

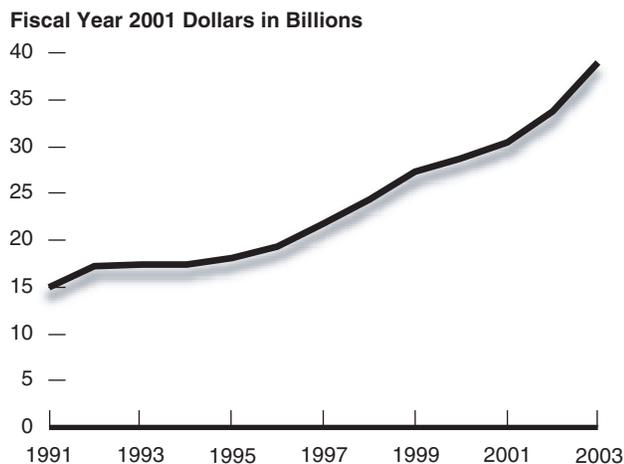


Strategic Objective:

An Effective System of Justice

Issue: Spending on law enforcement continues to grow at the federal, state, and local levels. In constant 2001 dollars, federal spending will be about \$34 billion in fiscal year 2002, up from about \$15 billion in 1991 (see fig. 1.9). Most of the increase has been to accommodate a shift in focus at the federal level from helping local governments control crime to emphasizing more distinct federal responsibilities, such as controlling illegal immigration and, more recently, preventing terrorist attacks.

Figure 1.9: Federal Outlays for the Administration of Justice, 1991 through 2003



Note: The 2002 and 2003 numbers are estimates.

Source: Budget of the U.S. Government, Fiscal Year 2003.

During the past several years, overall crime levels have been reduced. Nevertheless, the Congress and the public remain concerned and look to the federal government for leadership on how to control domestic and transnational crime, including terrorism, to prevent illegal drug use, to provide effective treatment for drug users, to deter illegal immigration, and to control prison costs. The USA Patriot Act, passed in October 2001, significantly expands federal law enforcement authority and,

with billions of dollars in emergency supplemental funding, will greatly increase the federal counterterrorism role. In addition, the newly created Office of Homeland Security in the Executive Office of the President is expected to coordinate the executive branch's efforts to detect, prepare for, prevent, respond to, and recover from terrorist attacks within the United States. Many of these functions are the primary roles of law enforcement at the federal, state, and local levels—which heightens the importance of effective coordination and cooperation. Also, the Justice Department has begun to restructure the FBI and expects to redefine its mission and priorities in light of the increased focus on antiterrorism.

In the wake of the September 11 terrorist attacks in New York, Virginia, and Pennsylvania, the Congress authorized a Victim Compensation Fund through which the federal government will compensate any individual (or their representative) who was physically injured or killed as a result of the terrorist-related aircraft crashes on that day. In November 2001, the Attorney General appointed a Special Master to administer the fund. The Justice Department, in conjunction with the Special Master, issued interim regulations in December, explaining the operation of the fund. In addition, the master has issued a paper explaining how economic and non-economic losses will be calculated.

The Immigration and Naturalization Service (INS), the largest federal law enforcement agency, has undergone dramatic growth in recent years. In constant 2001 dollars, its fiscal year 2002 budget of \$5.4 billion represents an increase of over 200 percent from its fiscal year 1993 budget and was subsequently increased further by the emergency supplemental funding to deal with the events of September 11. Ensuring that aliens entering the United States and staying here are authorized to do so has been a challenge for INS, one that took on a new sense of urgency as part of the nation's new

counterterrorism strategy. The 2000 census results indicated that there were about 8 million illegal aliens residing in the United States, and that during the 1990s their numbers had been increasing dramatically. Recently, the Congress has addressed such issues as whether INS is properly structured to effectively carry out its enforcement and service missions. On the enforcement side, INS grapples with how illegal entry into the United States can be deterred and how the removal of illegal aliens can be expedited. On the service side, INS must determine how processes can be reformed for naturalization, immigrants' entitlements to welfare benefits, and admitting temporary agricultural and high-tech workers.

After several years of mandatory minimum sentencing, "three strikes and you're out" laws, and truth-in-sentencing grants, federal and state prisons are overcrowded. The size of the prison population will be the subject of increasing public debate as these policies' cost to the public escalates. Moreover, in constant 2001 dollars, the federal judiciary's fiscal year 2002 spending, estimated at about \$4.8 billion, was up nearly 100 percent from its fiscal year 1991 spending of about \$2.4 billion. In addition, the judiciary has faced an imbalance in its

workload in recent years, particularly its criminal caseload, with some courts facing much higher workloads than others. Thus, the judiciary faces a major challenge in determining how to use its resources efficiently and effectively to address such workload imbalances and to coordinate its strategy with other affected agencies, particularly along the southwest border.

