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The Internationalization of Criminal Justice

by Richard H. Ward

At the turn of the century, international implications for America's criminal justice system have never been greater. As the country's social, economic, and technological climate continue to undergo major changes, globalization is also producing new challenges for criminal justice practitioners and researchers. Among the more significant aspects of this change, which are addressed in this chapter, are the international dimensions of crime, the impact of legal and illegal immigration, transnational organized crime, technological influences on global criminality, and the influence of a more diversified American culture. In this changing environment, the American criminal justice system—largely police, courts, and corrections—is facing and adapting to new forms of criminality, a growing recognition of the importance of international cooperation, threats on America's borders, and the proliferation of new types of crime.

America's response to globalization in the criminal justice arena will necessitate major changes in both law and policy, placing greater emphasis on the education and training of practitioners at all levels of government. In addition to culture and language, tomorrow's criminal justice practitioner must have a broader understanding of the legal systems of other countries and respect for the customs and practices of immigrants, as well as an increasing number of international visitors. In this regard, a new century brings both challenge as well as opportunity.

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For most Americans, the image of international crime resembles a Rorschach test more than a clear picture with definite boundaries and an explicit meaning. For some, their perceptions are formed largely on what geographic region of the country they live in, perhaps in a border area in Texas or California or a large city such as New York, San Francisco, or Chicago, where immigrant groups have become a common part of the landscape. For others, international crime is viewed through the prism of terrorism or organized criminal activity. And in immigrant communities throughout the United States, it may well be linked to the few criminals who prey on their neighborhoods. To the law enforcement community, particularly at the local level, global crime is frequently linked to illegal aliens.

For a variety of reasons, international crime in the United States is also linked to the global economy, and the desire of immigrants to flee from poverty,

oppression, or ethnic conflict. Today, the world's richest nations, with 20 percent of the population, account for 86 percent of the income. The richest countries account for 91 percent of Internet users, control 82 percent of exports, and maintain 74 percent of all telephone lines (Langworth 1999). As the gap widens between rich nations and poor nations, growing migration throughout the world endangers the social structure of many countries and in others places new challenges on public order. Despite the enviable position of being one of the richest countries in the world, the United States faces a broad range of international issues, not the least of which is the impact of criminal activity.

Traditional boundaries have given way in many cases to crimes in cyberspace, to problems associated with culture and language, and to the changing infrastructure and concepts of neighborhood safety in cities and towns across America.

Despite some perceptions that immigrants account for a large proportion of crime, much of the global crime in America is committed by a relatively small percentage of the immigrant population, legal and illegal. Nevertheless, such perceptions have led to a

growing number of hate crimes and other retaliatory attacks by those who are not willing to accept what may be termed the changing face of America. In some measure, the problem is compounded by a criminal justice system that is only beginning to cope with international crime as the century draws to a close.

The movement of millions of people throughout the world represents a major problem of global concern, and it is one compounded by past and future advances in technology, communication, and transportation. It would be foolhardy to claim that the shrinking global structure has not had a strong impact

on criminal activity, one that will certainly influence not only the everyday lives of Americans but also the relationships between countries. And the actions taken by the Federal Government as well as by State and local governments will certainly determine the future of crime in the next century. The global crime problem, then, must be recognized as having a more local dimension, which involves a kaleidoscope of changing images and new forms of criminal activity. With this has also come a host of new terms and activities, most of which were unknown or unheard of less than a decade or so ago.

Cybercrime, narcoterrorism, body part sales, Internet pornography, hacking, and so-called “date rape” drugs are relatively recent additions to America’s lexicon. Although drug trafficking is certainly not new to America, the methods and means of delivery have changed, as well as many of the actors and countries involved. The exploitation of women and children has become a global problem of immense proportion. Novel forms of fraud, money laundering, and high-tech crime have impacted the legal system. The need for new laws becomes problematical in an environment that is only now beginning to understand the difficulties of managing criminal justice operations that may involve numerous countries as well as individuals who travel and communicate across vague jurisdictional boundaries. Traditional boundaries have given way in many cases to crimes in cyberspace, to problems associated with culture and language, and to the changing infrastructure and concepts of neighborhood safety in cities and towns across America.

Private security officers now outnumber sworn police officers; gated communities and buildings are designed to protect, even isolate, the haves from the have-nots. The exploitation of immigrant labor, the conflict between racial and ethnic groups, and a growing dependence on various forms of terrorism represent commonplace issues at the dawn of a new millennium.

In a world where global communication makes it possible for the media to communicate events as they happen into our living rooms, there is all too often a misperception of reality. In an open and democratic society, opinions are frequently formed on the basis of one-minute television spots, or the words of Web sites that reach millions instantaneously. Disinformation, or the fuzzy interpretation of events, also contributes to perceptions carried by the populace into the community. The results may well be catastrophic to those who become the focus of attention. Riots in Los Angeles and other cities in the 1990s underscored the plight of Korean shopkeepers and other immigrants who became the victims of rioters. The bombing of the World Trade Center and the Gulf War saw retaliation against Arab immigrants and Arab-Americans on America’s streets.

At the dawn of the next millennium, and looking back over the past century, perhaps no single phenomenon is of greater significance to criminal justice in America than the international dimensions of crime and justice.

From another perspective, the freedom of movement and fragmentation of the American criminal justice system has allowed ethnic as well as domestic gangs and drug traffickers to operate freely across borders. A new range of fraudulent activities has fostered the development of law enforcement task forces specializing in Asian, Russian, and Nigerian criminal operations. And the influence of international organized crime has necessitated a global law enforcement response. Tomorrow's criminal justice community must adapt to a broad range of changes that will involve a global perspective. From the cop on the beat to the U.S. Supreme Court, the internationalization of crime will have an influence.

A national survey of public opinion by the Chicago Council on Foreign Relations in 1999 found that 53 percent of the public feel that there will be more bloodshed and violence in the next century, with terrorism being the most critical threat. In addition, 54 percent of the public and 87 percent of leaders believe that globalization is mostly good for the United States.¹

Speaking at an international conference in Budapest in 1998, Jeremy Travis, Director of the National Institute of Justice, said:

With diminution of national borders, criminal activity that might have formerly been confined to national limits now spills from one country to another. Organized crime can now reach from Russia to New York City, from Thailand to California. Women in Ukraine lured by offers of a better future, find themselves captives to a life of prostitution in Israel. Electronic financial transactions move the proceeds of drug transactions from one country to another in a split second. The same technology that makes our Internet communications possible provides the vehicle for a new phenomenon known as cybercrime.

At the dawn of the next millennium, and looking back over the past century, perhaps no single phenomenon is of greater significance to criminal justice in America than the international dimensions of crime and justice. In a relatively short period of time, the world has changed dramatically, and the physical boundaries that separated countries have given way to a global economy, instantaneous communication, and the ability to span the globe in less than a day. With these events have come numerous changes that profoundly affect the rule of law and the criminal justice system in the United States as well in other countries:

- The trade in illegal Chinese immigrants seeking entry into the United States has created international organized crime rings.²
- Reported cases of illegal immigrant women being “sold” or forced into prostitution have increased in recent years (see, for example, Navarro 1998).
- Illegal aliens have increasingly become involved in credit card fraud and counterfeit documents (Henican 1999).
- More than half of the more than 50,000 illegal immigrants in local jails are incarcerated for drug-related violations (Maguire and Pastore 1998, 506).
- In September 1995, an Anaheim, California, police officer was seriously wounded in a gunfight with an undocumented immigrant who had been deported twice previously (Zemel 1998).
- In Raleigh, North Carolina, two white men yelled racial epithets and beat to death a Chinese man they thought was Vietnamese (Weiss 1993).
- In 1998, U.S. Customs agents broke a child pornography ring on the Internet that reached more than 200 people in 47 countries, including the United States (Weinschenk 1998).
- In 1999, a suspected Mexican serial killer eluded police for months before being apprehended, despite being picked up earlier on a number of occasions by Border Patrol agents who were unaware that he was a wanted suspect.
- A deranged white supremacist went on a shooting rampage in Illinois and Indiana, shooting nine people and killing two, one of whom was a Korean immigrant.
- In New York, Federal agents broke an international drug smuggling ring that used Hasidic Jews as couriers to carry “ecstasy pills” made in Amsterdam (*Chicago Tribune* 1999c).

These are but a few of such cases that have made headlines over the past decade. As the world enters a new century, there is every indication that America will face an expanding number of criminal activities that have roots in other countries. The world is indeed becoming a smaller place, and the mobility of criminals goes far beyond American borders.

Over the past decade, changes in technology, transportation, and communication have been recognized by governmental agencies as major contributors to the globalization of crime:

Apart from the national security objectives, the most important factor contributing to the internationalization of both crime and law enforcement was the growing ease of international transactions as a consequence of developments in technology. Increasingly, rapid and accessible jet travel permitted both criminals and police to travel easily and quickly almost anywhere in the world. Advances in telecommunications allowed criminals to conspire and commit crimes transnationally even as the same advances facilitated transnational exchange of information and coordination of joint investigations among law enforcement agents. (Nadelman 1993, 105)

International dependency comes even closer to home when one views current ethnic gang activity. The old-style Mafia organization of Sicilian origin seems to have lost much of its control, thanks to good law enforcement with an ability to understand and infiltrate such organizations. However, ethnic groupings have emerged that present new challenges that law enforcement is not yet prepared to meet:

- Chinese gangs import more than 100,000 slave labor immigrants annually.
- Russian gangs trade in anything profitable, from bootleg gasoline to nuclear material.
- Jamaican gangs ruthlessly engage in the arms and drug trades.
- Albanian gangs excel in burglary.

There are also Japanese, Cambodian, Filipino, Samoan, and other ethnic gangs. American criminal justice is only beginning to search for solutions to problems generated by such groups (Fields and Moore 1996, ix).

In less than a decade, the number of Federal law enforcement agencies operating abroad on cases involving the United States—usually in cooperation with other countries—has escalated (Nadelman 1993, 3). Criminal activity by immigrants, both legal and illegal, has grown considerably (Finckenauer and Waring 1998). Despite media interpretations of large-scale organized crime, the vast majority of criminal activity is committed by individuals or small groups whose relationship to a broad-scale criminal conspiracy is weak at best. And whereas much of the influence of international-related crime traditionally has been a Federal problem, the past decade has seen a growing involvement of local law enforcement and State courts.

Recognizing the future threat of global crime, the U.S. Government adopted an International Crime Control Strategy (ICCS) in 1998 to provide “a framework for integrating all facets of the Federal Government response to international

crime” (The White House, Office of the Press Secretary 1998).

One result of this phenomenon has been the establishment of joint task forces, usually involving Federal, State, and local criminal justice agencies. In addition to task forces of the Federal Bureau of Investigation (FBI), other agencies have mounted programs that include State and local representatives. Among these are the Drug Enforcement Administration (DEA); the Bureau of Alcohol, Tobacco and Firearms (ATF); the Immigration and Naturalization Service (INS); the U.S. Department of the Treasury (Secret Service); U.S. Customs Service; the U.S. Department of Justice (DOJ); and the U.S. Department of State. The primary goal of such task forces is to develop cooperative working relationships among various levels of government in combating international criminal activity in the United States.

Increasingly, the task force concept has begun to change the way law enforcement operates in the United States. In addition to the advantage of rapid transportation and communication, today’s criminal may find shelter in one of the many ethnic or racially segregated communities that now dot America’s landscape. It is not unusual for a criminal to travel some distance to commit a crime, and those involved in more serious crimes will sometimes return to their native countries.

