enriched large numbers of middle- and upper-income citizens but has also expanded opportunities for gainful employment among the poor and least skilled. Many who in less prosperous times might pursue crime are being pulled into the labor market and given a stake in law-abiding society. But the economic tides have not lifted all boats. The gap between the wealthy and poor has widened, which exacerbates social divisions and undermines the sense of shared community. A large proportion of those at greatest risk of crime are not employed and do not even show up in the unemployment statistics because, having given up trying to find work, they are officially out of the labor market altogether. Many of these individuals live in disorganized communities and fractured families, and lead precarious lives. The next downturn in the economy will put greater stress on the persons already at risk of criminality—and add to their numbers—which may slow down, if not reverse, the favorable trends in crime rates of the late 1990s.

Growing Numbers of Youths at Risk

Violent crime is for the most part a young man's activity. Young men in their teens and early twenties commit violent crimes at much higher rates than do persons over twenty-five years of age (figure 6, above). Although arrest rates for violent crimes among those aged 15–17 increased at a faster rate (over 80 percent) between 1987 and 1994 than among other age groups, the rates have declined somewhat since then. This decline occurred in spite of growth in the total number of youths in this age category. If demography provided a complete explanation of crime trends, the numbers of crimes and the crime rate in this age cohort would have gone up. Other things were apparently at work, perhaps law enforcement and other crime-prevention efforts. Demographic pressures are not going to be letting up in the coming years, however, as the children of Baby Boomers reach their mid-teens. Furthermore, population growth will be greatest among those groups that are most at risk—African Americans and Hispanics—while little growth is projected in the numbers of white youths.

The conditions that put youths at risk are still pervasive. Twenty percent of juveniles are living in poverty.¹⁹² The proportion of juveniles living with both parents has dropped steadily, from 85 percent in 1970 to 68 percent in 1997.¹⁹³ The number of juveniles abused and neglected doubled from 1986 to 1993, increasing from 1.4 million in 1986 to 2.8 million in 1996.¹⁹⁴ School dropout rates have dropped in recent years but remain high: about one of every five African Americans, and one of every ten white youths.¹⁹⁵

Continued Alcohol and Drug Abuse

Although use of marijuana and cocaine is much less pervasive than it was a decade and a half ago, nearly a quarter of high school seniors report they have used at least one of these two illicit drugs within the past thirty days. Use of other drugs—methamphetamine, heroin, MDMA, among others—continues to be popular. Abuse of legal substances—including alcohol—is also still pervasive, and criminality associated with such abuse is likely to continue at unacceptably high levels during the coming five years.

Drug use among arrestees and convicted offenders remains high. Serious substance abuse among those who go to prison and who are released, coupled with difficulty finding steady and well-paying employment upon release, contributes to high levels of recidivism. Even though funding for substance abuse treatment programs in prisons has grown in recent years, these programs are not a panacea. The threat of continued and serious criminality among released offenders will remain high.

New Technologies, New Weapons, and New Opportunities for Crime

Rapid technological development has created new means of committing crime and dangerous new weapons with which to commit them. The opportunities for a wide variety of white collar crimes are being multiplied by the same forces that make law enforcement less effective.

Computer networks permit persons to obtain near-perfect anonymity and freedom from social constraints and accountability. Coupled with telecommunications advances, including the Internet, these networks expand opportunities for many types of crime, including making threats, blackmailing, stock manipulation, and fraud. These new information networks also broaden enormously the reach of criminals seeking targets, enabling persons located in one country to gain access to electronic data bases in other countries for illegal purposes. Using these tools, individuals can defraud individuals and financial institutions (skimming credit card accounts, for example), sabotage data to disrupt commercial activity, illegally transfer funds obtained from criminal enterprises, and invade personal information for the purpose of acquiring false identities. Law enforcement's ability to detect these crimes and to investigate them successfully is diminishing because criminal organizations are able to exploit the newest technologies to stay one step ahead of law enforcement. For example, new technologies enable completely secure encryption of digital communications, which offers criminals a means of communicating without risk of exposure.¹⁹⁶

The technologies for transferring funds electronically greatly facilitates money laundering of illegal gains, thereby supporting further development of international criminal organizations, including drug trafficking enterprises. These technologies also facilitate tax fraud. The use of fraudulent foreign trusts and accounts to evade taxes is increasing as the attractiveness of domestic tax shelters was diminished by tax law reforms enacted in 1986. Moreover, growth of the Internet has made it easier to promote and carry out such schemes.