Performance Goals: To support efforts by the Congress and the federal government to address these issues, GAO will

- identify ways to improve federal agencies' ability to prevent and respond to major crimes, including terrorism;
- assess the effectiveness of federal programs to control illegal drug use;
- identify ways to administer the nation's immigration laws to better secure the nation's borders and promote appropriate treatment of legal residents; and
- assess the administrative efficiency and effectiveness of the federal court and prison systems.

Identify Ways to Improve Federal Agencies' Ability to Prevent and Respond to Major Crimes, Including Terrorism

Key Efforts

- ❑ Assess the effectiveness of federal law enforcement programs to combat crimes, including terrorism
- ❑ Evaluate the implementation and effectiveness of federal gun control laws
- ❑ Evaluate the management and results of federal law enforcement grant programs
- ❑ Identify and assess ways to improve federal law enforcement efforts and training to address transnational crime, including foreign-based terrorism
- ❑ Assess the use of federal record/data linkage and intelligence information for combating illegal activities, including terrorism
- ❑ Assess the ability of selected law enforcement agencies to recruit, train, and retain quality officers and support personnel
- ❑ Examine the Department of Justice's budget formulation, execution, and reprogramming activities

Significance

Crime, including crime committed by terrorists, is one of the foremost concerns of the American public. To address this concern, the Congress has, among other initiatives, made many crimes federal offenses and increased the budgets of the Departments of Justice and the Treasury to investigate and prosecute these offenses. The Congress has also made billions of dollars available to states and localities through grants and other assistance to help them prevent and combat violent crime, drug trafficking, and juvenile delinquency. Other federal law enforcement initiatives include improving gun control, enforcing the civil rights laws, maximizing the use of asset seizure and forfeiture authority, and strengthening the U.S. Customs Service's enforcement of trade laws. How well federal law enforcement agencies carry out their responsibilities to prevent and respond to acts of terrorism and other major crimes and work with their state and local counterparts is a continuing concern, particularly given the substantial budget increases in nearly every facet of law enforcement operations. Similarly, how well federal law enforcement agencies work with their foreign counterparts is of growing importance, given the increasing opportunities for criminal enterprises to operate transnationally. In addition, because many of the new initiatives assume larger workforces, federal law enforcement agencies may find it increasingly difficult to recruit, train, and retain quality officers and support personnel.

Potential Outcomes that Could Result when GAO's Work Is Used

Agencies better positioned for preventing, detecting, and investigating crimes, including terrorism

Improved agency implementation of controls over illegal acquisition and ownership of guns

Enhanced agency focus on managing law enforcement grant programs

Agencies better positioned to support multinational responses to transnational crime, including terrorism

Better informed law enforcement agencies

Improved budget and program planning

Assess the Effectiveness of Federal Programs to Control Illegal Drug Use

Key Efforts

- ❑ Assess the coordination, development, execution, and evaluation of portions of the National Drug Control Strategy
- ❑ Assess the roles, responsibilities, and results of agencies involved in specific supply and demand reduction programs
- ❑ Review federal drug control assistance to state and local governments
- ❑ Assess the management and effectiveness of U.S. assistance in drug-producing countries

Significance

The Congress is participating actively in the debate over the strategy the nation should pursue to reduce the use of illegal drugs, a criminal activity that, according to the Office of National Drug Control Policy, was estimated to cost the United States socially and economically about \$160 billion in fiscal year 2000. Over 50 federal agencies are involved in carrying out the National Drug Control Strategy at an annual cost of over \$18 billion. Despite this investment, the demand for and supply of illegal drugs persisted at very high levels throughout the 1990s and continued to adversely affect American society in terms of social, economic, and health costs, as well as through drug-related violent crime. As a result, nearly every appropriations subcommittee and several of the legislative and oversight committees have been involved in various attempts to provide congressional guidance.