The globalization of crime has also increased levels of cooperation with police officers from other countries, many of whom are participating in joint training programs with their local U.S. counterparts. For example, the Cop-to-Cop program of the Office of International Criminal Justice at the University of Illinois at Chicago is sponsored by the State Department to facilitate training exchanges with police officers from other countries. Russian and Polish police officials have been part of an intensive long-range effort in cooperation with the Illinois State Police and the Chicago Police Department to exchange ideas and information about combating urban crime.

Visits by American law enforcement officers to other countries also provide a better understanding of cultural and legal system differences, which contributes to a better understanding when working with immigrants and foreign visitors to the United States.

Perhaps the biggest problem lies in providing a safe haven for the vast majority of immigrants who are making a positive contribution in their new environment but who are often the major targets of the relatively few newcomers who choose crime as a way of life.

Despite efforts to recruit even second- and third-generation children of immigrant families, ethnic minorities are still underrepresented in police departments and the criminal justice system.

DOJ's Office of Justice Programs (OJP) sponsors a 2-day training program run by the International Association of Chiefs of Police (IACP) and INS. As of October 1995, 879 attendees from 430 agencies have participated (U.S. DOJ, Bureau of Justice Assistance [BJA] 1995).

As the number of immigrants to America has multiplied in the latter part of the century (most from Latin America and Asia), local law enforcement, the courts, and corrections have also witnessed new forms of crime in a growing number of ethnic communities. Perhaps the biggest problem lies in providing a safe haven for the vast majority of immigrants

who are making a positive contribution in their new environment but who are often the major targets of the relatively few newcomers who choose crime as a way of life. Many of America's immigrants bring with them fears of totalitarian governments where the law was corrupt and a focus of concern and to be avoided at all costs. They may be fearful of ethnic street gangs operating in their communities and reluctant to trust the police when they are victimized.

Despite efforts to recruit even second- and third-generation children of immigrant families, ethnic minorities are still underrepresented in police departments and the criminal justice system. This problem is compounded by the fact that, like most Americans today, most law enforcement personnel are barely familiar with the cultural and socioeconomic differences of other countries. Few police officers, for example, are fluent in a second language, and most have never traveled abroad.

To some degree, this is likely to change in the decades ahead as educational institutions place greater emphasis on internationalization, but the immediate future brings with it many challenges in an ever-shrinking world. Rapid advances in communications, technology, and travel, and the emergence of new forms of criminal activity, have set the stage for the next century.

International-Related Crime in the United States

Much of the crime in the United States today has some link to the international community. Perhaps the most significant influence, touching virtually all segments of American society, has been drug trafficking and drug abuse. Illegal drugs tax the public in many ways, not the least of which is the underground

economy that runs into billions of dollars each year. Additionally, the psychological, emotional, and physical influences of drugs touch the lives of millions of Americans and contribute significantly to street crime. This will be a continuing problem in the years ahead.

International-related crime is a serious and potent threat to the American people at home and abroad. Drug and firearms trafficking, terrorism, money laundering, counterfeiting, illegal alien smuggling, trafficking in women and children, advance fee scams, credit card fraud, auto theft, economic espionage, intellectual property theft, computer hacking, and public corruption are all linked to international criminal activity, and all have a direct impact on the security and prosperity of the American people.

At the local level, most large cities have begun to adjust to a large influx of immigrants, and issues of language and culture are becoming critical. For example, in New York, nearly 30 percent of the population is foreign born; in Chicago, some 50 different languages are spoken. Miami's population is largely Hispanic; San Francisco has a large Asian population; Detroit has a large Muslim population; and New York and Los Angeles have large numbers of Russian immigrants. In many cities, there are joint task forces of local, State, and Federal criminal justice personnel assigned to the investigation of ethnic-related crimes. Asian gangs, Russian organized crime, Nigerian credit card and drug rings, and Latin American cartels control much of the drug trafficking. These and other organized criminal groups have extensive international connections and their criminal activities range from insurance fraud to murder for hire.

It is estimated that there are 300,000 foreign criminals in the United States, many of whom are free on probation. Federal prisons reportedly hold 30,000, and State prisons hold another 85,000. Most of them have been convicted of drug-related violations (B. Newman 1999).

The Administrator of DEA, in remarks before the Senate Caucus on International Narcotics Control, pointed out that “[m]ost Americans are unaware of the vast damage that has been caused to their communities by international drug trafficking syndicates.” In particular, he stressed the violence associated with drug traffickers from Mexico and Colombia and their impact on local communities in the United States (Constantine 1999).

Less than a decade ago, international drug trafficking was a serious problem in fewer than a half-dozen geographic areas in the United States. In 1990, for example, the High Intensity Drug Trafficking Areas (HIDTA) program focused on five areas. By 1998, the number had grown to 20 (U.S. General Accounting Office [GAO] 1998b, 2).

Illegal immigration

Although little is known about the overall impact of illegal immigration and cross-border criminality, some percentage of criminal activity is directly related to these issues. The vast majority of those who immigrate to the United States make a positive contribution as law-abiding citizens. However, the country has witnessed new trends in ethnic crime, wherein immigrants are both the victims and perpetrators of crime. The crimes committed, the difficulty of investigation and prosecution—as well as identification—are having a profound effect on the American criminal justice system.

The problem is not new:

The smuggling of illegal immigrants across the U.S. border began in 1882. Shortly after Federal law excluded the immigration of Chinese, the smuggling of Chinese immigrants began, as did the manufacturing of fraudulent documents to accompany them. In 1973, the smuggling of illegal immigrants across the U.S.-Mexican border was a thriving business estimated at \$125 million a year. By 1997, the Mexican border was described as a “free-fire zone,” with human beings being bought and sold in a kind of slave trade. One Los Angeles smuggling operation was making \$120,000 a trip packing up to 45 immigrants in a panel truck. (McDonald 1997a, 10)

The Bureau of Justice Statistics (BJS) notes that the majority of persons entering the country illegally are returned to their country of origin without being referred to the criminal justice system. The number of noncitizens processed in the Federal criminal justice system increased an average of 10 percent annually from 1984 to 1994. In 1984, 3,462 noncitizens were prosecuted in Federal district courts, and by 1994, the number had risen to 10,000. During this same period, the number of noncitizen inmates increased from 4,088 to 18,929. About 55 percent were in the United States legally (U.S. DOJ, BJS 1996). (See exhibit 1.)

Even when illegal aliens are apprehended, there are likely to be difficulties associated with deportation. For example:

Up to 100,000 Chinese aliens are smuggled into the United States each year [as of 1995]. Even if caught, many citizens of the People’s Republic of China (PRC) can avoid deportation under a presidential executive order that grants asylum from “birth-control persecution,” Beijing’s one-child-per-family policy. (Bolz 1995, 147)

Exhibit 1. Noncitizens serving sentences in Federal prisons, 1984–94

Most serious offense of conviction	1984	1985	1986	1987	1988	1989
Total*	4,088	5,561	6,966	7,851	8,871	10,658
Violent offenses	290	298	329	349	338	313
Property offenses	228	357	483	507	497	509
Fraudulent	144	245	327	363	369	376
Other	84	112	156	144	128	133
Drug offenses	2,270	3,111	4,099	4,978	5,948	7,647
Public order offenses	1,251	1,740	2,003	1,967	2,049	2,125
Regulatory	69	82	95	118	109	96
Other	1,182	1,658	1,908	1,849	1,940	2,029
Immigration	872	1,275	1,469	1,345	1,363	1,542

Most serious offense of conviction (cont.)	1990	1991	1992	1993	1994
Total*	12,349	14,046	16,117	18,218	18,929
Violent offenses	298	270	295	316	343
Property offenses	541	592	622	622	658
Fraudulent	411	459	482	479	522
Other	130	133	140	143	136
Drug offenses	9,284	10,817	12,706	14,012	14,226
Public order offenses	2,154	2,285	2,431	3,197	3,614
Regulatory	104	110	100	108	95
Other	2,050	2,175	2,331	3,089	3,519
Immigration	1,515	1,549	1,568	2,188	2,478

* Includes cases for which the offense category could not be determined. Totals do not reflect the sum of each column because some noncitizens committed more than one offense.

Note: The primary source of these data is the U.S. Department of Justice, Bureau of Justice Statistics, Federal Justice Statistics Program (FJSP) database. The FJSP database is constructed from source files provided by the Executive Office for United States Attorneys, the Administrative Office of the United States Courts, the U.S. Sentencing Commission, and the Federal Bureau of Prisons. Data presented above are from the U.S. Department of Justice, Federal Bureau of Prisons, SENTRY System annual data file. Data represent the Federal prison population on December 31.

Source: Maguire and Pastore 1998, 506, table 6.53.

Many illegal immigrants from Asia, the Middle East, and Latin America find jobs in sweatshops, in restaurants, on farms, as domestic servants, or in occupations where few questions are asked by employers, who are often seeking to hire cheap labor. The number of Russian women entering the United States, both legally and illegally, has increased dramatically in recent years.

While no precise figures exist on the number of foreign women who enter the United States via trafficking networks, press reports of the exploitation of migrant women as domestic servants, laborers and prostitutes have become increasingly widespread. . . . Some women are trafficked into the United States on fiancée, student, or business visas. Most, however, enter the country with tourist visas which they then overstay. (Caldwell et al. 1997, 47)

In areas with large immigrant communities, political pressure is frequently applied to discourage immigration authorities and law enforcement from “searching out” illegals.

Chinese Triads have taken over the smuggling of illegal immigrants from smaller “mom and pop” organizations as an increasingly attractive alternative to drug trafficking because it promises multibillion dollar profits without the same severe penalties if caught. Earnings from illegal immigrant trade are estimated to total \$3.2 billion per year, yet it is punishable in the United States by a maximum sentence of only five years in jail. Most who are convicted under current laws are sentenced to less than six months. (Bolz 1995, 147)

A 1993 Bureau of Justice Statistics report noted that about 4 percent of State prison inmates were not U.S. citizens, and 80 percent of this group came from Latin America or the West Indies. Incarceration rates were higher in El Paso, Texas, and San Diego, California, and indicated that 12 to 15 percent of felony arrestees were illegal aliens. In 1992, immigrants accounted for 12 percent of the prison population; most had been arrested for violent crimes or drug violations (Yeager 1996). According to one estimate, there were between 4.6 and 5.4 million illegal immigrants in the United States, and the increase between 1992 and 1996 was approximately 275,000 per year.³ In 1997, there were 12,495 illegal immigrants identified in Federal and State prisons (U.S. GAO 1998c). In 1996, INS identified 1,649,986 deportable aliens in the United States. The number of aliens deported from the United States grew from 16,720 in 1981 to 50,064 in 1996. Of particular significance has been the number of persons deported in connection with a conviction for criminal or narcotics violations: from 310 in 1981 to 32,869 in 1996.⁴

Available data on convictions in Federal courts in 1995 indicate that 9,233 (25 percent) of 36,767 offenders were non-U.S. citizens. Non-U.S. citizens tended to be much less involved in violent offenses and were most likely to be involved in drug, property, or public order offenses. About one-third were convicted of misdemeanors (Maguire and Pastore 1998, 393).

