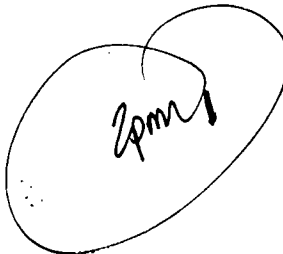


October 8, 1999

**FIREARMS ENFORCEMENT DIRECTIVE
STATUS REPORT**



I. THE DIRECTIVE

To: Secretary of the Treasury
Attorney General

Issued: March 20, 1999

Due: 90 days (from 3/20/99)

II. TIMELINE

(1) The Attorney General has responded to the directive in the following ways:

- A. Only July 17, 1999, she sent a memo to all 93 U.S. Attorneys requesting that they: (1) appoint a point of contact for the directive; (2) conduct a district gun analysis; and (3) provide an integrated gun violence reduction plan consistent with the President's directive in writing to her office by August 30, 1999.
- B. Many of the 93 integrated violence reduction plans have already begun operation in each of the 93 districts across the nation. The Attorney General attended the first of these in Denver on Monday. (The 93 plans already represent a key component of action taken on this directive.)

(2) The Secretary of the Treasury responded to the directive in the following ways:

- A. A memo was sent out to all 23 ATF Field Offices requesting them to report back on successful integrated violence reduction strategies.
- B. ATF has been focusing on their needs with regard to regulatory improvements and expanding resources.

(3) The Department of Justice and the Department of Treasury are meeting regularly. A productive meeting was held in July when Jim Johnson addressed the Attorney General's Advisory Committee of U.S. Attorneys on gun prosecutions generally and the prosecution of Brady denial cases. The following issues were also addressed:

- (A) Developing and reporting new information about the flow of guns that supports the strategic enforcement and operations in the area of illegal gun trafficking, particularly to juveniles and youth.

① Arrest -
- Appear of show
gun + knife
not forced collect of gun
hunting gun, survival gun,
potable gun,
+ guns (person safety gun)

"Y2K shows"

- Hahn/Hyde Der. knows confirm
to unveil a bill,

Bill call.

Erasion language

- (B) Building a firearms enforcement strategy that addresses both illegal trafficking and criminal misuse of firearms.
- (C) Restoring ATF's law enforcement resources.
- (D) Implementing PHASE II of the Brady Law, the NICS System.
- (E) Developing the joint DOJ/TREASURY integrated gun violence reduction strategy.

III. TIMELINE

- (1) DOJ/TREASURY will have outline of report available by the week of October 18th.
- (2) DOJ/TREASURY believe that the report will be completed by late November.

IV. OVERVIEW OF PAST FIREARMS ENFORCEMENT INITIATIVES (1989 to Present)

- (1) Project Triggerlock

In the 1980's, most of the focus of gun enforcement was on prosecuting criminal misuse of guns. The so-called DOJ "Triggerlock" cases (ATF counterpart were "Achilles" cases) focused on the convicted felon in possession cases, and preferably the armed drug trafficker.

The Department of Justice's "Triggerlock" Program (est. 1991) required each of the 93 U.S. Attorneys to create task forces within each district that brought national/state/local officials together to target the most violent firearms offenders and prosecute them federally. One senior AUSA in each district was assigned at the "Triggerlock Coordinator," and they would work with local district attorneys to determine which firearms cases merited federal prosecutions in order to maximize sentencing. Further, each firearms cases was provided a special "Triggerlock" code when it was logged into the DOJ's case database.

The "Triggerlock" philosophy was further bolstered by a 1989 memorandum issued by then Attorney General Dick Thornburgh directing all U.S. Attorneys to never plea bargain on gun cases.

(2) 1994 Anti-Violent Crime Initiative

In 1994, the Anti-Violent Crime Initiative was established. The focus on prosecutions was shifted from targeting specific gun crimes to focusing resources on all violent crimes. Perhaps the most controversial shift was signaled when Attorney General Janet Reno repealed the Thornburgh directive, and allowed U.S. Attorneys to plea bargain gun cases. The philosophy behind this was that, in many instances, armed criminals commit multiple offenses -- many of which carry heavier penalties other than gun charges. Reno wanted to provide prosecutors with the greatest possible discretion when plea bargaining to maximize sentencing.

By the end of the 1980's, the ATF had begun an internal reevaluation of the federal firearms strategy that called for more complex cases and a renewed focus on trafficking.

V. The Integrated Violence Reduction Strategy

(1) The Prosecution Issue

October 8, 1999
FIREARMS ENFORCEMENT DIRECTIVE
STATUS REPORT

I. THE DIRECTIVE

To: Secretary of the Treasury
Attorney General

Issued: March 20, 1999

Due: 90 days (from 3/20/99)

II. TIMELINE

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- A. A memo was sent out to all 23 ATF Field Offices requesting them to report back on successful integrated violence reduction strategies.
- B. ATF has been focusing on their needs with regard to regulatory improvements and expanding resources.

(3) The Department of Justice and the Department of Treasury are meeting regularly. A productive meeting was held in July when Jim Johnson addressed the Attorney General's Advisory Committee of U.S. Attorneys on gun prosecutions generally and the prosecution of Brady denial cases. The following issues were also addressed:

- (A) Developing and reporting new information about the flow of guns that supports the strategic enforcement and operations in the area of illegal gun trafficking, particularly to juveniles and youth.

- (B) Building a firearms enforcement strategy that addresses both illegal trafficking and criminal misuse of firearms.
- (C) Restoring ATF's law enforcement resources.
- (D) Implementing PHASE II of the Brady Law, the NICS System.
- (E) Developing the joint DOJ/TREASURY integrated gun violence reduction strategy.

III. TIMELINE

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In 1994, the Anti-Violent Crime Initiative was established. The focus on prosecutions was shifted from targeting specific gun crimes to focusing resources on all violent crimes. Perhaps the most controversial shift was signaled when Attorney General Janet Reno repealed the Thornburgh directive, and allowed U.S. Attorneys to plea bargain gun cases. The philosophy behind this was that, in many instances, armed criminals commit multiple offenses -- many of which carry heavier penalties other than gun charges. Reno wanted to provide prosecutors with the greatest possible discretion when plea bargaining to maximize sentencing.

By the end of the 1980's, the ATF had begun an internal reevaluation of the federal firearms strategy that called for more complex cases and a renewed focus on trafficking.

V. The Integrated Violence Reduction Strategy

(1) The Prosecution Issue

October 6, 1999
Firearms Enforcement Directive
Status Report

I. THE DIRECTIVE

To: Secretary of the Treasury and the Attorney General
Issued: March 20, 1999
Due: 90 days

Develop and implement an integrated firearms violence reduction strategy that draws on innovative approaches being demonstrated by communities throughout the country, and make recommendations on how to best allocate Federal resources to support its goals:

- (1) Increase investigation and prosecution of significant firearms violations, including illegal possession, use, and trafficking of guns, through innovative programs such as Project Exile and Boston's Operation Ceasefire;
- (2) Expand comprehensive "crime gun" tracing, analysis, and mapping; increase use of ballistics identification technology; and coordinate use of crime gun information to identify illegal gun markets, gun "hot spots," and illegal gun traffickers.
- (3) Strengthen the coordination of law enforcement and regulatory enforcement efforts to ensure compliance with all applicable laws by federally licensed gun dealers and prospective gun purchasers;
- (4) Implement targeted deterrence of violent offenders through (a) improved coordination with probation and parole officials supervising such offenders, and (b) swift and certain punishment for those found to have violated the conditions of their parole or probation; and
- (5) Promote problem-solving analysis and innovative strategies to work closely with community members to identify gun criminals, remove weapons in the hands of juveniles, search for and seize crime guns, and increase the public's knowledge of their community's gun-related crime and violence problem.

II. TIMELINE

- (1) DOJ

October 7, 1999
Firearms Enforcement Directive
Status Report

I. THE DIRECTIVE

To: Secretary of the Treasury and the Attorney General
Issued: March 20, 1999
Due: 90 days

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- (1) Increase investigation and prosecution of significant firearms violations, including illegal possession, use, and trafficking of guns, through innovative programs such as Project Exile and Boston's Operation Ceasefire;
- (2) Expand comprehensive "crime gun" tracing, analysis, and mapping; increase use of ballistics identification technology; and coordinate use of crime gun information to identify illegal gun markets, gun "hot spots," and illegal gun traffickers.
- (3) Strengthen the coordination of law enforcement and regulatory enforcement efforts to ensure compliance with all applicable laws by federally licensed gun dealers and prospective gun purchasers;
- (4) Implement targeted deterrence of violent offenders through (a) improved coordination with probation and parole officials supervising such offenders, and (b) swift and certain punishment for those found to have violated the conditions of their parole or probation; and
- (5) Promote problem-solving analysis and innovative strategies to work closely with community members to identify gun criminals, remove weapons in the hands of juveniles, search for and seize crime guns, and increase the public's knowledge of their community's gun-related crime and violence problem.

II. DEVELOPMENTS

- (1) The Attorney General has responded to the directive in the following ways:
 - A. On July 17, 1999, she sent a memo to all 93 United States Attorneys requesting that they: (1) appoint a point of contact for the directive; (2) conduct a district gun analysis; and (3) provide an integrated gun violence reduction plan consistent with the President's directive in writing to her office by August 30, 1999.

- B. Many of the integrated violence reduction plans have already begun operation in each of the 93 districts across the nation. The Attorney General attended the first of these in Denver on Monday.
- (2) The Secretary of the Treasury responded to the directive in the following ways:
- A. A memo was sent out to all 23 ATF Field Offices requesting them to report back on successful integrated violence reduction strategies.
 - B. ATF has been focusing on regulatory improvements and expanding resources.
- (3) The Department of Justice and the Department of Treasury are meeting regularly. A productive meeting was held in July when Jim Johnson addressed the Attorney General's Advisory Committee of U.S. Attorneys on gun prosecutions generally and the prosecution of Brady denial cases. The following issues were also discussed:
- (A) Developing and reporting new information about the flow of guns that supports strategic enforcement and operations in the area of illegal gun trafficking, particularly to juveniles and youth.
 - (B) Building a firearms enforcement strategy that addresses both illegal trafficking and criminal misuse of firearms.
 - (C) Restoring ATF law enforcement resources.
 - (D) Implementing PHASE II of the Brady Law, the NICS System.
 - (E) Developing the joint DOJ/TREASURY integrated gun violence strategy.

III. TIMELINE

- (1) DOJ/TREASURY to have outline of report available by the week of October 18th.
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IV. OVERVIEW OF PAST FIREARMS ENFORCEMENT PROGRAMS (1989 to Present)

(1) Project Triggerlock, established Spring 1991

- (A) **GOAL:** To focus federal resources on incarcerating the armed criminal. In the 1980's most of the focus of federal gun enforcement was on prosecuting criminal misuse of guns. The so-called DOJ "Triggerlock" cases, or ATF "Achilles" cases, focused on the convicted felon in possession of firearms, preferably the multiple convicted felons and armed drug traffickers.
- (B) **TASK FORCE:** Each U.S. Attorney was required to establish a task force with national/state/local officials, law enforcement to target the most violent offenders and prosecute them federally. ✓
- (C) **TRIGGERLOCK COORDINATORS:** A senior AUSA was assigned as the "Triggerlock Coordinator" and would meet with assistant district attorneys to maximize sentencing on all firearms cases.
- (E) **TRIGGERLOCK DATABASE:** A special code was established for tracking the number of firearms cases prosecuted. Even in gun cases when there were other, larger violations involving drugs or other illegal activities, the case was assigned this code.
- (F) **INFAMOUS THORNBURGH MEMO:** In 1989, Attorney General Dick Thornburgh issued a memo to all U.S. Attorneys directing them never to plea bargain on gun cases as a way to appear tougher on the issue. ✓
- (G) **ATF's ROLE:** ATF

(2) 1994 Anti-Violent Crime Initiative

- (A) **GOAL:** To energize the attack on all violent crimes.
- (B) **VIOLENT CRIME COORDINATORS:** One senior AUSA in each district was designated as a Violent Crime Coordinator, and asked to meet with state/local officials and law enforcement to identify the most serious violent crime problem in the area and to identify ways that the federal and locals should team up to eradicate it.
- (C) **INFAMOUS RENO MEMO:** In 1993, Attorney General Janet Reno issued a memo to all U.S. Attorneys overturning the Thornburgh directive that had restricted them from ever plea bargaining on firearms cases. Reno's intention was to provide prosecutors with greater discretion to maximize sentencing on more violent criminals. Oftentimes, criminals may face greater sentences on charges ✓

other than a firearms-related offense – and this added discretion allows prosecutors to seize those opportunities.

V. POTENTIAL INITIATIVES RESULTING FROM DIRECTIVE

VI. QUESTIONS/TROUBLE SPOTS

D
J**Criminal Division
U. S. Department of Justice**

Washington, D.C. 20530

Terrorism and Violent Crime Section
U.S. Department of Justice
Patrick Henry Building, Suite 6500
601 D Street, NW
Washington, D.C. 20530
Phone: (202) 514-0849
Fax: (202) 514-8714

FACSIMILE TRANSMITTALDATE/TIME: Deanne at DPC

TO: _____

FAX NO.: 9 456-7028

FROM: **BRUCE DELAPLAINE**
Deputy Chief for Violent Crime
(202) 307-2163

NUMBER OF PAGES INCLUDING COVER SHEET: _____

SUBJECT/REMARKS: _____

FOR VERIFICATION CALL: (202) 514-0849

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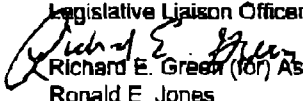
Total Pages: 19

LRM ID: REJ191

**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001**

Friday, October 8, 1999

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below
FROM:  Richard E. Green (for) Assistant Director for Legislative Reference
OMB CONTACT: Ronald E. Jones
E-Mail: Ronald_E_Jones@omb.eop.gov
PHONE: (202)395-3388 **FAX:** (202)395-3109
SUBJECT: **STATE Testimony on International Child Abduction**
DEADLINE: **5 PM Tuesday, October 12, 1999**

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. **Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.**

COMMENTS: the attached testimony is for a Thursday, 10/14, hearing of the House International Relations Committee. Justice is also scheduled to testify.

DISTRIBUTION LIST**AGENCIES:**

61-JUSTICE - Jon P. Jennings - (202) 514-2141
52-HEALTH & HUMAN SERVICES - Sondra S. Wallace - (202) 690-7760
83 National Security Council - Robert A. Bradtke - (202) 456-9221

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Scott Busby
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Christine J. Lindsey
John E. Thompson
Michele Ahern

LRM ID: REJ191

SUBJECT: STATE Testimony on International Child Abduction

**RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM**

If your response to this request for views is short (e.g., concurring comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

(1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or

(2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO:

Ronald E. Jones Phone: 395-3386 Fax: 395-3109
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant): 395-3454

FROM:

_____(Date)
_____(Name)
_____(Agency)
_____(Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

CONCUR

No Objection

No Comment

_____ See proposed edits on pages _____

Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

STATEMENT OF
MARY A. RYAN
ASSISTANT SECRETARY FOR CONSULAR AFFAIRS
UNITED STATES DEPARTMENT OF STATE
BEFORE THE COMMITTEE ON INTERNATIONAL RELATIONS
UNITED STATES HOUSE OF REPRESENTATIVES
CONCERNING
IMPLEMENTATION OF THE HAGUE CONVENTION ON THE CIVIL
ASPECTS OF INTERNATIONAL CHILD ABDUCTION

Thursday, October 14, 1999

Mr. Chairman and Members of the Committee --

I am pleased to appear before the Committee today to address the important topic of international parental child abduction. Mr. Chairman, I want you to know how much I appreciate your focus on this issue because there is no greater responsibility than the welfare of our children. I have a prepared statement, which I would like to submit for the record. I will touch on its main points in my remarks today.

The protection of Americans abroad, including those children victimized by international parental child abduction, is of the highest priority to the Department of State. Matters involving the welfare and custody of children are some of the most

difficult and emotional cases with which we must deal. When a parent abducts, or wrongfully retains, a child from his or her home, and prevents the child from having a relationship with the other parent, the trauma to the child is immediate and compounded each day the child is not returned home.

International child abductions are often complicated by the fact that many abducted children are from multi-cultural relationships. They are often citizens of both the United States and the country to which they were abducted. Ultimately the fate of these children is decided by the courts of the countries to which they have been abducted or in which they have been wrongfully retained. Often custody orders entered into by U.S. state courts are not enforceable outside our country. Even when everyone involved is a U.S. citizen, these cases are often difficult to resolve once the child has been removed from the United States.

Hague Convention

The United States has long taken a lead in creating a mechanism for the return of children abducted internationally. The United States was instrumental in the negotiation of the 1980 Hague Convention on the Civil Aspects of International Child Abduction, to which the U.S. became party in 1988. The Convention provides a civil legal mechanism in the country where the child is located for parents to seek the return of, and access to, their child. It applies only to cases where children resident in a Hague Convention country have been abducted to, or wrongfully retained in, another country party to the Convention.

The Bureau of Consular Affairs' Office of Children's Issues acts as the Central Authority for the Convention in the United States. Pursuant to the Convention, a Hague

proceeding does not decide custody; instead, it decides in which country custody determination should be made. It should, with very few and limited exceptions, result in an order from the court where the abducted child is located for return to the country of habitual residence so that the parents may pursue the resolution of custody.

Overall, the Convention is a success story. In the first ten years that the United States has been party to the Convention, proceedings have resulted in the return of over 2,000 children to the United States. Further, we believe the existence of the treaty's return mechanism has deterred an untold number of abductions. Approximately 60% of the cases in which we provide assistance are now covered by the Convention. When the U.S. joined the Convention in 1988, only nine other countries were party. Today the Convention is in effect between the U.S. and 53 other countries. We have an active program to encourage countries to join the Convention as the best possible means of protecting children from the harmful effects of abduction. For example, in my August trip to Japan, which is not currently party to the Convention, I discussed with a Justice Ministry official the benefits of the Convention for both our countries. As we look to improve the Convention's effectiveness, we must remember the many parents who wish that they had even this less than ideal mechanism to seek return of their children.

