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Crime - Talking Points

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TO: CRIME WORKING GROUP (Emanuel, Reed, Cerda, et al)
FROM: LIZ BERNSTEIN
RE: General Talking Points -- DRAFT -- For internal use only

"Violent crime and the fear it provokes are crippling our society, limiting personal freedom and fraying the ties that bind us. The crime bill before Congress gives you a chance to do something about it -- a chance to be tough and smart. "

-- President Clinton,
State of the Union Address, January 25, 1994

THE CRIME BILL NOW BEFORE CONGRESS

THE TIME TO PASS A CRIME BILL IS LONG OVERDUE:

Personal security has become the most pressing concern in the everyday lives of million of Americans. From 1960 to 1990, the number of violent crimes committed in the U.S. increased 300%. Nearly one-third of our citizens either have been a victim or had a family member be a victim of crime in the last three years. And 90% of our citizens believe our country's crime problem is growing.

People have a right to feel safe, and the first duty of government is to keep them safe.

THE PRESIDENT'S CRIME PROPOSALS ARE STRONG, SMART AND TOUGH:

A significant portion of the crime proposals now on the table are stronger and tougher than what has appeared in previous crime bills:

100,000 Cops provides a larger, more visible police presence on our nation's streets;

Adequate Funding for Prisons and Boot Camps increases the assurance that criminal activity will result in due punishment;

Toughened ban on assault weapons shuts down loopholes in previous law; and

Drug Court Programs makes sure drug offenders receive appropriate treatment.

This crime bill makes sure that those who commit crimes are caught, those who are caught get punished and those who are punished serve their time.

100,000 COPS

NEARLY \$9 BILLION AUTHORIZED TO PUT 100,000 COPS ON THE BEAT:

The Senate crime bill authorizes a total of \$8.995 billion over the next five years to hire 100,000 new police officers and expand community policing.

Of that total:

\$7.5 billion is authorized strictly for the hiring of new police officers for deployment in community policing; and

\$1.4 billion is available to fund other community policing related activities, including innovative prevention programs.

[House bill authorizes funding for 50,000 police]

COMMUNITY POLICING EMPHASIZES PREVENTION OF CRIMES AS WELL AS ENFORCEMENT OF THE LAW:

Community policing is an alternative approach to policing beyond the traditional practice of just responding to emergency calls. It works. Police departments around the country are finding out that they can't fight crime alone; they must forge a partnership with their community in advance to solve crime problems that would otherwise lead to crime.

COMMUNITY POLICING HAS BEEN EMBRACED NATIONWIDE:

Community policing is being used effectively in many agencies around the country. From New York to St. Louis to Los Angeles, police departments are using this approach. It has already helped reduce crime in several communities.

In Brooklyn, NY's Sunset Park, patrol officer Russ Amato cleaned up a crack-house on the corner of 45th Street and Third Avenue because local residents and merchants trusted him enough to finger the main pusher. "Community policing made that possible," insists Amato, "a patrol car wouldn't have had the time to spend on it." And Vinny Babino, owner of Sunset Check Cashing, says that "Russ is always around...the old ladies were afraid to come down here and now they're not."

In Kansas City, MO, Police Chief Stephen Bishop says homicides in housing projects were cut 50% by taking police out of cars and putting them on foot patrols.

In New Haven CT, a year after their new police chief Nicholas Pastore implemented community policing in his department, reported crime for the first six months of 1992 fell by 10.3% from the first half of 1991.

THE CRIME BILL WILL ENABLE MORE POLICE DEPARTMENTS TO IMPLEMENT COMMUNITY POLICING:

The crime bill will help provide police departments with the additional resources they need to fully implement community policing department-wide. These resources will enable patrol officers to have the additional time necessary to **pro-actively address and prevent** neighborhood crime and disorder problems.

PRISONS/BOOT CAMPS/TRUTH-IN-SENTENCING

TRUTH-IN-SENTENCING IS DIRECTLY TIED TO OVERCROWDED PRISONS:

Currently, more than one million persons are serving prison terms throughout the United States, the highest number in our nation's history. Thirty-two states are under court order to address their prison overcrowding. Prisoners are released by judicial orders to alleviate crowding often regardless of whether they pose a continuing threat to others.