By 1999, an estimated 21,000 illegal immigrants were entering the United States every month. The U.S. Border Patrol, with a little more than 8,000 agents, is understaffed and ill-equipped to cope with the problem (see exhibit 2):

[A] recent study (1999) by the University of Texas has found that 16,133 agents are needed just to patrol the Southwest border. The Office of National Drug Control Policy reports that 16,100 border control agents are needed on the Southwest border merely to control drug smuggling there. And the Association of Chief Patrol Agents, a professional group, reports that the nation must have a “duty force of 20,000 Border Patrol Agents” to control all U.S. Borders. (Gribbin 1999a)

Organized crime

One of the most significant changes in criminality has been the emergence of new forms of organized crime. FBI Director Louis Freeh, in commenting on Russian organized crime, notes that:

[T]he United States is presented with a well-organized, well-funded, sophisticated, and often brutal criminal conspiracy. Russian criminal elements have engaged in extortion and sophisticated fraud schemes and have purchased, with laundered money, legitimate U.S. businesses and real estate. U.S. law enforcement thus faces a growing problem that requires a major commitment of resources to combat—all of which in the end is paid by the American Taxpayer. (Center for Strategic and International Studies [CSIS] 1997, 19)

Russian organized crime groups have reportedly been involved in “bootleg-gasoline tax-evasion schemes,” which were previously run by Turkish and Greek immigrants. Nigerian criminals are involved in immigration and citizenship fraud, bank and credit card fraud, welfare fraud, insurance fraud, and drug trafficking. According to one estimate, 75 percent of the 100,000 Nigerians in the United States in 1993 were involved in criminal activity (Brimelow 1996, 186).

The appearance of well-organized ethnic gangs, many of them more vicious and lethal than their American counterparts (see, for example, English 1995; Osterburg and Ward 2000, 623–666), has had a profound effect on major cities throughout the United States. South American-related drug gangs, Asian groups

Exhibit 2. Aliens deported from the United States, 1981–96

Fiscal year	Total	Reason for deportation				
		Conviction for criminal or narcotics violation	Related to criminal or narcotics violation	Entered without inspection	Violation of nonimmigrant status	Other
1981	16,720	310	54	13,601	1,959	796
1982	14,518	413	64	11,554	1,796	691
1983	18,232	863	93	14,318	1,958	1,000
1984	17,607	981	80	14,082	1,702	762
1985	21,358	1,551	151	16,957	1,916	783
1986	22,314	1,708	165	17,812	1,865	764
1987	22,342	4,111	274	15,833	1,273	851
1988	23,136	5,474	308	15,337	996	1,021
1989	30,449	7,028	342	20,648	1,249	1,182
1990	26,235	10,617	297	13,203	1,128	990
1991	28,923	15,538	476	10,919	974	1,016
1992	38,527	22,383	690	13,462	864	1,128
1993	37,238	25,188	409	10,395	536	710
1994	39,623	28,257	296	9,980	477	613
1995	41,819	29,145	247	11,390	433	604
1996	50,064	32,869	156	15,835	481	723
1981–96	449,105	186,436	4,102	225,326	19,607	13,634

Note: "Aliens deported" refers to those aliens required to leave the country under formal orders of deportation. "Other" includes those entering without valid entry documents, those who have been previously arrested or deported, children under 16 years of age unaccompanied by a parent, and persons facilitating alien entry for gain. The definition by which aliens were categorized as criminal aliens changed in 1990; therefore, data for years prior to 1990 are not directly comparable.

Source: Maguire and Pastore 1998, 374, table 4.46. Table provided to *Sourcebook* staff by the U.S. Department of Justice, Immigration and Naturalization Service.

trafficking in human beings, and African and Middle Eastern groups involved in money laundering, credit card fraud, and financial crimes are but a few of the new forms of enterprise crime that have emerged. In one case, a Nigerian immigrant used 17 aliases in a credit card scheme that touched at least 8 States (Henican 1999). In another case, a multiagency task force arrested a Mexican woman who had bilked hundreds, perhaps thousands, of illegal immigrants over a 10-year period, charging from \$300 to \$2,000 for legal residency permits that

she never delivered (Cleeland 1998). And in yet another case, 5 Chinese immigrants were arrested for smuggling as many as 1,000 undocumented Chinese into the United States, charging fees of \$30,000 per person (DeStefano and Gordy 1994). In another case, Federal officials broke a ring providing counterfeit entry visas to Egyptians (Associated Press 1993).

Louis F. Nardi, Director of the Smuggling/Criminal Organizations Branch of INS, in testimony before a congressional subcommittee in 1999, said:

The number and sophistication of alien smuggling organizations have increased dramatically in the past three years and pose a threat not only to our border enforcement activities but to our national security as well. . . . Alien smuggling organizations operate internationally with near immunity.

Transshipment of people and goods by organized criminal enterprises, in which they are moved first to another country and then into the United States, is becoming more common. According to the *BBC News*, Italy is a common departure point for children victimized by Asian organized crime syndicates, which send them for pedophile exploitation to Europe and the United States (Shannon 1999, 131).

Auto theft and transshipment to other countries have also increased significantly. Global organized crime rings have a well-oiled network that, if organized as a legitimate company, would make them the 56th largest corporation in the United States (Williams 1999, 233).

In addition to these types of organized criminal activity, ethnic street gangs have been credited with an untold number of more traditional types of crime, including murder, robbery, burglary, extortion, and assault.

Technology and crime

In the past decade, new forms of white-collar crime associated with advanced technology in communications and computerization have spawned the term “cybercrime.” Cybercrime has virtually eliminated borders. Today it is possible to plan a crime in one country, carry it out in another, and move funds to one or more other countries, all from a personal computer.

As banks and other financial institutions grow more dependent on the Internet, the telecommunications network, and other information systems for their daily operations, they become more attractive targets for criminal activity. In 1999, a computer virus called Melissa impacted computers around the world. Criminal groups, such as narcotraffickers, may also attack computer systems to disrupt law enforcement operations or to obtain inside information (CSIS 1998, 7).

Crimes against businesses and the American economy have greatly increased. Black market activity, copyright and patent infringement, fraud, counterfeiting, and other forms of international crime have posed new challenges for both criminal justice and the private security sector.

Money laundering

International crime has also fostered a major growth in the illegal movement of currency, or money laundering, that now involves billions of dollars a year. Title 18 of the U.S. Code, 1956, addresses the international movement of currency or monetary instruments to and from the United States for unlawful purposes. Drug traffickers, persons involved in large-scale fraud schemes, and other criminals dealing in large sums of cash have used a variety of schemes to move illegal money to so-called legitimate businesses. Title 18 of the U.S. Code, 1956 and 1957 (Money Laundering Control Act of 1986), lists 150 violations of Federal law related to money laundering. They include counterfeiting, embezzlement, extortion, fraud, racketeering, transportation for illegal sexual activity, support for terrorism, drug trafficking, obscenity, obstruction of justice, kidnaping and hostage-taking, mail fraud, and the murder of a U.S. law enforcement officer, foreign official, official guest, or internationally protected person (Madinger and Zalopany 1999, 41–60).

A cliché in criminal investigations is “follow the money.” It is estimated that more than \$200 billion a year is laundered by drug barons. Much of this is done today through electronic transfers. The methodology of this form of criminal activity represents a major challenge for criminal investigators, further supporting the notion that criminal investigation in the future will require new levels of expertise. Banking laws in the United States provide a high degree of exposure on the transfer of large sums of money, but the vast amount of funds moved each day (approximately 700,000 wire transfers worth billions) makes monitoring difficult (Fazey 1999, 18). Regarding these transactions, the countries listed as areas of primary concern are Australia, China, Cyprus, Hong Kong, India, Indonesia, Israel, Japan, Lebanon, Pakistan, Singapore, Thailand, Turkey, and United Arab Emirates. The countries listed as areas of concern are Korea, Malaysia, Nepal, the Philippines, and Vietnam (Carroll 2000).

The FBI’s Racketeering Records Analysis Unit works with local, State, and Federal agencies to combat money laundering, among other crimes. Staffed with cryptoanalysts, the unit examines records, reports, and other information that might serve as proof of illegal activities. The unit includes a drug section and a gambling section.

Money laundering techniques have become increasingly complex:

Money laundering begins with the placement of the criminal proceeds in the legitimate financial system. Care must be taken to not raise suspicion about the size or source of the initial deposit. Large deposits are broken down into multiple smaller deposits and placed in several different financial institutions: a process known as structuring or “smurfing.” Criminal profits can also be mingled with the deposits of a legitimate business and represented as income from that business. Often, when there are large volumes of cash to be laundered, the money will first be physically smuggled to a destination free of money laundering safeguards in the banking system, in order to facilitate easy placement. Smuggled cash can be carried personally, sent by courier, swallowed, or stowed inside hollow merchandise for shipment. Illicit profits can also be converted into other financial instruments, exchanged for higher denomination bills, or used to buy goods. Non-traditional financial institutions like casinos, check cashing and postal services, currency exchanges, and precious metals brokers are often used for that purpose [U.S. Department of the Treasury 1992]. The wealth is then transported to another jurisdiction in the form of money orders, traveler’s checks, and luxury items to be sold or redeemed and deposited.⁵

Following the seizure of more than \$18 million in cash at a warehouse, a Federal money laundering case was brought in Brooklyn, New York. Most of the evidence was circumstantial, but FBI analysis of the records seized showed that more than \$44 million in illicit drug funds had been laundered over a 2-year period. The examiner testified that some of the documents also bore notations of cocaine transactions. All the defendants were convicted as a result of the testimony (Gibbons 1999, 9).

The Financial Crimes Enforcement Network (FinCEN), operated by the U.S. Department of the Treasury, maintains a sophisticated database on illegal financial crimes. It provides multisource intelligence and an analytical network supporting law enforcement in the detection, investigation, and prosecution of financial crimes.

Immigration and culture—the diversification of America

The cultural and ethnic diversity of America has changed dramatically in the past 20 years. Job opportunities and a strong economy have drawn an increasing number of immigrants. Most first-generation immigrants maintain strong ties with their countries of origin. Although the majority of immigrants have

been law abiding, a criminal element also arrived, which the criminal justice system is only beginning to understand.

Estimates of the number of illegal immigrants in the United States vary considerably, but there are probably 4 to 6 million people, with the largest group (more than 1.3 million), coming from Mexico. As of 1996, most illegal immigrants were in California (2 million), Texas (700,000), New York (410,000), Florida (350,000), Illinois (220,000), New Jersey (130,000), and Arizona (115,000) (McDonald 1997b, 1–3).

For the criminal justice community, immigrant families may present specific problems, not the least of which are cultural and language barriers. As Sutherland and Cressey (1970, 211) noted a generation ago:

A special problem of training and discipline appears in the migrant family. Parents who were effective in training their children in the communities of Europe . . . often find themselves incompetent in the slum areas of the large American city. The rules for living are different, and the community control agencies are different.

In a study of German and non-German suspects by Chilton, Teske, and Arnold (1995, 339), the authors note, “in broad theoretical terms, it appears that any group of people occupying a marginal position in a society will be more likely to encounter the criminal justice system than groups with fewer disadvantages.”

In his landmark study of Chinese crime groups in the United States, Ko-lin Chin (1990, 97) points out:

When young immigrants fall behind in school or suffer ridicule from native born students, they drop out. And when they cannot bring their problems to their parents because the parents are either working long hours or are themselves poorly educated, young dropouts seek support and understanding from peers with similar problems. Finding comfort with them, they hang around coffee shops or arcade stores within the community. Or they may start hanging around the gambling clubs to run errands for the house and the gamblers. Their association with the adult groups is a crucial turning point for them; they are transformed from detached and alienated delinquents to paraprofessional criminals.

Trafficking in women for prostitution is a growing problem throughout the world. Although research on the subject in the United States is lacking, several studies in Europe and Asia cite a statistic of hundreds of thousands of women being forced or sold into prostitution each year. Women from the Russian Federation, Ukraine, and other parts of the former Soviet Union have been

trafficked to Australia, Dubai, Israel, Macau, and the United States (Williams 1999, 223).

How will the Nation's criminal justice system cope with certain types of crime and the victimization of specific immigrant groups? What are the needs of immigrant groups with starkly different cultural backgrounds? How does cultural diversity impact the selection and training of personnel in the justice system, and how can these various groups increase their representation in the criminal justice structure? A Chicago Council on Foreign Relations survey found that 57 percent of the American public view large numbers of immigrants as a critical threat, as opposed to 18 percent of the leaders. And 57 percent of the public views controlling illegal immigration as a "very important goal," whereas only 21 percent of leaders felt the same way (Rielly 1999, 38).