While the Hague Convention has facilitated the return of many children to the United States, and while it is a vast improvement over the lack of any international mechanism whatsoever, it is an imperfect instrument. It does not always facilitate the return of children in cases where it should. The world has changed since the Convention was conceived 19 years ago when the majority of taking parents were fathers. Now, 70 percent of taking parents are mothers, and courts in some countries are reluctant to

compel children's return to their fathers in the United States. Nevertheless, before we became party to the Convention, return of children in abduction cases to the U.S. was approximately 20 percent. Under the Convention about 72 percent of cases result in return or access. The rate of returns from the U.S. to other countries is even higher, approximately 90 percent, including voluntary returns.

The Hague Convention does not guarantee a satisfactory result for every left-behind parent. Implementation of the Convention varies among foreign jurisdictions. Even when the left-behind parent has filed an application in a timely fashion, hired legal counsel, and literally done everything "right", that parent, and the United States, may be bitterly disappointed with the result. There have been some decisions by foreign courts in Hague cases with which we do not agree. However, these decisions are made by independent judiciaries in independent sovereign states. The Hague Convention cannot make a biased judicial system fair, or a nationalistic judge more objective, nor can it remove gender bias from a judicial system.

This reality offers little comfort to the left-behind parents who have suffered the frustration and anguish of losing contact with a beloved child. Nor does it comfort the traumatized child who has been abruptly wrenched from the arms of one parent and asked in effect to choose sides. That is why we continue to work to improve the implementation of the Convention.

Education and Prevention

The best means of protecting children from the harmful effects of international parental child abduction is prevention through education about and understanding of the Convention. One way to accomplish this is through increased education both

domestically and internationally of family court judges and law enforcement officials. As one means of addressing this issue internationally, we are inviting judges and Hague Central Authorities from a number of common law countries to a conference in Washington next fall to discuss how to improve consistency of decisions and better implementation of the Convention.

Noncompliance Report

As mandated by the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1998, this past spring the Secretary of State provided Congress with a report on compliance of party countries. In that report, we found Austria, Honduras, Mauritius, Mexico and Sweden to have demonstrated a pattern of noncompliance with the obligations of the Convention with respect to applications for return of children to the United States.

Honduras and Mauritius

The Government of Honduras has chosen to take no action on applications filed by left-behind parents for the return of children in Honduras, claiming that Honduras is not bound by the Convention, due to an error in its domestic ratification process.

Mauritius was found noncompliant because of a Mauritian Supreme Court decision claiming that the Convention is not binding on Mauritian courts. This situation has been particularly difficult because of two pending cases where small children were taken to Mauritius by their mothers. Although the fathers filed for a Hague return in a timely fashion, the Government of Mauritius stated there was nothing it could do to require the courts to give effect to the Convention. Our Ambassador to Mauritius

subsequently obtained the commitment of the Mauritian Minister of Justice that he would ensure this issue was resolved. We will continue to work with the Government of Mauritius with respect to individual cases and on the broader issue of their obligations under the Hague Convention.

Austria

Austria was found noncompliant due to an apparent lack of understanding in the Austrian judiciary about the aims of the Convention. This fact was most clearly illustrated in the case of Carina Sylvester, whose father, Thomas Sylvester, will be testifying today.

Immediately following Carina's abduction to Austria by her mother, her father filed for her return under the Hague Convention. After Mr. Sylvester received a final Austrian court order for return, the mother fled into hiding with the child. When the mother and Carina resurfaced over 18 months after the original abduction, the Austrian courts refused to enforce the still valid final Austrian return order citing that the child had been "resettled into her new environment" in Austria.

The mother's refusal to comply with the return order has become the basis for the court's subsequent decision not to enforce the original return order. This outcome is a perversion of the Convention. The abducting parent must not be allowed to generate the justification for non-return of an abducted child. It rewards abducting parents for ignoring lawful court orders, and encourages them to go underground with children, thereby causing even further harm to the child. In this case, Mr. Sylvester followed the law. He believed in the system. The result regrettably is that Carina is still not home. We will not stop trying and we will continue to work through every channel available to

us to resolve our differences with the Government of Austria over this and any other case that might arise.

Mexico

Mexico has been noncompliant because of the large number of cases that have remained unresolved for over 18 months from the date of filing. Almost 60% of our 18-month old cases are with Mexico. The Mexican Central Authority has been unable to locate many children abducted from the U.S., causing even greater anguish for the left-behind parent. Delays in processing these cases by the Mexican Central Authority compound the harm already done to these children when they were abducted.

Recently, staff from our Office of Children's Issues met with the Mexican Central Authority at a conference in California and then traveled on to Mexico City for additional meetings. When I traveled to Mexico in September for a meeting of the Migration and Consular Affairs Working Group of the U.S.-Mexican Binational Commission, I raised with my Mexican counterpart, Undersecretary for Foreign Affairs Juan Rebollo, the difficulties we have had with these cases. Mr. Rebollo agreed with me on the importance of this issue and suggested that U.S. and Mexican experts meet as soon as possible to explore solutions.

These efforts have been small steps in improving communication and coordination between the U.S. and Mexican Central Authorities. One bit of good news is that it has led to the recent return of six children pursuant to the Hague Convention and two other court ordered returns from Mexico to the U.S. We plan to continue close contact to improve service to families caught in this dreadful and tragic situation.

Sweden

We found Sweden to be noncompliant with its obligation under the Convention to locate children abducted to or retained in Sweden. The most egregious example is the case of Gabriel Marinkovich whose father Paul Marinkovich will address you later this morning.

Gabriel's mother, a U.S. citizen, abducted him from the United States to Sweden in 1996, and Mr. Marinkovich immediately filed for his return under the Convention. Despite a Swedish court order for Gabriel's return to the U.S. pursuant to the Convention, Sweden has failed for over three years to find Gabriel. It is inconceivable that, in a country with such a highly socialized welfare system as Sweden has, authorities are unable to find this child and the abducting parent.

In the case of Amanda Johnson, Sweden refused to return her, stating that Amanda's habitual residence had shifted to Sweden during her two-year stay there with her mother, despite the parents' mutually agreed U.S. custody order which included the agreement that a state in the U.S. would remain the place of her habitual residence. The agreement further stipulated that the U.S. state court would maintain continuing and exclusive jurisdiction to resolve all future custody issues.

The Swedish judicial system has allowed Amanda's mother unilaterally to violate a mutually agreed-to custody order, after Mr. Johnson allowed Amanda to travel to Sweden honoring the agreement. He put his faith in the Hague Convention to protect his child, and his faith has been violated. The Swedish system is not allowing Amanda's father to have appropriate access and visitation with his daughter, citing concern that the child may be taken to the U.S. It is outrageous that the Swedish system now seeks to

deny her a loving relationship with her father. Recently, a Swedish court reinstituted interim joint custody with unsupervised visitation. Practically speaking, because there is no consistent, effective enforcement mechanism for civil orders, this may be a hollow victory.

The Director of the Office of Children's Issues met with officials from the Swedish Central Authority in Stockholm this past March to discuss these cases. Rest assured that we will not stop our advocacy on behalf of Amanda and Tom Johnson and Gabriel and Paul Marinkovich. We will continue our efforts to win greater cooperation from the Government of Sweden on these difficult cases.

We have identified a number of the biggest obstacles to the effective implementation of the Hague Convention. These include:

- Locating children: Many countries, including Mexico and other Latin American countries, Sweden, Norway and Denmark, have difficulties locating children believed to have been taken to their country. The problem in Mexico appears to be primarily a lack of resources and infrastructure, while the problem in the Scandinavian countries may be more of a lack of interagency cooperation and coordination within the country. Often social welfare agencies do not share information with the Hague Central Authority. Other countries have laws that prohibit information sharing among government agencies.
- Duration of cases: Although Article 11 of the Hague Convention calls for expeditious processing of return cases, and specifies that courts may be asked

the reason for delay if they have not decided a Hague case within six weeks, the courts in some countries do not proceed in a timely fashion.

- Non-enforcement of orders: Many civil law countries do not have effective mechanisms for enforcement of their own civil orders for the return of abducted children. The country may not have any penalty for noncompliance with a court order, may levy only a small fine, or have no authority responsible for enforcing a civil order. In some instances, a left-behind parent may have to hire a designated authority (such as a bailiff) to enforce a civil order.
- Consent of the child: The Convention allows judges to refuse to order the return of a child if the child objects to being returned "... and has attained an age and degree of maturity at which it is appropriate to take account of its views." While in the United States we would expect that judges would consider a child of perhaps ten or twelve years old to be mature enough to think independently of the taking parent's influence, we have seen the views of significantly younger children taken into account in some countries. In Germany, for instance, we have seen judges take into consideration the wishes of children as young as five.
- Undertakings: The courts in a number of Commonwealth countries, including the United Kingdom and Australia, often require the left-behind parent to agree to extensive "undertakings" (conditions for return) before an order for the return of an abducted child will be issued. These undertakings expand

rather than limit the exceptions for return of abducted children under the Convention. Examples have included requiring the left-behind parent to pay the abducting parent's transportation costs back to the United States, providing housing costs once the taking parent returns to the U.S., and/or furnishing the abductor with an automobile for the duration of custody hearings. In at least one instance, the left-behind parent was required to demonstrate that he had pre-paid a substantial sum to the taking parent's attorney. These undertakings are not provided for in the Convention, have the effect of rewarding abduction and impose additional hardships on the left-behind parent.

While Germany was not included in the report, there have been problems in a number of cases apparently stemming from the inconsistent application of the Hague Convention by German courts. Germany recognized the problem and through legislation reduced the number of courts that would hear Hague cases from approximately 600 to 24. This change took effect July 1, 1999. Our hope is that this development will create more consistent Hague decisions and provide more focus to German efforts to educate their judiciary about effective implementation of the Convention.

U.S. Federal Response to International Parental Child Abduction

Since becoming party to the Hague Convention in 1988, the Department of State has worked to improve its implementation. The first year we created a new child custody division to coordinate our work in this area. In 1994 we formed the Office of Children's Issues, redoubling our efforts on this important subject and increasing the level of attention it received in the State Department. The benefits of this new office were

quickly realized. In 1994 the Office was recognized by the Administration when it won State's first Vice Presidential "Hammer Award" for reinventing government due to its work to return children home. Our efforts have increased steadily since that time.

The new Office of Children's Issues saw the need for a comprehensive interagency coordinated response to address the scourge of international parental child abduction -- from prevention, to recovery, to reunification. In 1994 it co-hosted, with the American Bar Association, the North American Symposium on International Child Abduction, funded by the Department of Justice, and aimed at improving the operation of the Hague Abduction Convention.

In an effort to coordinate assistance to abducted children and their families, the Office of Children's Issues entered into a cooperative agreement with the Department of Justice and the National Center for Missing and Exploited Children on September 1, 1995 to work together on these cases. While the National Center had always helped us locate missing children, the agreement formalized this arrangement and expanded the National Center's work to include Hague cases in which children were abducted to, or retained in, the United States.

There were other issues needing attention. One was the matter of legal costs. Although the Hague Convention provides that countries will pay the legal fees of parents in Hague return cases, the Convention allows party countries to take a reservation in this regard and the U.S. made that reservation. As a result, some Americans pursuing return of their children under the Convention were receiving free or reduced fee legal assistance in other countries, while foreign parents pursuing return of their children abducted to, or wrongfully retained in, the U.S. did not receive equal benefits.

At the 1994 intergovernmental meeting of Convention Central Authorities, the U.S. was roundly criticized by other party countries because the high cost of U.S. litigation was effectively denying parents from pursuing Hague remedies in the U.S. As a result of that criticism, the Department of Justice, in coordination with the Office of Children's Issues, agreed in 1995 to fund the American Bar Association's creation of the International Child Abduction Attorney Network (ICAAN) to expand the pool of attorneys who provide pro bono or reduced fee legal assistance in Hague cases involving children in the United States.

In 1998, the Office of Children's Issues received another award from the Administration as a member of the team, which included the Department of Justice and the National Center for Missing and Exploited Children, that created the family reunification program to help needy parents pay for the costs of returning their children home. We have a robust interagency cooperative effort and are dedicated to using every tool at our disposal.

Despite all the efforts of the Departments of State and Justice to coordinate and cooperate, both the agencies involved and, more importantly, the left-behind parents believed that the U.S. federal response on their cases was not sufficient and that more needed to be done. There were failures in coordination on cases, in part because of the inherent tension between the civil aspects of a case seeking the abducted child's return and the criminal efforts to prosecute abducting parents.

The Senate Foreign Relations Committee, in an attempt to improve the situation and to focus attention on this issue, invited the Attorney General to testify on international parental child abduction in October 1998. Prior to her testimony, the

Attorney General spoke with the Secretary of State and together they committed their two agencies to taking a hard look at how the federal response to international parental child abduction could improve.

The Attorney General and the Secretary of State subsequently formed a Senior Interagency Policy Group to undertake a comprehensive review of the federal government response to international parental child abduction. The Policy Group in turn created a working group. Since they were created, the Policy Group and its Working Group have met on at least a monthly basis. The Policy Group, with the input of the Missing and Exploited Children Task Force's Subcommittee on International Parental Child Abduction, prepared 'The Report to the Attorney General on International Parental Kidnapping' which the Attorney General submitted to Congress in June. The report outlined the gaps in the federal response and recommendations to improve the situation. The Policy Group developed an action plan to implement the report's recommendations, wherever possible, and to the extent resources permitted.

The action plan addresses:

- The creation of a comprehensive tracking system for international parental child abduction cases;
- An enhanced role for the National Center for Missing and Exploited Children;
- The strengthening of inter-agency coordination;
- Enhanced diplomatic initiatives;
- Increased education and training;
- Strengthened mechanisms to prevent departure of abducted children and

abducting parents;

- Expansion of services for parents and children;
- Coordinated budget and resource estimates.

Implementing the international parental child abduction recommendations will be expensive, having a price tag in the millions, and taking several years. As a core function of the Department of State, the Office of Children's Issues should be funded with appropriated resources. I am concerned, Mr. Chairman, that the Department's ability to implement these recommendations will be influenced by the outcome of Congress's consideration of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriation Bill, 2000. I am very concerned that the level of funding in that bill for Department of State activities will significantly delay the implementation of the international parental child abduction recommendations. Please note, Mr. Chairman, that I am not suggesting that funds be earmarked for Children's Issues; the problem for the Department of State is the overall funding found in that bill.

We are well on our way to completing the requirement study for the interagency case tracking system. The contractor has had over a dozen meetings with Children's Issues staff and the interagency community that will be using this system. With needed funding, implementation of the first phase of this system is scheduled for this spring. We have increased the staff of the Office of Children's Issues so that country officers have fewer cases. We will soon be advertising for a management analyst to oversee further development of the comprehensive tracking system, to create accurate statistics on all abduction cases, both to and from the U.S.

We have also expanded our cooperative agreement with the National Center for Missing and Exploited Children to include additional assistance for parents and children in all international child abduction cases. We recently established a National Center coordinator position within the Office of Children's Issues. The passport custody lookout function currently in Passport Services will be transferred to the Office of Children's Issues in early 2000.

As we seek to improve services to parents, we recognize the need for continuing feedback from our customers. Recently, Children's Issues has had a number of meetings with left-behind parents to receive their input on how we might do things better. One of the new positions in Children's Issues will be specifically devoted to enhancing our service to American citizen customers. We have also established Children's Issues coordinators at our embassies and consulates around the world.

Recently, we have seen an example of how our increased interagency communication has aided the return process. Five children abducted from the U.S. to Syria were returned home following extensive interagency cooperation involving the FBI, Department of Justice, local law enforcement and the National Center for Missing and Exploited Children, efforts coordinated by Children's Issues. Children's Issues initiated numerous conference calls among the relevant organizations, ensuring that the return of these children remained the focus of all U.S. Government efforts. Following excellent work by our Embassy in Damascus, one of the abducting parents was arrested in Syria and all five children were returned using Justice Department "family reunification funds" and State Department repatriation loans.

I want to acknowledge the important role that our states can and do play in the

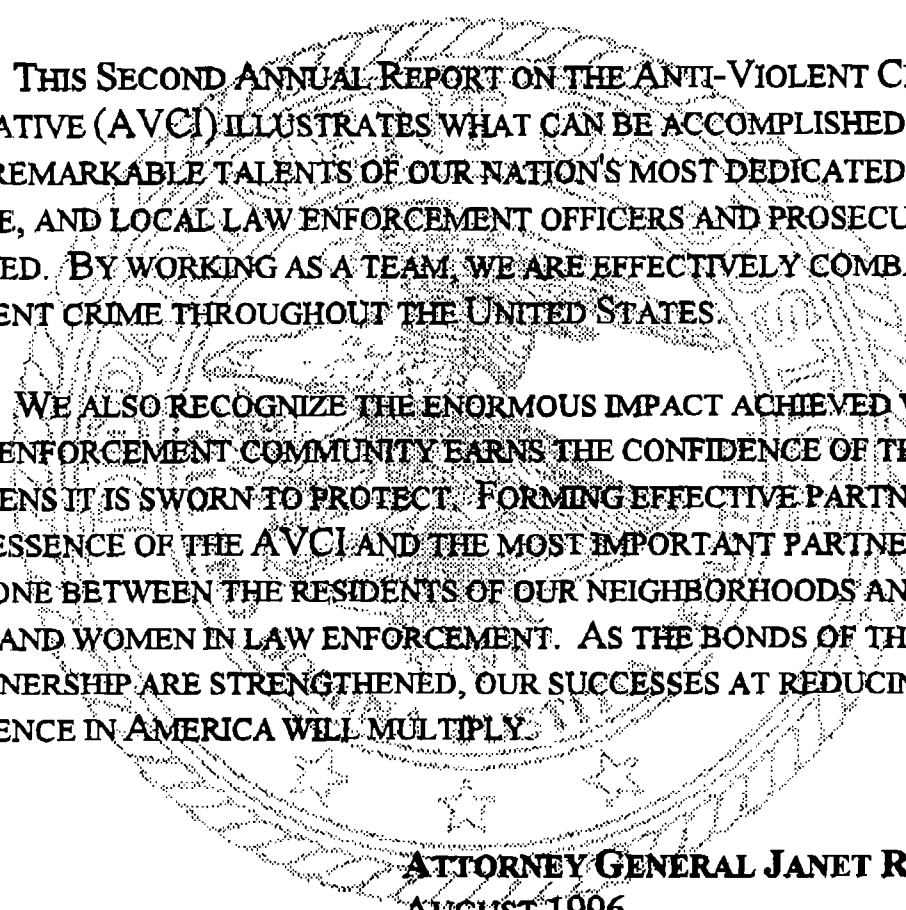
recovery of internationally abducted children. Each state in the U.S. has criminalized parental child abduction and has victim compensation and victim assistance programs funded in part by the Department of Justice to help needy left-behind parents. California, in particular, has a very comprehensive program whereby the District Attorney's office in each county has a child abduction unit to assist in the recovery of abducted children. In numerous cases, these units have sent investigators to other countries to retain local attorneys, attend judicial proceedings and accompany the abducted children home at the expense of the county. The California program is a model for other states.

