



# The Role of the Federal Government in Law Enforcement and the Administration of Justice<sup>1</sup>

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- ▶ Governments share responsibility for “ensuring domestic tranquility”
- ▶ Federal leadership is crucial to effective law enforcement and administration of justice
- ▶ Changing crime trends challenge decision makers and practitioners
- ▶ Yesterday’s strategic innovations are today’s best practices
- ▶ Crime prevention and control is the core of homeland security
- ▶ Congress and the Federal government should build on past successes to protect the nation from domestic and international threats.

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<sup>1</sup> Activities involved with crime prevention, community policing, arrest, prosecution, adjudication, incarceration, victim services, and supervision of offenders



### ***Governments share responsibility for “ensuring domestic tranquility”***

State, tribal, and local elected officials as well as law enforcement and justice professionals working in the criminal and juvenile justice fields have for decades relied on a partnership with the Federal government for support of the Constitutional mandate “to ensure domestic tranquility”. In recent years, the Federal government has been backing away from this critical partnership, endangering significant efforts to deal with challenging crime problems and to improve the quality of justice in America. Homeland security issues have been pitted against justice issues as if these are “either/or,” not “and” propositions. The challenges of terrorism have compounded the demands placed on law enforcement and justice professionals, not replaced one mission focus for another.

State, local, and tribal governments provide 98 percent of all funding for law enforcement, criminal and juvenile justice, amounting to \$147 billion in 2002. The day to day operations supporting a governmental response to crime, terrorism and justice are required of and conducted by state, local and tribal governments. These entities are the major source of innovative practices that improve the way public agencies provide public safety in this country. Many success stories have been documented in the past four decades to prove that it is possible to institutionalize change and promote better business practices.

It has been argued that the Federal role in the partnership with the state, local and tribal governments is no longer as important because the crime rate is down and the effectiveness of the programs has not been demonstrated. Nothing could be further from the truth. While the rate of crime (crimes per 100,000 people) has

declined – in part due to the effectiveness of the leadership of Federal programs throughout the nation — the absolute number of crimes and the number of victims continue to increase. Changing patterns of social forces, such as the significant increase of persons re-entering the community following release from incarceration are increasing probation and parole workloads to all-time highs. Many communities are experiencing a resurgence of gang activity after the successful enforcement and prevention efforts of the 1990’s could no longer be maintained. Inattention and diversion of resources will only allow these trends to escalate.

### ***Federal leadership is crucial to effective law enforcement and administration of justice***

The leadership of the Federal government is crucial in the identification and replication of sound new approaches. The Federal government provides resources, collects and develops best practices, and serves as the communicator and facilitator of these best practices throughout the country. Nowhere is the Federal role more visible but in the great strides in technology, information sharing, criminal history improvement and justice integration projects that have revolutionized how our justice system operates and provided the infrastructure for criminal intelligence sharing networks to detect and prevent domestic crime and international terrorism. Because state, local, and tribal governments are limited by the need to devote resources to solving problems unique and endemic to their particular jurisdictions, the Federal government plays several explicit roles in advancing public policy to respond to gathering threats.

These roles are:

### *Leadership*

- ▶ Providing leadership, technical assistance and funding to allow state, local, and tribal jurisdictions to attempt change beyond the bounds of current operational responsibilities; and
- ▶ Providing venture capital for investments, which permits strategic visioning on grand scales leading to improvements in strategies, tactics and operations that could not be initiated or funded by individual agencies.

### *Evaluation and Development*

- ▶ Analyzing and evaluating efforts to determine best practices that improve the efficiency and effectiveness of law enforcement and justice operations throughout the nation;
- ▶ Research and development including field pilot deployment of new methodologies, practices and technologies that support justice agencies; and
- ▶ Fostering the replication of best practices through demonstration projects, technical assistance and training.

### *Building Infrastructure*

- ▶ Leading and funding inter-jurisdictional efforts requiring intergovernmental agency collaboration to address today's more sophisticated criminal activities, such as task forces involving Federal, state, tribal, and local agencies mutually engaged in drug interdiction, anti-terrorism, and other national threats to domestic tranquility;
- ▶ Supporting and facilitating the design, development and implementation of infrastructure and systems that cross jurisdictional boundaries and disciplines

such as voice interoperability and information sharing.