In this regard, it is important to understand the historical development of criminal justice in the United States and how previous immigrant groups were integrated into the system.

New York City, with a population of 7.6 million, hosts more than 2.7 million immigrants, or more than 36 percent of the population (compared with 19 percent in 1970). Most of New York's immigrants come from the Dominican Republic and the People's Republic of China. The new immigrants also represent a major change from those in 1930, most of whom arrived from Europe (Sontag and Dugger 1998).

The American Criminal Justice Response

Americans spend billions of dollars annually on cocaine and heroin, all of which originates abroad; there were 123 terrorist attacks against U.S. targets worldwide, including 108 bombings and eight kidnappings; each year, approximately one billion dollars worth of U.S. stolen cars are smuggled out of this country; annually, U.S. companies lose up to \$23 billion from the illegal duplication and piracy of films, compact discs, computer software, pharmaceutical and textile products, while U.S. credit card companies suffer losses of hundreds of millions of dollars from international fraud; and several hundred U.S. companies and other organizations have already suffered computer attacks in 1998, resulting in millions of dollars of losses and significant threats to our safety and security. (The White House 1998)

The impact of illegal immigration on the American criminal justice system has been significant, touching communities throughout the United States.

United States participation in Interpol has contributed to the evolution of international law enforcement by providing a relatively quick and efficient link among the police agencies of most governments.

The escalation in crimes by aliens has placed added demands on State and local law enforcement personnel. Effective identification of aliens involved in crime requires familiarity with fraudulent documentation. Proper arrest procedures must be carried out, and complex notification and reporting requirements must be satisfied; otherwise, dangerous aliens can escape prosecution and deportation (U.S. DOJ, BJA 1995).

Law enforcement

Internationalization has affected every level of policing, from the street cop to Federal agents. Today, law enforcement agents from the FBI, DEA, Customs, and INS have extensive ties with other countries and have assigned personnel abroad. American agents are

empowered by U.S. law to conduct investigations overseas when an American is a victim. Numerous American embassies now have individuals with law enforcement backgrounds assigned to their staffs, and a growing number of other countries now assign law enforcement personnel to their embassies and consulates in the United States. However, it is also important to recognize that American law enforcement officers operating abroad do not possess police powers in other countries. Title 22, Section 2291 (c) of the Foreign Assistance Act, entitled Participation in Foreign Police Actions, also known as the Mansfield Amendment, establishes the parameters of authority when working on foreign soil.⁶

The FBI operates an International Law Enforcement Academy in Budapest, Hungary, and numerous foreign officers are trained in academies and universities throughout the United States. In universities, courses in comparative criminal justice have become a part of the curriculum. Professional associations, such as the Association of Asian Crime Investigators and the International Association for the Study of Organized Crime, have furthered cooperation and expanded the ability to conduct cross-border investigations. Although most of these activities are handled by Federal agencies, there has been increased activity at the State level with the establishment of National Central Bureau (NCB) offices of the International Criminal Police Organization (Interpol) in many American States.

Expansion of the Interpol network throughout the United States has helped facilitate the efforts of local law enforcement in cases that may have an international connection. NCBs are located in each of Interpol's 178 participating

countries. In the United States, there are 50 USNCB State Bureau Offices that serve as liaisons. USNCB, located in Washington, D.C., “houses individuals detailed from all of the major federal criminal investigative agencies, as well as numerous other professional personnel” (Imhoff and Cutler 1998, 10–16). Personnel from State or local law enforcement agencies staff most of the State Bureau Offices.

United States participation in Interpol has contributed to the evolution of international law enforcement by providing a relatively quick and efficient link among the police agencies of most governments. This has increased the capability of city, State, and Federal law enforcement agencies to deal with the challenges posed by transnational crime. Interpol is primarily responsible for the increasing difficulty that fugitives face in finding a haven where they can remain undetected (Nadelman 1993, 184). Interpol maintains a Web site at <http://www.interpol.int>.

The communications Sub-Directorate handles requests for information from member countries. In 1997, almost 25 percent of requests involved drugs or organized crime, and 34 percent involved crimes against minors (see exhibit 3). In some measure, these figures illustrate not only the growing impact of transnational criminality but also increasing concern with international organized crime.

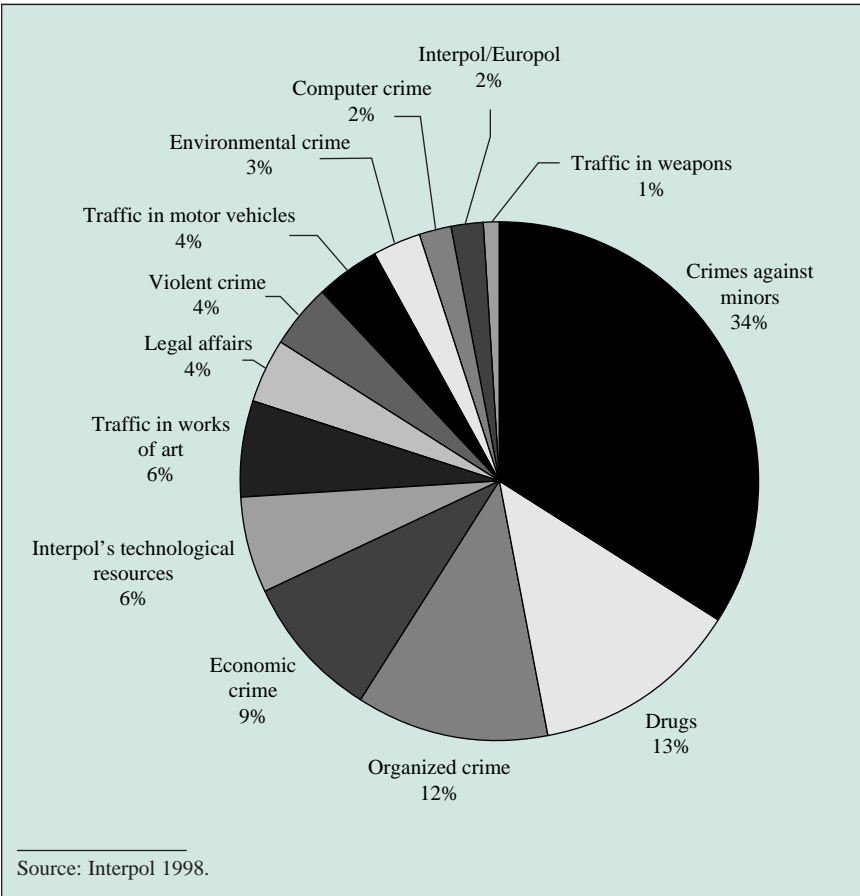
In attempting to understand the difficulties associated with international cooperation, it is important to recognize that conventions, treaties, and agreements may vary considerably between signers, and, of course, not all countries are signatories to them. Issues involving cross-border investigations, extradition, individual rules of law, and the definitions of crime must be considered.

Local cooperation

In addition to nine divisions and four offices at FBI headquarters in Washington, D.C., there are 56 field offices and nearly 400 satellite offices (known as resident agencies) in the United States. Currently, there are approximately 25 foreign liaison posts headed by a legal attaché or legal liaison officer. These offices work with Americans abroad and local authorities on criminal cases within the Bureau’s jurisdiction (U.S. DOJ, FBI 1996, 5–6).

A significant trend in the United States has been the establishment of joint operational task forces that involve local, State, and Federal officers working together on specific types of crimes, many of which have an international dimension. Perhaps the most widely known of these efforts are the Terrorism Task Forces, initiated by the FBI in the 1970s to cope with the growing threat of domestic and international terrorism.⁷

Exhibit 3. Sources of requests received by Interpol's Communications Sub-Directorate



ATF task forces in major cities include local law enforcement officers as part of efforts to curtail arms trafficking and to identify, through tracing efforts, firearms used in crimes domestically and abroad. ATF's National Tracing Center, located in Falling Waters, West Virginia, houses records of more than 100 million firearms and is an unparalleled resource to criminal investigators. In addition to including State and local officers in cooperative efforts, ATF provides support to local government in a variety of ways, including four National Response Teams that provide postblast and fire reconstruction investigators, forensic chemists, bomb technicians, and explosive and accelerant detection canines (Kiernan 1999). By necessity, this capability has expanded to the international arena to

provide origin and cause determinations and postblast expertise, when requested by a U.S. ambassador. Since its inception in 1992, the International Response Team has been deployed more than 15 times to locations including Argentina, South Korea, Sri Lanka, and Surinam. An INS task force works with local agencies to combat so-called “distraction theft,” in which illegal aliens create a distraction to focus attention away from actual theft (Chu 1994).

Regional Drug Intelligence Squads operate in eight geographic regions in the United States that have been identified as transshipment centers for illegal drugs. These squads, in cooperation with other Federal agencies and local law enforcement, focus on major drug trafficking organizations, using RICO statutes. Of particular importance has been a move to develop better communication and cooperation among law enforcement groups.

The International Association of Organized Crime Investigators was formed as a means of furthering communication and cooperation among law enforcement officials in the United States and abroad. An annual meeting held in the United States brings together police from around the world to address emerging trends. The International Association for the Study of Organized Crime is another group that focuses on research and developments related to global crime.

Dangerous drugs

In addition to HIDTAs monitored by the Office of National Drug Control Policy, DEA sponsors a number of programs and projects designed to assist State and local law enforcement officers throughout the United States. DEA maintains 79 offices in 56 countries that are designed to support domestic investigations through foreign liaison and training. Organized Crime Drug Enforcement Task Forces combine Federal, State, and local law enforcement efforts against organized crime and drug-related violent crime. A program known as Mobile Enforcement Teams is designed to support community-based policing in the United States, making a difference in neighborhoods throughout the Nation (U.S. DOJ, DEA 1999, 7, 8). A number of joint projects involving ATF and local police have proven effective. “ATF has long held that the task force approach, which pools the talents and resources of the participating agencies, ensures the most comprehensive and effective investigation of incidents involving concurrent jurisdiction” (Kiernan 1999).

During the past two decades, most of the illegal cocaine coming into the United States was controlled by drug cartels in Colombia. However, Mexican drug cartels have now taken over much of the distribution in the country. The Mexican cartels have developed an expanded and sophisticated distribution system that reaches into the heartland of America.

According to DEA, the Mexican and Colombian drug cartels consist of groups of independent organizations that work together on various levels—supply, distribution, and trafficking—for purposes of efficiency. These groups operate and fund a complex organizational infrastructure involving thousands of employees. Many of the relationships involve family members, but there are indications that this has changed in recent years as a result of investigative successes.

The cartels are characterized by extreme violence, corruption of officials, and even the destabilization of governments. Thousands of people in Colombia, Mexico, Peru, and other countries have been murdered in local drug wars, and many homicides in the United States are attributed in large measure to drug trafficking. A number of American law enforcement officials have been killed by drug dealers.

It is estimated that drug networks now exist in every major American city. DEA defines a Class I drug trafficker as a group with five or more members that smuggles at least four kilograms of cocaine or its equivalent into the United States in a 1-month period. As an example of the size and scope of such operations, consider that in 1988, DEA identified some 174 such Class I networks operating in Chicago alone. The FBI during the same year identified more than 200 such groups operating in Florida.

The extensive cartel network provides high-priced lawyers, modern equipment (e.g., radios, cellular phones, airplanes, helicopters), funds for bribing officials, and a broad range of weaponry. The cartel is noted for killing informants, or “turnarounds,” and will go to any length to protect the leadership.