In considering the complexity of both Hague and non-Hague abductions, we must remember that these cases are all centered on children and their need to feel secure in their homes and not live in fear of abduction. Thank you, Mr. Chairman, for the opportunity to address the Committee on this important topic for our children and their parents.

THE ANTI-VIOLENT
CRIME INITIATIVE
SECOND-YEAR REPORT

1996

Produced by the
Terrorism & Violent Crime Section,
Criminal Division

The seal of the Department of Justice is faintly visible in the background, centered behind the text. It features a circular design with stars and the words "DEPARTMENT OF JUSTICE".

THIS SECOND ANNUAL REPORT ON THE ANTI-VIOLENT CRIME INITIATIVE (AVCI) ILLUSTRATES WHAT CAN BE ACCOMPLISHED WHEN THE REMARKABLE TALENTS OF OUR NATION'S MOST DEDICATED FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT OFFICERS AND PROSECUTORS ARE POOLED. BY WORKING AS A TEAM, WE ARE EFFECTIVELY COMBATTING VIOLENT CRIME THROUGHOUT THE UNITED STATES.

WE ALSO RECOGNIZE THE ENORMOUS IMPACT ACHIEVED WHEN THE LAW ENFORCEMENT COMMUNITY EARNS THE CONFIDENCE OF THE CITIZENS IT IS SWORN TO PROTECT. FORMING EFFECTIVE PARTNERSHIPS IS THE ESSENCE OF THE AVCI AND THE MOST IMPORTANT PARTNERSHIP IS THE ONE BETWEEN THE RESIDENTS OF OUR NEIGHBORHOODS AND THE MEN AND WOMEN IN LAW ENFORCEMENT. AS THE BONDS OF THIS PARTNERSHIP ARE STRENGTHENED, OUR SUCCESSES AT REDUCING VIOLENCE IN AMERICA WILL MULTIPLY.

**ATTORNEY GENERAL JANET RENO
AUGUST 1996**

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I. INTRODUCTION

Violent crime continues to be a significant problem affecting the lives of millions of Americans. While the problem was once primarily confined to our major cities, in the past decade it has spread to our suburban and rural areas. As the violent crime rate increased across the nation in the past decade, the Department of Justice recognized that a comprehensive strategy was needed – a strategy that forges partnerships between law enforcement agencies at every level, building upon the strengths of each component. In March 1994, the Anti-Violent Crime Initiative (AVCI) was announced by Vice President Gore and Attorney General Reno. During the past two years, total reported violent crime in the nation has dropped significantly.

II. THE ANTI-VIOLENT CRIME INITIATIVE

Since its inception, the overriding objective of the AVCI has been to coordinate investigative and prosecutive decision-making in an effort, in each instance, to do what is best for solving the violent crime problems of the particular community.

The community-based strategies implemented under the AVCI for combatting violent crime across the country have five guiding principles:

- 1) Identify the most serious violent crime problems within the community and focus on creative solutions to address them.
- 2) Involve the community in a partnership with federal, state, and local officials to address violence and restore quality of life to our neighborhoods.

- 3) Streamline or redirect task force efforts where feasible to maximize the use of all available law enforcement resources.
- 4) Forge partnerships among federal, state, and local police and prosecutors to facilitate the exercise of coordinated, sound investigative and prosecutive judgment.
- 5) Identify and address all issues that may impact upon the effective prosecution of violent crime, including the coordination of charging decisions among federal, state, and local authorities, taking into account the availability of state and federal laws to address violent crime.

Every U.S. Attorney, at the direction of the Attorney General, met with all pertinent federal, state, and local law enforcement agencies in his or her district and formed a new – or strengthened an existing – violent crime working group. At the same time, the heads of the federal law enforcement agencies directed their agents in the field to support the U.S. Attorneys in the implementation of the AVCI.

These working groups identified and prioritized the critical violent crime problems that are susceptible to a coordinated federal/state/local approach. They also developed both short and long-range objectives and strategies that best serve the needs of their communities.

By the second year of the AVCI, districts identified two significant results: unprecedented cooperation among federal, state, and local officials in addressing violent crime; and, in many instances, a reduction in violent crime following the successful conclusion of multi-agency investigations.

The federal government by itself cannot solve what is substantially a state and local law enforcement problem. But we can continue to have a profound impact on violence through the calculated use of our arsenal of law enforcement resources, some of which may not otherwise be

available to the state. These resources include witness protection programs, pre-trial detention statutes, and mandatory-minimum sentencing.

We are also working to reduce violent crime through the AVCI by putting in place the process that enables us comprehensively to attack the problem. This process, exemplified by the partnerships among federal, state, and local agencies, is an evolving one. The Department of Justice will continue to refine the process -- exploring new partnerships that provide fresh prospects for reducing violence. As patterns of violent crime change and new problems emerge, the Anti-Violent Crime Initiative will allow us to respond quickly and decisively.

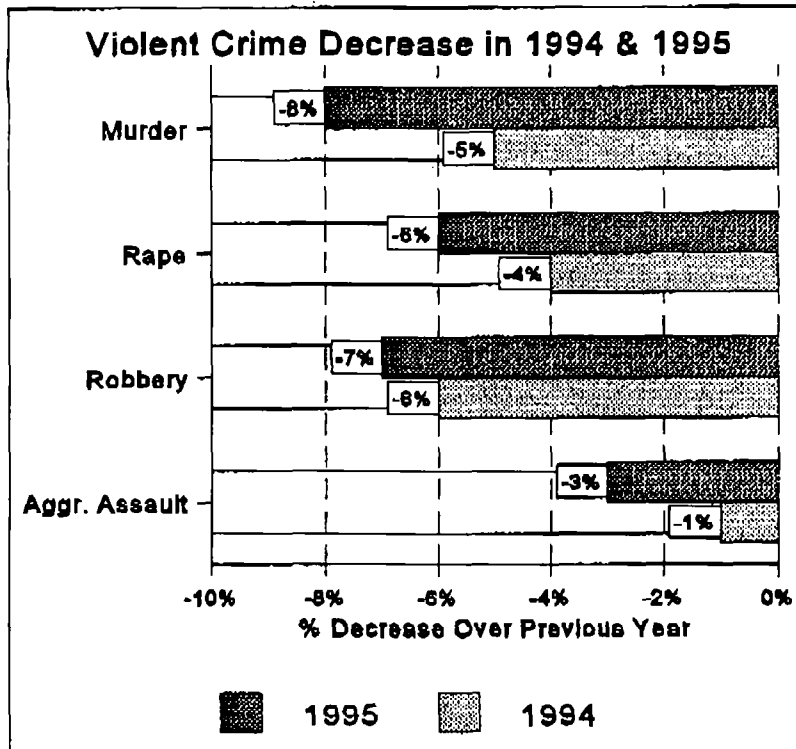
We will continue to strengthen the most important partnership of all -- the one between our law enforcement community and the citizens it serves. Violent criminals thrive on community apathy and mistrust of law enforcement. The climate of fear resulting from violence causes people to abandon their own streets and deters them from speaking the truth when they witness violence. In order to effectively rid neighborhoods of violent predators, law enforcement must earn and retain the community's confidence. Law enforcement must also demonstrate that its commitment to the community is long term and not transient. Through the AVCI, our law enforcement partnerships are gaining the confidence of our

communities. As the bonds of these partnerships are further solidified, our successes will multiply.

III. VIOLENT CRIME TRENDS IN 1994 AND 1995

According to FBI Uniform Crime Reporting (UCR) data, violent crime reported to the

nation's law enforcement agencies decreased in 1994, and again in 1995. The overall two-year decline in violent crime -- which includes murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault -- is 7 percent.



The number of violent crimes reported nationwide in 1994 dropped 3 percent compared to 1993. Nearly 62,000 fewer violent crimes were reported to law enforcement agencies. Reported incidents decreased in all four violent crime categories: murders and non-negligent man-slaughters fell by 5 percent in 1994; the number of forcible rapes decreased nearly 4 percent; robberies fell 6 percent; and aggravated assaults declined by more than 1 percent.

According to preliminary UCR figures released on May 5, 1996, 4 percent fewer violent

crimes were reported to law enforcement agencies in 1995 compared to the previous year. Once again, reported offenses decreased in all four violent crime categories: total murders and non-negligent manslaughters fell 8 percent; forcible rapes dropped 6 percent; robberies declined 7 percent; and aggravated assaults decreased 3 percent.

Statistics by themselves do not prove the success of the AVCI. In fact, there is no simple way to measure its success. A numerical count of federal violent crime cases indicted since March 1, 1994, would not reflect the number of state cases that were filed during that time as a result of the initiative, nor would it reflect the number of violent criminals who have been taken off the streets through means other than violent crime prosecutions, such as the use of narcotics provisions or the execution of parole violation or fugitive warrants. Moreover, there is no way to measure the number of crimes that may have been prevented by apprehending and incarcerating violent repeat offenders.

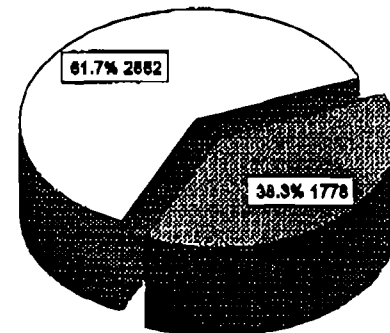
The successful prosecutions resulting from the AVCI since its inception confirm that the AVCI is an efficient and effective framework for guiding our anti-violent crime efforts. By placing the power to design strategic law enforcement policies in the hands of federal, state, and local officials in each particular locality, we ensure our ability to respond in a quick and coordinated manner to the emerging and diverse challenges we face in our nation's communities.

IV. TASK FORCE APPROACH TO VIOLENT CRIME

The roots of violent crime and the resources available to combat it vary from district to district. Accordingly, the AVCI was designed to permit U.S. Attorneys' Offices (USAO), in conjunction with all pertinent federal, state, and local investigative and prosecutive agencies, to

devise an anti-violent crime strategy that best suits the needs of their respective communities. Most districts have discovered that the most effective means of marshaling all of the law enforcement community's resources is through the creation of a "task force" comprised of federal, state, and local representatives.

A task force approach to handling violent crime facilitates information-sharing among the



■ Federal

□ State & Local

Representation on Violent Crime Task Forces; Percentage and Number of Personnel Assigned

investigators and renders a broader range of prosecutive options available to its respective members. While a lengthy federal sentence may be the best means of handling violent repeat offenders in one community, state or local statutes may be better suited for prosecuting certain violent crimes. As the cases below illustrate, task forces have not only proven effective in reducing violent crime, but also have ushered in an era of greater cooperation among federal, state, and local law enforcement authorities.

A. Federal/Local Partnerships

The expansion of federal jurisdiction over violent crimes has created new opportunities for partnerships between federal, state, and local law enforcement. Concurrent jurisdiction in some instances requires coordination between federal

and state law enforcement; for example, in some jurisdictions state double jeopardy laws forbid a state prosecution following a federal trial. The following cases demonstrate that AVCI efforts exemplify heightened coordination and unprecedented cooperation among local, state, and federal authorities.

Rock Island, Illinois - On May 1, 1995, the first bi-state U.S. Attorney's Office in the country was opened in Rock Island, Illinois, creating a new opportunity for inter-district cooperation in the Quad Cities area. The joint office is staffed by two new prosecutors who share jurisdiction in both the Central District of Illinois and the Southern District of Iowa. These prosecutors work directly with a state and local drug task force, as well as two federal task forces, one of which is the Quad-Cities Federal Gang Task Force (QCFGTF).

The QCFGTF's first major investigation targeted a drug organization operating in the Quad Cities that was based in Bakersfield, California. This enterprise, which was managed by the "Crips" street gang, distributed and sold 4-6 kilograms of crack cocaine per month in the Quad Cities between 1991 and 1994. A joint investigation by the QCFGTF, Rock Island Police Department, Quad City Metropolitan Enforcement Group, and the FBI in Bakersfield resulted in a prosecution that completely dismantled the organization in both the Bakersfield and the Quad Cities area.

Rhode Island - Last year, federal and state task forces joined in a 21-month investigation of the Latin Kings entitled "Operation Checkmate." The Task Force, which was sponsored by ATF, included local and state police, state corrections officers, the Rhode Island National Guard, FBI, HUD, U.S. Secret Service, and INS. The fruit of this investigation was an 18-count Racketeering Influenced and Corrupt Organization (RICO) indictment against 11 Latin Kings announced on September 26, 1995.

Shreveport, Louisiana - In the 1995 trial of the violent "Bottom Boyz" street gang in

Shreveport, Louisiana, 10 defendants were convicted in federal court on charges of Violent Crimes in Aid of Racketeering (VCAR) and an additional 31 were convicted on state charges. After the arrests were made, violent crime in the neighborhood where the gang had operated plummeted by 34 percent.

"Chief Prattor doesn't get full credit in this case. Neither does the U.S. Department of Justice and its leader, Janet Reno. Neither does the Louisiana state police or Cado Parish sheriffs office or U.S. Attorney's Office or federal court or any other official involved. They all share in the success of this case. It demonstrated the most effective weaponry against the most devastating problem facing Shreveport and other cities across the country: unified law enforcement from local, state and federal agencies, with neighborhood-based support. Simply put, it works and we should have more of it. In the end, the community's desire and demand to win the war against violence prevailed. For that, the community deserves credit, too."

The Times (Shreveport), March 15, 1995

Oklahoma City, Oklahoma - Cooperation between the Oklahoma City Police Department and FBI produced several successful multi-district drug prosecutions, including *United States v. Mainstream*, an indictment of members of the Main Street Mafia Gang who were dealing crack in Los Angeles and Oklahoma City.

Phoenix, Arizona - Over 100 defendants were prosecuted and convicted in "Operation Desert Gangbusters," which targeted gang-related activity in violent areas of Phoenix. An Assistant

United States Attorney (AUSA) was cross-designated to assist in the state prosecutions. The successful prosecutions in both federal and state courts were the result of cooperation among the USAO, Maricopa County Attorney's Office, the FBI, and Phoenix Police Department.

Los Angeles, California - The largest and most comprehensive of the task forces in Los Angeles is the L.A. Metropolitan Task Force on Violent Crime (LAMTFOVC). It consists of 79 federal agents from four agencies and 50 state and local officers from eight state and local agencies. The LAMTFOVC has specialized components that focus on gangs (18 are now being investigated), unsolved murders, fugitives, and gun traffickers. Moreover, it has a non-specialized component that investigates a wide range of violent crime.

Illinois - The Northern District of Illinois has fostered a working, cooperative relationship with State's Attorney's Offices. Assistant State's Attorneys have been cross-designated to prosecute major gang and narcotics prosecutions. The USAO and the State's Attorney's Offices of Cook, Lake, and DuPage Counties are also working together to identify potential targets for prosecution under the Armed Career Criminal Act. When an Assistant State's Attorney on duty becomes aware of the gun arrest of a defendant who could qualify as an armed career criminal, the Assistant faxes a form to a Deputy Chief of the Criminal Section of the USAO, who notifies the ATF and requests that relevant police reports concerning the subject's arrests and criminal history be obtained in preparation for charging the defendant federally.

A number of districts have devoted significant time and energy to informing local police officers and District Attorneys of federal tools available for the prosecution of violent offenders. Several districts have created violent crime handbooks summarizing federal statutes that are available to prosecute violent offenders and distributed them to law enforcement agencies within their states. By meeting and working directly with their local counterparts, AUSA's have ensured

that a significant number of defendants who otherwise might never have come to their attention are prosecuted federally.

B. Funding the Violent Crime Task Forces

The United States Attorneys' appropriation for fiscal year 1995 earmarked \$15 million to support the Attorney General's violent crime task force initiatives. Pursuant to legislative requirements, these funds have only been used in direct support of violent crime task forces, not to supplant existing funding mechanisms.

This funding of over 100 multi-agency task forces has enabled districts to mount initiatives that otherwise might not have been possible. Not only does such funding pay the overtime wages of law enforcement agents, but it also allowed some agencies to purchase computers and other needed equipment and facilitated the co-location of investigators.

Rhode Island - The funding provided overtime pay to 25 federal, state, and local agents for a 6-month drug sting in public housing. As a result of this investigation, 21 defendants were charged. The USAO, DEA, U.S. Naval Criminal Investigative Service, U.S. Department of Agriculture, and Middletown Police Department participated in the investigation.

Los Angeles, California - In 1995, the Central District of California received funding for the Southern California Crimes Against Children, Sexual Assault and Exploitation Felony Enforcement (SAFE) Team component of the Los Angeles Metropolitan Task Force on Violent Crime. The funds paid for eight experienced child sex crime investigators to work on federal, state, and local matters. The USAO serves in an advisory capacity to the team and prosecutes many of the cases investigated. The SAFE Team focuses on child sexual exploitation cases, undercover operations targeting pedophiles, computer-generated child pornography cases, and related child sex crimes investigations.

New York - The Southern District of New York has used these funds to support an information-sharing project among law enforcement agencies. The collective effort has established a computerized database that contains photographs and arrest information on gang members who have been arrested on felony charges within the five boroughs of New York City. Computer terminals providing access to this information will be located at FBI, DEA, INS, and the Manhattan D.A.'s Office. The project will assist investigators in identifying targeted gang members.