Fixed sentences have caused the federal prison population to more than double since 1986, from 44,000 to the current 89,000. 42 states are currently under court order to relieve prison overcrowding.

MORE PRISON MONEY MEANS MORE CRIMINALS WILL SERVE THEIR TIME:

The Senate crime bill authorizes \$3 billion for grants to states to build and operate boot camps for non-violent, first-time offenders OR for the construction and operation of prisons for violent offenders; and another \$3 billion for 10 federally-run regional prisons (2,500 inmates each) for violent state offenders and criminal aliens. [note: The regional prison slots come with a catch: to qualify, states would have to certify that violent felons (those punishable by a maximum prison term of five or more years) are serving at least 85% of their sentences, and that state sentences for violent crimes are at least as rigorous as their federal counterparts. It will be difficult to keep regional prisons out of the bill. They are a "must have" provision for Republicans, and attract enough support from Representative Schumer and other Democrats to have been included in the final 1992 crime bill conference report.]

BOOT CAMPS PROVIDE AN ALTERNATIVE TO PRISON AND SAVE MONEY:

Boot camps for first-time, non-violent offenders, provide young people the discipline, education, and training they need for a better chance to avoid a life of crime. Non-violent offenders deserve punishment, but it doesn't have to be in high-cost (average prisoner --\$20,000 per year) incarceration to get results.

BOOT CAMPS ARE PROVING THEIR EFFECTIVENESS NATIONWIDE:

Today, boot camps are operating in 30 states, 10 local jurisdictions and the Justice Department's Bureau of Prisons. Periods of incarceration vary from 90 to 180 days, with the average offender serving 107 days. The total number of boot camp beds exceeds 7,000 and can potentially serve more than 23,000 offenders within a one-year period.

In Jessup, MD, of the 722 people who have completed the boot camp program, the recidivism rate is about 33%, 14% less than the rate for all inmates paroled in that state.

In Wrightsville, AR, the recidivism rate for their boot camp is 14% compared to the 40% rate statewide.

MANDATORY MINIMUMS

MANDATORY MINIMUMS ARE NOT NECESSARY ON FEDERAL LEVEL:

Mandatory minimums are more serious a problem at the state level than they are at the federal level. In July, 1993, GAO issued a report (based on a review of 900 cases in eight judicial districts) showing that in 70 percent of drug cases carrying mandatory minimums, defendants were sentenced to stiffer sentences pursuant to the sentencing guidelines than they would have been under the mandatory minimum. The GAO's review also revealed that in only about 5 percent of federal drug cases was a mandatory minimum sentence imposed that was longer than the punishment proscribed by the sentencing guidelines.

CRIME BILL ADDRESSES PROBLEMS WITH MANDATORY MINIMUMS:

The Senate crime bill includes a "safety valve" that will allow non-violent, first-time offenders, who are being sentenced under three of the most popular federal drug-related mandates, to be sentenced under the sentencing guidelines rather than receiving mandatory minimum sentences. This narrow provision represents a bipartisan compromise between Senators Simon, Kennedy, Hatch and Thurmond, as well as the Attorney General and the Sentencing Commission.

D'AMATO AMENDMENT GOES TOO FAR IN FEDERALIZING GUN CRIMES:

The most far reaching new mandatory minimum in the crime bill is part of the D'Amato amendment, which would federalize most gun crimes by making a federal crime of all murders committed with a firearm, and of the use, possession, or carrying of a firearm during the commission of a state violent crime or drug offense. This is excessively broad and should not be in the bill.

"THREE STRIKES AND YOU'RE OUT" FOR VIOLENT OFFENDERS

3 STRIKES PUTS VIOLENT, REPEAT OFFENDERS AWAY FOR LIFE:

We need a criminal justice system that makes sure those who commit crimes serve their sentences. We need a system that says to repeat offenders: When you commit a third violent crime, you will be put away, and put away for good. The Senate provision would apply to individuals with three federal and/or state drug or violent crime felony convictions, which are punishable by a maximum prison term of 10 years or more, so long as the third conviction is a federal offense::

Last October, twelve-year-old Polly Klaas of Petaluma, CA was abducted from her home during a sleepover and subsequently murdered. Richard Allen Davis, the alleged assailant, already had two prior violent felony convictions -- one for assault and the other for kidnapping. Davis was paroled on that conviction last June after having served eight years of the 16 year sentence.