### ***Changing crime trends challenge decision makers and practitioners at all levels of government***

**T**he Federal government must continue to play a role in combating the serious, new challenges that are emerging and that require bold strategies to confront them. Among these challenges are:

- ▶ Crimes against the elderly including exploitation through direct marketing, internet scams, identity theft and financial fraud is worsening as the “baby boomers” increase the target population.
- ▶ Cyber-crime, identity theft, and internet abuses grow at a faster pace than we can manage.
- ▶ The rate of violent crime in suburban and rural communities is increasing.
- ▶ Gangs and gang violence are reemerging.
- ▶ Drug rates in rural communities are escalating due to the onslaught of methamphetamine.
- ▶ School violence and children at risk continue to frustrate teachers and parents.
- ▶ Increasing numbers of inmates are returning to their communities from correctional institutions.

Combine these challenges with the urgent need to focus strategies and resources on the international and domestic threats of terrorism, and it is apparent that the justice system is increasingly burdened, not relieved from nominal,

but not absolute reductions in the amount of crime. We are only beginning to address these new challenges to the justice system. The answers to dealing with these issues are complex and require persistence in pursuit of multi-faceted solutions.

***Yesterday's strategic innovations are today's best practices. Crime prevention and control is the core of homeland security***

**A**ny allegation that the programs undertaken with Federal leadership have been ineffective is simply not correct. Over the past four decades, significant progress has been made in thousands of projects:

- ▶ We have radically improved the treatment of and services provided to victims of crime.
- ▶ We have developed innovative programs of drug treatment and intervention.
- ▶ We have invented whole new concepts of adjudication in the form of specialized dockets and evidence based interventions that improve the likelihood of successful outcomes.
- ▶ We have made many important changes in dealing with mental illness in the justice system.
- ▶ The widespread adoption of problem oriented policing has upgraded police effectiveness in dealing with recurring crime problems and provides the foundation for intelligence based policing.

We encourage and support the work led by the Federal government to increase the research and development of performance measures and outcomes that will make clear the contributions that have been made.

***Crime prevention and control is the core of homeland security***

**I**t has been postulated that Americans fear the impact of international terrorism more than violent crime and criminals. We take issue with this conclusion. The sniper incident in the Washington, D.C., area paralyzed residents until the suspects were apprehended. Fear of becoming a victim of expanding violent crime has resulted in many cities full of bars on windows, and people afraid to walk the streets at night. Domestic terrorism is an equally important issue with the American people. The responsive involvement of the law enforcement and justice community in preventing terrorist acts, whether from foreign or domestic sources, requires the same exact kind of preparation, training, technology, equipment, and processes.

A future catastrophic terrorist incident may well occur in one or more of America's 50 largest cities, but prevention, detection and deterrence involves the cities, towns, and rural areas of America's 3,042 counties.

Protecting the homeland and fighting crime are not mutually exclusive and are equally important; they should not be pitted against one another as ends of two opposing mission objectives. For example, strategic improvements in police computer information sharing systems will vastly improve the ability of street police officers and other justice professionals to identify wanted or suspicious individuals, be they potential terrorists or common criminals. Efforts to reallocate programs and funds to homeland security in lieu of the on-going criminal and juvenile justice challenges have effectively reduced the ability of state, local and tribal agencies to improve, upgrade or change operations in support of preventing violence regardless of its nation of origin. The events of September 11<sup>th</sup> have reawakened a sense of

common purpose, cooperation and rededication of public safety forces to the mission of community protection and domestic tranquility. While innovative programs may have been developed at the state or local level, the replication of these solutions are directly attributable to the Federal government leadership.

***Congress and the Federal Government have the opportunity to build on past successes to protect the nation from domestic and international threats***

**T** There is much more work ahead, not only to determine how to address some of the new challenges facing society, but to make progress in addressing inefficiencies that

remain. Progress in improving our response to crime and the administration of justice is a national priority and a national imperative. Effective collaboration between all elements of government engaged in combating crime and terrorism is more important than ever. We urge the Congress and the President to continue to support and expand the partnership between the Federal government and the nation's state, local and tribal organizations that carry out this responsibility. This urgent request is not just about money; it is about the Federal government maintaining and enhancing its unique role in this partnership through leadership in developing new strategies and solutions that the nation expects of government. It is through this renewed commitment to Federal, state, local and tribal partnerships that the promise of this nation will long endure, and that the Constitutional mandate to achieve and maintain domestic tranquility will be achieved. ■

This paper is based on discussions of a group of executives from national associations representing justice decision makers and practitioners. Copies of the paper can be downloaded at <http://www.justiceactionalert.info> or by contacting the National Criminal Justice Association at (202) 448-1725