Wisconsin - The Western Wisconsin Fugitive Task Force received funding to support its mission to investigate and apprehend fugitives wanted for homicide, sexual assault, kidnapping, robbery, and other violent crimes. A letter to the U.S. Attorney excerpted below demonstrates the difference that access to such funding can make.

"Through the generous assistance and active involvement of your office, Madison has enjoyed the continuation of several significant grants including two phases of Weed and Seed, and the Anti-Violent Crime Grant from the Attorney General's office. There is no doubt, your significant federal assistance greatly enhanced our ability to effectively respond to new challenges confronting the safety of our community."

*Michael F. Masterson, Captain,
Madison Police Department*

Springfield, Massachusetts - In response to the growing gang problem in Springfield, Massachusetts, the USAO and FBI started the Western Massachusetts Gang Task Force. It is supervised by the FBI, but is actually a joint effort with four federal agents (including representatives of DEA and ATF), five Massachusetts State Troopers, and five local

police officers assigned full-time. The task force has participated in over 300 arrests. Most of their cases have been prosecuted at the local level.

C. Investigative Strategies

Task forces across the country have developed different strategies targeting their particular violent crime problems. In some districts, the emphasis has been on long-term investigations of the criminal organization. Other districts have been able to produce quick results by targeting the particular crime which is at the root of the violence, such as the illegal possession and trafficking of handguns and narcotics. Still other districts have targeted the criminal activity of a particular neighborhood. Although the strategies varied from district to district, they universally had the same goal, to get violent offenders off the streets.

California - To implement the AVCI in the Eastern District of California, a federal, state, and local Anti-Violent Crime Strike Team was created to focus on armed repeat offenders, criminal aliens, and gangs. The Strike Team's first phase was implemented in Sacramento County, leading to the arrest of 79 targets, including two murder suspects and one defendant who had 19 prior convictions. The Sacramento Police Department was so pleased with the results that it spearheaded an effort to create a permanent multi-agency unit, the Sacramento Career Criminal Apprehension Team (CCAT), modeled on the Strike Team. This unit has made over 540 arrests during fourteen months of operation.

Phase Two of the Strike Team's efforts centered in San Joaquin County and involved ten federal, state, and local agencies including, the U.S. Border Patrol, ATF, FBI, INS, HUD/OIG, California Department of Corrections, and local police and sheriff's offices. This 14-member team made 190 felony arrests operating from January through April, 1995, fifty-one of which were prosecuted federally. Individuals arrested

on felony charges had an average of 2.7 prior convictions; one had thirty-four prior convictions.

"We want to get the really bad guy off the street: the violent offender, the three striker, the parolee who's wreaking havoc or the probationer who's not following the rules."

*CCAT Supervisor Sgt. Ed Tamosian,
Sacramento Police Department*

Having replicated the success of Phase One, a permanent team was formed under the FBI's leadership, which will in part be funded by the \$15 million allocated to violent crime task forces.

"The citizens of San Joaquin County have received a substantial benefit from the Strike Team project. Although exact numbers will never be known, the arrest of numerous recidivists by the Strike Team undoubtedly have prevented some of those individuals from committing violent crimes against our community."

*San Joaquin County District Attorney
John Phillips*

Puerto Rico - Fugitives have posed a significant violent crime problem in Puerto Rico for sometime, in part because Puerto Rico lacked a central database for identifying fugitives. After obtaining funding, the Violent Fugitives Task Force became fully operational during 1995. Its primary mission is to locate and apprehend violent fugitives with an emphasis placed on those fugitives wanted for homicide, felonious assault, robbery, and major drug trafficking violations. By the end of the year, this multi-agency force had made 92

arrests for violent crimes, including over 40 individuals wanted for murder. Participating agencies include the FBI, U.S. Marshals Service, Police of Puerto Rico, and Puerto Rico Department of Corrections.

New York - For approximately eighteen months, a joint task force comprised of the FBI, New York State Police, DEA, INS, Rochester, Amherst, and Buffalo Police Departments, Erie County Sheriff's Department, Erie and Genesee County District Attorney's Offices and the United States Attorney's Office for the Western District of New York, focused on large-scale drug trafficking organizations and street gangs. Using court-authorized wiretaps, undercover operations and other investigative techniques, the joint task force efforts led to the indictment of 55 defendants, including the leader of the "Goodyear Crew," a street gang operating in Buffalo. The Goodyear Crew had wreaked havoc on Buffalo by engaging in shootings and other violent acts. The joint task force also worked closely with police agencies in Miami, New York City, and Rochester, as well as Buffalo, and its suburbs to follow up on investigative leads.

Seattle, Washington - The Seattle Area Fugitive Apprehension Team (SEAFAT) was created to identify and apprehend the most dangerous fugitives and obtain Unlawful Flight warrants for those who flee the jurisdiction. It is comprised of seven investigators from the FBI, U.S. Marshals Service, King County Department of Public Safety, Seattle Police Department, and Washington State Department of Corrections. During the past year, SEAFAT was responsible for the arrest or location of 303 fugitives. With the motto "Tu Fugitas, Tu No Abscondas" (liberally translated as: You can run but you can't hide), task force members train together at the Street Survival School at the FBI Academy.

New Jersey - The efforts of the Violent Crime Task Force, which includes FBI, DEA, and ATF agents, county prosecutors, county sheriffs, and local police departments, have

increased the closure rate for robberies committed in the most violent of Jersey City's four districts. A comparison of statistics from 1994 and 1995 reveals that the number of robbery incidents remained essentially the same, yet the percentage of robberies solved or closed increased by 34 percent.

San Diego, California - The San Diego Violent Crimes Task Force, established in April 1994, concentrates on three major causes of violent crime in the district: gangs, major offenders, and fugitives. Approximately 80 task force agents representing all major federal, state, and local agencies are divided into co-located groups to challenge each of these criminal elements. The operational plan stresses the importance of a unified and coordinated response to violent crime.

"This is the most successful combined local and federal task force that I've seen in 28 years of law enforcement. Everyone is working under one roof and no one is seeking individual credit. They're just out there catching bad guys. And they're looking for the baddest of the bunch."

*U.S. Marshal Steve Gregg,
San Diego*

During 1995, the fugitive group arrested 1,379 felony fugitives; a total of 2,538 have been arrested since April 1994. Many of the individuals arrested were on "Most Wanted" lists.

District of Columbia - Operation Ceasefire in Washington, D.C., is designed, by the year 1999, to reduce the violent crime rate by 40 percent to the level before 1986, when the crack cocaine epidemic spawned an unprecedented wave of drug-related violent crime in the District of Columbia. It is based on a similar initiative in Kansas City in which gun seizures

rose by 65 percent and the rate of gun-related crimes dropped by 49 percent. The initiative involves a three-pronged approach: (1) seizing illegal weapons; (2) increasing the certainty of punishment for individuals convicted of illegally possessing firearms; and (3) educating the city's youth about the destructive potential of firearms. This initiative is an example of the Department's efforts to identify programs which have proven to be successful and tailor the strategies for other communities which face similar violent crime problems.

This initiative has placed teams of police officers in targeted areas to focus exclusively for set periods of time on the seizure of illegal firearms. The U.S. Attorney's Office is working closely with the local police department to train officers in law enforcement techniques that are innovative, effective and appropriate, and that will meet any constitutional challenge that is raised. In addition, the Bureau of Alcohol, Tobacco and Firearms (ATF) is providing comprehensive assistance in tracing seized firearms in order to solve individual cases and track down the purveyors of illegal firearms that are transported into the District.

The initiative also features an extensive public education campaign to destroy the glamorous and powerful mystique of firearms that fascinates too many youths and to change the level of public acceptance of the presence of illegal firearms. This campaign is reinforced by a partnership between the USAO, law enforcement agencies, and the Washington, D.C. school system designed to make anti-gun and anti-violence instruction an integral part of every student's educational experience. Most of the costs for this public education/media saturation campaign is being borne by private donors.

D. Coordinating Charging Decisions

The AVCI is not intended to divert a large number of state violent crime prosecutions to federal court. Rather, the AVCI seeks to have cases brought to the court where the most

suitable charges are available and where appropriate penalties are most likely to be imposed. For example, a number of states have enacted their own versions of "Three Strikes" legislation and life sentences are being imposed in these state courts.

Close coordination between federal and local prosecutors has been a highlight of the AVCI in 1995. Frequently, local prosecutors have been cross-designated and appeared alongside AUSAs in federal court. And in several districts, AUSAs have appeared in state court participating in the local prosecutions of violent defendants.

Conducting criminal investigations through a multi-agency task force provides the flexibility needed to select the appropriate court. In some instances, the decision may be to use both federal and state court in order to ensure that the totality of the defendant's conduct is fully addressed. In this way, a dangerous criminal is removed from the community for a prolonged period of time.

Hawaii - On September 27, 1995, Bryan Kaluna was indicted after an armed bank robbery. Kaluna had committed six previous robberies, and had state and federal robbery convictions that had led to his imprisonment from 1986 until his mandatory release, approximately one month before the 1995 bank robbery. In a combined strategy with local prosecutors, Kaluna's accomplice, Philip Caban, was simultaneously indicted in state court for attempted murder of three local police officers, whom he shot at while fleeing the robbery. Federal and state coordination was crucial in this case, because State of Hawaii law could have created a double jeopardy obstacle had Caban been tried in federal court first.

Los Angeles, California - The gang component of the previously described multi-agency task force (LAMTFOCV) targeted the Eight Trey Gangster Crips, a street gang which was involved in the attack of Reginald Denny during the 1991 riots. Gang members were

investigated on armed robbery charges, which often involved the use of juveniles, and interstate drug trafficking. On a single day in 1995, 120 search warrants were served in "Operation Sunrise." While most of the gang members arrested as a result of these warrants were prosecuted on state charges, nine were indicted on federal charges. The neighborhood which had been controlled by the gang experienced a 57 percent drop in violent crime from the previous year in the two months following the operation, and an 83 percent drop in homicides between 1994 and 1995.

Vermont - In two separate cases arising in Vermont, defendants violently assaulted their domestic partners with firearms. One stuck a firearm inside the victim's mouth and threatened to kill her; the other viciously beat his partner while possessing the firearm. Both men were initially charged in state court but the cases were referred to the U.S. Attorney's Office after the victims refused to cooperate in the state prosecution. Each defendant was convicted in federal court of being a felon in possession of a firearm and faces approximately 10 years' imprisonment.

Massachusetts - In several of the smaller cities in Massachusetts, the U.S. Attorney's Office, in conjunction with DEA, targets the most serious offenders in these communities. Under this "Community Impact Initiative," the USAO accepts prosecutions that would otherwise fall below the threshold for federal prosecution, after being advised by local police and district attorneys that removing the targeted individual will have a significant impact on the community.

Savannah, Georgia - The Savannah Violent Crime Task Force targets the most violent repeat offenders, gang leaders, and fugitives for prosecution. Maximum coordination is a primary goal of the task force and to that end, the U.S. Attorney's Office and District Attorneys' Offices review cases in a cooperative venture to determine the proper forum for prosecution. Federal prosecutions emphasize

firearms charges, career-criminal prosecutions, gang leaders, fugitives, and drug-related violent offenses, with special attention being given to cases where mandatory-minimum sentences and repeat offenders are involved.

V. USING NEW STATUTORY TOOLS

Several provisions passed by Congress as part of the Violent Crime Control and Law Enforcement Act of 1994 furnish prosecutors with improved means of prosecuting violent offenders. While these provisions are relatively new, the cases below demonstrate that they are being integrated into the arsenal available to federal prosecutors.

A. The "Three Strikes" Law

Iowa - Tommy Lee Farmer's prior convictions included second degree murder for killing a Nebraska veterinarian, armed robbery while on work release, and conspiracy to commit murder for his participation in the slaying of a fellow inmate suspected of being an informant. Farmer had been convicted of at least 14 crimes of a violent nature dating back to 1966. His last "strike" came with his federal conviction for the October 8, 1994, armed robbery of a Waterloo, Iowa, supermarket in which Farmer urged his accomplice, who was armed with a pistol-grip shotgun, to shoot the clerk who could not open the safe. Farmer was the first person charged under the Three Strikes statute. On August 14, 1995, Farmer was sentenced to a mandatory life term.

Kansas - On June 23, 1995, Robert Lee Willis, the first defendant in Kansas prosecuted under the Three Strikes provision, was convicted of conspiring to commit bank larceny and aggravated assault while attempting to commit bank larceny. Willis was charged in February after he and three others attempted to

steal a bank's automated teller machine from a shopping mall in Kansas City. When a maintenance worker at the mall approached them, they fled and fired shots at the man. Willis was sentenced to life in prison on September 11, 1995. Willis, who had been previously convicted of four armed robberies, had been out of prison a total of 15 months since 1971.

Utah - On July 13, 1995, Clyde Maestas was convicted of armed bank robbery and being a felon in possession of a firearm. He has prior convictions for rape, voluntary manslaughter, armed bank robbery, and attempted aggravated murder. Maestas was sentenced to prison for life under the Three Strikes provision.

Tennessee - On July 25, 1995, Johnny E. Gatewood was indicted on two counts of kidnapping and one count of robbery. The charges allege that Gatewood kidnapped two women in Tennessee and took them across state lines to Arkansas. Two days later, it is further alleged, he returned to Tennessee to rob a local Best Western Hotel. Gatewood has four prior convictions, all involving robbery. A sentence of mandatory life imprisonment is being sought under the Three Strikes law.

New Mexico - As a result of the robbery of a restaurant, James Manuel Romero was found guilty on August 16, 1995, of carjacking; using a firearm during and in relation to a crime of violence; robbery and extortion affecting commerce; receiving a stolen firearm; and being a felon in possession of a firearm. On March 16, 1996, Romero was sentenced to a mandatory life sentence under the Three Strikes penalty provisions. Romero was previously convicted of second degree murder in Arizona in 1974; assaulting a federal law officer in Kansas in 1975; and conveying a weapon in a federal correctional institution in Tennessee in 1975.

Rhode Island - On October 26, 1995, Gerard Ouimette and Robert Deluca, Sr., were convicted of conspiracy and extortion charges in

the shakedown attempts of two businessmen. Both were sentenced to life imprisonment without parole on February 2, 1996, under the Three Strikes provision. It is the first three strikes double conviction. DeLuca is a "capo" in the New England LCN family, and Ouimette is an associate and enforcer with a long and dangerous criminal history.

B. The Violence Against Women Act (VAWA)

Iowa - In February, 1995, a defendant drove to an area near his estranged wife's place of employment, shot himself with a small caliber rifle, and walked into the building where his wife worked. This incident took place after she filed assault charges against him, and a state court entered an order finding that he posed a threat and prohibited him from contacting her. The defendant was jailed after the self-inflicted gunshot wound incident. However, he began mailing threatening letters to his wife and their daughter. He was initially charged by complaint with mailing threatening letters. However, under an amendment made to 18 U.S.C. §922, provided in VAWA, defendant was indicted on October 25, 1995, for possessing a firearm while he was the subject of a domestic abuse no-contact order.

West Virginia - Christopher Bailey, the first person prosecuted under the interstate domestic violence statute, was convicted after a jury trial in May 1995, of kidnapping and interstate domestic violence. He was sentenced in September 1995, to the maximum statutory penalties: life imprisonment for kidnapping and 20 years for domestic violence. Tragically, the victim, his wife, remains seriously brain damaged.

Ohio - On November 8, 1995, Derek Duane Page was charged and subsequently convicted under the Interstate Domestic Violence provision of VAWA. His live-in girlfriend moved out in June 1995, then returned at his invitation three days later to get her belongings.

He beat her with a claw hammer and a pipe wrench and subsequently kidnapped her, driving her to Washington, Pennsylvania, three hours away. He eventually dropped her off at a hospital and fled. The victim survived, but carries permanent injuries and scars.

California - On December 11, 1995, Ricky Hilton Steele was sentenced to 87 months' incarceration. Steele, who was living in Salem, Oregon, beat his domestic partner for several hours, held a knife to the victim's throat, and threatened to kill her. The following morning, Steele forced the victim to drive with him to California. While stopped at a gas station in Weed, California, the victim yelled for help and attempted to escape from the car. Steele sped out of the gas station while the victim was hanging onto the car door. A witness at the gas station called 911 and shortly thereafter, California law enforcement officers stopped the car, rescued the victim, and arrested Steele.

VI. TARGETTED VIOLENT CRIME AREAS

AVCI efforts target specific types of violent crime that fundamentally affect the safety and well-being of the particular community. The breadth of these efforts is demonstrated by the cases below.

A. Gang Violence

Some districts report that they successfully dismantled entire violent gangs through targeted prosecutions. In some instances, hardcore gang members were prosecuted under the RICO and VCAR statutes. In other cases, simpler prosecutions using firearms or narcotics statutes provided a quick and simple means of eliminating dangerous, recidivist gang members from the community. In at least one instance, the newly-enacted gang statute was also used. The disparate approaches to this problem

demonstrate that the districts are in fact pursuing whichever tack is most effective for them.

Chicago, Illinois - On August 31, 1995, the United States Attorney for the Northern District of Illinois, together with state, local, and federal law enforcement agencies, announced that a federal grand jury in Chicago returned three separate indictments charging a total of thirty-nine individuals, including top leaders of the Gangster Disciples, with a twenty-five year conspiracy to distribute cocaine, crack, heroin, and marijuana and to extort protection money from street dealers in Chicago and its suburbs. The defendants were also charged with operating a continuing criminal enterprise (CCE) which, over the past quarter century, has been responsible for the retail sale of enormous quantities of narcotics, generating millions of dollars in revenue in the process. The indictments charge that the Gangster Disciples have controlled narcotics trafficking in large areas of the City of Chicago and surrounding suburbs, and have ruthlessly protected their interests and territory through violence, intimidation, and extortion. In the first of three trials, 11 defendants were convicted.