THREE STRIKES IS WIDELY SUPPORTED BY BOTH PARTIES:

Governors across the spectrum from Mario Cuomo to George Allen have made three-strikes-and-out the central crime plank of their State of the State addresses. Voters in Washington approved it overwhelmingly in November, and legislatures in California, Virginia, New York, and elsewhere are expected to enact versions of it this spring.

DEATH PENALTY

CAPITAL PUNISHMENT IS WARRANTED IN THE MOST HEINOUS CRIMES:

Society supports and has the right to use the death penalty for those convicted of the most serious violent crimes. Among those included in the crime bill are murder of a police officer and murder in conjunction with a sexual assault.

[drive-by shootings
drug kingpins (non-homicidal)]

ASSAULT WEAPONS AND OTHER GUN ISSUES

The Center for Disease Control says that gun deaths will soon surpass auto-related fatalities.

ASSAULT WEAPONS BAN IS A CRUCIAL COMPONENT OF THE BILL:

The Senate crime bill includes tough good assault weapons provisions, which ban the manufacture, transfer, and possession of deadly, military-style assault weapons. It specifies a list of banned weapon types, replicas, and duplicates. It also prohibits the manufacture, transfer, or possession of large capacity ammunition feeding devices.

On, December 7, 1993, a gunman on a Long-Island commuter train used a Ruger P-89, 9mm pistol with a 15-round magazine to kill six people and wound several others.

On January 25, 1993, Pakistani national Mir Aimal Kansi allegedly killed 2 CIA employees with a semi-automatic AK-47 assault rifle, purchased from a Virginia gun store.

On February 28, 1993, Four ATF agents were killed and 16 were wounded in the shootout at a Waco, TX ranch compound. At least 123 Colt assault weapons were found among the other assault weapons, including 44 AK-47s, 2 Barrett .50 calibers, 2 Street Sweepers, MAC-10s and MAC-11s, 20 100-round drum magazines, and 260 large-capacity clips. The weapons were bought legally from dealer and at gun shows.

PREVIOUS BAN ON FOREIGN ASSAULT WEAPONS BANS MADE A CHANGE BUT WE MUST HAVE FURTHER RESTRICTIONS:

In most jurisdictions there are virtually no restrictions on the purchase of assault weapons. The Bush Administration permanently banned the **importation** of 43 models of semi-automatic assault rifles in 1989. That ban had an effect:

Between 1989 and 1990 the number of imported assault weapons traced to crime fell by 45%; **but**

The number of domestic assault weapons traced to crime remained about the same.

The Bureau of Alcohol, Tobacco, and Firearms estimates that 75% of assault weapons in the U.S. are American made.

ASSAULT WEAPONS BAN IS AN IMPORTANT FIGHT TO WIN:

An assault weapons ban will still be an uphill struggle in the House, but it's a fight well worth having. The crime bill conference debate shouldn't be about whether we're for prevention vs. punishment, or whether or not we support tough measures for repeat offenders. It should be about whether or not the Republicans will accept common-sense gun measures that are long overdue and have broad public support, and whether or not Republicans will block a \$22 billion crime bill to placate the NRA.

"I want to ask the sportsmen and others who lawfully own guns to join us in this campaign to reduce gun violence. I say to you, I know you didn't create this problem, but we need your help to solve it. There is no sporting purpose on Earth that should stop the United States Congress from banishing assault weapons that out-gun police and cut down children." [President Clinton, State of the Union Address, January 25, 1994]

There are about one million semi-automatic assault weapons currently in circulation. Police speculate that these weapons have become the "weapons of choice" for drug traffickers, street gangs, and paramilitary extremist groups. Assault weapons are about 17 times more likely to be traced to crime than conventional firearms.

