

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

March 1, 1994

**ATTORNEY GENERAL SPEAKS TO LAW ENFORCEMENT
OFFICIALS ON THE PRESIDENT'S NATIONAL ANTI-VIOLENT
CRIME INITIATIVE ON CONFERENCE CALL
FROM THE WHITE HOUSE**

Attorney General Janet Reno, on a conference call today, briefed federal law enforcement officials on the President's National Anti-Violent Crime Initiative. The call was made by the Attorney General from the White House.

Two hundred and twenty of the Nation's top law enforcement officials participated in the call including U.S. Attorneys, FBI Special Agents in Charge, ATF Special Agents in Charge, Regional INS Officers, DEA Agents and U.S. Marshals.

The Attorney General was also joined at the White House by FBI Director Louis Freeh, Assistant Secretary of the Treasury for Enforcement Ronald Noble, ATF Director John Magaw, DEA Administrator Steve Greene and Director of the U.S. Marshals Eduardo Gonzalez.

Attached please find background information explaining the Initiative.

**President Clinton's
National Anti-Violent
Crime Initiative**



March 1, 1994

ANTI-VIOLENT CRIME INITIATIVE ANNOUNCEMENT
MARCH 1, 1994

- VICE PRESIDENT AL GORE
- ATTORNEY GENERAL JANET RENO
- ASSISTANT SECRETARY OF THE TREASURY RONALD K. NOBLE
- FBI DIRECTOR LOUIS J. FREEH
- MARYLAND ATTORNEY GENERAL JOSEPH CURRAN (representing the National Association of Attorneys General)
- PRESIDENT OF THE NATIONAL DISTRICT ATTORNEY'S ASSOCIATION BILL O'MALLEY (District Attorney, Plymouth District, Massachusetts)
- PRESIDENT OF THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE SYLVESTER DAUGHTRY (Chief of Police for Greensboro, North Carolina)

NATIONAL ANTI-VIOLENT CRIME INITIATIVE

Executive Summary

I. Overview

Violent crime is tearing away at the fabric of our society. Americans consistently list violent crime as one of the most significant concerns facing our nation. As a result, their fundamental right to live their lives free from fear of violence has been placed in peril.

Federal, state and local law enforcement possess considerable weapons to fight the battle against crime, but when they work unilaterally they are not always sufficiently armed. A key part of law enforcement's response to the nation's violent crime problem lies in forging a partnership of federal, state and local law enforcement that draws upon each of their particular strengths and takes advantage of the investigative and prosecutorial resources uniquely available to each of them. Together, they can bring to bear resources to systematically and more effectively attack violent crime.

This memorandum proposes a National Anti-Violent Crime Initiative to identify crime problems, develop targeted strategies, build partnerships to implement them and use federal resources to bring this national epidemic of violence under control. Since our violent crime problem has been decades in the making, it is deeply rooted and will not be solved quickly.

II. The Scope of the Problem

A. Increase of Violent Crime

The FBI's Uniform Crime Report concludes that the violent crime rate has increased 41% in the past 10 years, and 81% in the past 20 years. Additionally, the report suggests that while violent crime continues to afflict larger urban areas, it also has increased in smaller cities, suburban communities, and rural counties.

Law enforcement professionals attribute much of the increase in violent crime to the growth of gang violence. This violence has also led to the rise in the public's perception of vulnerability and a resulting feeling of fear. The criminal acts of many gang members are both extraordinarily violent in nature and seemingly indiscriminate. A killing may be motivated by nothing more than the victim's presence in a particular neighborhood, choice of apparel, or facial expression.

Although most gangs can be traced to major urban areas, they have migrated throughout the country. By 1992, 72 of the nation's 79 largest cities reported experiencing gang violence, and ATF reports the presence of Bloods and Crips in 35 states and 58 cities across the United States. But, small and mid-sized cities-- even in relatively rural states-- have not been spared the problem of gang violence.

Keeping up has been difficult. While the percentage of violent crime has risen, the percentage of persons incarcerated for violent crime in both state and federal prisons has remained the same or decreased.

According to a Bureau of Justice Statistics study in May 1993, the percentage of state prisoners jailed for violent crime declined steadily since 1980, dropping from slightly under 50% to slightly under 30%. The percentage of prisoners incarcerated in federal prisons for violent crime has not increased since 1970. Recognizing that violent crime continues to escalate, these figures suggest that more needs to be done to keep pace with this problem, on both a federal and state level.

III. The Utilization of Federal and Local Resources

A. Federal and Local Law Enforcement Cooperation

The goal of this initiative should be to forge a partnership of all pertinent federal, state and local law enforcement entities to fully utilize each of the law enforcement tools available at each level. Federal law enforcement tools cannot supplant, but will complement, the law enforcement tools offered by local authorities. In the end, citizens will not care who reduced violent crime, but only whether it is reduced.

B. Local Law Enforcement Strengths

The strengths of local law enforcement agencies may vary from jurisdiction to jurisdiction, but generally they are better equipped than federal agencies to play the primary role in addressing violent crime in our communities.

According to 1992 statistics, state and local law enforcement organizations were staffed by 532,583 full-time sworn police officers. In contrast, the FBI has approximately 10,000 agents, and most other agencies have less than 2,000 each. As a result, local agencies are able to place a significant law enforcement presence throughout the community; quickly respond to particular acts of violent crime; process and prosecute a high volume of criminal cases stemming from reactive street crime arrests; and identify local criminals and criminal activity, which is especially critical in targeting gang violence.

C. Federal Law Enforcement Strengths

The federal government has a strong arsenal of crime fighting weapons that are often not available to state or local investigative agencies. When used in concert with the strengths of local law enforcement, they can have substantial impact.

The tools that the federal agencies can bring to bear in most cases are particularly useful in fighting violent crime, and especially gang violence. (See attached) They include monitoring suspects through Title III court-authorized electronic surveillance; convening investigative grand juries to examine witnesses (a tool utilized in relatively few states) to acquire testimony that cannot be easily retracted during trial; and offering immunity to witnesses to secure needed testimony against more serious offenders. (which the vast majority of states can use only on a very limited basis) Federal law enforcement agencies also are not constrained by state or local jurisdictional boundaries and therefore, are able to follow criminals, and migrating gangs, wherever they may go.

Additionally, the federal agencies offer support services such as their Witness Protection Program; funds for undercover buys, which localities often lack; and cash rewards for information on criminal activity. Federal agencies can also detain suspects prior to trial to prevent them from fleeing and protect the public from danger -- especially important in fighting gangs.

Federal laws can also be brought to bear. Many federal statutes carry mandatory minimum sentencing provisions, which provide investigators and prosecutors leverage in eliciting the cooperation of gang members. The federal government, for instance can rely on a host of firearms, narcotics, racketeering, and car-jacking statutes to prosecute violent criminals, as well as asset forfeiture laws to force criminals to relinquish their ill-gotten gains. The federal government also can rely on immigration laws that permit the arrest and detention of illegal aliens. This may be particularly useful in addressing ethnic gang problems.

Finally, under current federal sentencing laws, defendants are required to serve approximately 85% of their prison sentence, in stark contrast to most states.

IV. Implementation of Strategy

A. Recognition of Local Needs

The success of this strategy in any particular jurisdiction will depend on the extent to which it is refined to meet specific community needs. The strategy must account for local police capabilities and resources, as well as the nature of the local violent crime problem. There is no one formula that fits all jurisdictions.

B. Framework of National Anti-Violent Crime Initiative

First, the Department of Justice will create a new Violent Crime Section of the Criminal Division to assist with the coordination of the National Violent Crime Strategy. In part, it will disseminate information on successful strategies and deploy response teams of prosecutors to places that request them.

Second, United States Attorneys will appoint violent crime coordinators and will convene summits of all pertinent federal, state, and local law enforcement agencies within their districts to discuss the program. Together, they will form a violent crime working group or identify an existing group of like membership which is already focussing on violent crime.

Third, the working group will quickly conduct a survey to identify the most critical violent crime problems facing their community that are susceptible to a coordinated inter-governmental attack, such as gang violence; prioritize these problems; determine the law enforcement programs and resources currently dedicated to these problems; and assess the results achieved by existing efforts.

Fourth, the Department of Justice, working in concert with the working groups, will use the results from the surveys to formulate the general parameters and goals of a national violent crime strategy. Then the districts will create a plan to implement the strategy. Under their plan, operational task forces will be created to carry out day-to-day investigations. The groups will determine what federal law enforcement tools are necessary to deal with their identified problems and to decide which types of cases will be prosecuted under state or federal statutes.

Finally, the Criminal Division, where requested, will dispatch teams of federal prosecutors who are experienced in violent crime and enterprise-based prosecutions to assist authorities in developing and carrying out their enforcement programs.

V. Conclusion

The proposed National Anti-Violent Crime Initiative should serve as the first step toward more effectively addressing violent crime and reducing the level of violence that plagues our society. Federal law enforcement agencies possess many tools to help assist local law enforcement to combat violent crime. By joining together in this systematic, nation-wide, inter-governmental approach, we will be better able to combat violent crime.

FEDERAL LAW ENFORCEMENT TOOLS

Under the Administration's National Anti-Violent Crime Initiative, federal law enforcement will be able to complement local law enforcement by:

Utilizing Investigative Procedures

- Monitoring suspects through electronic surveillance;
- Convening investigative grand juries to examine witnesses, and acquiring testimony that cannot be easily retracted during trial;
- Offering immunity to obtain useful testimony for trial.

Providing Support Resources

- Offering refuge in the Witness Protection Program;
- Providing funds for undercover buys; making payments to informants; and offering awards for information on criminal activities, such as gang violence.

Ensuring Pretrial Detention

- Detaining suspects prior to trial to prevent them from fleeing.

Enforcing Immigration Laws

- Arresting and detaining illegal aliens under federal laws.

Providing Expansive Reach

- Relying on federal law enforcement agencies that are not constrained by state or local jurisdictional boundaries.

Enforcing Federal Criminal Statutes

- Targeting criminal enterprises to undermine organized criminal activities; and forcing criminals to relinquish ill-gotten gains through asset forfeiture laws.
- Ensuring substantial prison sentences through use of federal statutes that carry mandatory-minimum sentences;

Providing Tougher Sentencing

- Guaranteeing truth-in-sentencing through rules requiring defendants to serve approximately 85% of their sentence.



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

**TREASURY DEPARTMENT CONTRIBUTIONS TO ANTI-GANG AND
ANTI-VIOLENT CRIME EFFORTS**

- Key player in the nation's efforts to combat violent and gang-related crime through ATF's jurisdiction over firearms, explosives and arson crimes.
- ATF traces more than 50,000 firearms per year that are used in crimes. Traces not only solve individual crimes, but reveal patterns of activity leading to the discovery of illegal gun suppliers.
- ATF has jurisdiction over some of the toughest, most effective statutes on the books aimed at violent crime. Armed drug traffickers, violent offenders, and career criminals face mandatory sentences up to life imprisonment with no parole.
- Treasury Law Enforcement has formed effective task forces with local police. Since 1987, the efforts of these task forces against armed drug traffickers and armed violent offenders have resulted in the sentencing of over 4,000 such offenders to a cumulative 24,000 years of mandatory confinement.
- Enjoying an exceptional working relationship with state and local law enforcement, ATF has participated in nearly 200 gang task forces around the United States.
- ATF manages one of the most innovative intervention programs in the country in its Gang Resistance through Education and Training (GREAT) program. Thousands of seventh graders have received help in making positive decisions to avoid gang activity and in resolving conflicts without resort to violence.

CONNECTICUT ANTI-VIOLENT CRIME INITIATIVE

RESULTS

- **Murder rate was cut by 1/3 in New Haven in 1993**
- **18 members of a New Haven street gang were convicted of federal crimes and sentenced--some to more than 20 years in prison**
- **Other gangs in Connecticut are facing similar prosecutions**

HOW IT WAS DONE

-- In 1991, federal, and Connecticut state and local law enforcement authorities met to discuss the effective utilization of federal resources and programs to investigate and prosecute violent crime in the New Haven area.

-- The task force, which became fully operational in 1992, is comprised of federal agents from the FBI, DEA, ATF, U.S. Marshals Service, the Connecticut State Police and New Haven police, and the U.S. Attorneys office.

-- Since half of all those arrested in New Haven for homicide in 1990 and 1991 were members of the five major gangs in New Haven, the task force identified gang related violence as the most significant violent crime problem in the area. The task force developed a coordinated strategy to combat the problem.

-- In February 1992, the task force began an intensive investigation into drug dealing and violence associated with a local street gang.

-- The law enforcement agencies mounted joint investigations, shared resources and information, and brought to the table their different law enforcement tools.

-- State and local officials provided necessary personnel and gang intelligence.

-- Federal agents provided expertise in electronic and physical surveillance, undercover operations, the execution of search warrants, training and funding.

-- Federal prosecutors utilized federal criminal laws including pretrial detention, mandatory minimum sentences and criminal enterprise statutes.

The National Anti-Violent Crime Initiative replicates this effective multi-dimensional approach and expands it on a nationwide basis.



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

MEMORANDUM FOR ALL UNITED STATES ATTORNEYS

FROM: THE ATTORNEY GENERAL

SUBJECT: Implementation of
National Anti-Violent Crime Initiative

As all of us are aware, violent crime is a primary concern of Americans around the country. Most concerning is that the level of viciousness seems to have increased in the past few years, as exemplified by the drive-by shootings and random killings associated with gang rivalries and fueled by the prevalence of guns and drugs.

Traditionally, violent crimes have been investigated and prosecuted by dedicated state and local law enforcement officials. In many communities, their ability to be effective in stemming violent crime has diminished because they lack the resources and tools, and in some cases the jurisdiction, to conduct proactive investigations and to develop cases against gang members and armed career criminals who cross jurisdictional lines. As a result, increasingly state and local prosecutors have sought the assistance of federal prosecutors and agents.