In some countries, such as Colombia and Peru, trafficking is controlled by terrorist groups, which gives rise to the term “narcoterrorism.” Money laundering is a critical component of the cartels’ operations. The sums, which are measured in billions of dollars, defy imagination. The introduction of new banking laws and other legislation designed to stop such illegal transactions has had relatively little impact; the cartels’ sophisticated accountants, in cooperation with unscrupulous bankers and “legitimate” businesses, have made it difficult to detect various types of fraud or illegal money transfers.

In the United States, the reach of Mexican drug traffickers is extensive:

Eager to create ambitious distribution points, the cartels are successfully targeting traditionally God-fearing communities like Cheyenne and Casper, Wyoming—and other cities in Kansas, Nebraska and Iowa—and are bringing with them the drugs that long have plagued larger urban centers such as Los Angeles. . . . The upsurge in drugs has prompted a keen awareness in places like Cheyenne that law enforcement must act decisively

to reverse the trend. Already, police here are taking Spanish language training, and federal prosecutors have recently put away a Mexican national working as a major drug primo in Wyoming. . . . In 1993 “meth” [methamphetamines] accounted for only 18 percent of Wyoming’s drug-related arrests. So far this year [1997], the figure is 46 percent. (Serrano 1997)

Cooperative efforts between local police and DEA have become commonplace in most larger cities, but a scarcity of personnel frequently makes it difficult to provide assistance to many rural communities. This is particularly troublesome in the area of drug trafficking, where intelligence and cooperation are critical to successful interdiction efforts.

Controlling the borders

The U.S. Border Patrol, the INS agency responsible for coping with the large influx of illegal aliens, finds itself in the unenviable position of trying to curtail what some view as a monumental problem. The relatively low rate of pay, intensive and difficult training, a Spanish language requirement, and poor equipment have made recruiting difficult.

Some of the problems associated with investigating cross-border crime are highlighted by the case of a suspected Mexican serial killer who had been apprehended and released numerous times for illegal border crossings. Communication with local, State and Federal officials not only proved difficult, but the lack of a computer connection with the FBI’s databank, in which the suspect was listed, made it possible for him to slip from the hands of the Border Patrol on numerous occasions.

In recent years, the INS budget more than doubled, from \$1.5 billion to \$3.8 billion, and the work force increased from 17,163 to 28,000, which included 5,000 Border Patrol agents. Increased attention to border control in El Paso and San Diego resulted in a shift by illegal aliens to other locations, which resulted in “a dramatic increase in the number of complaints from ranchers, farmers, local law enforcement agencies, and providers of social services that have been impacted by these shifts in illegal immigration patterns” (Gribbin 1999). Of particular concern is what officials describe as a growing number of gang members and drug dealers.

Gangs

Immigration, legal and illegal, has also fostered a growing number of street gangs that display many of the characteristics of traditional organized crime. Jamaican street gangs in New York and Chicago have had violent confrontations with police. Chinese and Vietnamese gangs operate in a number of major

cities. Russian street gangs in California are reportedly involved in major car theft rings. Mexican street gangs in Chicago and several other cities have emerged as a major problem for local police. Many of the so-called immigrant gangs are involved in turf wars, and one outgrowth over the past decade has been an increase in violent crime and drive-by shootings.

Asian gangs may include members of many ethnic groups, particularly when they are young; individuals then join specific ethnic gangs as they grow older. These gangs frequently substitute as surrogate families, and members' loyalty to the gang transcends other loyalties. They tend to be mobile, often moving from an Asian neighborhood in one city to another. Consequently, the development of networks to carry out criminal activities makes individual identification and apprehension difficult. These gangs are likely to be well armed and have a propensity for violence.

Triad societies have a long history in China, dating back more than 100 years. With the rise to power of the Chinese Communists, many of the triads migrated to Taiwan and Hong Kong. When the Chinese government took over Hong Kong, the triads expanded their operations, and in some cases moved their operational bases to other countries such as Australia and England. A triad—which refers to the relationship between heaven, earth, and humankind—engages in a sophisticated set of rituals; the number three (3) represents an important symbol and source of identification. For example, each member is assigned a number, divisible by three. Most triad activity in the United States is related to trafficking in illegal immigrants, and this multibillion dollar business has led to other crimes, such as prostitution, sweatshops, and victimization of legal immigrants (Osterburg and Ward 2000, 633).

Vietnamese gangs (Viet-Ching), many of which have a relatively sophisticated organized crime structure, are involved in large currency transfers, computer chip and other forms of high-tech theft, and auto theft rings that transfer vehicles to Vietnam. Street gangs are involved in violent home invasions, kidnapping, and extortion. “Some gang members are on the road almost all of the time; some have no permanent home and shift from motel to motel” (Daye 1997, 244–245).

Author T.J. English (1995, 287), in discussing the influence of two Vietnamese gangs, describes the difficulty of investigating Asian gang activity, adding:

Not only that, but the BTK [Born to Kill] and Green Dragons were part of a larger criminal conspiracy currently in its prime—a complex multi-layered underworld with pockets of influence throughout the United States and much of the world. Domestically, they represented an aspect

of contemporary organized crime that the media and the public have yet to fully acknowledge.

Jamaican “Posses” are estimated to have as many as 10,000 members operating in at least 40 gangs in Canada, the Caribbean, Great Britain, and the United States. They are thought to have committed more than 2,000 murders since 1985. Involved primarily in drug dealing and firearms trafficking, the Posses are active in a wide variety of criminal activities, including burglaries, robberies, fraud, and auto theft. These violent gangs are considered one of the fastest growing criminal enterprise groups in the United States. According to one estimate, they control 40 percent of the crack cocaine distributed in the country (Abadinsky 1997, 255).

The Posses originated in Kingston, Jamaica, and while they sometimes cooperate with one another, there is also some degree of rivalry and little loyalty among members. They operate throughout the United States and are frequently confused with the Rastafarians, a Jamaican group whose members smoke marijuana as part of their religious practice. Although some Rastafarians are Posse members, there is not thought to be a strong linkage between the Rastafarians and the Posses. The two groups, however, use similar methods to smuggle marijuana.

The Posses’ leadership is not as stable as that of the Colombian cartels and several other groups, perhaps due more to law enforcement pressure and unstable organization than to other factors. Leaders tend to be Jamaican nationals who have legal status in the United States. About 70 percent of the street-level members are illegal aliens. INS reports that there is no shortage of potential recruits in Jamaica.

The law enforcement response has been the formation of joint task forces and special units within police departments. The Violent Crime Unit of the West Palm Beach Police Department worked with INS to arrest and deport members of the Miami Boys, a Jamaican and Haitian gang involved in home invasions, drug trafficking, robberies, assaults, and firearms violations (Chu 1994).

The ATF Gang Resistance Education and Training program is an educational, school-based gang prevention program that trains local police officers to help teenagers avoid violence and gang membership.

The International Association of Asian Crime Investigators, an organization composed of law enforcement practitioners at all levels of government, publishes a newsletter and other information on Asian gangs operating in the United States.

Electronic and cybercrime

The growing impact of computer-related crime has no geographic boundaries. More and more the criminal justice community in the United States is faced with electronic and cybercriminal activity that has its roots in the global community. Law enforcement, at virtually every level, is ill-prepared to cope with the fast-growing problems associated with cybercrime. "In fact, law enforcement's electronic capabilities are 5 to 10 years behind the transnational crime curve. Budget constrained government agencies average about 49 months to order, acquire, and install new computer systems versus about 9 months in the private sector" (CSIS 1998, xiv).

The range of crimes and criminal activity on the Internet is growing exponentially, affecting government agencies, large businesses, small businesses, and the millions of computer users who frequent the Internet. A 1998 survey of intellectual property losses by the American Society for Industrial Security indicated that U.S. companies' annual misappropriations, usually by trusted employees, may amount to more than \$250 billion. They report that penetration of information and communications systems is the fastest growing threat (Swartwood and Heffernan 1998, 7).

Internet scams are also proliferating. Almost 100,000 investors were lured to a Web site touting a high-tech start-up with revolutionary Internet devices, a partnership with Microsoft, and an International Public Offering (IPO) with the Security and Exchange Commission (SEC)—all phony. But the imaginative perpetrator pulled in \$190,000, including \$10,000 wired from Hong Kong. Soon 14 million will have on-line trading accounts and millions more are surfing the 'Net for stock tips. Slick looking ghost sites, perfect replicas of legitimate logos, are clever Ponzi schemes. The SEC's Internet cyberforce scans the Web for scams and investigates 100-odd complaints each day. (CSIS 1998, xiii)

The U.S. Customs CyberSmuggling Center helped break a child pornography case that reached into 47 countries, including the United States. In 1998, in cooperation with police officers in 13 countries and the United States, armed with warrants, officers "found thousands and thousands of videotapes and CD-ROMs full of the most vile and disgusting children's pornography, incest, and bestiality ever seen. They discovered computers connected in a series with other computers that handled the large volume of pedophilia transmitted to the ring on a daily basis. . . . Also retrieved were digitally encrypted graphic files using encryption software that had originally been developed by the KGB" (Weinschenk 1998, 18–20).

One of the fastest growing types of electronic crime is software piracy, costing manufacturers millions of dollars each year. Foreign nationals in the United States and abroad carry out many of the illegal software and electronic duplication activities. What may appear to a patrol officer as a minor violation will often involve a major network of criminal activity that knows no borders.

The Internet has also become a major source of communication for hate groups, using the medium on a global level to spread extremist and hate material online. "The Internet helps bring distant, isolated groups and individuals of the domestic and international far-fringe together in an online community that reinforces their beliefs and can aid recruitment efforts" (Hoffman 1997, 72). The rapidly growing use of high-technology communications by hatemongers also presents major constitutional issues with regard to free speech and anonymity and a distinct challenge for the global criminal justice community, where laws are frequently different.

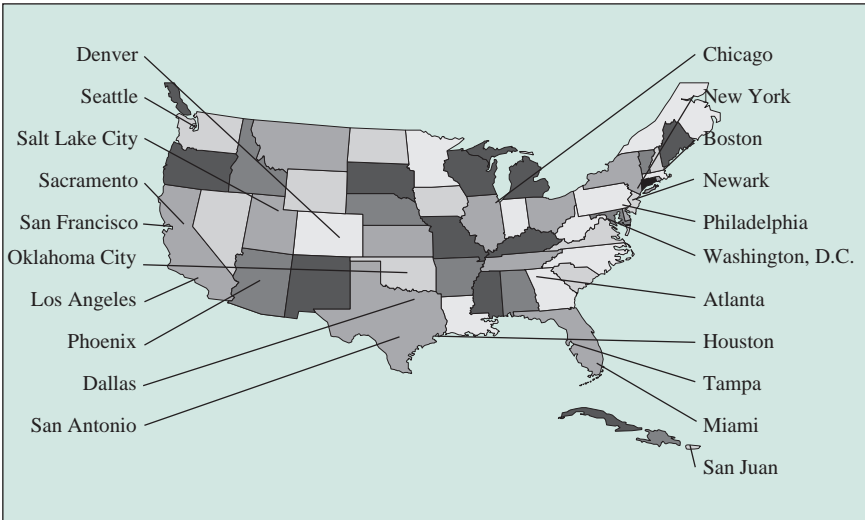
Terrorism

One of the most significant developments impacting local law enforcement in the United States over the past decade has been the specter of terrorism. The 1993 World Trade Center bombing in New York City made the threat of international terrorism on America's shores a reality. Although cooperation between Federal and local law enforcement officials has a 20-year history, most investigations focused on either domestic groups or foreign individuals attempting to influence politics abroad.⁸ Task forces that include Federal, State, and local officers have conducted most of these investigations (see exhibit 4). However, America's influence on global politics and the growing concern over weapons of mass destruction have prompted greater reliance on local law enforcement in developing strategies to cope with the threat of terrorism.