CRIME BILL STRENGTHENS FEDERAL FIREARMS LICENSING:

The bill incorporates several critical changes to strengthen the federal firearms licensing system, including requiring gun dealers to comply with all state and local laws and to report lost or stolen inventory to ATF.

BILL INCREASES THE NUMBER OF FEDERAL CRIMES:

The Senate bill creates new federal crimes in the area of criminal street gangs, parental accountability for juvenile crimes, and domestic violence. In these cases, federal law enforcement efforts should supplement -- not supplant -- local law enforcement efforts.

DRUG COURTS/DRUG TREATMENT

60% of inmates in federal prisons and 20% of inmates in state prisons are there on drug charges. Nearly one in every three new state prisoners is a drug offender, up from one in 25 in 1960.

DRUG COURTS ARE TOUGH BUT PERSONAL:

Drug courts seek to take the processes of criminal courts beyond their current limits of arraignment, conviction, and sentencing to an appropriate next step. It has the appeal of being tough on crime while also personalizing --and showing compassion for-- the treatment of drug-related crime to prevent recidivism.

The drug court system is based on viewing drug addiction in criminal defendants as not only a medical problem but as a complicated medical/psychological/social set of problems associated with criminal behavior. It includes:

Immediate intervention, with testing done at the time of the arrest;

An enhanced role for the judge, with oversight over the participation in the treatment plan;

Frequent drug testing, with a computer linkup to the courtrooms of not only the results but all treatment progress and participation records;

Emphasis on the quality and continuity of the treatment process.

THE CRIME BILL GIVES DRUG COURTS SIGNIFICANT FUNDING:

The bill authorizes a combined total of \$1.2 billion for drug court programs consisting of three components, over which the AG has coordinating authority:

Grants for drug testing of state prisoners (\$300 million);

grants for drug treatment in state prisons (\$300 million); and

grants for "certainty of punishment" programs -- including boot camps that allow earlier intervention with alternative punishment for young offenders aged 18-22.

In Florida, Dade County's drug courts in the past four years have seen the recidivism rate by offenders fall from 33% to three percent. It has proven to be a practical and money-saving approach that could save taxpayers billions over time.

PROBLEMS WITH DRUG-ADDICTED PRISONERS ARE ADDRESSED:

Those criminals who are addicts must get treatment. Evidence shows that drug treatment for prisoners cuts recidivism in half and is very cost-effective. The crime bill establishes a schedule for treatment of federal drug-addicted prisoners, requires drug testing of federal offenders on post-conviction release, and enhances penalties for drug use and trafficking within federal prisons.

VIOLENCE AGAINST WOMEN

SPECIAL PROVISIONS PROTECTING WOMEN INCLUDED FOR THE FIRST TIME:

A study to be released on January 30 by the Justice Department shows that two-thirds of violent attacks against women were committed by someone the victim knew. The unique nature of those crimes require the law to be especially sensitive to the differences that fact creates, and for the first time, these special provisions will be included in the crime bill. The amendment:

Increases the sentences for rape, requires rapists to pay mandatory restitution to their victims, and extends the rape shield law to civil cases.

[The Act also provides grants for increased policing, prosecutorial resources, and prevention in areas with high rates of sexual assaults];

Requires all states to recognize the validity of a spouse stay-away order issued in another state, creates a federal crime for crossing state lines to violate such an order, and targets funds to support the prosecution of spouse abusers;

Recognizes a woman's right to be free from violent attacks based on gender, and creates a civil rights cause of action for violations of that right;

Promotes rape prevention on college campuses; and

Creates training programs for state and local judges to create awareness of, and knowledge of, violence against women.

POLLY KLAAS'S ABDUCTOR WOULD RECEIVE INCREASED PENALTIES:

The Act increases the penalties for repeat offenders and for sex offenders against victims under 16.

YOUTH-RELATED PROVISIONS

Firearm violence kills an American child every three hours.

CRIME BILL HAS STRONG SAFE SCHOOL PROVISIONS:

The current Senate bill allocates \$300 million over three years for local schools and communities. Up to one-third of that can be used for security-related measures (e.g., metal detectors, school police, video surveillance). The rest of the funding goes towards:

Drug and alcohol education, and training programs;

Counseling programs for children who are victims of school-related violence;

Programs to provide alternative, constructive programs for youth at risk for gang recruitment.