Over the past several months, the law enforcement components of the Department of Justice have been working together, and with their colleagues at the Treasury Department, to develop a national anti-violent crime initiative to bring federal resources to bear on this national problem. The Criminal Division, the Attorney General's Advisory Committee of United States Attorneys, the FBI, DEA, INS and U.S. Marshals Service have been participants in this process. The Bureau of Alcohol, Tobacco and Firearms has been an important participant as well, with the wholehearted assistance and cooperation of Secretary Bentsen and Assistant Secretary Noble.

At the United States Attorneys' National Conference in January, several panels described the initiative in a preliminary way. The purpose of this memorandum is to provide you with written guidance concerning its implementation. I have asked the Criminal Division to coordinate this initiative, and you will be receiving additional correspondence from the Assistant Attorney General of the Criminal Division in that regard.

I would ask you to keep in mind two important points concerning this strategy. First, I am not suggesting that you create a new task force or bureaucracy to address violent crime if you already have mechanisms in place that are working in your district. The initiative contemplates that you may use or build upon any existing component that has proven to be effective, or that has a strong potential for success.

Second, the goal of the initiative is to complement, not supplant, the efforts of state and local prosecutors. If any of your counterparts in your district has an effective violent crime strategy in place that can -- or does -- take into account the need for coordination and cooperation among federal, state, and local law enforcement officials, you should consider building the strategy around that existing state or local violent crime component. The key is to develop a strong partnership in this effort with state and local officials in a way that will be most productive.

In order to implement the anti-violent crime initiative in your district, please undertake the following steps:

- ▶ By March 1, 1994, designate a senior Assistant United States Attorney to be a Violent Crime Coordinator to serve as a contact in your office with the Criminal Division. Forward by e-mail the coordinator's name, telephone number, and fax number to Mary Incontro, Deputy Chief, Terrorism and Violent Crime Section [CRM04(incontro)].
- ▶ By April 1, 1994, each United States Attorney should meet with all pertinent federal, state, and local law enforcement agencies in his or her district to form a new, or strengthen an existing, violent crime working group.
- ▶ In support of the working group, your Violent Crime Coordinator should immediately seek to undertake a survey that will identify a number of issues, including:
 - ▼ your district's most critical violent crime problems that are susceptible to a coordinated federal/state/local attack, with violent gangs and armed career criminals as two likely areas;
 - ▼ the relative priority of these problems;
 - ▼ the law enforcement programs and resources currently dedicated to the investigation and prosecution of these problems;

- ▼ the results achieved to date from these efforts;
and
- ▼ any multi-district or multi-jurisdictional aspects
of these problems.

The Criminal Division will send your Violent Crime Coordinator an outline of the entire list of issues that the survey should address.

- By May 1, 1994, please forward the results of your survey to the Criminal Division, by faxing it to James Reynolds, Chief, Terrorism and Violent Crime Section, or to Mary Incontro, at fax number (202) 514-8714.

Under the auspices of the Office of Investigative Agency Policies, the FBI, DEA, INS and U.S. Marshals Service will issue guidance to their field offices to assist your working groups in undertaking this survey. A copy of that guidance is attached. The Bureau of Alcohol, Tobacco, and Firearms will issue an analogous guidance to its field offices as well; a copy is also attached.

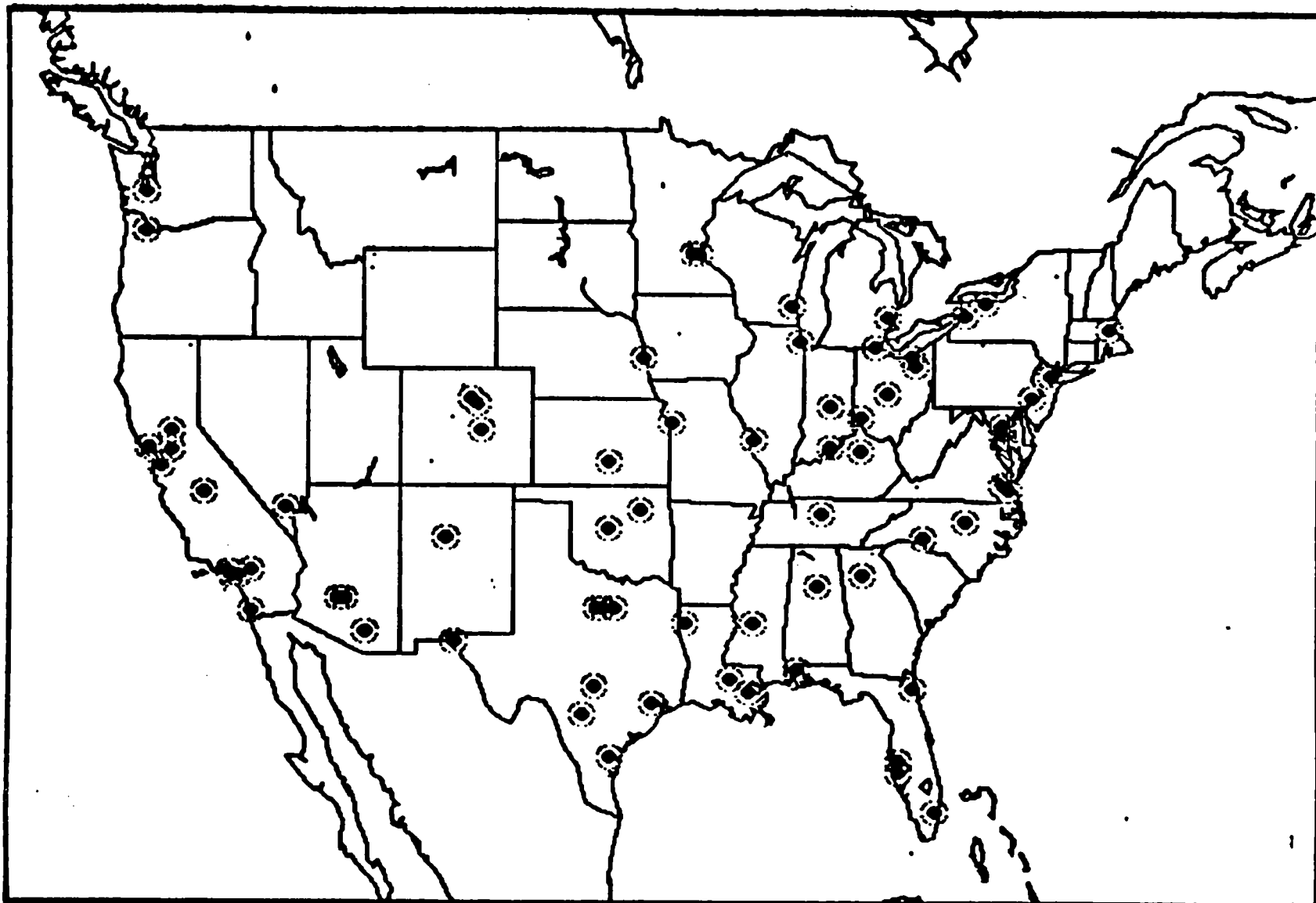
The Assistant Attorney General of the Criminal Division and your representatives on the Attorney General's Advisory Committee will quickly analyze the results of the surveys from all the districts. You will then be provided with any needed assistance to develop an appropriate prosecutive strategy for your district. Thereafter, you will be asked to take the following steps:

- Using the new or existing working group as a mechanism, develop a single district plan to implement the national initiative consistent with your local needs and the available law enforcement resources in your district.
- Specify in the plan a prosecutive strategy for attacking the problems you have identified as most susceptible to a coordinated federal/state/local effort. Again, possible examples include an attack on violent gangs, or the development of a targeted list of the district's most dangerous violent offenders. The plan should include the use, as appropriate, of federal tools, such as wiretapping, pretrial detention, federal statutes aimed at criminal organizations, and real-time sentencing under the sentencing guidelines. The Criminal Division will send your Violent Crime Coordinator a sample operations plan which you may wish to use in developing a plan for your district.

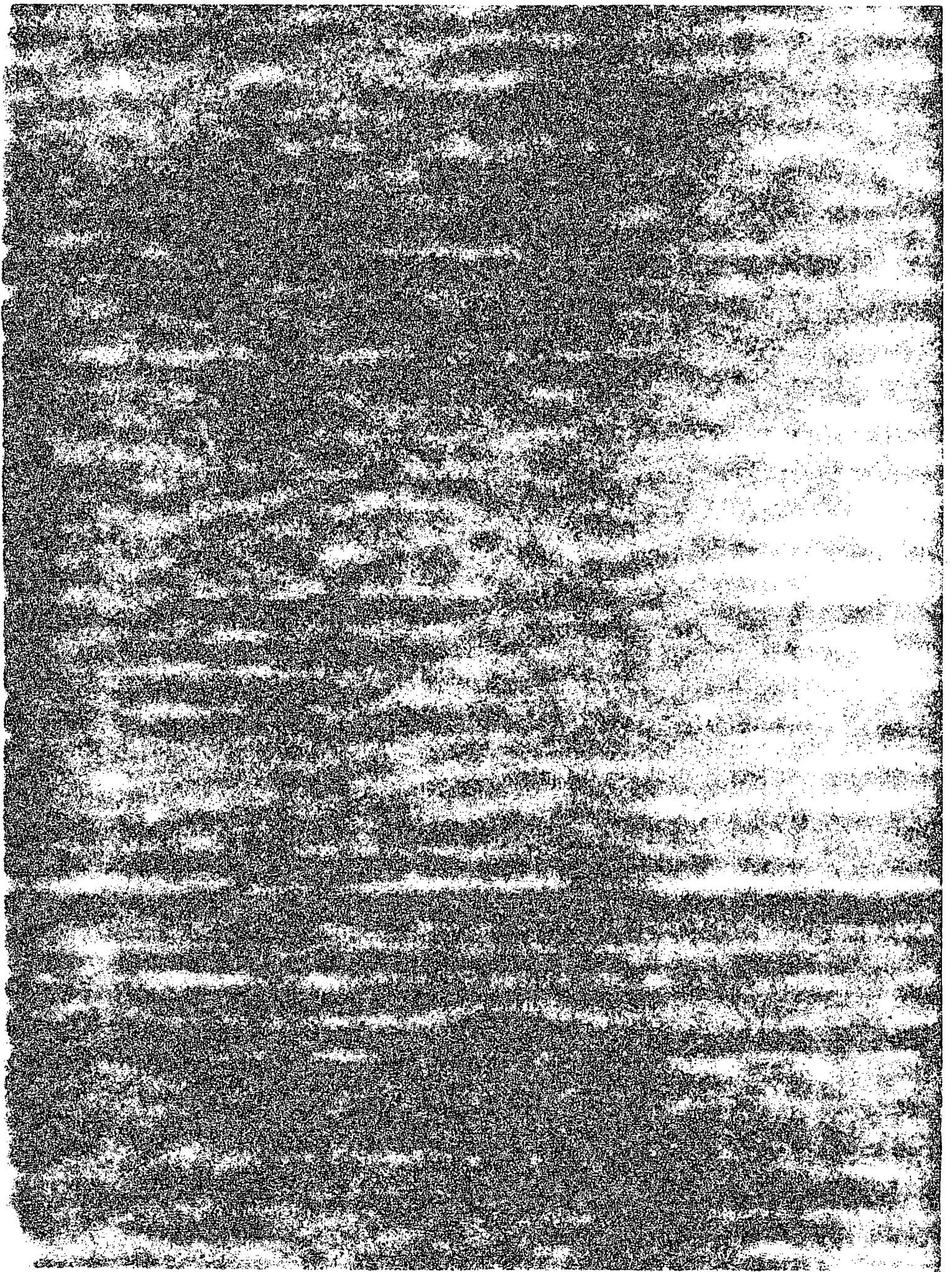
- Assist law enforcement agencies in your district in developing or enhancing an operational task force or other working group that will carry out the day-to-day investigations of your highest priority violent crime problems. Where appropriate, existing task forces and other successful joint federal-state-local efforts should be preserved. In other instances, it may be appropriate for existing task forces or other working groups to be combined, expanded, or redirected.

The Criminal Division will support your efforts by disseminating successful enforcement strategies, facilitating the interchange of information relating to interstate criminal activities, providing training, and responding to requests of U.S. Attorneys to assist in the design of investigations and, where needed, the prosecution of resulting cases. The Terrorism and Violent Crime Section is updating its federal firearms manual and is developing a comprehensive gang prosecution manual for federal prosecutors. Working with the Attorney General's Advocacy Institute (AGAI), the Criminal Division also is assisting in the planning of a violent crime training conference to be held in May 1994.

The problems posed by violent crime are difficult, but not intractable. I am confident that, working together in a true partnership of federal, state and local law enforcement, we can make a substantial contribution toward reducing its devastating impact on our communities. I am grateful for your cooperation in this most critical endeavor.



In 1992, seventy-two of the seventy-nine largest cities in the country reported that they were experiencing a "gang problem."



Attachment B

Gangs may be grouped into three general categories: street gangs, ethnic gangs, and outlaw motorcycle gangs. Charts reflecting the types of crimes committed by each category of gang are attached. The information for these charts was culled from reports submitted by each of the U.S. Attorney's Offices across the nation -- with the exception of Colorado, Guam, the Western District of North Carolina, Vermont, the Virgin Islands, the Eastern District of Washington, the Northern District of Western Virginia, and Wyoming -- in response to a November 1990 request from then Deputy Attorney General William Barr for a summary of violent gang activity occurring within each district. See Charts B1-B3.

Among the street gangs which have the greatest membership are the Bloods, Crips, Vice Lords, and Black Gangster Disciples. The Bloods and Crips originated in Los Angeles and have gradually migrated eastward. The Bureau of Alcohol, Tobacco and Firearms (ATF) reports the presence of Bloods and Crips in 35 states and 58 cities across the United States. The geographical distribution of Bloods and Crips is subdivided by federal judicial district. See Charts B4-B5.

In contrast, the Vice Lords and Black Gangster Disciples originated in Chicago and have migrated primarily through the nation's central states. See Charts B6-B7.