New York - Angel Padilla, the leader of a violent street gang known as "C&C" based in the Bronx, New York, was convicted on racketeering charges including eight murders, two attempted murders, and three kidnappings. Ivan Rodriguez, a professional hitman, was also convicted on charges in connection with one of the murders. C&C's principal business was to extort heroin dealers in a neighborhood in the Bronx by requiring each of them to pay thousands of dollars of "rent" money to C&C every week for the "right" to sell heroin in the neighborhood. Padilla also supervised a vicious security force that collected the "rent," enforced the gang's rules, and committed numerous acts of violence, including eight murders ordered by Padilla.

Puerto Rico - On June 2, 1995, Roberto González Arocho was sentenced to 20 years'

incarceration after having been found guilty of all counts of an 11-count indictment charging a CCE, conspiracy in the distribution, possession with intent to distribute cocaine and heroin, and using minors to do so. González Arocho was the leader of a gang that took control of a housing project in Aguadilla and terrorized its residents. This case is part of this district's Violent Neighborhood Initiative.

Daytona Beach, Florida - On August 30, 1995, 14 Outlaws Motorcycle club members and associates were convicted of racketeering and related offenses. The jury also ordered forfeited two clubhouses and other property. Four Daytona Beach defendants were found guilty of participating in a racketeering enterprise through a pattern of violent criminal acts that included bombing a clubhouse of a rival motorcycle club in Orlando. The other defendants were found guilty of conspiracy to possess with intent to distribute controlled substances and distribution and/or possession with intent to distribute controlled substances. Some of these defendants were also found guilty of being a felon in possession of a firearm.

Detroit, Michigan - The Safe Streets-Violent Crime Task Force, which consists of the Detroit Police Department, the Michigan State Police, FBI, INS, and IRS, conducted an investigation of the "Home Invaders," a well-organized, heavily-armed gang. They invaded over 100 homes in the metropolitan Detroit area while posing as police officers. Twenty-two were indicted on December 12, 1995, on charges including RICO, VCAR, and weapons possession.

Bridgeport & New Haven, Connecticut - The Latin Kings prosecution began with an indictment returned in late 1994 that charged the gang's entire statewide leadership -- known as "The Supreme Crown" -- with various offenses, including RICO, VCAR, narcotics distribution, and conspiracy. A subsequent superseding indictment charged 33 persons with, in addition to the aforementioned offenses, nine murders committed in New Haven and Bridgeport. The

New Haven Gang Task Force, a cooperative federal/state/city effort, investigated the matter, and two AUSA's and an Assistant States Attorney conducted the prosecution.

In August, 1995, a jury convicted nine leaders of the Latin Kings, each of whom was alleged to have been involved in at least one murder. The District Court sentenced eight of the nine to life imprisonment terms. The remaining defendant received a sentence of 35 years' incarceration. In the aftermath of the prosecution, violent crime and homicide rates in New Haven and Bridgeport have plummeted by more than 40 percent. Chiefs of Police and other public officials in New Haven and Bridgeport have attributed the improved quality of life to the federal prosecutions of violent offenders.

Hartford, Connecticut - After a series of violent crimes, including the murder of a seven-year-old girl in a drive-by shooting, the United States Attorney's Office also organized a federal/state/municipal task force targeting Los Solidos, a gang centered in Hartford. That initiative resulted in an indictment charging 52 members or associates of Los Solidos with assorted violent crimes and narcotics offenses, including RICO and VCAR. Many of those defendants have already pleaded guilty and face lengthy sentences.

*"Keep the indictments coming ...
The indictment of Los Solidos street
gang members in the slaying of 7-
year-old Marcelina Delgado and
three others is welcome news in a
city sick to its soul of the violence
committed in the name of 'family.'"*

*Editorial, The Hartford Courant,
December 13, 1995*

Los Angeles, California - Gangs have a formidable presence in California: the Central District of California alone is home to an estimated 150,000 gang members. A strategy of targeting violent, hardcore gang members for federal prosecution has been successfully pursued in the district. The average sentence imposed following these successful prosecutions - excluding life sentences - has been 16 years.

In 1995, the U.S. Attorney's Office used a variety of tools to battle gangs. The district brought its first RICO indictment against members of the Mexican Mafia, charging 21 members with 31 counts. This matter is pending trial. In another noteworthy case, ten members of the Grape Street Crips, who frequent the Jordan Downs public housing project, were indicted for cocaine trafficking. Police officers who patrol Jordan Downs report a drastic reduction in crime since the indictment. HUD was kept apprised of this investigation so that upon its completion, \$40 million in federal funds could be used to refurbish the housing project.

New Jersey - On February 16, 1995, 21 members of the narcotic-trafficking street gang known as the "Abdullahs" were indicted. Ten members were charged, and enhanced penalties were sought, under the new criminal street gang statute, 18 U.S.C. §521. Virtually all of the defendants subsequently pleaded guilty or were convicted at trial. This prosecution was the product of a 4-year investigation conducted primarily by the Atlantic City Police Department and the FBI.

New Mexico - On October 16, 1995, 22 defendants were charged in a 107-count indictment with violations of federal racketeering, narcotics, and firearms laws. The defendants comprised the "Sureno 13" street gang, a criminal enterprise centered in Albuquerque that engaged in crack cocaine and PCP trafficking, and committed seven murders and five attempted murders. Many of the defendants are believed to have migrated from Los Angeles for the purpose of drug trafficking.

"The encouraging sign is last week's massive crackdown on the alleged gang members. The arrests were a joint effort of the Albuquerque Police Department, Bernalillo County Sheriff's Department, FBI, and the Bureau of Alcohol, Tobacco and Firearms, with support from the U.S. Customs helicopters... The cooperative effort is significant: It shows that the spread of gang-related crime is a national, as well as local, concern. Gang members who are accustomed to bullying their way through life need forceful reminders that they do not rule any neighborhood, or any city. Such a reminder was provided last week as law enforcement officers fanned across the city to arrest alleged gang members."

**Editorial, Albuquerque Journal,
October 23, 1995**

B. Juvenile Violence

In the last two years, violent crime committed by juveniles has emerged as one of the most pressing law enforcement concerns, as the Department of Justice's recently announced Youth Violence Initiative demonstrates. However, even before such efforts were instituted, mounting concern over juvenile violent crime spurred AVCI efforts to address this burgeoning problem. The issue of illegal possession of firearms by juveniles has received special attention.

Texarkana, Texas - On November 2, 1994, two men were conversing in a parking lot when they were approached by a loosely-knit gang of nine juveniles. The gang members threatened the victims with two shotguns and two handguns and robbed them of a set of car keys. One of the two victims was struck repeatedly by

shotgun and handgun fire. He received almost thirty separate wounds, but miraculously survived. The Texarkana Police Department and FBI quickly recovered the stolen vehicle and all nine juveniles were arrested within a few days of the robbery.

At the request of local authorities, the case was referred to the U.S. Attorney's Office for prosecution since it was believed that state law would not punish the juveniles adequately. All nine gang members were subsequently prosecuted as adults in federal court. They entered guilty pleas to offenses ranging from carjacking and firearms violations to misprision of felony. The defendants received sentences ranging from 36-1/2 years for the most culpable offender to 27 months for the least involved juvenile.

Throughout the investigation and prosecution, the U.S. Attorney's Office for the Eastern District of Texas worked with the Texarkana Police Department, FBI, Bowie County District Attorney's Office, and Juvenile Probation Department. The group determined that, in this instance, the community was best served by a federal prosecution of the violent juvenile offenders. In accordance with the principles of the AVCI, this case illustrates how federal, state, and local officials combine their resources and make prosecutive decisions to obtain the best results for their communities.

Tennessee - The Western District of Tennessee has focused some of its resources upon the problem of juveniles obtaining firearms. The USAO brought one of the first cases under a new federal statute prohibiting the transfer of a handgun to a juvenile, 18 U.S.C. §922(x). In *United States v. Eddie Rhyen*, the defendant gave his son a pistol and encouraged him to use it to shoot a certain individual. His son did so. The defendant has a serious prior record and is also subject to enhanced penalties as an Armed Career Criminal.

In addition, from June 1995 through December 1995, 456 juveniles were arrested on

state weapons possession charges. The Western District's Violent Crime Task Force interviewed 308 of them to determine how they obtained their guns and is pursuing appropriate prosecutive action against the traffickers.

Maine - Three juveniles pleaded guilty on November 30, 1995, to charges arising from the robbery of convenience stores in southern Maine last summer. The case represents an effort to charge violent juveniles with federal crimes so they will be incarcerated instead of receiving more lenient treatment under the state juvenile code.

C. Gun Crimes

AVCI efforts to thwart violent crimes committed with firearms were pursued in several ways, including: (1) by bringing firearms trafficking cases; (2) by mounting gun-tracing initiatives; and/or (3) through initiatives targeting felons in possession of firearms and armed career criminals.

West Virginia - In the Southern District of West Virginia, eight defendants who ran a guns-for-crack cocaine ring between New York City and Beckley, West Virginia, were prosecuted. Two of the defendants were arrested in an undercover sting when they attempted to purchase four 9mm semi-automatic pistols, an Uzi, and a silencer. Two of the principal defendants received sentences of 30 years and 20 years and a third defendant faces a possible life sentence. The remaining five were also convicted.

Philadelphia, Pennsylvania - In January 1995, the Firearms Trafficking Task Force arrested five members of a gun-running organization as they traded 2.5 ounces of crack cocaine for 16 firearms. The four-month investigation involved the firearms-related activities of a large-scale North Philadelphia cocaine dealer, Victor Milbourne. Milbourne and two associates were members of an interstate firearms trafficking organization that

acquired guns through straw purchases in Kentucky and transported them to Philadelphia. At the time of the arrest, the defendants were in possession of 50 handguns obtained through straw purchases. The task force determined that the organization was responsible for distributing in excess of 200 guns in Philadelphia.

New Mexico - As part of the district's Violent Offender Program, a database was created that identifies convicted felons and career criminals. This facility enables law enforcement agents to quickly refer cases involving such criminals to federal authorities when they are caught with firearms.

Mobile, Alabama - The Violent Crime Joint Task Force's gun-tracing initiative resulted in firearms convictions of three men who illegally purchased semi-automatic handguns and assault rifles and sold them to gang members in Washington, D.C.. One of these weapons was used in the murders of two FBI agents and a police sergeant at D.C. Metropolitan Police Headquarters.

Chicago, Illinois - In the Northern District of Illinois, the Building Interdiction Team Effort (BITE) patrols work with the Chicago Anti-Gang Enforcement (CAGE) team on joint investigations of gun traffickers who supply guns to gangs in public housing. Firearms that are intercepted are traced to build cases that are related to those firearms.

New Jersey - Project LISA (which stands for the four steps used to interdict illegal weapons trafficking: Locating the recovered firearm, Identifying traffickers, Systemizing intelligence concerning recovered and suspect firearms, and Apprehending the violators) is a statewide program aimed at tracing the firearms that are used in crimes and using the resulting data to identify criminal relationships and associations that might otherwise go undetected. On February 14, 1995, the USAO, ATF, N.J. A.G.'s Office, the head of the New Jersey State Police, and the state's 21 County Prosecutors

signed a Memorandum of Understanding in which they agree to report to ATF all firearms seized in criminal incidents in New Jersey. All federal law enforcement agency heads in New Jersey have also committed to this project. Information obtained through Project LISA has resulted in several significant illegal weapons trafficking investigations, including the prosecution of Dexter Thomas, a UPS employee who stole approximately 250 firearms that were to be delivered by UPS to legitimate purchasers.

Yakima, Washington - A drugs-for-guns operation was dismantled in the Eastern District of Washington. The defendant, who was sentenced to 20-years' incarceration, had been importing marijuana and cocaine from Mexico to Yakima since the late 1980's. He would purchase assault rifles, typically AK-47's and AR-15's, in Yakima and trade them for drugs in Mexico.

Hawaii- On March 30, 1995, James L. Keen was sentenced to over 27 years' imprisonment under the Armed Career Criminal Act. Keen was convicted of robbing five banks, possession of a sawed-off shotgun, and being a felon in possession of the shotgun and ammunition. He was also ordered to pay \$8,013 in restitution to the five banks. Keen had prior convictions in Florida for burglary and in Florida and Georgia for bank robbery.

Indiana - Derrick Smoote was sentenced to 17-years' incarceration as an armed career criminal following his arrest by the violent crimes/fugitive task force known as "Streetsweep." Smoote was sought on state warrants for cocaine trafficking, and led FBI agents and local officers on a high-speed automobile chase. A loaded, semi-automatic pistol which he carried was recovered at the scene of his arrest. Smoote has prior felony convictions for armed robbery, assault on a corrections officer, and battery. He also faces charges of armed bank robbery in the Southern District of Ohio, and murder in Marion County, Indiana.

Iowa - On September 19, 1995, Steven Ryan Owens was sentenced to 224 months' imprisonment as an armed career criminal in a prosecution brought by the joint Central District of Illinois/Southern District of Iowa USAO. Owens pleaded guilty to being a felon in possession of a firearm as a result of a burglary investigation. Owens sold two stolen assault rifles to street gang members in Chicago and gave another stolen weapon, a .40 caliber semiautomatic pistol, to a juvenile.

D. Crimes in Indian Country

Two years ago, the Department initiated a number of activities to respond to the escalating levels of violence and other serious crimes in Indian Country. Overall coordination was vested with the newly-created Office of Tribal Justice. As one of several approaches to help combat this violence, the Department hired approximately 20 Assistant U.S. Attorneys as "Indian Country AUSAs" in 1995. This decision grew out of the community policing model, which has shown that the development of a relationship between law enforcement and the community it protects is an important factor in effectively combating violent crime. Key to the success of this effort has been the fact that these AUSAs are designated to prosecute violent crime in the reservation communities. This has allowed the prosecutors to focus on and come to know the individual reservation communities they serve. In turn, the communities have come to know and trust the prosecutors.

New Mexico - Over the past two years, the number of Indian violent crime cases prosecuted has doubled. In 1995, a new Memorandum of Understanding was signed that has facilitated investigations and prosecutions on New Mexico Indian Reservations. Additional funding has also aided the battle against violent crime on New Mexico Indian Reservations. For example, the New Mexico Safe Trails Task Force (which has 6 FBI and four Navajo Department of Law Enforcement personnel assigned) received \$85,000 in DOJ funding in

March 1995. These changes have produced successful prosecutions.

Arizona - Significant prosecutions of members or associates of the Eastside Crips "Rolling 30's" gang have been conducted on Indian Reservations in Arizona. The Rolling 30's has approximately 150 members on five Arizona Indian Reservations. In one successful prosecution, the defendant - who was convicted of first degree felony murder for killing a restaurant clerk while seeking money with which to buy guns for the gang -- faces a life sentence. Five other Rolling 30's members are facing murder charges in federal court.

Colville & Spokane, Washington - New strategies are being adopted on the Colville and Spokane Indian Reservations due to an escalation of violence and drug distribution. Tribal leaders have sought the assistance of federal authorities. An AUSA has been assigned full-time to Indian Country cases, and he acts as a liaison between the federal government and tribal leaders and between the tribal leaders and local law enforcement. Recently a Special Agent from HUD has also become involved in addressing the gang problem in federal housing on the reservations.

Utah - On March 22, 1996, Adrian Dean Dutchie was sentenced to 327-months' imprisonment on his conviction for the second degree murder of his 70-year-old grandmother on the Ute Mountain Ute Indian Reservation in Southeastern Utah. Dutchie stabbed his grandmother over 40 times after pushing her to the floor of her residence during an argument.

Dutchie had earlier been adjudged incompetent by a Utah state court due to a diagnosis of Fetal Alcohol Syndrome (FAS). After extensive federal competency examinations and proceedings were conducted, Dutchie was ultimately found competent by the District Court. At sentencing, the court refused Dutchie's request for a downward departure based on his FAS. Instead the Court departed upward (about double the guideline range),

relying on two aggravated assaults by Dutchie which the state dismissed due to the instant prosecution and plea.

E. Violence Against Women

Efforts to prevent and punish violence against women are not confined to prosecutions under VAWA, discussed above. Perpetrators of violence against women have been, and will continue to be, prosecuted under other applicable federal statutes.

Mobile, Alabama - The Mobile Violent Crime Joint Task Force conducted an investigation that resulted in the arrest of a serial rapist. To maximize his sentence, federal gun charges were filed along with state rape charges in a coordinated federal/state effort.

Florida - A defendant, who was convicted in state court for stalking, wrote letters to the victim threatening to kidnap and kill her. He was indicted federally for mailing of threatening communications.

Raleigh, North Carolina - On August 15, 1995, a grand jury returned a six-count indictment against Stephan M. Bullis relating to two mail-bomb incidents in Raleigh. Bullis mailed a pipe bomb to his wife at her job and subsequently sent a second bomb to her place of employment. Bullis' wife lost several fingers on one hand as a result of the explosion.

F. Violence in Public Housing

Violent offenders who frequent public housing all too often endanger the families and individuals who live there. Initiatives to rid public housing of dangerous criminals are underway under a recently announced collaboration between HUD and the Department of Justice. Other efforts, recounted below, have also been mounted in various districts.

Puerto Rico - On June 5, 1995, an FBI/Puerto Rico Police Safe Streets Task Force arrested the leader of the island's most violent gang, Jorge Solano Moreta, who had eluded capture for over a year. The following week, 37 members of Moreta's gang were indicted on charges of conspiracy to distribute cocaine and heroin. Moreta and two other gang leaders are charged with operating a continuing criminal enterprise that engaged in five murders. Moreta's gang operated in two public housing projects in the San Juan area, Las Gardenias and Virgillio Davila. Local officials in the public housing projects in San Juan, where the gang operated, have reported to the U.S. Attorney's Office that the level of violence has dropped precipitously since the indictment and arrests.

Dallas, Texas - Twenty-four defendants were indicted on August 9, 1995, as a result of an ongoing crack-down by local and federal law enforcement agencies on violent drug-related street gang activity in the Frazier Courts housing projects. In the aftermath of "Operation Summer Heat," a nine-month undercover investigation, 24 gang members were charged with conspiring to sell crack, employing minors in their operation, selling drugs within 1,000 feet of a school, and using and carrying firearms during drug transactions.

"This shows how effective law enforcement can be when we work together ... This is only the beginning. We have made a commitment to the residents of public housing in Dallas that they will enjoy the freedom of living in a safe neighborhood without these drug pushers, and we intend to keep our promise."