The threat of a chemical or biological attack in the United States is a major concern. Presidential Decision Directive 39, referred to as the U.S. Policy on Counter-terrorism, "[d]irected a number of measures to reduce the Nation's vulnerability to terrorism, to deter and respond to terrorist acts, and to strengthen capabilities to prevent and manage consequences of terrorist use of nuclear, biological and chemical weapons of mass destruction" (Federal Emergency Management Agency 1997).

Historically, the lead investigative agency with responsibility for investigating terrorist acts in the United States and abroad is the FBI. However, as the threat of terrorism increased, other Federal agencies have come to play an increasing role, and domestic investigations have increasingly involved State and local law enforcement agencies. In 1999, there were 21 Terrorism Task Forces

Exhibit 4. Terrorism task forces in the United States



throughout the United States, consisting of Federal agents and State and local law enforcement officers, working together with other elements of the criminal justice system to investigate and prosecute a broad range of criminal activities that fall under the umbrella of terrorism. The number of task forces is expected to increase in the next decade.

The Defense Against Weapons of Mass Destruction Act of 1996, known as the Nunn-Lugar-Domenici Domestic Preparedness Program, was implemented in 1997 to respond to local needs. The program calls for “technical training of local ‘first responders’ to enable them to react appropriately to a nuclear, biological, or chemical attack. Thus, policemen, firefighters, and medical personnel in the 120 largest cities are to receive training from specialists knowledgeable in the dangers and effect of these weapons” (Henry L. Stimson Center 1999).

In his turn-of-the-century budget, President William Clinton proposed a \$10 billion allotment to address “terrorists and terrorist-emerging tools,” \$1.4 billion for infrastructure protection, and \$230 million for bioterrorism programs at the U.S. Department of Health and Human Services (Monterey Institute of International Studies 1999).

In the United States, the FBI defines two types of terrorism. International terrorism generally involves direction by a foreign government, whereas domestic terrorism involves a group of two or more people whose terrorist activities are

directed at elements of our government or population, without foreign direction. The FBI further identifies three broad categories of domestic terrorism: left-wing groups, generally striving to bring about armed revolution; right-wing groups, which follow a racist or antisemitic philosophy that advocates the supremacy of the white race; and special interest groups, which focus on issues such as abortion, animal rights, or the environment.

The Presidential Commission on Critical Infrastructure in 1996 concluded that the United States is not well prepared to cope with infrastructure attacks by terrorists. The commission identified five areas that require improvement: (1) information and communications; (2) banking and finance; (3) energy, including electrical power, oil, and gas; (4) physical distribution; and (5) vital human services (Hill 1998, 51).

William Dyson (1999), a retired FBI agent and founder of the Chicago Terrorism Task Force, points out that training of local police in this area has intensified in the past few years. Other terrorism experts indicate that it is just a matter of time before the United States experiences “an act of terrorism involving a chemical, biological or nuclear weapon of mass destruction.” The “First Responder Program” aims to familiarize local emergency personnel with actions to be taken when an incident does occur (Hulse 1999).

The United States, as the most powerful country in the world, attracts hostility and vengeance among a growing number of internationals who vent their feelings through violence and terrorism. In many countries, Americans are now targets of crime, which has resulted in legislation that carries law enforcement jurisdiction beyond our borders. The recent bombings in Africa saw American law enforcement dispatched to the scene regardless of borders. Kidnaping and violent crimes against American business representatives and tourists have an impact on the economies of the United States and other countries.

And despite the fact that the cold war has ended, the threat from hostile countries remains. Although national security investigations are in the realm of the FBI, it is apparent that the dangers posed by international espionage are very real. The Chinese espionage case in 1999 illustrated the importance of public and government vigilance in preventing the theft of military secrets. In this regard, it is important to note that spy networks may involve Americans as well as foreigners.

Other terrorism experts indicate that it is just a matter of time before the United States experiences “an act of terrorism involving a chemical, biological or nuclear weapon of mass destruction.”

The Walker spy case of the 1980s involved an espionage ring that provided so much information on military secrets “that a special building had to be built in Moscow to house the analysts who worked on the material” (Hunter 1999, 202).

The threat of domestic and international terrorism is viewed as one of the most serious concerns facing the United States in the next century. No longer are America’s shores immune from the deranged acts of individuals or small groups or the actions of hostile nations.

Arms trafficking

The proliferation of firearms on American streets is a cause for national concern. Many of the weapons used by street gangs and international criminals originate abroad. As early as 1991, former FBI Director William Sessions warned of the role that Asian crime syndicates were playing in arms smuggling and other criminal activities. “The most serious new threat,” he said, “comes from Chinese criminals who a few years ago were small and disorganized. Today, backed by violent street gangs, they are rapidly expanding operations outside the Asian community” (*Chicago Tribune* 1999b).

Many American-made weapons are purchased abroad and then illegally smuggled back into the country.

A 1996 “sting” operation by ATF and Customs resulted in the seizure of more than 2,000 fully automatic rifles being smuggled into the United States, allegedly by representatives of a Chinese arms manufacturer. ATF agents posing as Mafia gun runners arrested seven suspects, including resident aliens and Chinese-Americans. Touted as the largest seizure of smuggled foreign-made weapons in the United States to date, officials said that the weapons were destined for street gangs across America (*New York Times News Service* 1996; Adams 1996).

Russian émigrés have also been involved in arms smuggling and the sale of illicit munitions and strategic materials (see, for example, Finckenauer and Waring 1998, 110, 141, 158).

The arms trafficking industry involves domestic- as well as foreign-made weapons. In addition to firearms bought and sold in the United States, many American-made weapons are purchased abroad and then illegally smuggled back into the country. In the United States, unscrupulous gun dealers are often willing to sell firearms to street gangs and other individuals of dubious credibility. Because the availability of weapons has been a major source of concern,

lawsuits designed to remove firearms from the streets were launched in 1999 by a number of American cities and the National Association for the Advancement of Colored People.

In one case, a Vietnamese street gang was able to purchase “a small cache of handguns at a pawnshop in Braselton, Georgia.” The only identification required was a driver’s license and one other form of identification. They were later used in a robbery in which the store owner was shot (English 1995, 104–108).

ATF has an extensive program designed to curtail the influx of foreign-made weapons and American-made weapons that are smuggled back into the country. ATF’s National Tracing Center, the world’s only facility with the capability to trace the history of firearms, maintains transaction records on more than 100 million firearms. It is estimated, however, that there are at least 200 million firearms in the country. Given the high use of firearms, and their use by domestic as well as international criminals, there is every indication that this problem will continue well into the next century. One ICCS initiative, the OAS (Organization of American States) Treaty Against Illicit Trafficking in Firearms, called for “a hemispheric convention to combat the illicit manufacturing of and trafficking in firearms, ammunition and explosives” (The White House 1998).

Victimization

Because of experiences in their native countries, many immigrants have a fear of law enforcement; they are reluctant to report crimes and to cooperate with police. Community policing programs have recognized this situation and recruitment of officers with language skills and cultural awareness training have become priorities in many Federal agencies and State and local police departments. These developments bring a new focus to the role of law enforcement in a changing world.

A wide range of predators victimize illegal immigrants. Guides and organized gangsters have robbed, raped, and killed them; abandoned them in the desert; tossed them overboard at sea or out of speeding cars under hot pursuit; or forced them to work in sweatshops or prostitution rings to pay off the cost of the trip. Bandits prey upon them during their journeys. Xenophobes and hatemongers terrorize them. Some employers cheat them of their earnings. The fact that illegal immigration is a crime makes the immigrants particularly vulnerable because they are unlikely to seek the protection of the law. (McDonald 1997b, 4)

Chin (1990) points out that Chinese gangs prey largely on their own communities. In addition to guarding gambling dens, they are involved in extortion of businesses, robberies, prostitution, drug trafficking, and gang violence.⁹ Additionally, undocumented Chinese immigrants are frequently held in so-called “safe houses” on arrival in the United States. Females are frequently gang raped, forced to participate in sex games, or forced into prostitution. One New York estimate indicated that there could be as many as 200 to 300 houses holding newcomers. Many of the immigrants are held and forced to work in sweatshops until they have paid off loans for transportation, which can cost in excess of \$30,000.¹⁰

Young women from Mexico, lured into the United States on the pretext of having jobs waiting, have been forced into prostitution. In 1998, 16 people were arrested for operating a smuggling ring that charged immigrants \$2,000 to cross the border. The women were then forced into brothels in Florida and South Carolina. This was not an isolated incident, according to authorities, who said that there had been at least 10 such cases between 1995 and 1998.¹¹

In 1998, five members of a Mexican family in Vera Cruz were charged with running a prostitution ring in Florida, Texas, and Mexico, with girls as young as 13. Investigators reported that “young Mexican women were promised jobs and a new start in the United States but instead found themselves enslaved in a prostitution ring.” Brothels run by the family catered exclusively to migrant workers, and 23 women were taken into custody at several sites. Women were frequently moved from one brothel to another, having been told that they would have to work off a \$2,000 “smuggling fee” (Pacenti 1998).

Spousal abuse of illegal immigrants also represents a uniquely new problem for local law enforcement. “Advocates for immigrants say spousal abuse has long been one of the most critical and widespread problems endured by women who do not have legal residency in the United States but are married to someone who does” (Thompson 1999, 31). Besides the possibility of deportation, women also fear losing custody of their children.

The U.S. Customs Service is responsible for the enforcement of the provisions of Title 19, U.S. Code, Section 1397, which prohibits the importation of goods manufactured or produced with forced or bonded child labor. As part of a wide-ranging initiative, Customs established a Forced Labor Command Center to direct enforcement and liaison efforts associated with these regulations (Kelly 1999).

The problem of assisting victims in such enterprises to free themselves from unscrupulous and criminal organizations falls largely on local law enforcement,

who are generally in the best position to uncover such activities. Unfortunately, at every level of government, the number of law enforcement officers who speak foreign languages is sorely limited. In some instances, second-generation children of immigrants represent the best hope for expanding law enforcement's language base.

Another area of concern to local law enforcement is the proliferation of hate crimes. According to FBI statistics, there were 812 such incidents involving ethnicity or national origin reported in 1995, with the number rising to 1,102 in 1997. Most of the reported incidents were against Hispanics.¹²

Property and violent crimes

For the most part, and with the exception of gang activity, the number of noncitizens prosecuted in U.S. district courts for violent crimes and property offenses is relatively low. In 1994, there were 144 offenders prosecuted for violent crimes and 1,378 prosecuted for property offenses, most of which involved fraud (U.S. DOJ, BJS 1996, 5). However, it should be noted that most property and violent crimes are not Federal offenses, and these figures do not represent the number of noncitizens prosecuted in State courts. As noted earlier, the number of persons deported in connection with convictions for criminal or narcotics violations rose from 310 in 1981 to 32,869 in 1996.

The arrest in 1999 of Angel Maturino Resendez, in connection with a string of serial murders, is a rare example of a crime spree perpetrated by an illegal alien. Known as the "railroad killer," Resendez was linked to at least nine murders. He had entered the United States illegally on numerous occasions, despite being deported at least three times by INS. Although listed in its computerized identification system, he was not identified as a fugitive who had committed various crimes dating back to 1976 and served 11 years in Mexican jails (Suro and Branigan 1999).

In addition to traditional property crimes such as theft and burglary, the expanding criminal activity in the theft and sale of cultural property, art, animals, and illegal plants has an international dimension that impacts local investigations. For example, in the United States, trafficking in animals is worth \$1.2 billion a year (Williams 1999).