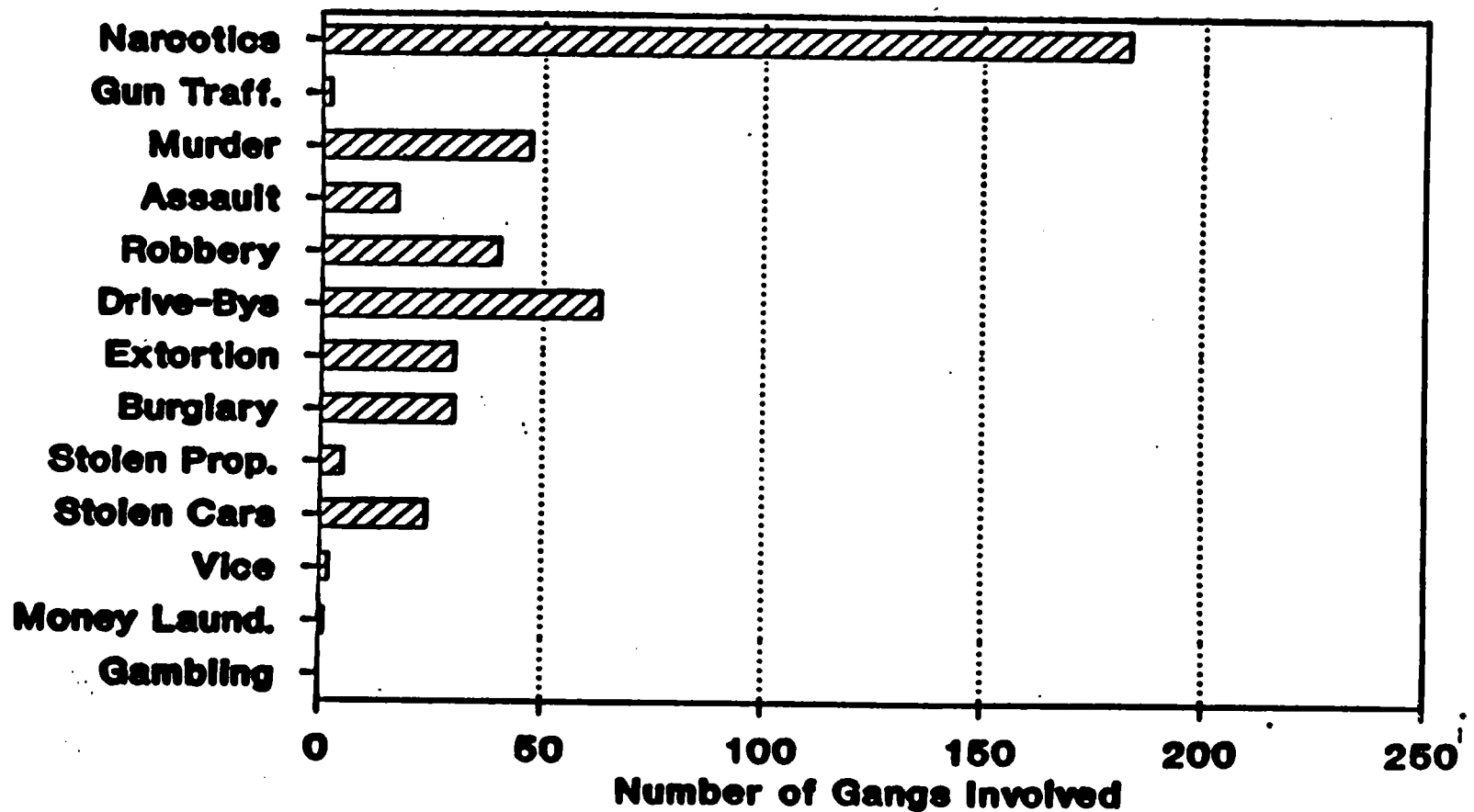
Among the ethnic gangs, Jamaican Posses and Asian organized crime syndicates have been identified as the largest threat. The Jamaican Posses initially operated in the Southeast but have now spread up the East Coast to the Northeast and across the South to California. See Chart B8.

Chinese Triads and Tongs first surfaced as a law enforcement problem on the West Coast but have now been identified as a problem in scattered districts across the country. See Chart B9.

Outlaw motorcycle gangs are most prevalent in California and the Midwest. However, ATF has identified approximately 500 active outlaw motorcycle gangs in 34 states. See Chart B10.

Crimes Committed by Street Gangs

Total No. of Gangs Allegedly Involved

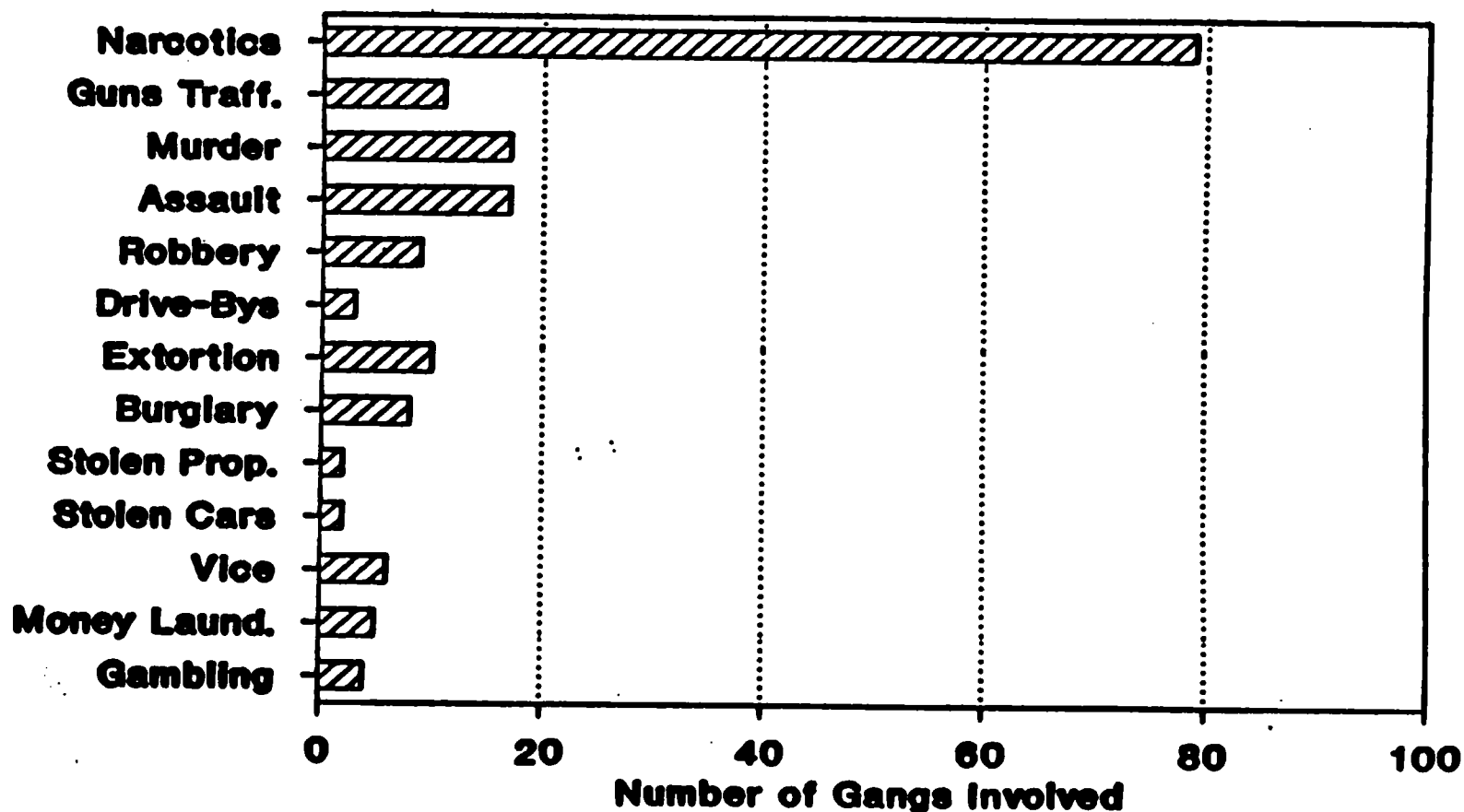


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Data obtained from 1990 survey of U.S. Attorneys Offices nationwide.