Automation of much of our infrastructure also creates possibilities for terrorism. Because more and more of our critical national functions depend on information networks, they are increasingly susceptible to disruption or security breaches. It is also possible to attack these infrastructures with less preparation and expense than was formerly possible. Rather than blowing up a dam, the same end can now be accomplished with less risk by using a computer to invade the water barrier's control systems and then opening the floodgates electronically.

Although incidents of domestic terrorism are rare, the bombings of the World Trade Center in New York City and the Murrah Federal Building in Oklahoma City demonstrated the

Nation's vulnerability to this crime. In the coming years, the ability to commit terrorist acts is likely to increase. Improved transportation and telecommunications technologies and rapid advances in the miniturization of electrical and mechanical devices make it easier for both amateurs and sophisticated organizations to plan and carry out attacks on people and property. A recent assessment of State and local law enforcement agencies across the Nation called attention to a technology gap between what the agencies have at their disposal and what is available to potential adversaries.¹⁹⁷ Fortunately, many of the technological capacities needed to combat most forms of terrorism are similar to those needed to combat other forms of increasingly sophisticated crime (e.g., cybercrime or acts that rely on advanced telecommunications). Nuclear, biological and chemical weapons pose special challenges, however, for which State and local governments are inadequately equipped.

Globalization and Growing Exposure to Crime

The integration of the world economies has been growing apace in recent years, spurred by the collapse of the Soviet Union, advances in communications technologies, free trade agreements, huge increases in foreign investments, and faster transportation, among other forces. While this increased integration has brought many benefits to the United States and its citizens (including more effective cooperation among law enforcement authorities of different nations), it has also increased the Nation's vulnerability to criminals—and criminal organizations—beyond our borders. International trade agreements that reduce or eliminate trade barriers will continue to accelerate cross-border traffic, which turn increases the opportunities for smuggling illegal drugs, people, and contraband into the United States. Absent the tightening of existing laws, increased economic integration will also result in more foreign-made firearms reaching the United States.

The Lure of a Strong United States Labor Market

The power of the United States' economy and its vigorous job creation exerts a powerful incentive for immigration from around the world. Pressures for migration, both legal and illegal, will continue to build, especially if the strength of other countries' economies deteriorates relative to ours. Providing border security poses a special problem for Federal law enforcement agencies. The challenge of the next five years will be to admit legal travelers expeditiously while providing border security—identifying and removing criminal aliens effectively, deterring trafficking in illegal aliens, minimizing immigration benefits fraud and other abuse of documents, and blocking employers' access to undocumented workers.

Ongoing Strong Demand for Criminal Justice Agency Resources

During the coming five years, we will see continuing high demand for prosecutorial resources, court and judicial services, and correctional resources. For several reasons, declining rates of certain types of criminality (e.g., violent and property crime) will not lead quickly to significantly reduced caseloads and correctional populations.

First, the demand for courts and correctional resources is somewhat insensitive to changes in crime rates. Many crimes are not reported to the police, many are not detected (various kinds of white collar theft, for example), and whole classes of crime lack a victim interested in filing a complaint (drug transactions, for example). Indeed, the majority of all crimes do not result in an arrest. Of those crimes that result in an arrest, only a small proportion result in serious charges, convictions, and an imposition of prison, jail, or probation sentence. The final results of this process are determined more by decisions about how law enforcement resources are deployed and by prosecution and sentencing policies than by crime rates.

Second, even though *rates* of various types of crimes appear to be declining, as discussed above, other crimes not easily detected—such as drug offenses and white collar crime—are likely to remain at high levels. For example, in the absence of significant change in policies regarding illegal drugs, courts and correctional systems will continue to be flooded with drug offenders.

Law enforcement and prosecution of crime will remain vigorous in the coming years. Arrests for drug crimes, for example, are at historically high levels. Arrests for all offenses have declined in the last year from their historic highs, but it is unwise to assume that the thirty-year upward climb will be permanently reversed. The numbers of cases filed in State and Federal courts have risen steadily for the better part of the past decade and a half and show no sign of abating. Straight-line projections suggest that State court caseloads will grow to approximately 18 million cases by 2005, and that State court caseloads will grow to approximately 71,000 cases.¹⁹⁸ Numbers of inmates in State and Federal prisons have risen at an average annual rate of about 7 percent during the past decade, and a decline in inmate populations is not foreseen.

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