Potential Outcomes that Could Result when GAO's Work Is Used

Improved congressional and public understanding of the resources being devoted to achieving national goals and improved performance measures for and results of national drug control efforts

Agencies better positioned to operate efficient and effective drug control programs

Better understanding of the obstacles and limitations of assistance

More efficient and effective programs to interdict illegal drugs before they enter the United States

Identify Ways to Administer the Nation's Immigration Laws to Better Secure the Nation's Borders and Promote Appropriate Treatment of Legal Residents

Key Efforts

- ❑ Evaluate INS's and Customs' border enforcement efforts
- ❑ Assess INS's processes and procedures for removing illegal and criminal aliens
- ❑ Analyze INS's detention of aliens
- ❑ Assess INS's worksite enforcement efforts
- ❑ Assess processing of aliens' applications for benefits
- ❑ Assess INS's management improvement and organizational restructuring efforts
- ❑ Assess the quality of immigration statistics, particularly regarding the status of foreign-born people in the United States
- ❑ Assess the use of immigration laws to address terrorism

Significance

The Immigration and Naturalization Service (INS), the largest federal law enforcement agency, has undergone dramatic growth in recent years. In constant 2001 dollars, its fiscal year 2002 budget request of \$5.4 billion represents an increase of over 200 percent over its fiscal year 1993 budget, reflecting the Congress's and the administration's concern over the effects of legal and illegal immigration on this country. In the past few years, the Congress has addressed such issues as securing the country's borders, expediting the removal of illegal aliens, strengthening enforcement of immigration laws within U.S. borders, reforming the naturalization process, controlling immigrants' entitlements to welfare benefits, and adjusting the level of visas for temporary agricultural and high-tech workers. In addition, there have been proposals to restructure the federal immigration system to resolve persistent management problems at INS. Since September 11, however, concerns have been focused on INS's ability to identify potential terrorists and either to prevent them from entering the United States or to detain and deport them.

Potential Outcomes that Could Result when GAO's Work Is Used

Agencies better positioned to detect, deter, and prevent illegal entry

Greater INS attention to the expeditious removal of illegal and criminal aliens

Improved agency management of alien detention

Enhanced options to improve the worksite enforcement program

Enhanced INS capability to provide services to aliens (such as quicker turnaround times and smaller backlogs)

Improved focus on management systems, objectives, and results and better linkages of resources to priorities

Enhanced INS knowledge of the foreign-born population in the United States

Greater attention to the appropriate use of immigration laws in combating terrorism

Assess the Administrative Efficiency and Effectiveness of the Federal Court and Prison Systems

Key Efforts

- ❑ Evaluate the judiciary's efforts to manage the workload imbalances among its individual courts
- ❑ Assess efforts among law enforcement agencies, the judiciary, and the Bureau of Prisons to work together to use resources efficiently in locations where changes in law enforcement policies have affected caseloads significantly
- ❑ Assess the Bureau of Prisons' progress in identifying and adopting cost-effective methods for minimizing needs for additional capacity and for constructing and operating prisons
- ❑ Assess federal, state, and local strategies for reducing prisoner recidivism

Significance

Between fiscal years 1991 and 2002, the federal judiciary's estimated spending doubled, from about \$2.4 billion to about \$4.8 billion in constant 2001 dollars. In recent years, the judiciary has faced an imbalance in its workload, particularly its criminal caseload, with some courts facing much higher workloads than others. For example, during the 12-month period ending March 31, 2001, about 26 percent of the 62,585 criminal cases filed in the 94 federal district courts were filed in 5 districts along the Southwest border. The rising caseload in these 5 districts reflects the additional law enforcement resources devoted to interdicting illegal immigrants and drugs along the Southwest border. Changes in criminal workload has an impact on a variety of judicial resources, including magistrate and district court judges, pretrial and probation officers, defender services, and the clerks of court. It also affects other agencies, such as INS, the U.S. Marshals Service, and the Bureau of Prisons who are responsible for the pretrial detention of those who are not released prior to trial. The judiciary faces a major challenge in determining how to use its resources efficiently and effectively to address such workload imbalances and to coordinate its strategy with other affected agencies. With respect to the prison system, the federalization of crimes, mandatory minimum sentencing laws, and the war on drugs have resulted in crowded prisons despite massive construction programs in the 1990s. The cost to the public of these policies—once assumed to be a fair price to pay for reduced crime—will be under increased scrutiny as it becomes a more substantial portion of the budget.

Potential Outcomes that Could Result when GAO's Work Is Used

Improved effectiveness of resource management within the federal judiciary

Enhanced information that provides the Congress a multiagency perspective for congressional decision making for appropriations and oversight

An agency better positioned to control the growth in prison construction and operating costs

Better understanding of effective ways to reduce recidivism rates and prison costs