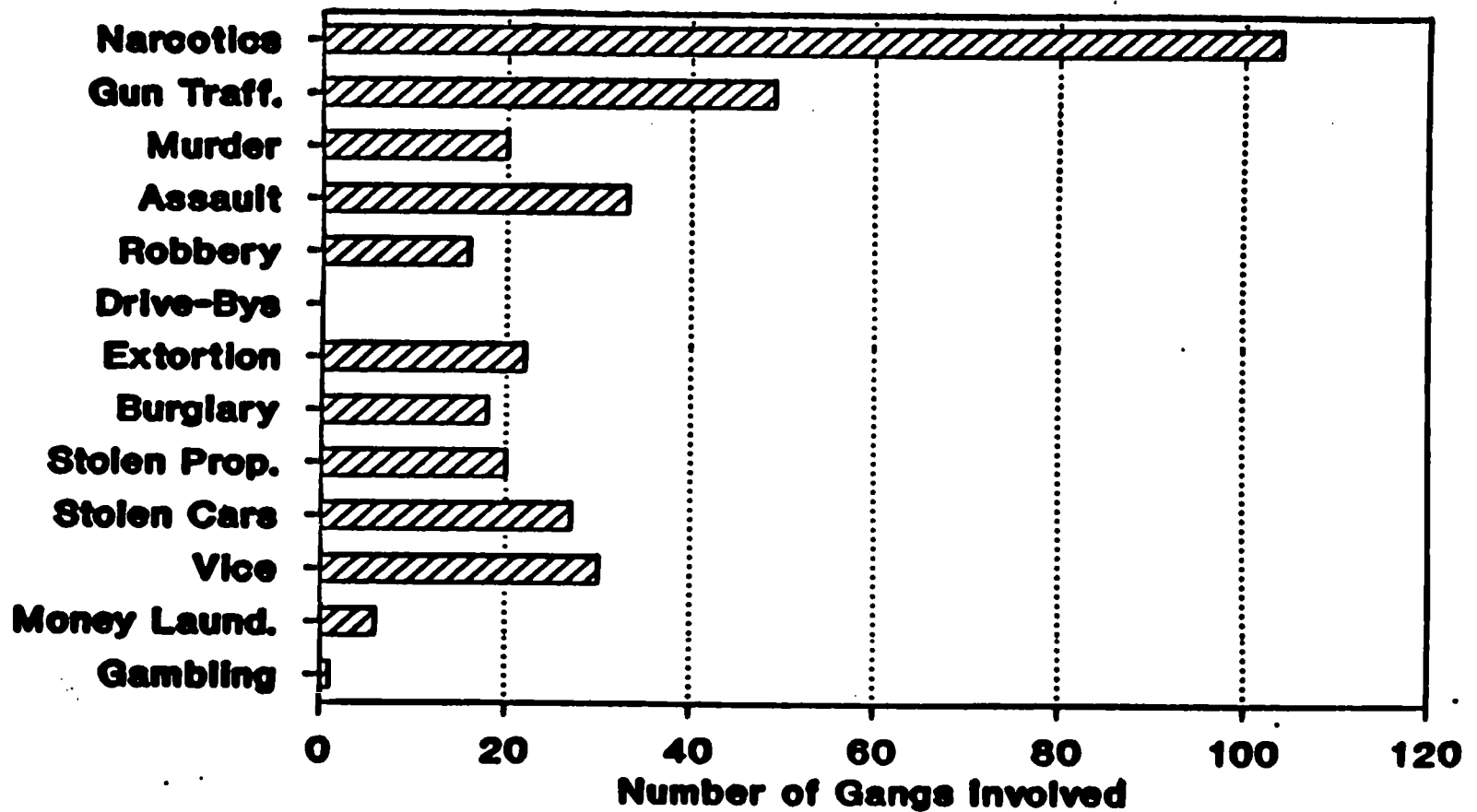
Crimes Committed by Ethnic Gangs

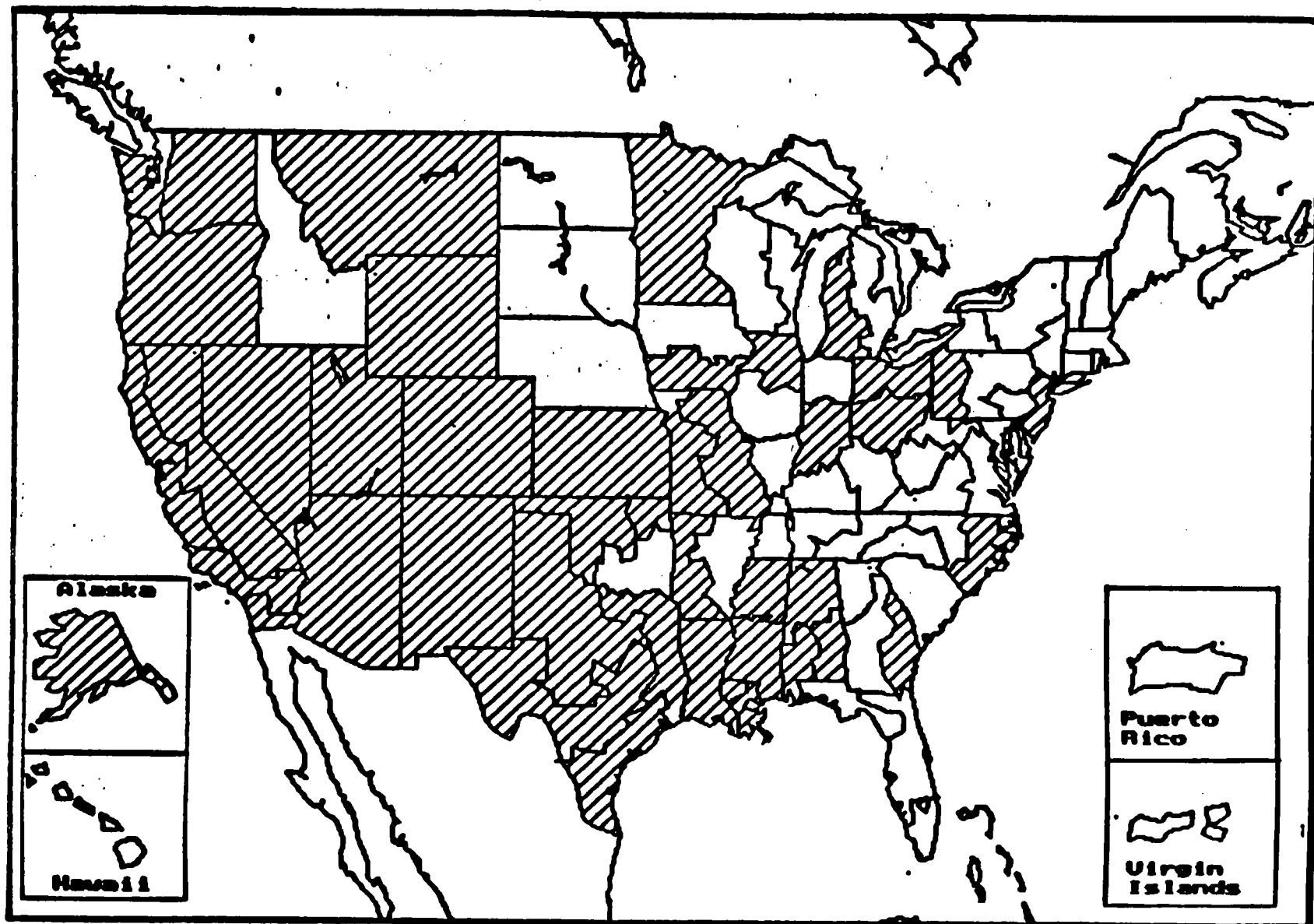
Total No. of Gangs Allegedly Involved

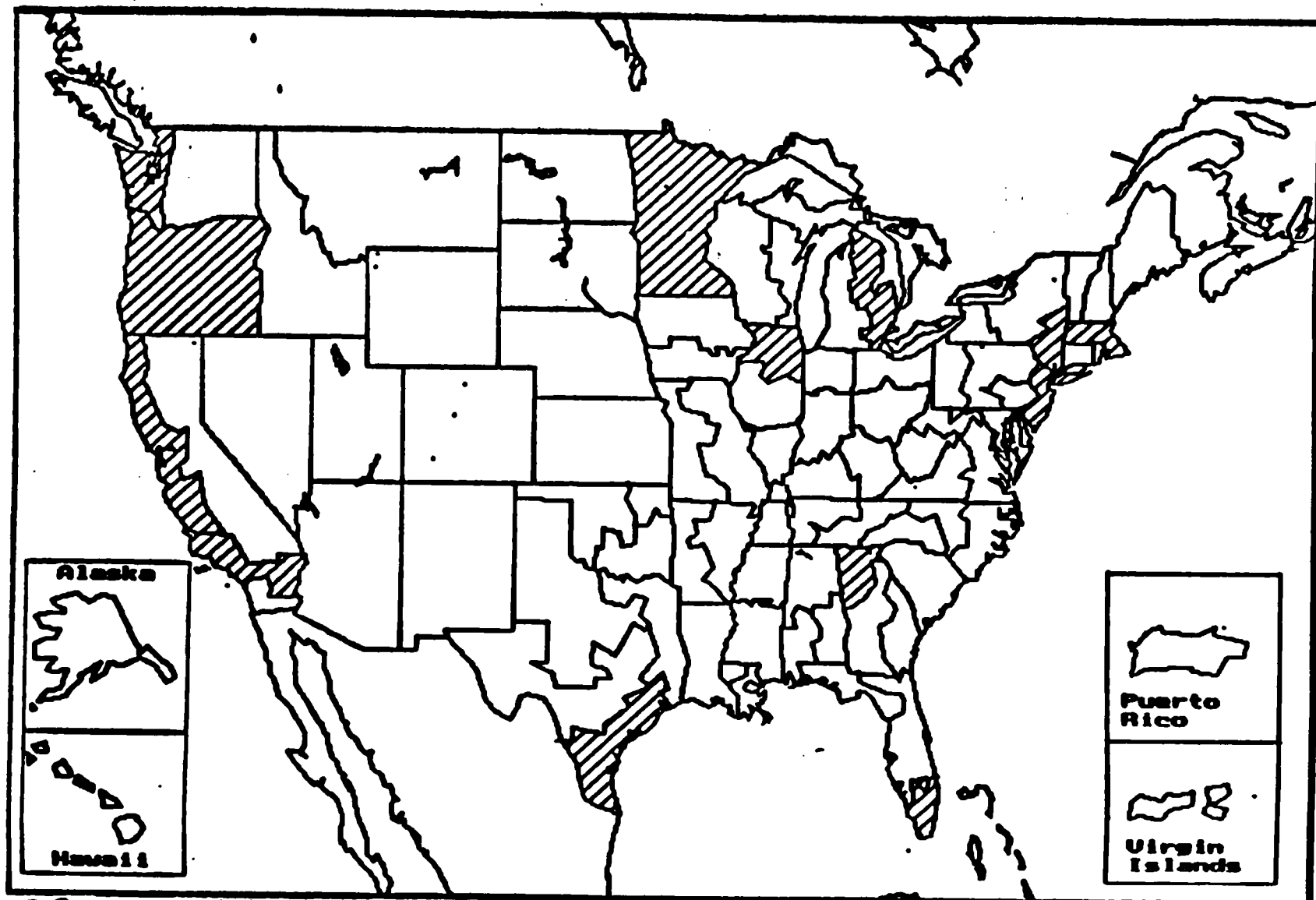


Crimes Committed by Biker Gangs

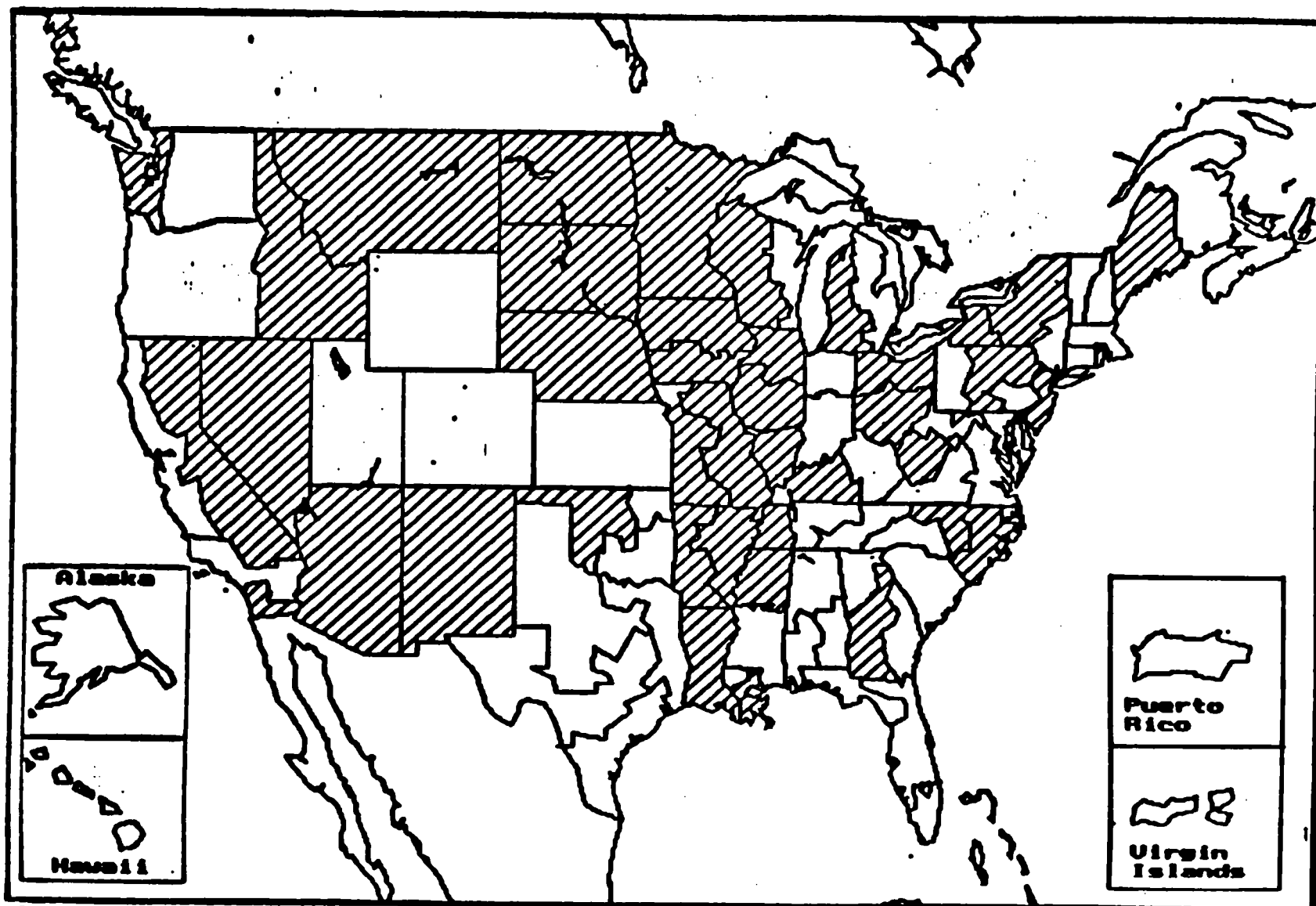
Total No. of Gangs Allegedly Involved



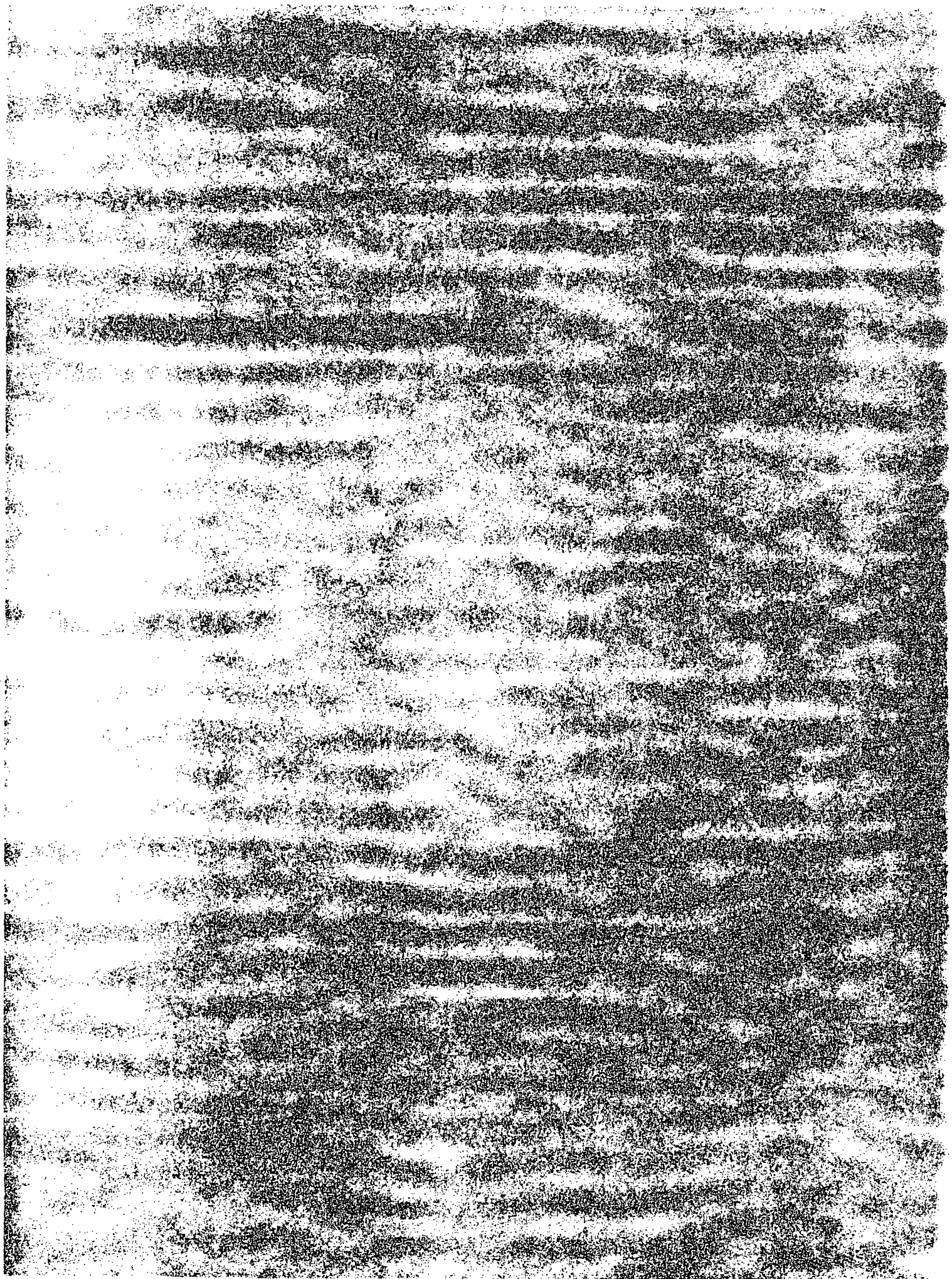




B.9 Judicial districts with Triad or Tong presence in 1990 according to U.S. Attorneys Office data.



BID Judicial districts with biker gang presence in 1990 according to U.S. Attorneys Office data.