**Police Chief Ben Click, Dallas
Morning News, July 23, 1995**

North Carolina - Norman Wilson and his brother, William Wilson, were sentenced to lengthy prison terms as a result of their drug trafficking activities. Norman Wilson, one of two leaders of the "Grove View Terrace Court Boys" crack cocaine trafficking organization, was sentenced to life in prison plus five years for operating a continuing criminal enterprise, conspiracy to distribute crack cocaine, and use of a firearm in conjunction with a drug trafficking crime. William Wilson, a street level dealer, was sentenced to 30 years for his role in the same crack cocaine trafficking conspiracy and for firearms violations. The organization controlled the distribution of more than 100 kilograms of crack in the Grove View Terrace public housing project from 1988 until 1994. Members of the organization used violence and intimidation to maintain control of the residents of Grove View Terrace. Other members have cooperated with the government and received sentences ranging from seven to 13-1/2 years.

G. Violence in Rural Areas

FBI crime indicators suggest that in contrast to violence in urban areas, violent crimes reported in rural areas is on the rise. Accordingly, efforts have been undertaken in a number of districts to counter this trend.

Arkansas - In the Eastern District of Arkansas, a cooperative investigation in rural Arkansas by OCDETF, FBI, DEA, ATF, Arkansas State Police, Arkansas State Drug Task Force, Searcy Police Department, and the White County Sheriff's Department produced a RICO conviction of a man who led a crime ring from 1992-1995. Members of the racketeering enterprise committed arson, sold drugs, stole trucks, conducted insurance scams, and distributed methamphetamine in rural White County.

Nebraska - CANDO (Compact for the Apprehension of Narcotics Dealers and Offenders) is a task force in six rural counties located in south-central Nebraska. Included are Nebraska State Patrol, FBI, and ten local law

enforcement agencies. CANDO focuses upon mid and upper-level drug dealers. Prosecutions occur in both federal and state courts and task force members share information liberally. Though agencies follow their own policies and procedures, a ten-member governing board targets investigation, coordinates resources, oversees expenditure of project funds, and evaluates compliance with policy and procedure.

Illinois- On June 6, 1995, Larry D. Hall was convicted in the kidnapping of 15-year-old Jessica Roach from a rural road near Georgetown, Illinois. Ms. Roach's body was discovered in a cornfield in Perrysville, Indiana. Hall became a suspect in the crime after two Georgetown teenage girls, who were followed by Hall, were able to get a partial license plate number from the van, which was traced to Hall. When confronted, Hall confessed to the crime providing details that only the killer would have known. Hall is also a suspect in the disappearance of several other young women in the Midwest. He was sentenced to life imprisonment.

H. Murder & Murder-for-Hire

Texas - Defendant Orlando Hall and co-defendants concocted a plot to get revenge upon the decedent's two brothers, because they stole \$5,000 from Hall in a drug deal. The decedent, a 16-year-old girl, was abducted, taken to a secluded park in Arkansas, beaten unconscious with a shovel, and buried alive. Three of the five defendants pleaded guilty. After a jury trial, Hall was convicted and sentenced to death.

New York - An investigation run by FBI, DEA, and NYPD, resulted in the indictment of 10 defendants for 9 murders. Following the round-up of the crew, the murder rate in the precinct dropped precipitously. In addition, twenty-six members of a heroin-trafficking organization responsible for 17 murders were indicted in an investigation conducted jointly by ATF and NYPD.

Minnesota - On March 2, 1995, five members of the Minnesota branch of the "Shotgun Crips" gang were convicted for their roles in a murder-for-hire scheme that was uncovered by federal wiretap during a narcotics investigation. The scheme was foiled at the last moment by DEA investigators and the Minneapolis Police Department. Jermain Saunders, Dennell Malone, and Calvin "Monster" Delpit, individuals involved in a cocaine conspiracy and a murder-for-hire scheme involving the hiring of a hitman by local members of the "Shotgun Crips" to kill members of the local "Vice Lords" gang, received significant sentences. Saunders was sentenced to life plus 10 years in prison. Malone was sentenced to life plus 5 years in prison. Delpit, the would-be hitman, was sentenced to 19 years in prison.

Idaho - On April 26, 1995, a U.S. Forest Service Engineer was preparing to enter a stream to examine undergirdings of a bridge. Two juveniles, one 16 years old and the other 17 years old, approached him and asked for a drink of water. When the victim reached into his truck for a water bottle, he was shot in the head with a stolen .357 caliber revolver. The previous day, the two juveniles had escaped from a juvenile detention center and stolen the gun. The case was prosecuted by the county prosecutor and the USAO in state court and investigated by the FBI and the county sheriff. Ultimately, both defendants entered guilty pleas, one to first degree murder and the other to second degree murder.

"I am satisfied now that justice will be done. We have appreciated the high level of cooperation which we have received from the FBI and the USAO. Washington County is committed to this kind of unified approach to law enforcement."

**Ira Burton, Prosecuting Attorney
Washington County, Idaho**

Florida - On November 22, 1995, Thomas Ricks was found guilty of soliciting a person to commit murder and of causing a person to travel across state lines in furtherance of the murder-for-hire scheme. Ricks was tape recorded soliciting another federal inmate to murder the elected sheriff of Treutlen County, Georgia and to murder a second man. The sheriff was targeted because he directed investigations concerning Ricks on murder and drug offenses. The second individual was targeted because he married Ricks' former wife and controlled assets that Ricks wanted.

I. Carjacking

In 1992, Congress passed 18 U.S.C. §2119, which made carjacking a federal offense. However, §2119 was amended in 1994 to render defendants convicted of carjacking eligible for the death penalty, and to require that the government prove that a defendant took a car "with the intent to cause death or serious bodily harm." This heightened intent requirement has reportedly been an obstacle to federal prosecution in some cases. Nevertheless, successful prosecutions under §2119 have continued.

Venice, Florida - On October 26, 1995, in the Middle District, two defendants were convicted and sentenced to life imprisonment without parole in connection with a carjacking incident. The two defendants, along with four female accomplices, carjacked and abducted at gunpoint a Venice, Florida woman. The two men attempted to murder her, first by drowning her; then by strangling her, beating her, and leaving her for dead in a remote wooden area. The accomplices included three juveniles who were prosecuted as adults and subsequently pleaded guilty. The case demonstrated outstanding investigative cooperation among members of a multi-jurisdictional team of law enforcement agents and local agencies in Florida and Georgia.

Puerto Rico - The Violent Crime Task Force's mission is to investigate carjackings in

which there is federal jurisdiction and minor children are involved or the victim is killed, seriously injured, or kidnapped. The task force also targets violent gangs involved in drug trafficking, homicides, and other violent crimes. This cooperative effort includes 9 FBI agents, 13 POPR, and 4 San Juan Municipal Police officers.

The Department of Justice has worked closely with federal and local officials in Puerto Rico in response to the staggering carjacking and homicide rates the island experienced in 1994. By 1995, significant results of this intensive federal effort were achieved. In 1995, 864 murders and 2,963 carjackings were reported compared to 980 murders and 3,880 carjackings in 1994.

Klamath, Oregon - In this district, the AVCI has targeted bank robberies and firearms offenses. During the first year of the AVCI, bank robberies dropped 10 percent. In 1995, they dropped another 8 percent. Many of the bank robbers arrested qualified as career offenders and were sentenced as such.

Eleven armed career criminals were prosecuted in Oregon in 1995. In a particularly noteworthy case, one of the three defendants who carjacked a vehicle killed one occupant and raped another; he was tried federally under §2119 and was sentenced to life in prison without parole. This case demonstrated an intense level of cooperation between the FBI, the Oregon State Police, Klamath County Sheriff's Office, the Klamath County District Attorney's Office, and the USAO.

Hammond, Louisiana - A defendant accosted an elderly man in a parking lot in Hammond, beat him with an ax handle, threatened to kill him, and stole his van. The victim suffered brain damage as a result. The defendant subsequently pleaded guilty to carjacking. The government has moved for upward departure, seeking the statutory maximum sentence of 25 years under §2119.

Pennsylvania - The Interstate Theft Task Force has used the carjacking statute in several cases, including one instance in which the defendants kidnapped a priest at gunpoint, pistol whipped him, and shot him in the back. The defendants have been certified as adults and have filed an appeal to the certification, which is pending.

Alabama - On September 18, 1995, Willie Lee Barnes was sentenced to 104 months' incarceration for his participation in a carjacking. Barnes, wearing gloves and a ski mask, held a security guard at gunpoint and stole his car. Barnes then went to a nearby neighborhood and shot at a couple walking down the street. A detective, originally responding to the scene of the carjacking, chased Barnes. Barnes hit a dumpster, got out of the car and pointed his gun at the detective. The detective was able to shoot and wound Barnes without being wounded.

Texas - On December 3, 1995, Kendrick Allen and Torvos Simpson were sentenced to life plus five years' imprisonment for their roles in the carjacking murder of Susan Van Orden on Thanksgiving Day, 1993. In addition, a third defendant, Jermon Clark, was sentenced to 50 years' imprisonment. The defendants were also ordered to jointly and severally pay \$15,776.47 in restitution to various insurance companies and to the family of Susan Van Orden.

The three men, all juveniles at the time, used a Winchester .22 caliber pistol-gripped rifle to steal a 1988 Ford Tempo from Van Orden which resulted in her death. The USAO filed motions seeking to certify the juvenile defendants to stand trial as adults. The Court granted those motions, and the decision was later upheld by the Fifth Circuit Court of Appeals.

J. Hobbs Act

The Hobbs Act, 18 U.S.C. §1951, has recently found broader application in the battle against violent crime. It has been used in store

robberies where the scope of the defendant's conduct has a sufficient impact upon interstate commerce. Such cases have permitted federal authorities to pursue particularly aggravated violent crimes that previously were considered strictly local.

Florida - A racketeering enterprise of 16 individuals associated with a Chicago La Cosa Nostra group known as the "Outfit" was successfully prosecuted in the Middle District. The Outfit specialized in armed robberies of jewelry stores throughout the country using automatic weapons. They also attempted to murder a Palm Beach Deputy Sheriff by firing 31 rounds from a MAC-11 machine gun into his patrol car. The deputy was following them after the gang netted \$16.5 million in a robbery from a Boca Raton jewelry store. The crew netted some \$50,000,000 over a 12-year period from these robberies and established a methamphetamine lab with some of the profits. Thirteen defendants have thus far been convicted by plea or trial on RICO or Hobbs Act charges. Crew leaders received sentences ranging from 188 to 296 months.

Kansas - The Wichita Violent Crime/Gang Task Force has targeted serial robbery with great success, boasting a 74 percent closure rate. Six defendants charged under the Hobbs Act for robberies accounted for 111 separate robberies. It is noteworthy that there has been a precipitous drop in robberies, both personal and commercial/bank, in Wichita in the last year: -15.2 percent compared to last year for total robberies and -32.1 percent for business robberies.

VII. NATIONAL COORDINATION

At the national level, the Department of Justice's coordination of the AVCI is handled by the Criminal Division's Terrorism and Violent Crime Section (TVCS), which works closely with the Executive Office for United States

Attorneys. TVCS also provides legal advice, training, and guidance concerning prosecution strategies and the use of federal violent crime statutes. Attorneys in the section prosecute complex violent crime and terrorism cases in coordination with U.S. Attorney's Offices, particularly where the criminal activity crosses district boundaries. Requests to the Attorney General for death penalty authorization under federal violent crime statutes are processed by attorneys in the section. Finally, TVCS is responsible for producing reports and manuals relating to violent crime, including a recent report to Congress entitled "National Strategy to Coordinate Gang Investigations."

Attorneys in TVCS sit on a number of formal and informal committees which review legislation relating to violent crimes. Federal prosecutors are encouraged to raise any concerns or problems they have experienced with particular statutes. By calling TVCS, a prosecutor will be put in touch with the section attorney assigned to a particular violent crime statute.

TVCS attorneys also sit on an interagency working group comprised of federal law enforcement agencies. This working group participates in the development of national strategies, reviews the nationwide effort to combat violent crime by identifying areas where greater coordination is needed, and addresses conflicts as they arise between agencies.

Other Criminal Division components participating in the implementation of the AVCI include the Organized Crime and Racketeering Section, Narcotics and Dangerous Drugs Section, General Litigation and Legal Advice Section, Asset Forfeiture and Money Laundering Section, and the Office of Enforcement Operations.

VIII. CONCLUSION

In the ensuing years, we will continue to fight violent crime through the Anti-Violent Crime Initiative. Between the anecdotal evidence we have seen across the country in violent crime cases, and the evidence that shows the levels of violence in America are declining, we are confident that the Anti-Violent Crime Initiative is effective at reducing violent crime.

The process for developing strategies which are aimed at violent crime has been decentralized. These decisions are being made at the local level by experienced law enforcement officials who understand the unique problems of their own community. And yet, while each community faces its own special problems, effective anti-crime strategies can be transplanted. At the national level, the Department of Justice has an important role to play in identifying the proven strategies and spreading the word to other communities facing similar violent crime problems.

As we move into the third year of the AVCI, our mission will continue to be to maximize the coordination of talent and resources available for fighting violence. We have made tremendous strides in bringing together the federal, state, and local law enforcement personnel who are at the front lines in our struggle. Through their dedication, we are confident that as a nation we will continue to bring down the levels of violence we have experienced since the late 1980's.

D

J

Criminal Division
U. S. Department of Justice

Washington, D.C. 20530

Terrorism and Violent Crime Section
U.S. Department of Justice
Patrick Henry Building, Suite 6500
601 D Street, NW
Washington, D.C. 20530
Phone: (202) 514-0849
Fax: (202) 514-8714

FACSIMILE TRANSMITTAL

DATE/TIME:

Deanne at DTC

TO:

FAX NO.:

9 456-7028

FROM:

BRUCE DELAPLAINE
Deputy Chief for Violent Crime
(202) 307-2163

NUMBER OF PAGES INCLUDING COVER SHEET: _____

SUBJECT/REMARKS: _____

FOR VERIFICATION CALL: (202) 514-0849

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Department of Justice

FOR IMMEDIATE RELEASE
TUESDAY, MARCH 26, 1991

AG
202-514-2007
(TDD) 202-514-1888

THORNBURGH ANNOUNCES NEW FEDERAL PROGRAMS AGAINST FIREARMS OFFENDERS

SAVANNAH -- Attorney General Dick Thornburgh today announced two major new federal programs to combat violent crime -- "Project Triggerlock" and "Violent Crime Task Forces" -- at the annual meeting of chief federal prosecutors. The nation's 93 United States Attorneys are gathered here to review federal law enforcement priorities at a conference attended by top Department of Justice officials and congressional leaders.

"More and more of our citizens are becoming victims of violent crime. We must insure that every effort is made to work with our state and local counterparts to ensure the first civil right of every American -- the right to be free from fear in our homes, on our streets and in our communities," Thornburgh said at today's opening session.

The two new programs announced today grew out of the Attorney General's Crime Summit held earlier this month in Washington, D.C. and attended by some 650 federal, state and local law enforcement officials.

"'Project Triggerlock' is a comprehensive effort to use federal laws pertaining to firearm violence to target the most

(MORE)

dangerous violent criminals in each community and put them away for hard time in federal prisons. Each United States Attorney's office will establish a task force of prosecutors who will develop a strategy to identify and apprehend the most violent offenders in their area."

Armed career criminals with three or more prior felony convictions for violent felonies or serious drug offenses now face a mandatory 15-year federal prison sentence while use of a firearm in the commission of certain offenses brings a minimum 5-year federal prison sentence. FBI, DEA and Bureau of Alcohol, Tobacco and Firearms investigators will participate in the targeting of major offenders together with appropriate state and local authorities.

"The 'Violent Crime Task Forces' are pilot projects using the 'weed and seed' strategy. In phase one, federal, state and local law enforcement will engage in a massive 'clean sweep' effort to 'pull the weeds' -- to remove violent predators and drug dealers from the target area. In phase two, federal and state agencies can 'plant the seeds' of a new tomorrow, by housing renewal and encouragement of legitimate enterprise in the target area."

Both of these initiatives will be overseen by the Justice Department's newly-established Terrorism and Violent Crime Section in the Criminal Division and will be fully coordinated

(MORE)

with the Organized Crime Drug Enforcement Task Forces and the United States Attorney's Organized Crime Strike Force units.

The Attorney General also urged congressional action on President Bush's Violent Crime Bill within the 100 days set as a goal for its enactment "to further beef up our capabilities to combat the armed tyrants who plague our mean streets." The bill would:

- * Provide a workable federal death penalty for the most heinous murders -- such as terrorist slayings, presidential assassination, and drug-related homicides.
- * Reform habeas corpus proceedings that have fostered seemingly interminable delays in punishment and have effectively nullified the death penalty in 36 states.
- * Reform the exclusionary rule, allowing a "good faith" exception for technical errors by police, so that necessary and probative evidence is not kept from juries, often allowing the criminal to go free.
- * Adopt an "inclusionary rule" for firearms seized in any search, substituting a system of sanctions and civil damages for the exclusionary rule, which punishes society by letting violent offenders go free.

Thornburgh emphasized other federal initiatives as well for the assembled prosecutors:

(MORE)

- * Anti-drug efforts "from the crack house to the frat house," including increased international efforts.
- * A sustained effort against white collar crime -- so-called "crime in the suites," including new initiatives against insurance fraud and computer crime.
- * Anti-corruption prosecutions against those at the federal, state and local level who betray the trust of public office.
- * Strong enforcement of federal child exploitation and pornography laws "which victimize the most vulnerable in our society."
- * Enhanced criminal prosecution of environmental polluters "who would despoil the very earth we inhabit."

The Attorney General also expressed appreciation to the Congress for the addition of 1,500 additional prosecutors and 1,400 additional FBI and DEA agents since he took office in August, 1988, as well as recent pay enhancements for all federal law enforcement officials.