The bill also authorizes \$20 million to state educational agencies to make available teacher, parent and student awareness programs, and to disseminate information on successful school violence programs.

On January 26, 1994, gunfire erupted among a group of teenagers at Dunbar High School, in Washington, D.C. Although no one was injured or killed, the incident renewed concerns among students, teachers and Board of Education members about security for members of this community.

One teenager was arrested, and charged with assault with a deadly weapon. But school officials regard security as a longstanding, critical problem. On the day of the shooting, this school, with more than 700 students, had only one walk-through metal detector in use.

COMMUNITY POLICING HELPS TARGET YOUTH AT RISK:

Some of the policing money is directed at early intervention such as teams of police, social workers, educators, and doctors working together to intervene early in the lives of juvenile victims and offenders. Other funding boosts programs such as Police Athletic League, Big Brothers/Big Sisters, and Girls and Boys Clubs.

From 1985 to 1992, the number of 15-year-old males charged with murder has increased by 217%.

BILL TARGETS YOUTH INVOLVED WITH GANGS AND DRUG ABUSE:

DOJ reports that 4,881 gangs were operating in this country in 1991, with 249,324 members who committed 1,051 homicides.

The crime bill authorizes \$100 million in state grants for such drug and gang prevention programs as:

- Education, prevention and treatment programs for at-risk juveniles;

- Academic, athletic, and artistic after-school activities;

- Sports mentoring programs;

- Alternative programs in public housing projects; and

- Training for judicial and correctional agencies to identify, counsel, and treat drug-dependent or gang-involved juvenile offenders.

\$40 million is authorized for fifty Gang Resistance Education and Training Projects and \$36 million for ATF and Secret Service agents to investigate juvenile gun trafficking.

Homicides and aggravated assault are three times more likely to be committed by gang members than by non-gang delinquents.

BILL INCREASES PENALTIES IN SCHOOL ZONES AND FOR GANG-RELATED CRIMES:

The crime bill increases the federal penalties for employing children to distribute drugs near schools and playgrounds and it imposes new federal penalties for crimes committed by gang members.

Today, more than 3 million crimes a year are committed in or near the 85,000 U.S. public schools.

CRIME BILL INCLUDES JUVENILE HANDGUN BAN:

The bill includes a ban, with limited exception, on the sale or transfer of a gun to a juvenile, as well as the possession of a gun by a juvenile. It also increases the penalty for transferring a gun to a juvenile where the transferor knows that the juvenile will use the gun to commit a crime.

In 1992, 46,000 juveniles were arrested on weapons charges nationally, with guns involved on a vast majority of the cases. This number is double that of similar arrests in 1982.

THIRTEEN YEAR OLDS TRIED AS ADULTS:

The compromise worked out in the Senate is that for serious violent crimes, 13-year olds **may** be tried as adults under the decision of the federal prosecutor, but federal law does not require that they be tried in all cases.

JUVENILE DETENTION:

\$500 million is authorized to be passed on to states for the construction of facilities to house violent juveniles.

"OUNCE OF PREVENTION":

The bill authorizes \$75 million for an "Ounce of Prevention Fund" for after-school and summer youth programs, including outreach programs for at-risk families.

VIOLENT CRIME REDUCTION TRUST FUND

PRESIDENT CLINTON IS FULFILLING A PROMISE WITH THE VCRTF:

In his campaign book, Putting People First, then-Governor Clinton....

ACROSS THE BOARD WORKFORCE REDUCTION WILL FUND CRIME BILL:

Senators Byrd, Mitchell, Sasser, Biden, Hatch, Dole, Gramm and others reached agreement on an amendment to codify the Administration's 252,000 federal workforce reduction, transfer these savings into a newly-created Violent Crime Reduction Trust Fund (VCRTF), and reduce the discretionary caps by an equal amount. The total amount of money available for crime bill authorizations under the amendment would be \$22.268 billion over the next 5 years. The VCRTF, since it is essential to achieving a crime bill conference report, is included in the FY 1995 budget.