Attachment C

Federal Criminal Statutes Which May Be Used to Prosecute Violent Criminals and Gang Members

The federal government is in a unique position to contribute to the war on violent criminals and gangs because it can use statutes which provide for enhanced and mandatory minimum sentences. Using the federal courts is particularly effective for purposes of incapacitation and deterrence because convictions in federal court result in "real-time" sentences. By way of contrast, state criminal justice systems are not particularly effective in incarcerating violent criminals. A 1993 study of prisoners incarcerated in the state prison systems, found that the median sentence received for violent crimes (i.e., murder, manslaughter, sexual assault, robbery, and assault), was 15 years. The median time expected to be actually served for violent crimes, however, was only 5.83 years.

In contrast, sentences in the federal system more closely approximate real-time punishment, especially when statutes with mandatory minimum provisions are used. When federal prosecutors work together with their state and local counterparts, the partnership can be truly effective against violent criminals and hard core gang members who would not otherwise remain in custody if they were exclusively prosecuted in a state's criminal justice system. For example, recent and successful experiences in Portland, Oregon with this kind of approach demonstrate that when gang members are arrested, the first question they ask is whether the case will be taken to federal court.

The following pages contain numerous examples of firearms and narcotics statutes with mandatory minimum sentences, which may be used to prosecute violent criminals and hard core and violent gang members. Other federal statutes should also be considered, some of which provide for mandatory minimum sentences. These include the following offenses: (a) Racketeer Influenced and Corrupt Organizations, in violation of 18 U.S.C. §§ 1961 et seq., which qualifies the defendant for a term of imprisonment of up to 20 years; (b) violent crimes in aid of racketeering, in violation of 18 U.S.C. § 1959, which qualifies the defendant, depending on the crime which is committed, for a term of imprisonment of up to life; (c) robbery and extortion in businesses affecting interstate commerce, in violation of the Hobbs Act, 18 U.S.C. § 1951, which qualifies the defendant for a term of imprisonment of up to 20 years; (d) interstate travel in aid of racketeering, in violation of 18 U.S.C. § 1952, which qualifies the defendant for a term of imprisonment of up to 5 years; and (e) homicide or kidnapping during a bank robbery or larceny, in violation of 18 U.S.C. § 2113(e), which qualifies the defendant for a mandatory minimum term of imprisonment of 10 years.

FIREARM OFFENSES WITH MANDATORY MINIMUM SENTENCES

STATUTE	OFFENSE	SENTENCE
18 USC § 924(c)(1)	possession or use of a firearm during a crime of violence or a drug trafficking offense	1st Offense 5 yr
		2nd Offense 20 yr
18 USC § 924(c)(1)	possession or use of a sawed-off rifle during a crime of violence or during a drug trafficking offense	1st Offense 10 yr
		2nd Offense 20 yr
18 USC § 924(c)(1)	possession or use of a machine-gun, silencer or destructive device during crime of violence or a drug trafficking offense	1st Offense 30 yr
		2nd Offense Life
18 USC §§ 922(g), 924(e)(1)	possession of a firearm having three prior violent felony or serious drug convictions	15 yr
18 USC § 929(a)(2)	carrying a firearm and armor piercing ammunition during a crime of violence or drug trafficking offense	5 yr
15 USC § 1245	possessing, manufacturing, selling or importing a ballistic knife	5 yr

OTHER APPLICABLE FIREARM OFFENSES

STATUTE	OFFENSE	SENTENCE
18 USC § 922(q)	possession of a firearm in a school zone	up to 5 yr
18 USC § 922(o)	possession of a machine-gun	up to 10 yr
18 USC § 924(h)	transferring a weapon knowing it will be used to commit a crime of violence or a serious drug offense	up to 10 yr

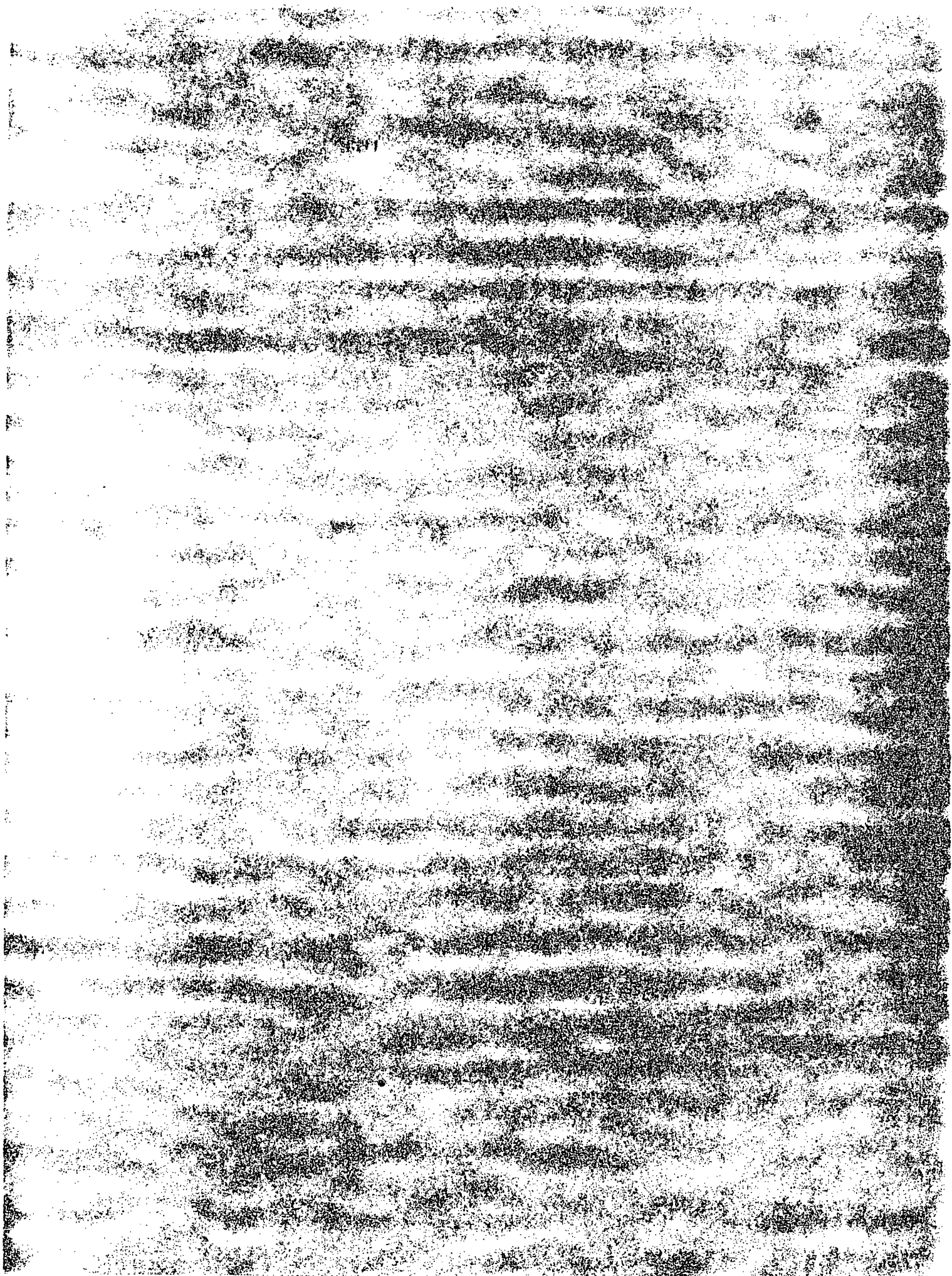
DRUG OFFENSES WITH MANDATORY MINIMUM SENTENCES¹

STATUTE	OFFENSE	DRUG & QUANTITY	SENTENCE
21 USC §841(b)(1)(A)	manufacturing, distributing, or possessing with intent to sell. if no death or serious injury results	cocaine > 5kg heroin > 1kg cocaine base > 50g PCP > 100g LSD > 10g marihuana > 1000kg methamphetamine > 100g	1st Offense 10 yr
			2nd Offense 20 yr
			3rd Offense Life
21 USC §841(b)(1)(B)	manufacturing, distributing, or possessing with intent to sell. if no death or serious injury results	cocaine > 500g heroin > 100g cocaine base > 5g PCP > 10g LSD > 1g marihuana > 100kg methamphetamine > 10g	1st Offense 5 yr
			2nd Offense 10 yr
			3rd Offense Life
21 USC §841(b)(1)(A)	manufacturing, distributing, or possessing with intent to sell if death or serious injury results	cocaine > 5kg heroin > 1kg cocaine base > 50g PCP > 100g LSD > 10g marihuana > 1000kg methamphetamine > 100g	1st Offense 20 yr
			2nd Offense Life
21 USC §841(b)(1)(B)	manufacturing, distributing, or possessing with intent to sell if death or serious injury results	cocaine > 500g heroin > 100g cocaine base > 5g PCP > 10g LSD > 1g marihuana > 100kg methamphetamine > 10g	1st Offense 20 yr
			2nd Offense Life

¹ Certain other controlled substances may also qualify for these mandatory minimum terms of imprisonment.

STATUTE	OFFENSE	DRUG & QUANTITY	SENTENCE
21 USC §841(b) (1) (C)	manufacturing, distributing, or possessing with intent to sell if death or serious injury results	any controlled substance in Schedule I or II except those included in §§ 841(b) (1) (A), (B), or (D)	1st Offense 20 yr
			2nd Offense Life
21 USC §844(a)	simple possession	cocaine base > 5g	1st Offense 5 yr
		cocaine base > 3g	2nd Offense 5 yr
		cocaine base > 1g	3rd Offense 5 yr
21 USC §848(a)	continuing criminal enterprise	any controlled substance	1st Offense 20 yr
			2nd Offense 30 yr
21 USC §848(a)	drug kingpin	any controlled substance	Life
21 USC §859(a)	distribution to persons under age 21	any controlled substance	1st Offense 1 yr
			2nd Offense 1 yr
			3rd Offense Life
21 USC §860(a)	distribution of a drug within 1000 feet of a public or private school	any controlled substance	1st Offense 1 yr
			2nd Offense 3 yr
			3rd Offense Life

STATUTE	OFFENSE	DRUG & QUANTITY	SENTENCE
21 USC §861(b)	employing a person under age 18 to engage in a narcotics offense	any controlled substance	1st Offense 1 yr
			2nd Offense 1 yr
			3rd Offense Life
21 USC §960(b) (1)	unlawful import or export of a narcotic if no death or serious injury results	cocaine > 5kg heroin > 1kg cocaine base > 50g PCP > 100g LSD > 10g marihuana > 1000kg methamphetamine > 100g	1st Offense 10 yr
			2nd Offense 20 yr
21 USC §960(b) (2)	unlawful import or export of a narcotic if no death or serious injury results	cocaine > 500g heroin > 100g cocaine base > 5g PCP > 10g LSD > 1g marihuana > 100kg methamphetamine > 10g	1st Offense 5 yr
			2nd Offense 10 yr
21 USC §960(b) (1)	unlawful import or export of a narcotic if death or serious injury results	cocaine > 5kg heroin > 1kg cocaine base > 50g PCP > 100g LSD > 10g marihuana > 1000kg methamphetamine > 100g	1st Offense 20 yr
			2nd Offense Life
21 USC §960(b) (2)	unlawful import or export of a narcotic if death or serious injury results	cocaine > 500g heroin > 100g cocaine base > 5g PCP > 10g LSD > 1g marihuana > 100kg methamphetamine > 10g	1st Offense 20 yr
			2nd Offense Life
21 USC §960(b) (3)	unlawful import or export of a narcotic if death or serious injury results	any controlled substance in Schedule I or II except those in §§ 960(b) (1), (2) or (4)	1st Offense 20 yr
			2nd Offense Life