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TELEGRAPHIC MESSAGE

NAME OF AGENCY Department of Justice Criminal Division		PRECEDENCE Priority ACTION: INFO:	SECURITY CLASSIFICATION Unclassified
ACCOUNTING CLASSIFICATION 1B1317		DATE PREPARED April 4, 1991	FILE
FOR INFORMATION CALL			
NAME Robert B. Bucknam		PHONE NUMBER 616-2033	TYPE OF MESSAGE ☒ SINGLE ☐ BOOK ☐ MULTIPLE ADDRESS
THIS SPACE FOR USE OF COMMUNICATION UNIT			

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO: All United States Attorneys

FROM: Robert S. Mueller, III
Assistant Attorney General
Criminal Division

SUBJECT: Implementation of Project Triggerlock

This teletype provides instructions for the implementation of Project Triggerlock. The procedures set forth below require your personal attention and expeditious action. This message pertains solely to Project Triggerlock. The other new violent crime enforcement program announced by the Attorney General -- Violent Crime Task Forces which are to serve as pilot projects for the "weed and seed" strategy -- will be addressed subsequently in a separate communication.

In announcing this new enforcement program at the United States Attorneys' Conference last week, the Attorney General characterized it as "a comprehensive effort to use federal laws pertaining to firearm violence to target the most dangerous violent criminals in each community and put

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TO: them away for hard time in federal prisons." Under Project Triggerlock, the Attorney General has mandated that "[e]ach United States Attorney's office will establish a task force of prosecutors who will develop a strategy to identify and apprehend the most violent offenders in their area." < Since violent crime is essentially "street crime," it is usually investigated and prosecuted at the state or local level. Project Triggerlock is not intended to compete with or supplant the traditional local response to violent crime. Rather, it is intended to assist state and local authorities in this area of enforcement by providing for complementary federal prosecutions under U.S. firearms statutes of the most dangerous violent offenders in each community. > Accordingly, it is imperative that the creation of Triggerlock Task Forces be closely coordinated with state and local enforcement officials and that they be full partners in the operation of the Task Forces.			
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MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO:

A. Public Announcement of Triggerlock Task Forces

The Attorney General has instructed that United States Attorneys are to coordinate the public announcement of their Triggerlock Task Forces so that all announcements will occur on the same day. The plan is for each U.S. Attorney to announce the formation of a task force on Wednesday, April 10, 1991.

Shortly prior to those announcements, you should coordinate with the primary federal, state, and local enforcement officials in your district to enlist their cooperation in the Task Force effort. However, precautions should be taken to avoid premature publicity, as maximum deterrent impact can be achieved through simultaneous nation-wide announcements.

By early next week you will be provided a draft press release and other materials to assist you in shaping your public announcement.

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TO:

B. Structuring of Triggerlock Task Forces

Following the announcement of your Triggerlock Task Force, you should convene a meeting of your LECC devoted exclusively to structuring the Triggerlock Task Force for your district. The purpose of that meeting is to develop a workable Task Force organization.

You should designate a senior Assistant U.S. Attorney to serve as the lead action attorney for your office for Project Triggerlock. Similarly, each of the other federal, state, and local components involved in the Task Force should be asked to designate an experienced official to be its lead representative for Task Force matters. If your district already has a task force formed as part of ATF's Project Achilles Program, you should take care to ensure that the Triggerlock structure you create is effectively integrated with the Achilles initiative so that there is no duplication of effort.

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TO: The basic structuring of your Task Force should be accomplished by May 1, 1991. By that date, please advise me by fax of the name of your designated Assistant U.S. Attorney and the identity of the federal, state, and local enforcement organizations which have agreed to be a part of the Task Force. That communication should be faxed to FTS 368-6113. C. <u>Development of the Enforcement Strategy</u> Development of the specific enforcement strategy which best serves the needs of your particular district should be the initial task of designated Triggerlock representatives. Their proposed strategy should then be reviewed by the principals of the involved agencies to ensure their agreement with and full commitment to the enforcement effort. This Division will provide you subsequent communications which will include detailed suggestions to be considered in the development of your district strategy.			
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TO: However, to assist you in discussing the Triggerlock Task Force concept with the primary federal, state, and local enforcement officials in your district, the following are brief examples of the types of strategies to be considered: (1) Creation of a mechanism for screening state and local violent crime arrests, so that defendants with a prior felony record who possessed a firearm at the time of their arrest are considered for prosecution under 18 U.S.C. § 922(g). (2) As an adjunct of the above initiative, those state or local defendants who have three or more prior qualifying felony convictions should be considered for armed career criminal prosecution under 18 U.S.C. § 924(e)(1), which carries a mandatory minimum of 15 years' incarceration. (3) Creation of a mechanism for acquiring from the state information concerning all recently convicted state prisoners who possessed a firearm at the time of their				
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TO:
arrest and who qualify for armed career criminal prosecution.

(4) As an adjunct of the above initiative, state prisoners who are about to be released from prison who qualify for armed career criminal prosecution can be evaluated. Where their last state arrest while in possession of a firearm was within the federal statute of limitations, the potential for an immediate armed career criminal prosecution can be considered. In other instances, consideration can be given to the appropriate means for detecting the person in possession of a firearm after his release. For example, parole supervision regulations in some states may provide a basis for detecting such possession.

(5) Consideration can be given to the creation of a mechanism with the Marshals Service and other pertinent enforcement agencies to identify fugitives who qualify for

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TO:

armed career criminal prosecution if found in possession of a firearm at the time of their apprehension. The arrest of those fugitives can then be accorded priority treatment.

These examples of possible strategies are not intended to limit the scope of your Task Force's activities but rather are provided to stimulate consideration of strategies that best serve the needs of the communities within your district.

If you have any questions concerning the above, please contact my Deputy, Robert B. Bucknam, at FTS 369-2033, (202) 616-2033.

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Criminal Division

Office of the Assistant Attorney General

Washington, D.C. 20530

MAY 29 1991

MEMORANDUM

TO: All United States Attorneys

FROM: (M) Robert S. Mueller, III
Assistant Attorney General

SUBJECT: Implementation of Project Triggerlock

This memorandum supplements my teletype of April 4, 1991, concerning implementation of Project Triggerlock. It provides more detailed guidance concerning the development of enforcement strategies and the operation of the Task Forces.

Your cooperation in promptly forming Triggerlock Task Forces and in coordinating the public announcement of those Task Forces was greatly appreciated. The resulting nationwide publicity about the Triggerlock Project was an important first step toward our objective of deterring criminals from possessing firearms.

As a second step, the April 4, 1991, teletype asked that you convene a meeting of your LECC devoted exclusively to structuring the Triggerlock Task Force for your district. The stated goal was for each United States Attorney to develop a workable task force organization by May 1, 1991. As part of this structuring process, I asked that you designate a senior Assistant United States Attorney to serve as the lead attorney for your office on Project Triggerlock and that all other federal, state, and local components of the Task Force similarly be asked to designate an experienced lead representative. The teletype requested that you advise me by fax (FTS 368-6113) of the name of your designated Assistant U.S. Attorney and the identity of the federal, state, and local enforcement organizations which have agreed to be part of the Task Force. I have received this information from many of you and look forward to receiving the input of the remaining U.S. Attorneys.

The third step in your implementation of Project Triggerlock is the development of the enforcement strategy to be pursued by the Task Force in your district. This should be the initial task of the designated Triggerlock representatives. Their proposed strategy should be reviewed by the principals of the involved agencies to ensure their agreement with and full commitment to the enforcement effort. The strategy which is adopted should be incorporated into an operations plan which will guide the efforts

of your Task Force. This plan should be completed by June 28, 1991, and a copy of the plan should be provided to me. Please submit it by either fax (FTS 368-6113) or mail (Box 887, Ben Franklin Station, Washington, D.C. 20044).

The material which follows is designed to assist you in developing your Task Force's enforcement program. It is not intended to limit the scope of your Triggerlock activities but rather is provided to stimulate consideration of strategies that best serve the needs of the communities within your district.

A. Objective of Project Triggerlock

In announcing Project Triggerlock at the United States Attorneys Conference earlier this spring, the Attorney General characterized it as "a comprehensive effort to use federal laws pertaining to firearm violence to target the most dangerous violent criminals in each community and put them away for hard time in federal prisons." The initiative is intended to be carried out in a manner which complements, rather than supplants, state and local enforcement efforts.

B. Primary Statutes Applicable to Project Triggerlock

While there may be occasions on which your Triggerlock Task Force will utilize federal offenses other than firearms violations, it is anticipated that the primary efforts of the Task Force will rely on the following statutes.

1. Felon in Possession of a Firearm

Under 18 U.S.C. § 922(g)(1) & (2), a felon or interstate fugitive who can be shown to have possessed a firearm is subject to prosecution and a maximum imprisonment of 10 years. 18 U.S.C. § 924(a)(2). USAM 9-63.513 and 63.611. Prosecutions under this statute are usually relatively straightforward and do not require significant investigative or prosecutorial resources. However, two points merit mention.

First, the issue of whether a prior state felony conviction is a qualifying conviction under § 922(g) is to be determined by the law of the state where the conviction occurred. 18 U.S.C. § 921(a)(20). A conviction which has been expunged or otherwise set aside by the state cannot be considered a conviction under § 922(g), unless the state expungement or set aside order expressly provides that the person may not possess a firearm. Laws concerning the expungement or set aside of convictions vary from state to state. Accordingly, BATF should be consulted before a § 922(g) case is initiated so that its compendium of relevant state laws can be checked.

Second, in prosecuting a § 922(g) violation, the government as the burden of establishing that the weapon possessed by the defendant was in fact a firearm as defined in § 921(a)(3). In essence, a firearm is any weapon which is designed to expel a projectile by the action of an explosive. In those instances in which the felon is arrested in possession of the firearm, proof of this element presents no problem. However, where the firearm is not recovered, care must be taken to develop evidence that the weapon was in fact a firearm. Evidence such as eyewitness testimony, particularly if the eyewitness has some familiarity with firearms, may be sufficient to get the case to the jury. Parker v. United States, 801 F.2d 1382 (D.C. Cir. 1986); United States v. Harris, 792 F.2d 866 (9th Cir. 1986).

2. Armed Career Criminals

An even more significant impact can be achieved through the effective use of the federal armed career criminal penalty enhancement provision. Under 18 U.S.C. § 924(e)(1), possession of a firearm by a felon or interstate fugitive who has three or more previous felony convictions by any court for violent felonies or serious drug offenses is subject to a sentence of not less than 15 years imprisonment, with no potential for suspension, probation, or other form of early release. See USAM 9-63.514, 63.515, 63.516, and 63.614. The terms "serious drug offense" and "violent felony" are defined in section 924(e)(2)(A) & (B). In essence, a qualifying drug offense is one that involves the manufacture, distribution, or possession with intent to distribute a controlled substance, for which the maximum term of imprisonment provided by state or federal law is 10 years or more. The term "violent felony" includes any crime punishable by a term exceeding one year that has as an element the use, attempted use, or threatened use of physical force against another person or that presents a serious potential risk of physical injury to another.

3. Possession of a Firearm During the Commission of a Federal Crime of Violence or Drug Trafficking Crime

Section 924(c)(1) of Title 18, United States Code, provides that persons who use or carry a firearm in the commission of a federal crime of violence or drug trafficking crime shall, in addition to the punishment provided for the underlying crime, be sentenced to imprisonment for five years, with no potential for suspension, probation, or other form of early release. In the event the firearm was a sawed-off shotgun, the mandatory imprisonment is 10 years; if the firearm was a machine gun or was equipped with a silencer, the mandatory imprisonment is 30 years. Second or subsequent convictions under section 924(c)(1) carry mandatory sentences ranging from 20 years' incarceration to life. See USAM 9-63.614.

The terms "drug trafficking crime" and "crime of violence" are defined, respectively, in section 924(c)(2) & (3). Although these definitions are similar to those contained in section 924(e), there is some variation. For example, under section 924(c), a crime of violence includes those which involve the use of force, or the threatened or attempted use of force, not only against a person but also against property.

4. Other Potential Firearms Violations

There is also potential for Project Triggerlock to have an impact on violent crime through the vigorous use of other federal firearms provisions: transportation in interstate or foreign commerce or sale or receipt of a stolen firearm or stolen ammunition (18 U.S.C. § 922(i) & (j)); transportation in interstate or foreign commerce or receipt of a weapon with its serial number removed, obliterated, or altered (18 U.S.C. § 922(k)); possession of armor piercing ammunition by a person who is in possession of a firearm during a federal crime of violence or drug trafficking crime (18 U.S.C. § 929); and receipt or possession of an unauthorized machine gun, sawed-off shotgun, or silencer (18 U.S.C. § 922(o), 26 U.S.C. § 5861(b)). These offenses carry a maximum punishment of either five or 10 years.

C. Operational Functions of Triggerlock Task Forces

In announcing Project Triggerlock, the Attorney General mandated that "each United States Attorney's office will establish a task force of prosecutors who will develop a strategy to identify and apprehend the most violent offenders in their area."

In formulating the operational details of your Task Force, it is important to bear in mind that most violent crime is investigated and prosecuted at the state or local level. Project Triggerlock is not intended to supplant the traditional local response to violent crime, but rather should assist state and local authorities by providing for complementary federal prosecutions under U.S. firearms statutes of the most dangerous violent offenders in each community. Accordingly, it is imperative that state and local enforcement officials be fully involved in the operation of Triggerlock Task Forces. Further, if BATF has developed a task force in your district under its Project Achilles program, that operation should be integrated with your Triggerlock Task Force to avoid duplication of effort.

In view of the complementary nature of Triggerlock, it is not envisioned that the Project will involve wholesale removal of traditional violent crime prosecutions from state or local court. Rather, in most instances the state should undertake its normal prosecutorial action, with the federal firearms prosecution being considered as a means of supplementing that enforcement action.

In other words, under Triggerlock, the local prosecutor would focus on the underlying crime committed with the weapon while the federal prosecutor would focus on the criminal's possession of the firearm.

As a result, a key aspect of the operation of Triggerlock Task Forces will be the sharing of information and the coordination of prosecutive decisions. In most instances, violent offenders who are potential subjects of federal firearms prosecutions first come to the attention of state or local enforcement officials rather than federal agents. Accordingly, it is critical that your Triggerlock Task Force delineate, for use by your state and local counterparts, the categories of violent offenders that you will consider prosecuting under Project Triggerlock. Suggested strategies to facilitate the identification of such offenders are discussed in the next section of this memorandum. Once a potential Triggerlock target is identified, charging decisions should be coordinated through the Task Force apparatus. You, of course, must retain the ultimate responsibility over federal charging decisions.

While information sharing, leading to the identification of potential targets for federal firearms prosecutions, and the subsequent coordination of prosecutive decisions relating to such targets are key to the operation of Triggerlock Task Forces, there is also potential for joint investigative activity. For example, as discussed below, you may wish to consider establishing joint federal, state, and local Triggerlock operations designed to locate and arrest fugitives who will qualify for armed career criminal prosecution if apprehended in possession of a firearm. If your Task Force decides to establish joint investigative operations, your office should be in a position to take appropriate steps to ensure that state or local investigators who participate in such joint operations maintain the standards of conduct which are traditionally expected of federal investigators.

D. Strategies Designed to Identify Potential Triggerlock Targets

The following are examples of potential Triggerlock strategies which you may wish to consider. The list is not exhaustive, and is not meant to deter you from pursuing other strategies. In the final analysis, the strategy developed by your Task Force should be the one that best suits the needs of your district.

1. One potential strategy is the screening of all state and local arrests within your district of felons (a) who were in possession of a firearm at the time of their arrest or (b) whose arrest is for an offense that involved the possession or use of a firearm. All individuals identified through this screening process represent potential targets for a felon in possession prosecution (18 U.S.C. § 922(g)) or an armed career criminal prosecution (18 U.S.C. § 924(e)). Felons who were arrested while in possession of a firearm can normally be prosecuted with a minimal expenditure

of investigative or prosecutorial resources. In those instances where the felon did not possess a firearm at the time of his arrest but committed a crime while in possession of a firearm, some investigation would be required to develop the requisite proof that the weapon possessed by the felon was in fact a firearm. For both categories of violations, serious consideration should be given to the state's proceeding first with its prosecution of the underlying violation. That prosecution and resulting sentence would be monitored by the Triggerlock Task Force and thereafter your Task Force representative would evaluate whether a complementary federal firearms prosecution should be pursued. In the case of felons who qualify for armed career criminal prosecution, the presumption should be in favor of the subsequent federal prosecution unless the sentence received in state court is likely to result in a very prolonged period of incarceration.

2. Another strategy, which also involves the screening of state and local arrests, would seek to identify all persons arrested for a crime which involves their possession of a firearm while committing a violent crime or drug trafficking crime which could be prosecuted in federal court. Where the defendant's state offense does not call for a prolonged period of incarceration, it may be appropriate for the case to be prosecuted exclusively in federal court, where the defendant can be punished for both the underlying federal violation and the section 924(c) violation. In other instances, the task force may conclude that the state or local prosecutor should pursue the underlying offense, with consideration thereafter being given by your office to a federal prosecution which encompasses the underlying offense or simply the section 924(c) violation.

3. Another strategy to be considered involves the creation of a mechanism for acquiring from the state information concerning all recently convicted state prisoners who possessed a firearm at the time of their arrest and who qualify for armed career criminal prosecution. Because of the impact of the statute of limitations and the potential disposal of evidence by the local law enforcement system, you might want to limit the identification of pertinent state prisoners to those who have been convicted within the past two years. Some of the individuals identified through this process will be found to be serving sufficiently long sentences that the pursuit of a federal armed career criminal prosecution would not be an effective utilization of resources. However, serious consideration should be given to pursuing such a prosecution for those defendants who are likely to be released by the state system after a period of incarceration which is significantly less than the 15 year minimum mandatory sentence required under section 924(e).

4. As an adjunct of the above strategy, you may wish to obtain from your state prison system a list of all prisoners who are about to be released from prison and who qualify for armed

career criminal prosecution. Where the prisoner's last state arrest while in possession of a firearm was within the federal statute of limitations and the evidence remains available, an armed career criminal prosecution should be seriously considered. The release of such a person within five years of his last violation is strikingly at odds with the federal statutory mandate that armed career criminals be incarcerated for a period of not less than 15 years. In instances where time limitations preclude an immediate federal prosecution of the prisoner, consideration could be given to the appropriate means for detecting the person in possession of a firearm after his release. For example, parole supervision regulations in some states may provide a basis for detecting such possession.