The courts, the judiciary, and the rule of law

Of particular concern to criminal justice are the criminal aliens residing in the United States and the type and extent of their criminal activity. Programs to remove criminal aliens were stepped up in the late 1990s, making it easier to

deport persons convicted of a crime. However, in most cases, convicted aliens must serve their sentences prior to deportation. Congressional legislation in the form of amendments to the Immigration and Nationality Act “wipes away almost any chance potential deportees identified in prison ever had to argue that they should be allowed to stay. For while criminal court judges weigh the pluses and minuses of crimes and their circumstances, immigration judges now have no such discretion” (B. Newman 1999).

INS’ Institutional Hearing Program is designed to facilitate deportation procedures. This program has had some success in identifying criminal aliens before they are released from custody and disappear back into the American mainstream.

Globalization has had a profound impact on the American legal system, not the least of which has been growing concern and controversy over criminal justice processes and the concept of extraterritoriality. Undoubtedly, the lack of an international criminal court has had a detrimental impact on the ability of nations to cope with growing global criminal activity. American opposition to the establishment of such a court is rooted in concern for abuses and has resulted in a growing number of bilateral and multilateral agreements between the United States and other countries. How effective such agreements will be in coping with growing rates of crime across borders is an important consideration worthy of serious study. The issue goes beyond extradition: Agreements on the rule of law among countries with vastly different political, cultural, economic, and legal structures will become increasingly important.

Additionally, prosecutors are now often seeking evidence from abroad in connection with cases in American courts. The internationalization of law enforcement has created a greater need for cooperation. Although largely addressed in Federal courts, this need has also affected State courts (Nadelman 1993, 317–318).

Memorandums of Understanding (MOUs) are being developed between Federal and local prosecutors, as well as law enforcement agencies, which provide for a greater degree of cooperation in those areas that may involve multiple jurisdictions.

An International Criminal Court was established by a United Nations diplomatic conference in 1998, but the United States was not a signatory to its establishment. This court has jurisdiction over “the most serious crimes of concern to the international community as a whole, such as genocide, crimes against humanity and war crimes” (International Scientific and Professional Advisory Council 1999). The court has little or no jurisdiction over most transnational criminal activity. Thus, an individual who commits a crime involving the United States and another country is usually handled through treaties, conventions, bilateral and multilateral agreements, and MOUs.

A comparative study of institutionalization rates of various groups from 1980 to 1990, focusing on 18- to 40-year-old males, found that immigrants were less likely to be institutionalized than native-born Americans. Native-born blacks were more than twice as likely to be incarcerated as immigrant blacks, and Asian immigrants were less likely to be arrested than white non-Hispanic immigrants. The author noted, "Since youth crime is strongly related to the criminality of family members, this lower imprisonment rate might mean lower criminality by immigrants' children" (Francis 1998).

In the United States, the growing number of immigrants will continue to impact the legal system. The number of translators required in the courts has already grown dramatically. Beyond language barriers, many of those involved in the criminal justice process are unfamiliar with the system and come from cultures whose norms and traditions often conflict with traditional American judicial models.

Corrections

With more inmates from foreign countries, the correctional systems of the United States are experiencing change. Correctional officials face language and cultural differences and new religious and dietary requirements among the inmate population. In many prisons, internationals have bonded together, either for protection or in a rapidly growing immigrant gang population behind the walls.

In 1993, criminal aliens accounted for more than 25 percent of the Federal prison population (Brimelow 1996, 182). The number of noncitizens serving time in Federal prisons grew from 4,088 in 1984 to 18,829 in 1994. The largest increase involved drug offenses, where the number rose from 2,270 in 1984 to 14,226 in 1994 (Maguire and Pastore 1998, 506). In 1998, there were 34,151 non-U.S. citizen Federal prisoners, representing 27.8 percent of the population (U.S. DOJ, BJS 1999, 503). In 1995, it was estimated that there were 56,000 deportable aliens in State prisons. The State of Georgia, working with INS, arranged to have paroled offenders deported (Pettys 1995).

The Violent Crime Control and Law Enforcement Act of 1994 (Crime Act) marked a major change in efforts to reduce illegal immigration, deter employment of illegals, and improve the support of crimefighting capabilities of State and local law enforcement. It also authorized funds to reimburse States and localities for the cost of incarcerating illegal aliens (McDonald 1997b, 6).

Cooperation between INS and local officials with regard to undocumented aliens in jails and prisons is increasing, but not without controversy. In defending a cooperative program between INS and the Anaheim Detention Facility to identify illegal immigrants who were arrested for other crimes, an Anaheim

City Council member, in a letter to the editor, wrote: "This program has been a major success in reducing crime in Anaheim by undocumented immigrant criminals, especially career or repeat offenders. The issue was never undocumented immigrants, but criminals who were thwarting the justice system by manipulating the process" (Zemel 1998).

In 1996, largely due to pressure from States, the Federal Government stepped up efforts to deport criminal aliens, establishing 70 criminal deportation courts in the United States.

In some States, convicted criminals are offered early parole if an offender volunteers for deportation. In New York, where more than 10 percent of the prison population are aliens, there were about 4,500 hearings and 1,000 actual deportations in 1998. In 1996, the U.S. Department of Justice (in accord with the Crime Act) began to reimburse State and local prisons for housing illegal immigrant offenders. The cost to the Federal Government in 1997 and 1998 topped \$500 million (B. Newman 1999; see also McDonald 1997b, 6).

Critics of this effort to deport criminal aliens argue that aliens are not well represented by legal counsel and often do not understand that an agreement to deportation means they cannot ever apply for reentry. Others argue that many of those deported have been convicted of minor crimes, and the lack of flexibility in the system gives judges no leeway for extenuating circumstances.

In America's prisons, ethnic gangs have become a major problem for correctional officials. The Mexican gang La Eme ("M" in Spanish, which in this case refers to the Mexican Mafia) had its beginnings behind the walls of a California prison in 1957 and today is described as controlling "drugs, gambling, extortion and prostitution throughout the California penal system" (Stone 1999, 13).

The increasing number of alien criminals in U.S. prison systems has necessitated a number of major changes, particularly in dealing with violent inmates. As Maghan (1999, 7) notes:

Inmate violence is multidimensional. It involves inmate-on-inmate attacks (including rape) and group conflict. Group conflict can erupt in large-scale conflicts (intergang or interracial), or it can manifest itself in individual acts of violence by members of one group against members of another over an extended time period. . . . Moreover, inmate hostility is manifested against institutional operations and sabotage of systems like food and plumbing. Violence against staff and hostage taking are a constant threat.

A growing number of Americans are now in the prisons of other countries. Embassy staffs are generally not well prepared to assist Americans who have relatives in foreign prisons. Again, the differences in the legal systems of other countries have an impact on the American criminal justice system because many of these foreign cases are related to criminal activity in the United States.

In addition to increased costs in correctional facilities, the impact on probation and parole organizations must be recognized. Many observers feel that, without increased attention to foreign-born probationers and parolees, the problem will grow considerably worse in the next decade because most probation and parole officers are ill-equipped to cope with language and cultural differences.

International Cooperative Efforts

The growth and impact of international cooperation

Global crime has focused greater attention on international organizations such as the United Nations and Interpol. The Office for Drug Control and Crime Prevention of the United Nations has been upgraded to divisional status and now encompasses the former Crime Prevention and Criminal Justice Branch.

Recognizing the importance of international cooperation in conducting research, the National Institute of Justice has established an international unit. The Bureau of Justice Statistics' Web site includes extensive descriptive information about the criminal justice systems of other countries (see <http://www.ojp.usdoj.gov/bjs>).

The American role on the international scene in criminal justice will continue to expand. What roles will international organizations and American public and private organizations play in helping to foster cooperation, exchange information, and support multilateral agreements and conventions? The United States already offers extensive training programs abroad through ATF, DEA, FBI, and Customs. INS has instituted the Law Enforcement Support Center to improve the process of identifying criminal aliens. Universities throughout the United States are accepting increasing

Growing cooperation between countries has furthered the ability of America's police and prosecutors to bring more cases to the courts. Treaties and other international agreements, many in the form of bilateral or multilateral arrangements, have broadened the reach of law enforcement.

numbers of criminal justice students from abroad. The number of conferences devoted to international crime problems is expanding.

Growing cooperation between countries has furthered the ability of America's police and prosecutors to bring more cases to the courts. Treaties and other international agreements, many in the form of bilateral or multilateral arrangements, have broadened the reach of law enforcement. For example, there are treaties concerning narcotic drugs with approximately 175 countries, and more than 200 countries are involved in judicial procedure arrangements with the United States. Many of these treaties have long histories and have been revised over time. For example, an international agreement for the suppression of "white slave" traffic (trafficking in women and children) was first signed in Paris in 1904 and implemented by the United States in 1908. Currently, about 100 countries have signed this agreement.

More recent is the Convention on Terrorism. Initiated in 1973 by the United Nations and implemented by the United States in 1976, it is a convention "to prevent and punish the acts of terrorism taking the form of crimes against persons and related extortion that are of international significance." A convention on the prevention and punishment of crimes against internationally protected persons, including diplomats, was also adopted by the United Nations in 1973 and implemented in the United States in 1977. An international convention against the taking of hostages, adopted in 1979, came into force in the United States in 1985 (U.S. Department of State 1999).

Despite these improvements, a great many problems remain:

The use of diplomacy to settle international criminal cases has not been effective and must be reconsidered. Cooperative legal relations with the PRC [People's Republic of China], for example, were soured when a defendant sent to testify in the United States claimed political asylum and, under American immigration law, was not permitted to return to China. (Bolz 1995, 147)

In the private sector, multinational corporations have taken a critical interest in international crime. They are faced with a broad range of international criminal activity in America and overseas: In addition to crimes against their business operations, their employees are being victimized. In response, many companies have initiated and expanded training programs related to criminal activities with an international dimension. A number of multinational companies now have their own intelligence units, which focus on everything from employee protection to theft and fraud activities.

The rapidity of communication and travel has fostered cooperation on an international scale. Much of this cooperation has come about as a result of the Internet, and some discussion of this phenomenon is important to understanding the future of criminal justice.

Criminal Justice at the Dawn of a New Century

What is the future of international crime and the impact of criminal activity by undocumented aliens and legal immigrants? In what ways must the justice system adjust? What are the roles of government, policymakers, law enforcement, the courts, corrections, and the public at large? Despite a growing recognition of the influence of globalization, the American criminal justice system is not well prepared, and much needs to be done.

In many ways, the greatest problem in dealing with global influences is at local levels of government, where most personnel working in the justice system are not familiar with issues that may impact their communities. A lack of foreign language skills, unfamiliarity with immigration laws, erroneous perceptions of other cultures, and lack of information about new forms of crime with international dimensions all contribute to an ineffective approach to social control.

It should also be remembered that the vast majority of immigrants arriving in the United States make meaningful and important contributions. Not only are most honest and hard working, but they are also likely to be prime targets for the illegal activities of those few who, in particular immigrant groups, prey on their neighbors.

Matthew Yeager (1996), a Canadian criminologist who has done research on immigrants and criminality, notes:

In Canada, the United States and Australia, the criminality of first-generation immigrants has been less than that for the native-born. . . . Thus, it is not ethnicity or immigration status which predispose people to criminality, but the domestic characteristics of the host country—including the manner in which it processes and criminalizes behavior.

Local police officers in many large- and medium-sized cities find a growing number of ethnic communities, many of which bring their own perceptions of law and order. In many instances, it may be two or three generations before the children of immigrant families are represented in police departments. The inability of police to speak foreign languages, and the problems associated

with communicating with foreign-born citizens, severely curtails community policing activities. Many newly arrived immigrants and businesspeople are fearful of cooperating with police. As Chin (1990, 109) points out, "The lack of knowledge about the [Chinese] gangs by local precincts [in New York City] also contributes to the rapid increase in extortion." The problem is further compounded by the ability of alien criminals to move easily from one jurisdiction to another, or even to flee the country. A number of murders throughout the United States have been carried out by imported "hit men," or individuals who returned to their country of origin. "At least sixty-five murders and attempted murders in the United States have involved Soviets and Soviet émigrés since 1981 and . . . have indications of organized crime involvement" (New York State Organized Crime Task Force et al. 1996). Most local investigators are not well versed in the investigation of criminal activities that have an international dimension.