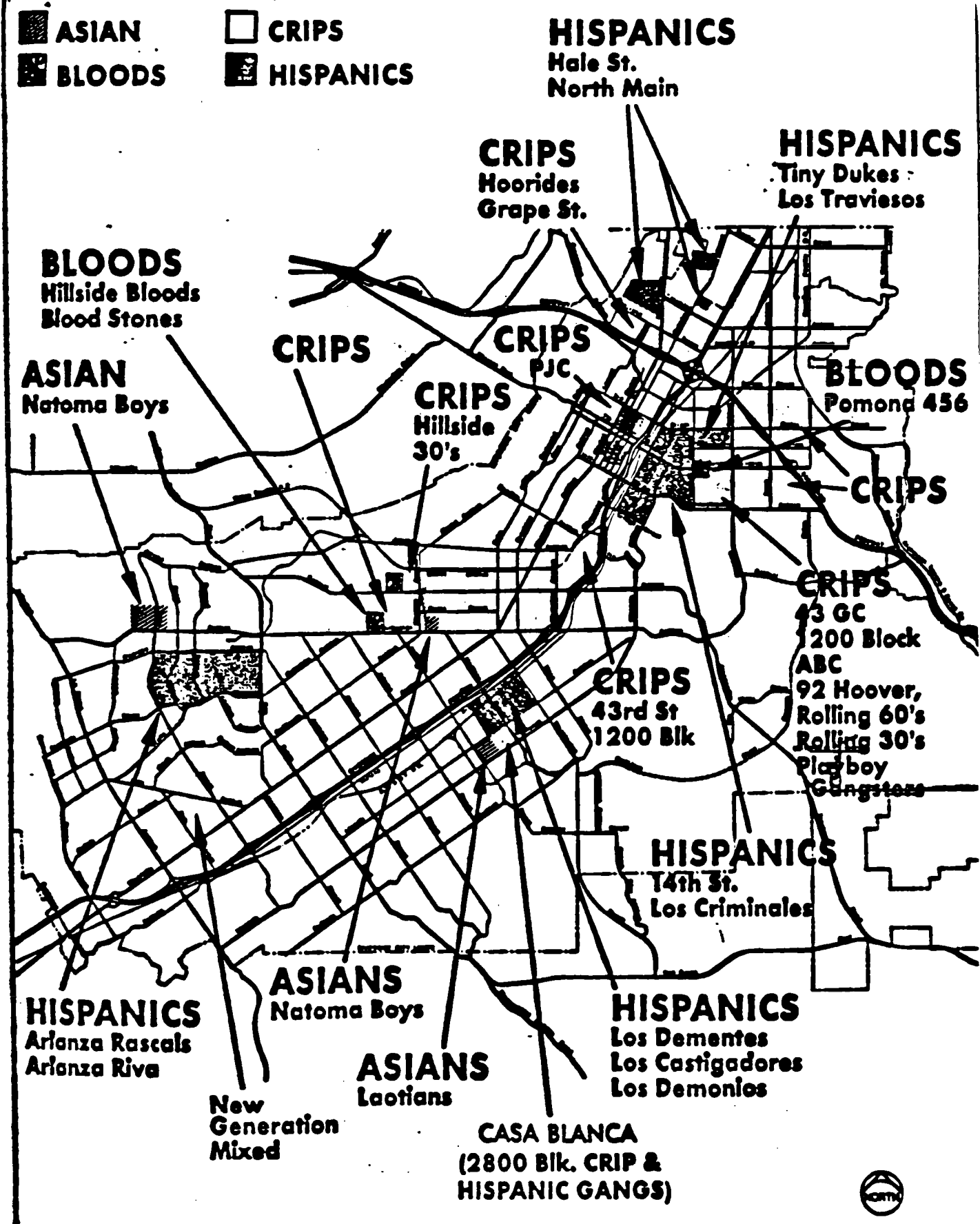


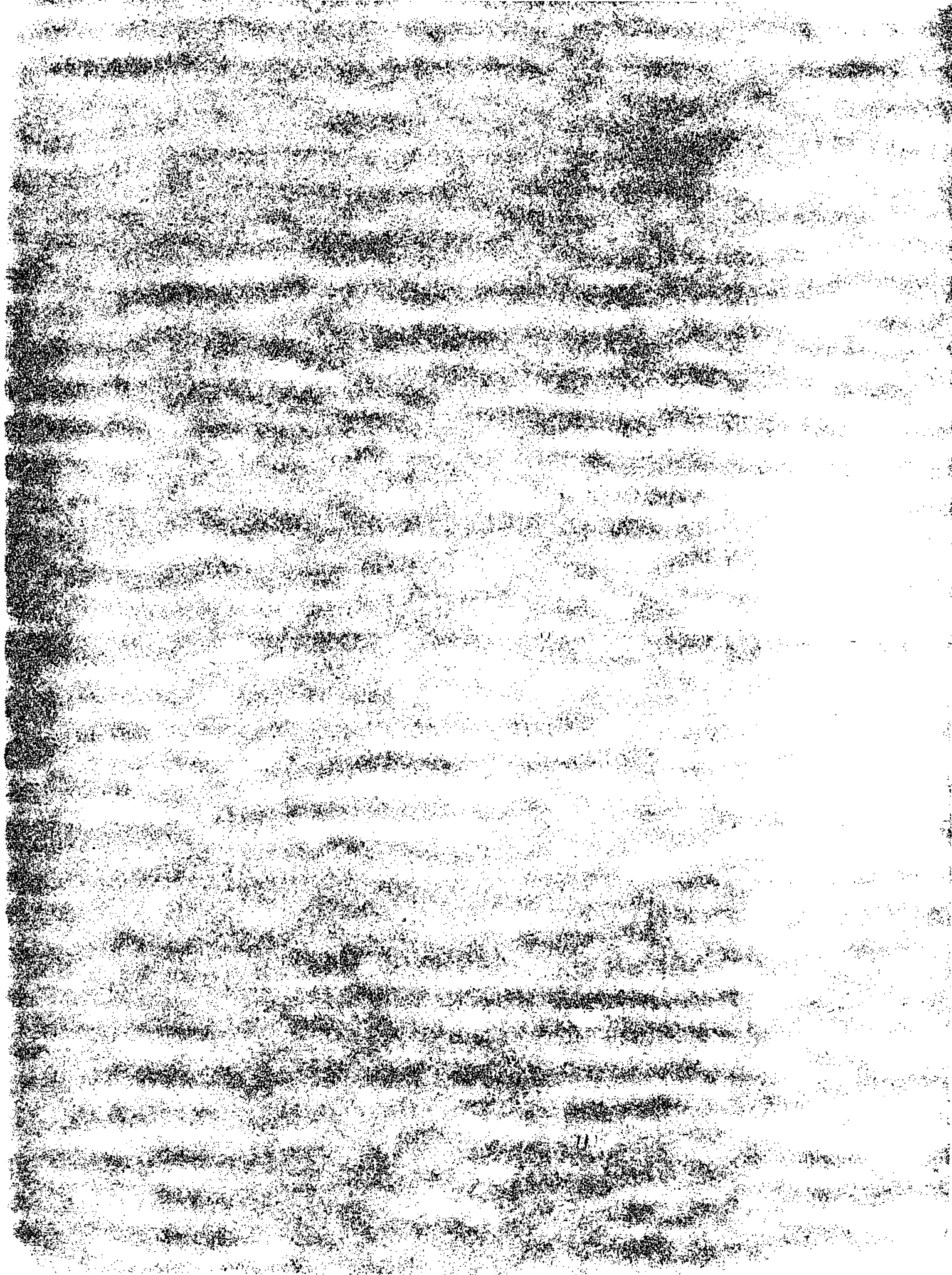
Attachment D

Although a national violent crime strategy is needed to set the tone and provide the framework for each district, the success of our efforts in any particular jurisdiction will depend upon the extent to which federal law enforcement officials can enlist the aid and participation of state and local law enforcement officials in tailoring the national strategy to fit the law enforcement needs of a particular district. As the attached map of Riverside, California vividly demonstrates, different gangs may claim different portions of a particular city as the gang's territory. Indeed, Riverside, California, like many cities, is plagued by multiple sets of gangs with the same general affiliation but which may or may not be acting in concert with respect to particular criminal activities. As a result, specific and detailed intelligence about the activities of and territory claimed by specific gangs is essential if we are going to succeed.

**OVERVIEW OF THE LARGER, MORE ACTIVE GANGS
IN THE CITY OF RIVERSIDE**

-  **ASIAN**
-  **BLOODS**
-  **CRIPS**
-  **HISPANICS**





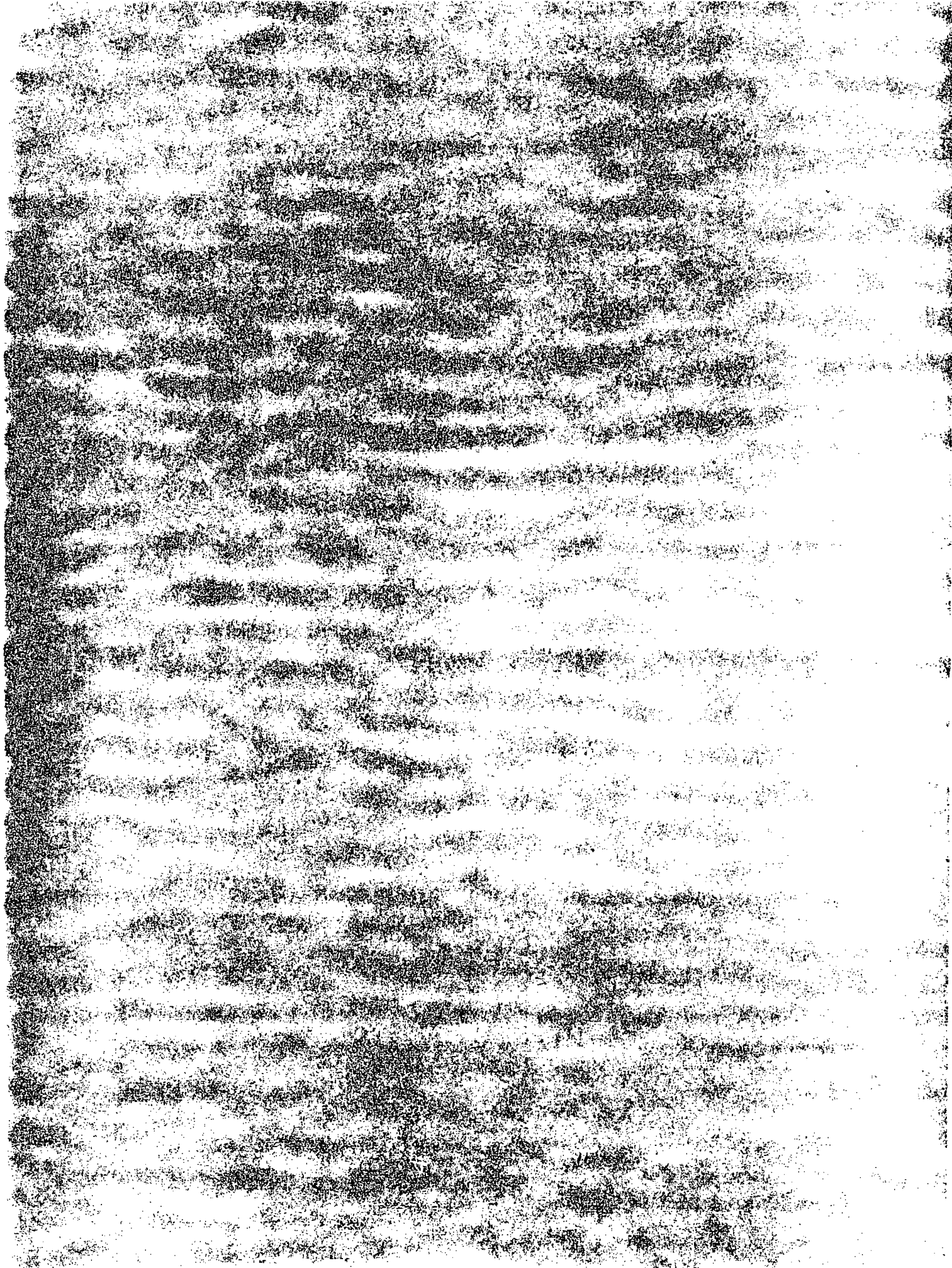
Attachment E

Violent Crime Survey

To ensure that the district level examination of the current state of violent crime within its jurisdiction is both stringent and has a degree of uniformity with the examinations conducted in other districts, we propose that the following issues be addressed.

1. Pursuant to the criteria listed below, describe all major violent crime problems in the district.
 - a. For each gang which has a substantial impact on violent crime in the district:
 - (1) Identify the gang.
 - (2) Describe briefly its known or suspected organizational structure.
 - (3) List its principal criminal activities (e.g., narcotics, firearms, murder, assault, robbery, extortion, burglary, auto theft).
 - (4) List its major revenue sources.
 - b. Identify all other major violent crime problems in the district.
 - c. Identify the interdistrict aspects of the violent crime problem.
 - (1) For each gang delineated in item 1.a., describe its interrelationships, if any, with gangs or entities operating outside the district.
 - (2) For each of the other major violent crime problems delineated in item b., describe the interdistrict aspects of the problems, if any.
2. Prioritize, in order of seriousness, the violent crime problems described above.
3. Identify all federal-state-local task forces currently operating in the district.
 - a. Describe the nature and focus of each task force.
 - b. List the federal, state, and local agencies contributing to each task force.

- c. Describe types of prosecutions which have resulted from the work of each task force.
 - (1) Federal prosecutions.
 - (2) State or local prosecutions.
- d. Describe the reasons for the successes and failures of each of the task forces currently operating in the district.



Attachment F

Sample Operations Plan

Composition of the Violent Crime Working Group

- Identify the violent crime coordinator for the U.S. Attorney's Office and provide telephone and telefax numbers.
- Identify each agency participating on the violent crime working group.

Investigation Priorities

- Restate, in order of priority, the violent crime problems identified in the district's violent crime survey.
- Identify which of these priorities the working group has selected for initial targeting.
- For each targeted priority, describe the law enforcement response which has been formulated. To the extent the response involves the operation of a task force, address the issues set forth immediately below.

Task Force Operations

- Name of task force (if there is more than one task force, each should be addressed separately).
- Focus: Which of the targeted priorities is addressed by the task force?
- Investigative components
 - ▶ Identify each agency participating on the task force and the resource commitment of that agency.
 - ▶ Identify the operational head who will coordinate the task force's day-to-day investigative efforts.
 - ▶ Describe the structure of the task force to include how it utilizes component agencies in roles that maximize their strengths.
 - ▶ Describe any special equipment or facilities requirements (e.g., space in which to co-locate task force members) and identify the agencies which will fulfill these requirements.
 - ▶ Describe in significant detail the investigative strategy to be used.