5. Another strategy would involve creation of mechanisms with state and local enforcement agencies as well as with the FBI and the Marshals Service to identify all fugitives believed to be in your district who would qualify for armed career criminal prosecution if found in possession of a firearm at the time of their apprehension. The arrest of such fugitives could be given priority treatment. Indeed, your Triggerlock Task Force may want to consider joint federal, state, and local operations designed to locate and arrest such fugitives. If the fugitive warrant is for a state or local violation which carries a substantial penalty, consideration should be given to postponing the federal armed career criminal prosecution until after the state or local prosecution.

E. Selection of Cases for Federal Prosecution under Triggerlock

Strategies such as those just delineated have the potential of generating a very substantial number of prosecutive targets. It may not be feasible to pursue firearms prosecutions on all these targets. To avoid protracted litigation of selective prosecution claims, it is important that your selection of the persons to be prosecuted be made pursuant to articulable objective standards.

Additionally, it is important that your charging decisions be fully coordinated, through the Task Force apparatus, with your state and local counterparts. As mentioned before, the concept of Triggerlock is to complement, rather than to supplant or duplicate, state or local enforcement. This goal cannot be achieved by routinely shifting prosecutions from the state system to the federal system. Rather, the local prosecutor should be encouraged to focus on the underlying crime committed with the weapon, as opposed to the possession of the weapon per se, while your office should focus on the criminal's possession of the firearm.

As a result, some Triggerlock prosecutions will require evaluation under the Department's dual prosecution policy, commonly referred to as the Petite Policy. USAM 9-2.142. In those

instances where the policy applies, you must adhere to the requirement of obtaining approval from this Division prior to proceeding with the federal prosecution. However, requests for such approval will be processed on an expedited basis. Further, you should not allow the policy to deter your pursuit of appropriate investigations, as the Department has for many years granted Petite waivers for appropriate firearms prosecutions. This is consistent with the federal statutory mandate that criminals who regularly use firearms receive severe mandatory minimum sentences which traditionally exceed those available under state law.

By pursuing a federal firearms case at the conclusion of the state prosecution for the underlying offense, you ensure that the defendant felon will be punished not only for his basic violent crime but also for the independent federal offense of having possessed a firearm. By operation of federal law, the state and federal sentences must be served consecutively. In this manner, incorrigible violent criminals can be removed from the streets of your communities for a prolonged period of time.

BATF has advised that approximately 400 referrals of firearms violations are currently pending action in U.S. Attorneys' offices. While you are developing strategies to identify future Triggerlock targets, you should ensure that your staff addresses any backlog of firearms referrals which may exist in your office, with prosecutions being initiated for all meritorious cases.

F. Maintenance of Triggerlock Task Force Records

It is important that your Triggerlock Task Force maintain records of its activity. These records will assist the Department in measuring the success of the Project and will be invaluable in evaluating budget requirements.

The Executive Office for U.S. Attorneys has agreed to create two special category codes in its Case Management System to identify Triggerlock cases. In essence, Triggerlock cases which involve an armed career criminal prosecution (18 U.S.C. § 924(e)) will have a category code of "053," while all other Triggerlock cases will be coded "054."

While these new Executive Office reporting procedures are beneficial and should be carefully followed, additional statistical information concerning Triggerlock activities is needed. Accordingly, the Assistant U.S. Attorney who you designate as your Triggerlock representative should ensure that the following data is maintained for all Triggerlock cases: case name and docket number, the name of all defendants and a delineation of their prior criminal record, the current federal charge or charges, the disposition of the case, the federal sentence, and the nature and disposition of any related state or local prosecution of the

defendant. The Criminal Division will create a form to assist you in collecting this data. On a quarterly basis, this data should be submitted to the Terrorism and Violent Crime Section of the Criminal Division. Your initial report should include all firearms prosecutions, as well as any other Triggerlock prosecutions, pursued after the program was announced on April 10, 1991.

G. Coordination Between the Criminal Division and Triggerlock Task Forces

The newly-established Terrorism and Violent Crime Section (TVCS) will serve as the Division's point of contact with Triggerlock Task Forces. The Section's Chief, Jim Reynolds, and its Deputy Chief for Violent Crime, Mary Incontro, are prepared to assist you in the development of appropriate Triggerlock strategies and to provide any legal advice that may be needed. Additionally, the Section will develop and maintain a close, cooperative relationship with headquarters representatives of the BATF, FBI, DEA, and the Marshals Service concerning the involvement of those agencies in Triggerlock Task Forces. As you implement your Task Force, TVC is available to assist you in resolving any concerns which might arise relating to the responsiveness of those federal investigative agencies to the initiative. Further, the Section will make litigators available, upon request, to assist or handle the prosecution of appropriate cases.

TVCS will also be responsible for maintaining data and statistics which will permit the Department to respond quickly to inquiries concerning the progress and success of the Triggerlock program. It is for that reason that I have asked that you provide that Section with the following materials: By June 28, 1991, please provide a copy of your Task Force's operations plan, detailing the strategies that you anticipate pursuing. By October 1, 1991, and every three months thereafter, please provide a copy of the records you maintain, detailed above, concerning prosecutions undertaken pursuant to Triggerlock.

H. Conclusion

Your cooperation in this priority Department initiative is appreciated. I am available to discuss with you any suggestions or concerns which you might have.



Office of the Attorney General
Washington, D. C. 20530

June 16, 1989

MEMORANDUM

TO: Federal Prosecutors

FROM: *pt* Dick Thornburgh
Attorney General

SUBJECT: Plea Bargaining in Cases Involving Firearms

On May 15, 1989, the President outlined a comprehensive program to combat violent crime. In it he noted that to ensure the objective that those who commit violent crimes are held fully accountable, plea bargaining procedures must be uniformly and strictly applied. Accordingly, he has directed me to issue and fully implement guidelines for federal prosecutors under the Sentencing Reform Act to ensure that federal charges always reflect both the seriousness of the defendant's conduct and the Department's commitment to statutory sentencing goals and procedures. This means that, in all but exceptional cases such as those in which the defendant has provided substantial assistance to the government in the investigation or prosecution of crimes by others, federal prosecutors will seek conviction for any offense involving the unlawful use of a firearm which is readily provable. This will implement the congressional mandate that mandatory minimum penalties be imposed by the courts upon violent and dangerous felons.

As you recall, in my March 13, 1989 memorandum to all federal prosecutors on the subject of plea bargaining, I stated (at pp. 2-3):

*** The Department will monitor, together with the Sentencing Commission, plea bargaining, and the Department will expect plea bargains to support, not undermine, the guidelines.

Once prosecutors have indicted, they should find themselves bargaining about charges which they have determined are readily provable and reflect the seriousness of the defendant's conduct. Should a prosecutor determine in good faith after indictment that, as a result of a change in the evidence or for another reason (e.g., a need has arisen to protect

the identity of a particular witness until he testifies against a more significant defendant), a charge is not readily provable or that an indictment exaggerates the seriousness of an offense or offenses, a plea bargain may reflect the prosecutor's reassessment. There should be a record, however, in a case in which charges originally brought are dropped.

Department policy requires honesty in sentencing; federal prosecutors are expected to identify for U.S. District Courts departures when they agree to support them. For example, it would be improper for a prosecutor to agree that a departure is in order, but to conceal the agreement in a charge bargain that is presented to a court as a fait accompli so that there is neither a record of nor judicial review of the departure.

In sum, plea bargaining, both charge bargaining and sentence bargaining, is legitimate. But, such bargaining must honestly reflect the totality and seriousness of the defendant's conduct and any departure to which the prosecutor is agreeing, and must be accomplished through appropriate guideline provisions. (Emphasis added.)

On the subject of minimum mandatory penalties for violent firearms offenses, the Department's November 1, 1987 Prosecutors Handbook on Sentencing Guidelines provides (at p. 50):

... in no event is a ... 18 U.S.C. 924(c) [minimum mandatory firearms] charge not to be pursued unless it cannot be readily proven or unless absolutely necessary to enable imposition of an appropriate sentence on someone who has rendered substantial assistance to the government, and then only with the consent of ... the United States Attorney as to 18 U.S.C. 924(c) charges.

The specific affirmation of these policies by the President requires that you be especially vigilant about their full implementation in your district. Any questions about these matters will continue to be handled by the appropriate Assistant Attorney General.



Office of the Attorney General

Washington, D. C. 20530

October 12, 1993

MEMORANDUM TO ALL UNITED STATES ATTORNEYS AND LITIGATING
DIVISIONS

FROM:

Janet Reno

SUBJECT:

Principles of Federal Prosecution

I am issuing the attached bluesheet today to further clarify the Department's policy concerning the principles that should guide federal prosecutors in their charging decisions and plea negotiations. It is intended to provide interpretative guidance with respect to 9-27.130; 9-27.140; 9-27.300; and 9-27.400, Principles of Federal Prosecution, dated January 14, 1993, in your United States Attorney's Manual.

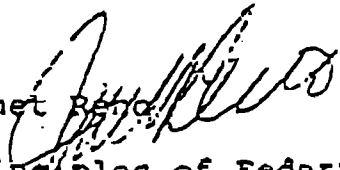
Attachment



Office of the Attorney General

Washington, D. C. 20530

October 12, 1993

MEMORANDUM TO ALL UNITED STATES ATTORNEYS AND LITIGATING
DIVISIONSFROM: Janet Reno SUBJECT: Principles of Federal Prosecution

I am issuing the attached bluesheet today to further clarify the Department's policy concerning the principles that should guide federal prosecutors in their charging decisions and plea negotiations. It is intended to provide interpretative guidance with respect to 9-27.130; 9-27.140; 9-27.300; and 9-27.400, Principles of Federal Prosecution, dated January 14, 1993, in your United States Attorney's Manual.

Attachment



Office of the Attorney General
Washington, D. C. 20530

October 12, 1993

MEMORANDUM

TO: Holders of the United States Attorneys' Manual,
Title 9

FROM: Office of the Attorney General
Janet Reno
Attorney General

RE: Principles of Federal Prosecution

NOTE: 1. This is issued pursuant to USAM 1-1.550
2. Distribute to Holders of Title 9
3. Insert in front of affected section

AFFECTS: 9-27.000

PURPOSE: The purpose of this bluesheet is to clarify the Department's policy concerning the principles that should guide federal prosecutors in their charging decisions and plea negotiations.

As first stated in the preface to the original 1980 edition of the Principles of Federal Prosecution, "they have been cast in general terms with a view to providing guidance rather than to mandating results. The intent is to assure regularity without regimentation, to prevent unwarranted disparity without sacrificing flexibility."

It should be emphasized that charging decisions and plea agreements should reflect adherence to the Sentencing Guidelines. However, a faithful and honest application of the Sentencing Guidelines is not incompatible with selecting charges or entering into plea agreements on the basis of an individualized assessment of the extent to which particular charges fit the specific circumstances of the case, are consistent with the purposes of the federal criminal code,

- 2 -

and maximize the impact of federal resources on crime. Thus, for example, in determining "the most serious offense that is consistent with the nature of the defendant's conduct, that is likely to result in a sustainable conviction," [as set forth in 9-27.310], it is appropriate that the attorney for the government consider, inter alia, such factors as the sentencing guideline range yielded by the charge, whether the penalty yielded by such sentencing range (or potential mandatory minimum charge, if applicable) is proportional to the seriousness of the defendant's conduct, and whether the charge achieves such purposes of the criminal law as punishment, protection of the public, specific and general deterrence, and rehabilitation. Note that these factors may also be considered by the attorney for the government when entering into plea agreements [9-27.400].

To ensure consistency and accountability, charging and plea agreement decisions must be made at an appropriate level of responsibility and documented with an appropriate record of the factors applied.

This bluesheet is intended to provide interpretative guidance with respect to 9-27.130; 9-27.140; 9-27.300; and 9-27.400, Principles of Federal Prosecution, dated January 14, 1993, in your United States Attorneys' Manual.

REMARKS FOR THE ATTORNEY GENERAL

Colorado Project Exile Announcement

Denver, Colorado

Monday, October 4, 1999

Prepared by: Mathew Nosanchuk, 4-2456 (OPD)

Reviewed by: Eleanor Acheson, Bea Witzleben, Charles Simon, and Joe Graupensperger

Revisions: 10/4, Cheryl Montgomery, Carole Florman, Ann Harkins

I am so proud to be here today. Just last spring, I came to Littleton to attend a service at the Light of the World Church. It was one of the saddest trips I have made as Attorney General.

We joined together to mourn and pay our respects to the wonderful young people who were – and are – the victims of this senseless tragedy – and to ask ourselves how we could prevent such tragedies from happening again. I said then that we must learn from the lessons of Columbine.

Unfortunately, since then, we have seen tragedy strike again and again with the shootings at a high school in Conyers, Georgia, at a workplace in Atlanta, at a Jewish Community Center in Los Angeles, and at a Baptist Church in Fort Worth, Texas.

And we must not forget that every day in America, 13 young people die from gun violence. While I wish with all my heart that none of these tragedies occurred, each one has strengthened our resolve to win passage of common-sense gun safety legislation – legislation that builds upon the successes of existing state and federal laws, making it more difficult for people like those who committed these horrible crimes to get their hands on guns in the first place. Regrettably, the Nation waits for Congress to act, and I remain hopeful that Congress will pass reasonable gun safety laws this year.

At the Department of Justice, our United States Attorneys have continued to focus on developing gun violence reduction strategies in their districts in collaboration with state and local law enforcement. In response to a directive from the President, the Secretary of the Treasury and I have reached out to United States Attorneys and ATF Special Agents-in-Charge throughout the Nation. We asked them to develop a strategy from the ground up, by joining together with their partners in law enforcement, government officials, and community leaders. We have asked them to look at what works in their particular communities to reduce gun violence and figure out ways to build on these successes.

There are some extremely effective models – communities where federal, state, and local law enforcement, and other community leaders, have worked together to produce dramatic drops in the violent crime rate. One of those models – established during this Administration – is Project Exile in Richmond, Virginia, after which you have named your program.

All over the country, U.S. Attorneys are working in partnership with other federal and local law enforcement officials and community leaders to develop local programs that tap the resources and target the gun crime, particular to each community. Boston's "Operation Ceasefire" has been a great success. In the coming weeks, I will be working with communities around the country that are developing and implementing gun violence reduction strategies in response to the President's directive. Colorado Project Exile takes a careful look at Colorado's gun violence problem, and tries to attack that problem by enhancing prosecution and prevention.

Both federal and state firearms prosecution efforts will be enhanced under the Colorado strategy. Some additional prosecutions will be handled by the state authorities, and some by the federal authorities, all based on what makes the most sense under Colorado and federal law.

While vigorous prosecution is a critical component of a gun violence reduction strategy – it is only part of the answer. Colorado Project Exile recognizes that any effective approach must prevent gun violence before it occurs – by keeping guns out of the hands of criminals and children and by adopting other gun safety measures.

I was so impressed when I met the 80 high school students representing SAFE Colorado. They came to Washington personally to deliver to Members of Congress their plea for modest, common-sense proposals. The courage and commitment of these students – some of whom are here today – prove that Americans young and old – from across the political spectrum – view the gun violence problem as one of personal and community safety, not partisan politics. Washington needs to figure this out and move forward with gun safety legislation that, while not the answer to every gun violence problem, takes an important step in the right direction.

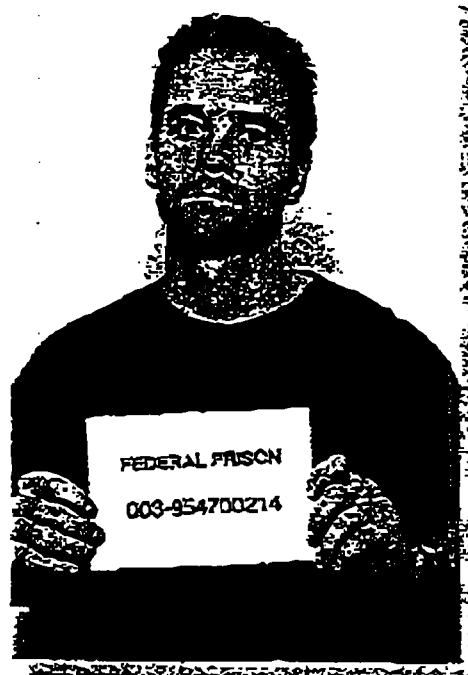
I am here today to applaud you on your thoughtful and comprehensive plan. And I want to offer my support in the coming months as you put the building blocks of your strategy in place.

We have an historic opportunity – here in Colorado and around the Nation – to build on the dramatic drop in crime that has occurred in the past seven years. We must harness the commitment of the American people and do something to end the culture of violence in this country.

Thank you for having me here today to be a part of the announcement of your program.

CRIMES COMMITTED WITH FIREARMS

A Report for Parents, Prosecutors, and Policy Makers



Senate Committee on the Judiciary
Senator Orrin G. Hatch, Chairman

Prepared by
Majority Staff
September 15, 1999

SEP-28-99 12:53 FROM:

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DEPARTMENT OF THE TREASURY
OFFICE OF POLICY DEVELOPMENT
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Phone: (202) 622-0300

Fax: (202) 622-7301

Date:

Page 1 of _

TO: Deanne Benos

FAX: ~~456-7028~~
225-5603

FROM: S. Ginsburg

SUBJECT:

MESSAGE:

Robert Fabian
-OFF

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Hud gun litigation
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UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON IMMIGRATION
SENATOR EDWARD M. KENNEDY

520 DIRKSEN SENATE OFFICE BUILDING
WASHINGTON, D.C. 20510
PHONE: (202) 224-7878
FAX: (202) 228-0464

FAX MEMORANDUM

TO: Susan Garabuy Joe Brancansperger
FAX: 622-7301 305-2642

FROM: ANGELA F. WILLIAMS
SPECIAL COUNSEL TO SENATOR EDWARD M. KENNEDY

DATE: 9/28/99

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MESSAGE:

Could you all provide talking points in response
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Senators Dworkin & Kennedy are requesting.

10/28/06
363-0611