When police are able to identify a suspect or make an arrest, the problem of prosecution may also be vexing where such issues as language, victim cooperation, and jurisdiction are concerned. Even when there is cooperation between prosecutors and foreign law enforcement officials, problems can arise. In the so-called "goldfish case," in which drugs were concealed in goldfish being shipped from China to the United States, cooperative Chinese authorities permitted an arrested and convicted criminal to be brought to the United States to testify against his partners. The individual claimed asylum, saying he would be executed if sent back to China, and a judge refused to return him. The case, which dragged on for years, severely strained relations between police officials in China and the United States. Also, the lack of extradition treaties with some countries has hampered prosecutions in cases ranging from terrorist acts to murder.

The large number of undocumented aliens and immigrants who are in jails, prisons, and penitentiaries for nonimmigration-related crime has also had an impact on America's correctional system. In addition to routine management issues, such as different food and religious requirements for some inmates, the growing influence of ethnic gangs may well require major changes in the country's correctional management system (see, for example, Maghan and Kelly 1989).

In response to the threat of international crime, the U.S. Government's ICCS has identified 8 broad goals and 30 implementing objectives to "combat international crime aggressively and substantially reduce its impact on the daily lives of Americans" (The White House 1998). The eight goals are as follows:

1. Expand the first line of defense beyond U.S. borders by (a) preventing acts of international crime planned abroad before they occur, (b) using all available laws to prosecute select criminal acts committed abroad, and (c) intensifying activities of law enforcement, diplomatic, and consular personnel abroad.

2. Protect U.S. borders by (a) enhancing our land border inspection, detection, and monitoring capabilities, (b) improving the effectiveness of maritime and air smuggling interdiction efforts, (c) seeking new, stiffer criminal penalties for smuggling activities, and (d) targeting enforcement and prosecutorial resources more effectively against smuggling crimes and organizations.
3. Deny safe haven to international criminals by (a) negotiating new international agreements to create a seamless web for the prompt location, arrest, and extradition of international fugitives, (b) implementing strengthened immigration laws that prevent international criminals entering the United States and provide for their prompt expulsion when appropriate, and (c) promoting increased cooperation with foreign law enforcement authorities.
4. Counter international financial crime by (a) combating money laundering and strengthening enforcement efforts to reduce inbound and outbound movements of criminal proceeds; (b) seizing the assets of international criminals; (c) enhancing bilateral and multilateral cooperation against all financial crime; and (d) targeting offshore centers of international fraud, counterfeiting, electronic access device schemes, and other financial crimes.
5. Prevent criminal exploitation of international trade by (a) interdicting illegal technology exports, (b) preventing unfair and predatory trade practices in violation of U.S. law, (c) protecting intellectual property rights, (d) countering industrial theft and economic espionage of U.S. trade secrets, and (e) enforcing import restrictions on certain harmful substances, dangerous organisms, and protected species.
6. Respond to emerging international crime threats by (a) disrupting new activities of international organized crime groups, (b) enhancing intelligence efforts against criminal enterprises, (c) reducing trafficking in human beings and crimes against children, (d) increasing enforcement efforts against high-tech and computer-related crime, and (e) continuing to identify and counter the vulnerability of critical infrastructures and new technologies in high-tech areas.
7. Foster international cooperation and the rule of law by (a) establishing international standards, goals, and objectives to combat international crime and by actively encouraging compliance; (b) improving bilateral cooperation with foreign governments and law enforcement authorities; and (c) strengthening the rule of law as the foundation for democratic government and free markets to reduce societies' vulnerability to criminal exploitation.
8. Optimize the full range of U.S. efforts by (a) enhancing executive branch policy and operational coordination mechanisms to assess the risks of

criminal threats and integrate strategies, goals, and objectives to combat those threats, (b) mobilizing and incorporating the private sector into U.S. Government efforts, and (c) developing measures of effectiveness to assess progress over time.

Despite these goals, the overall response to the internationalization of crime in the United States leaves much to be desired. The evidence leads one to conclude that traditional boundaries of the criminal justice system in America will continue to change dramatically in the next millennium. The greatest impact will be on local criminal justice systems. This portends the need for change, particularly in the areas of human resources; legal initiatives; criminal intelligence; and cooperation and coordination among criminal justice entities, the private sector, and other governments.

Greater diversification of the work force, new training and education models, greater awareness of cultural and religious differences, and greater cooperation domestically and internationally will require tomorrow's criminal justice professional to adapt significantly to a new world order. Greater emphasis must be placed on language skills, familiarization with the legal systems of other countries, and the role local governments and business enterprises must play in combating international-related crime at the grassroots level.

Awareness training for law enforcement officers concerning international-related crime must also expand considerably. The Bureau of Justice Assistance, for example, has provided funding to IACP to provide tuition-free training to police, in cooperation with INS. This training includes:

- An overview of fraudulent documentation commonly used by illegal aliens.
- When and how to contact INS about a criminal alien arrested by State or local police.
- Tactical considerations and recommendations for responding to criminal aliens.
- Prosecution and deportation as a two-part process.
- An overview of alien criminal gangs and organizations.
- INS priorities for investigation, arrest, and deportation of criminal aliens. (U.S. DOJ, BJA 1995)

Rapid advances in technology, communication, and transportation will necessitate the introduction of new laws and legal procedures. Undoubtedly, many of these changes will involve constitutional issues related to civil rights, freedom

of expression, and jurisdictional boundaries. Indeed, a paradox of more internationalization may well be a lessening of individual rights and the autonomy of local governments. Crimes that have traditionally been handled at the State level, such as stolen vehicles and fraud, may have both interstate and international ramifications.

Virtually every report on the internationalization of crime stresses the importance of improving the capability of law enforcement at almost every level to gather criminal intelligence. This is underscored by a need for greater cooperation between the business sector and law enforcement. International crime necessitates the use of technology to identify and monitor the activities of individuals and groups involved in everything from street crime to complex illegal enterprise activities.

Given the fragmentation of the criminal justice system at virtually every level of government and the vast number of police departments (most fewer than 50 officers), the need for cooperation and coordination becomes critical. Although most international crime appears to be focused on major cities, there is every indication that suburban and rural communities are facing new threats, from the emergence of street gangs to crimes against the business community. This is also complicated by a lack of language skills among Americans, which makes it possible for some criminals to operate virtually undetected in their native languages. With the possible exception of Spanish, there are few in the American criminal justice system who speak foreign languages, particularly Russian, Chinese (Mandarin, Cantonese, and Fukianese), Arabic, or Eastern European and African languages.

Ultimately, the American criminal justice system must adapt to the fact that a changing world will require integrating of the sons and daughters of the many law-abiding immigrants into the practitioner ranks. Such an effort will also necessitate greater cooperation with other countries, many of which are suffering similar crime problems.

In the past decade, the United States has made significant progress in training and educating criminal justice personnel from abroad, but little has been done to familiarize American criminal justice practitioners with other systems. The U.S. Department of Justice has taken some steps in this regard. Reports comparing crime in other countries with those in the United States represent a first step (see, for example, Taylor and Bennett 1999). The National Institute of Justice has sponsored a number of joint studies and established an office for international programs in 1998. The Bureau of Justice Statistics publishes the *World Factbook of Criminal Justice Systems* on its Web site and, in cooperation with the United Nations and other countries, manages the International

Statistics Program. This program seeks “to improve the international collection of statistics on crime and criminal justice systems so that cross-national comparisons can be made between crime trends in the United States and in other countries” (Price-Grear 1998).

Undoubtedly, the global influence on crime in the United States will grow in the next millennium. The Chicago Council on Foreign Relations national survey found that more than 50 percent of respondents identified the following areas as being “very important” goals of the United States:

- Preventing the spread of nuclear weapons (82 percent of the public and 85 percent of the leaders).
- Stopping the flow of illegal drugs into the United States (81 percent of the public and 57 percent of the leaders).
- Combating international terrorism (79 percent of the public and 74 percent of the leaders).
- Controlling and reducing illegal immigration (81 percent of the public and 57 percent of the leaders) (Rielly 1999, 16).

Although much crime will be attributed to illegal immigrants, the growing numbers of visitors and tourists will also represent an important consideration. There are also those who may never set foot on American soil but nonetheless may be involved in forms of criminal activity in the country. With its growing economy and status as a superpower, the United States has great opportunities as well as challenges. Crime is a relatively small component of global change. As the United States enters a new century, our crime control strategies must become more effective against international crime, within the broader context of opportunities for positive change in a free society.

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Notes

1. The survey involved personal interviews with a stratified, systematic, random sample of 1,507 men and women 18 years of age or older and 379 telephone interviews that included Americans in senior positions in government, education, business, and the private sector with knowledge of international affairs (Rielly 1999, 3–5).

2. In 1996, Federal authorities in Boston indicted 3 men for trying to smuggle more than 100 Chinese people into the United States. Over a 4-year period, more than 40 ships

were detected trying to smuggle Chinese into the country. In June 1993, the *Golden Venture*, a small Panamanian ship carrying almost 300 illegal Chinese immigrants, ran aground off a beach in New York. Each person had paid between \$15,000 and \$35,000 for passage to the “promised land” of the United States. Ten of the passengers died trying to swim to shore, and the rest were taken into custody by police and immigration officials. One immigrant told authorities he had paid \$38,000 for the trip. (*Minneapolis Star Tribune* 1996; see also Bolz 1995 and *Chicago Tribune* 1999a).

3. This number includes illegal immigrants who entered the United States legally and overstayed their visas (estimated 2.1 million) and those who entered without permission (estimated 2.9 million) (U.S. GAO 1998c).

4. Additionally, the number of persons deported for reasons related to criminal or narcotics violations rose from 54 in 1981 to 156 in 1996 (see Maguire and Pastore 1998, 374).

5. The layering stage in the money laundering process involves a series of financial transactions in which the money is “moved” to generate distance from its original source. Once established in the conventional banking sector, the funds can be passed by electronic or wire transfer through a combination of front companies, banks, and shell corporations operating in financial tax havens. The goal is to obfuscate the trail of the money and ensure that any efforts to trace its origin are hindered by bank secrecy laws (Carroll 2000).

6. “A recent well-known example demonstrating this fact involves the FBI investigation of the bombing of the American Embassies in Tanzania and Kenya. Drug Enforcement Administration agents posted overseas conduct investigation of international drug trafficking organizations on a continual basis. In both these instances, however, U.S. agents are carrying out these investigations under the authority and in collaboration with the host government” (May 1999).

7. Currently, there are approximately 700 task forces operating in the United States. In 1982, FBI Director William H. Webster included counterterrorism as a national priority (see U.S. DOJ, FBI 1997).

8. A major exception involved investigation of the FALN (Fuerzas Armadas de Liberación Nacional), a violent separatist Puerto Rican group.

9. A police estimate is that 80 to 90 percent of Asian businesses pay one or more gangs regularly or occasionally (see Chin 1990, 104–117).

10. For a chilling account of the torture and brutality facing many Chinese illegal immigrants in the United States, see Chin 1997, 169–195.

11. In another case, Mexican immigrants who were deaf were forced to peddle trinkets in New York subways. In Los Angeles, 70 Thai women were held in a garment factory, some as long as 7 years, to pay off their debts (see Navarro 1998).

12. For further information, see the FBI Web site at <http://www.fbi.gov>.

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