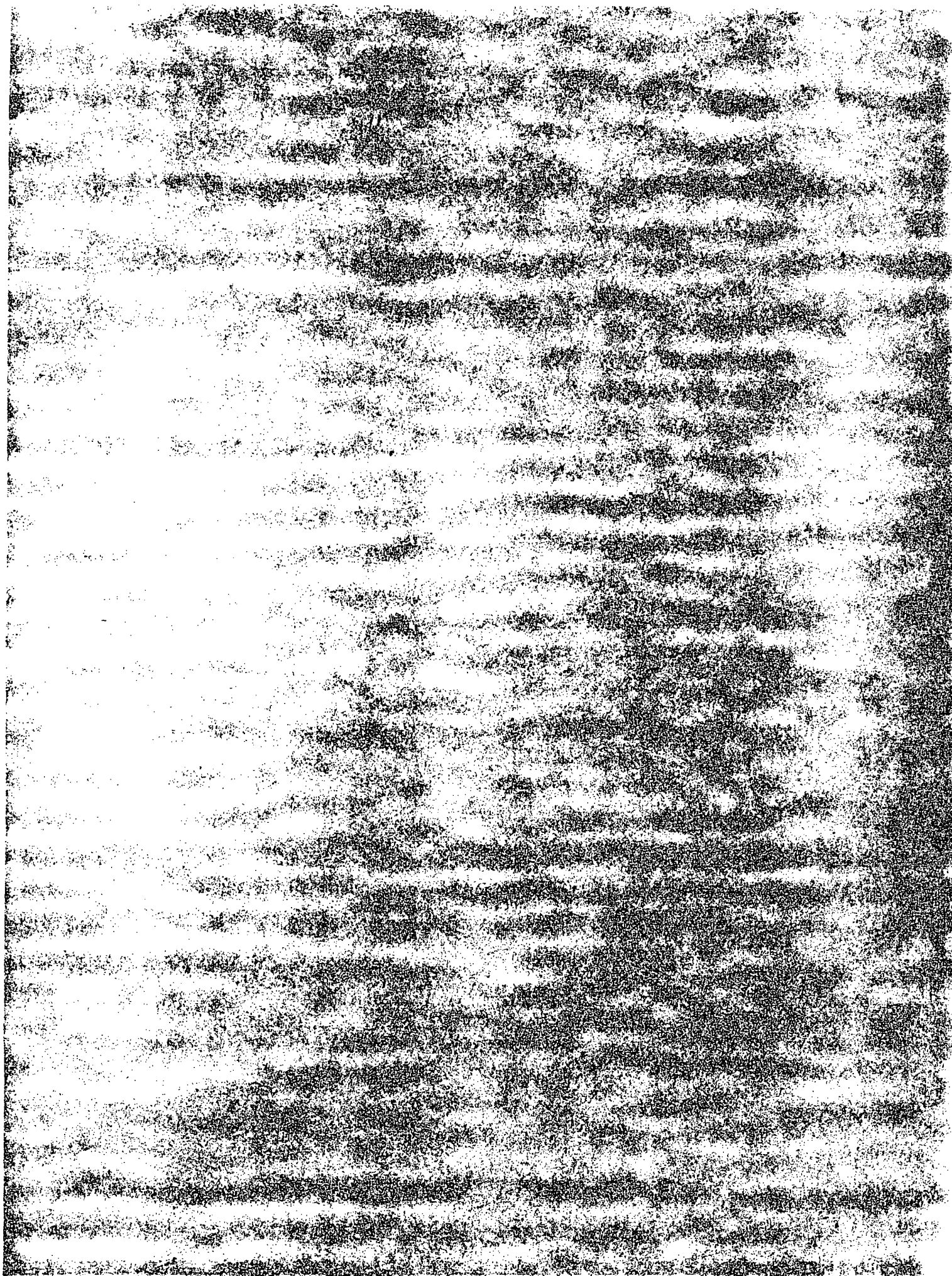
- ▶ Identify the intelligence needs of the task force and the procedures selected to develop that information, including coordination with enforcement agencies outside the district concerning multi-district aspects of the targeted criminal activity.
- ▶ To the extent that there are other violent crime task forces in operation within the district, describe the operational interrelationship, if any, between the task forces.
- Prosecution components
 - ▶ Describe prosecutive resources devoted to the task force (e.g., full-time AUSA, ADA, etc.).
 - ▶ Identify the charging strategy concerning types of cases which will be prosecuted by the respective prosecution offices involved.
 - ▶ Identify procedure for coordination and approval of non-exigent arrests.
 - ▶ Identify plans, if pertinent, for coordinating charging decisions relating to interdistrict criminal activity.

Rationale for Multiple Violent Crime Task Forces

- To be addressed only in the event there is more than one federal-state-local violent crime task force operational within a single metropolitan area within the district.
- Identify
 - ▶ The objectives of each such task force.
 - ▶ The reasons which support keeping the task force operations separate.

Oversight Function of the Violent Crime Working Group

- Procedures adopted for periodic or ongoing oversight of each violent crime task force operation.
- Measures used to evaluate the effectiveness of each task force operation.



Attachment G

Essential Elements of Successful Prosecution Techniques

As the 1991 National Organized Crime Strategy recognized, illegal narcotics trafficking provides the primary source of income for virtually all gangs. *Attacking Organized Crime: 1991 National Strategy* at 11. As a result, the point of greatest vulnerability of those gangs is their marketing of drugs. Different gangs, however, employ different marketing techniques. Some gangs have a highly decentralized structure. In some cities, for example, some of the most violent Bloods and Crips members are involved in direct hand-to-hand sales of narcotics. In other locations, a more centralized system exists and hard core gang members are not as vulnerable. Each working group should develop, as part of its operations plan, strategies which will attack the type of gang and crime in their district.

Additionally, once successful strategies are employed, gangs will no doubt adapt their ways, calling for new strategies from each United States Attorney. Coordination among the working groups in each district and the Criminal Division will facilitate the development and refinement of successful prosecution techniques.

Based upon the Criminal Division's study of some of the federal, state, and local efforts to reduce and eliminate gang violence, the following techniques merit consideration in the development of an operations plan:

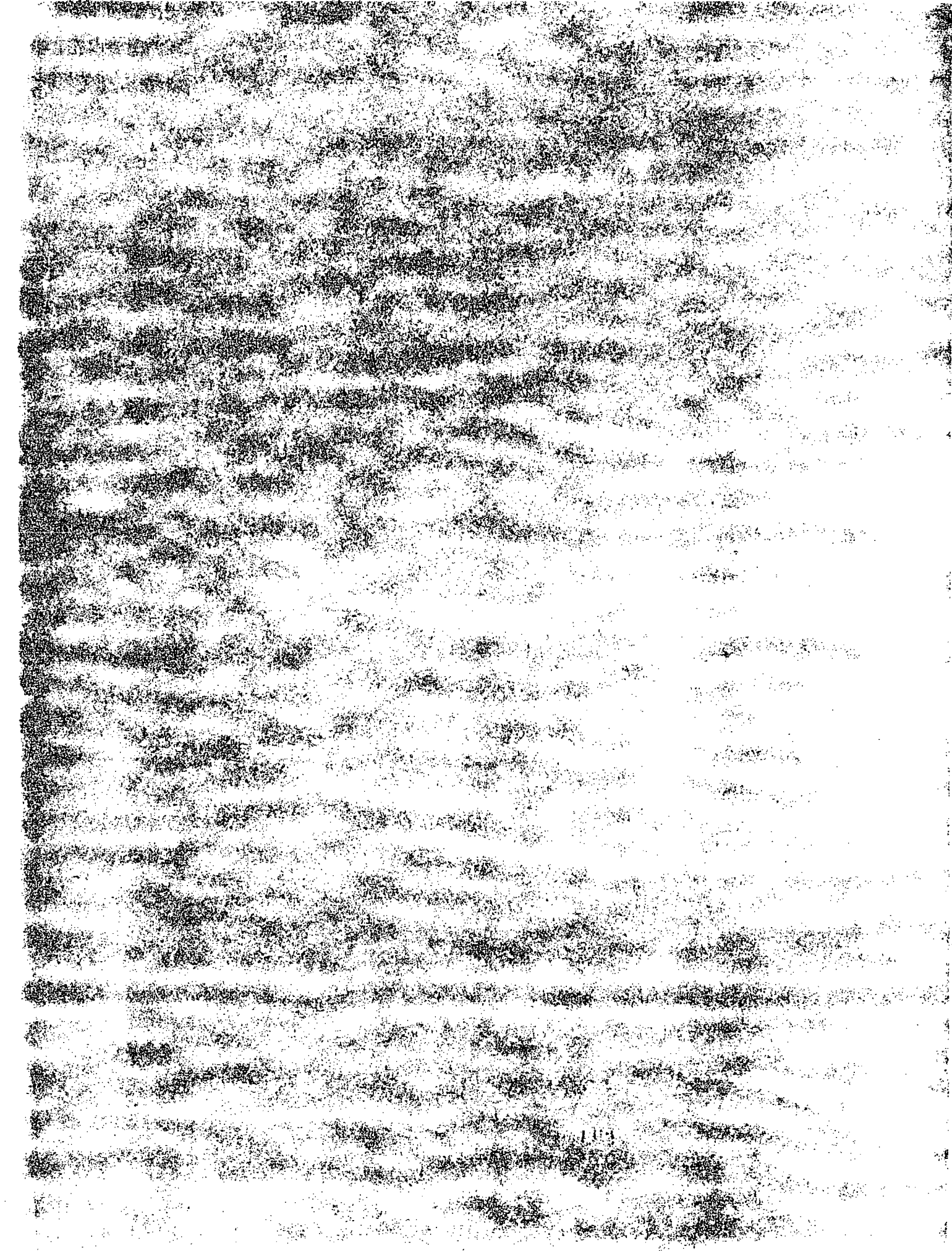
- (1) the assignment of at least two full-time gang prosecutors, working in a vertical prosecution mode for each targeted gang;
- (2) the close coordination with probation departments, corrections departments, and the courts prior to large-scale arrests of gang members to prepare them for a large influx of gang prosecutions;
- (3) the implementation of effective community liaison to prepare the community for large-scale arrests, especially when the nature of gang violence results in those arrests being focused on minority groups;¹

¹ The criminal justice system usually reacts to existing gang problems when the community is demanding that "something be done." By participating in outreach programs in the community before, during and after the arrests, the community can be made a part of the solution and supportive of our efforts. Additionally, community members are often more successful than the police in encouraging witnesses to come forward and in bringing them to court.

- (4) in drug prosecutions, assembly line integration of law enforcement officers--one officer conducts debriefings, one functions as the evidence custodian, and one prepares all of the paperwork;
- (5) the effective use of confidential informants, with specific law enforcement officers assigned as liaison;²
- (6) effective use of audio and video tape surveillance to corroborate informant buys in narcotics cases;³
- (7) effective use of witness protection and witness relocation programs;
- (8) effective use of the Bail Reform Act to secure pretrial detention;
- (9) the disclosure of all discovery at arraignment to minimize pretrial delays;
- (10) the aggressive use of probation-violation proceedings;
- (11) the coordination with other federal agencies, such as the Immigration and Naturalization Service, for assistance with respect to illegal aliens.

² Some confidential informants tend to require "high maintenance" and are most effectively utilized when there is one specific law enforcement officer assigned to attend to them.

³ In districts which use video tape surveillance, the conviction rates approach 100%, with less than a handful of cases going to trial.



Gang Investigation Organizations

We have identified the following organizations as involved in gang investigation and prosecution:

(1) the Eastern Motorcycle Gang Investigators, an organization which pools federal, state and local law enforcement resources in the prosecution and investigation of outlaw motorcycle gangs;

(2) the Gang Reporting Evaluation and Tracking System (GREAT), a Los Angeles County, California Sheriff's street gang database system;

(3) the Midwest Gang Investigator's Association, an investigator's association involved in criminal gang identification and investigation; and

(4) the Regional Information Sharing System (RISS), which consists of six separate organizations which compile information related to gangs, and includes:

(a) the Mid-States Organized Crime Information Center (MOCIC);

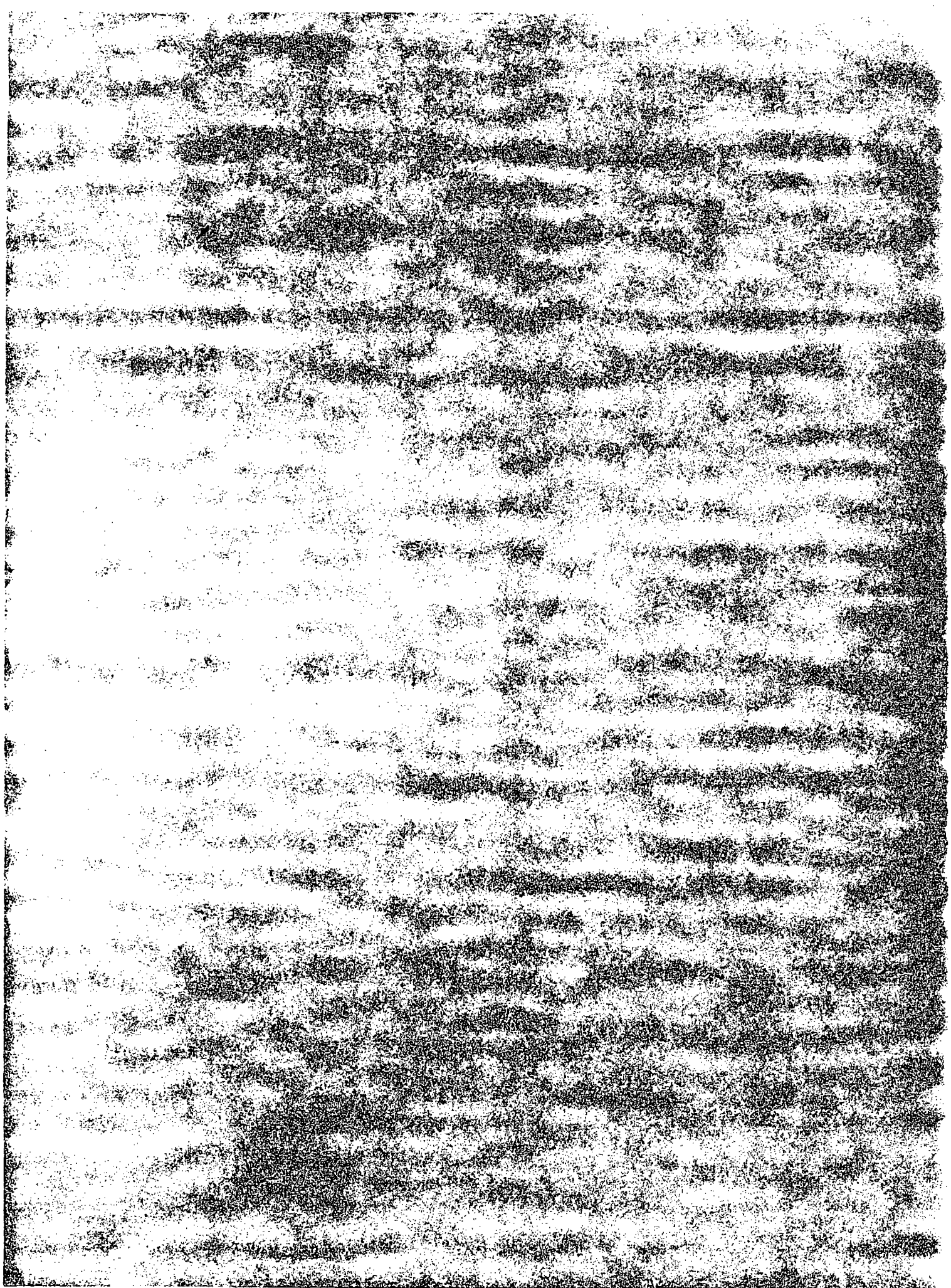
(b) the Middle Atlantic Great Lakes Organized Crime Law Enforcement Network (MAGLOCLLEN);

(c) the New England State Police Information Network (NESPIN);

(d) the Regional Organized Crime Information Center (ROCIC);

(e) the Rocky Mountain Information Network (RMIN); and

(f) the Western States Information Network (WSIN).



**THE ATTORNEY GENERAL'S
NATIONAL ANTI-VIOLENT CRIME STRATEGY**

"WE CAN MAKE A DIFFERENCE"

". . . my experience confirms again and again, year after year, my firm unequivocal belief that Americans have been, are, and will continue to be absolutely outraged at violence. They consider it the first priority of any criminal justice effort in America. They want something done in their communities, in the state, and in this nation."

"We can made a difference if we form a partnership taking the resources of America, understanding that the great steps that are being taken, the bold and innovative proposals, are being taken in communities"

**Attorney General Janet Reno
- The Great Hall of Justice
October 15, 1993**

**FUNDAMENTAL PRINCIPLES OF
THE ATTORNEY GENERAL'S
NATIONAL ANTI-VIOLENT CRIME STRATEGY**

The wisdom of a full dimensional approach

We must acknowledge as a matter of common sense that the fight against violent crime is, in fact, a fight against violent people who commit crimes, and that the solution to violence has many dimensions beyond the punishment and deterrence provided by the criminal justice system, requiring sustained involvement of the resources and experience of virtually every federal agency;

The effectiveness of federal crime fighting tools

We must understand that as an integral building block in the framework of violent crime fighting, we must make available to local authorities powerful federal crime fighting tools modified to address local problems;

The compelling need for genuine partnerships

We must recognize as an article of faith and experience that to fight the violence strangling our cities and threatening our rural areas, genuine partnerships with state and local communities must be the centerpiece of any successful strategy, and that those partnerships must be effectively organized and worked on the ground at the local level involving all implicated federal agencies and their local counterparts.

"WE CAN MAKE A DIFFERENCE"

THE ATTORNEY GENERAL'S NATIONAL ANTI-VIOLENT CRIME STRATEGY

OVERVIEW

As part of the multidimensional approach to the violence plaguing our communities, the Attorney General has established a federal anti-violent crime enforcement initiative using federal strengths as an integral part of the Administration's National Crime Fighting Strategy; by forming partnerships with local and state authorities and sharing with them federal investigative and enforcement models to help attack the violent gangs and narcotics trafficking.

- A. United States Attorneys in each district will be convening, together with their local counterparts, a meeting or series of meetings of all pertinent federal, state, and local law enforcement agencies within their district for the purpose of forming a violent crime working group or identifying an existing group of like membership which is focusing on violent crime.
- B. The working group (or other appropriate group) will be assessing and prioritizing the violent crime problems, and selecting one or more such problems for federal focus and impact; inventorying federal and local prosecution and investigative resources, and developing an anti-violence strategy which, to the extent practicable and productive, integrates resources so that
 - 1. federal investigators (FBI, DEA, INS, U.S. Marshals, ATF, Customs and other appropriate federal agencies) work together with local law enforcement, supporting and assisting local efforts;
 - 2. federal and local prosecutors work together to target local priorities.
- C. Under the leadership of the Assistant Attorney General, Criminal Division, the Department of Justice will create a new Violent Crime Section in the Criminal Division, so that
 - 1. the Criminal Division is better situated to coordinate the national effort, and to provide strong support for the United States Attorneys consisting of, for example, assistance where appropriate in the design of strategic

investigative and prosecutive models using the full panoply of federal tools; training; facilitation of the sharing of intelligence and tactics; and,

2. where requested by the United States Attorney, participation in the investigation and prosecution of appropriate cases using federal tools and strategies.

EXECUTIVE SUMMARY

This summary highlights the key aspects of the violent crime initiative.

- A successful attack on violent crime will require a multi-disciplinary approach.

- ▶ The components of such an approach include:
 - ▼ violent crime suppression;
 - ▼ upgraded programs to address such problems as youthful offenders and drug addiction;
 - ▼ community revitalization through programs relating to housing, education, and recreation;
 - ▼ legislation providing reasonable controls on the availability of firearms.
- ▶ While the goal is for these components to function together, and while there are initiatives beginning with respect to the non-law enforcement aspects of the program, the magnitude of the nation's violent crime problem suggests that initiation of the proposed crime suppression program not be delayed pending the further development of the other components.

- The following steps should be taken to implement the Attorney General's national violent crime strategy:

- ▶ The Criminal Division is meeting with the National District Attorneys Association and the National Association of Attorneys General to advise them of this initiative and to enlist their comments and active participation.

- ▶ The President, Attorney General and the Treasury Secretary will make an announcement underlining the Administration's commitment to law enforcement efforts against violent crime and outlining this initiative to address the violent crime problem at a local level, through partnerships with local authorities.
- ▶ United States Attorneys in each district will be designating a senior Assistant United States Attorney to serve as their office's Violent Crime Coordinator.
- ▶ United States Attorneys in each district will be meeting with all pertinent federal, state, and local law enforcement agencies within their district for the purpose of forming a violent crime working group or identifying an existing group of like membership which is focusing on violent crime.
- ▶ In support of the working group (or other appropriate group), the U.S. Attorney's Violent Crime Coordinator should seek to undertake a survey that will identify issues within the district, including:
 - ▼ the most critical violent crime problems that are susceptible to a coordinated federal/state/local attack,
 - ▼ the relative priority of these problems,
 - ▼ the law enforcement programs and resources currently dedicated to the investigation and prosecution of these problems,
 - ▼ the results achieved to date from these efforts, and
 - ▼ any multi-district or multi-jurisdictional aspects of these problems.
- ▶ The Assistant Attorney General, Criminal Division of the Department of Justice, working with representatives of the United States Attorneys and the pertinent federal investigative agencies, will use the results of the surveys from all districts to formulate the general parameters and goals of a national violent crime strategy, with particular emphasis on multi-district, migrating violent crime problems. The strategy will be coordinated with NAAG, NDAA, and IACP, and then submitted to the Attorney General.

- ▶ Using the new or existing working group as a mechanism, each United States Attorney will work with the pertinent federal, state, and local law enforcement agencies within the district to develop, and reduce to writing, a district plan to implement the national strategy consistent with local needs and the available law enforcement resources. The plan should target the district's highest priority violent crime problems which are susceptible to a coordinated federal/state/local enforcement approach.
- ▶ The United States Attorney will assist law enforcement agencies within the district in developing the necessary operational task force(s) or other working group(s) to carry out the day-to-day investigations called for by the district plan. Where appropriate, existing task forces and other successful joint efforts between federal and local authorities should be preserved; in other instances, it may be appropriate for existing task forces to be combined, expanded, or redirected.
- ▶ Through the actions of each district, violent crime initiatives will be implemented throughout the United States.

• **The Criminal Division will support the United States Attorneys and the resulting operational task forces through:**

- ▶ creating a Violent Crime Section to coordinate the effort and to be available upon request to assist United States Attorneys' Offices, including the dissemination of successful enforcement strategies, and the interchange of information relating to interstate criminal activities;
- ▶ coordinating a headquarters group of representatives from the involved federal investigative agencies to address interagency issues through the Director of Investigative Agency Policy; forming an Anti-Violent Crime Council; and establishing other groups to address the issues of violent crime enforcement and policy, as appropriate;
- ▶ with appropriate components of the Department of Justice, including the Attorney General's Advocacy Institute, providing training;
- ▶ developing response teams of prosecutors experienced in violent crime and narcotics prosecutions which would be available, upon the request of a United States Attorney, to travel to the requesting districts to

assist in the design of investigations and, where needed, the prosecution of resulting cases.

• Since it is unclear whether additional resources will be forthcoming from Congress to support this program, it should be initiated on the basis that it will have to be supported through:

- ▶ more efficient utilization of existing resources resulting from upgraded cooperation between involved federal, state, and local agencies; and
- ▶ reallocation of existing resources.

• A carefully focused violent crime program of national scope which forges a coalition of all pertinent federal, state, and local law enforcement agencies, can serve to help bring this nation's national epidemic of violence under control.

- ▶ The process will not be quick or easy, as the violent crime problem is deeply rooted.
- ▶ But, if we do not now accept the challenge of addressing this problem in a systematic manner, it will surely not be solved.

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A. INTRODUCTION

The impact of violent crime on the quality of life in the United States is all too apparent. Americans consistently list violent crime as one of the most significant concerns facing our society. We all know of people who change travel plans to avoid high crime areas, elderly people who fear to venture out of their homes after dark, and people who install multiple locks on the doors of their houses fearing for their safety even in their homes. In high crime neighborhoods, the lives of children are misshaped by the constant level of violence to which they are exposed. The fundamental right of all Americans to live their lives free from fear of violence has been placed in peril.

The lead role in countering violent crime resides with the states and localities. However, the Federal Government can play crucial, complementary roles in combating this problem. The solution to the nation's violent crime problem lies in the forging of a coalition of all pertinent federal, state, and local law enforcement entities which draws on the particular strengths of each component agency.

This memorandum proposes a national violent crime strategy designed to achieve such a coalition and to bring this national epidemic of violence under control. Since our violent crime problem has been decades in the making, it is deeply rooted and will not be solved quickly. However, if we do not accept the challenge of addressing this problem in an energetic and systematic manner, it will surely not be solved.

B. SCOPE OF THE VIOLENT CRIME PROBLEM

1. Violent Crime is the Nation's Most Serious Law Enforcement Problem

- Rate of Violent Crime Has Increased 41% in the Past 10 Years; 81% in 20 years

The nation's two leading statistical indicators of crime--the FBI's Uniform Crime Report (UCR) and the Bureau of Justice Statistics' National Crime Victimization Survey (NCVS)--reflect that, when adjusted to account for population growth, violent crime declined slightly in 1992 as compared with 1991. However, as measured by the UCR data, the decline was a *de minimis* .1 percent. In contrast, UCR figures, adjusted for population growth, indicate staggering increases in the rate of violent crime during the past 20 years. The violent crime rate in 1992 was 19 percent higher than in 1988, 41 percent higher than in 1983, and 81 percent higher than in 1973.

- **Problem is National in Scope: Urban, Suburban, and Rural**

The Uniform Crime Report for 1992 demonstrates clearly that violent crime is not simply an urban problem. While the rate of violent crime in major cities (those with a population of 250,000 or more) declined slightly, the incidence of violent crime increased in smaller cities, suburban communities, and rural counties. Cities with populations under 10,000 inhabitants experienced the greatest increase, 7 percent, while rural counties reported a 5 percent increase in violent crime as compared with 1991 levels.

- **Problem Especially Imperils the Nation's Youth and Minorities**

The NCVS revealed the following troubling trends: violent crime rates for teenagers and young adults have increased in recent years and continued to do so in 1992. The violent crime rate for African Americans in 1992 was the highest ever recorded. Further, this group has the highest rate of victimization.

2. Impact of Gangs on the Violent Crime Problem

- **Gangs Have Been a Major Cause of Growth in Violent Crime in the Past Decade**

The growth in violent crime can be tied closely to the development of gangs. Although definitive statistics are not available, the assessment of law enforcement professionals is that gang violence is a primary factor--and perhaps the primary factor--in the increase in violent crime during the past decade. Further, the phenomenon of gang violence has contributed not only to an increase in the rate of violent crime but also to the public perception of vulnerability and resulting feeling of fear. The criminal acts of many gang members are both extraordinarily violent in nature and seemingly indiscriminate. A killing may be motivated by nothing more than the victim's presence in a particular neighborhood, choice of apparel, or facial expression.

- **Gang Violence is National in Scope**

The origin of most gangs can be traced to major urban areas. However, in recent years many of these gangs have migrated from their cities of origin throughout the country, rendering gang violence a nationwide problem. By 1992, seventy-two of the nation's 79 largest cities reported experiencing gang violence. See Attachment A. ATF reports the presence of Bloods and Crips in 35 states and 58 cities across the United States. Further, small and mid-sized cities--even in relatively rural states--have not been spared the problem of gang violence. A discussion of

the gang violence problem, including maps reflecting the migration of several major gangs, is contained at Attachment B.

3. Law Enforcement Response Has Not Kept Pace With the Escalation in Violent Crime

• **State and Local Response**

While state and local law enforcement agencies continue to exercise their traditional roles as the nation's primary protection against violent crime, it appears that they have not upgraded their efforts in the face of the increasing rate of violent crime which has plagued the nation for the past 20 years. Rather, it appears that their efforts relating to violent crime have been diluted by attention to a related crime problem: narcotics violations. At the same time, many gang crimes are increasingly difficult to solve, given the increased number of drive-by shootings and the frequent use by gang enforcers of witness intimidation. Additionally, state and local law enforcement officials do not have the statutory or jurisdictional authority to investigate violent criminal activity that crosses state lines.

According to a BJS study released in May 1993, the percentage of state prisoners incarcerated for violent crimes has declined steadily since 1980, dropping from slightly under 50 percent to slightly under 30 percent. These statistics suggest, perversely, that while violent crime has spiraled and become the nation's number one crime problem, the proportion of state and local law enforcement resources devoted to the problem has declined.

• **Federal Response**

Since the late 1980's, the Department of Justice has increased its emphasis on violent crime. However, this increase has simply served to offset the Department's retrenchment from violent crime enforcement which occurred in the late 1970's. This is reflected in Bureau of Prisons' statistics which indicate that the percentage of federal inmates incarcerated for violent crimes as of 1990 was slightly less than in 1970. Accordingly, although the rate of violent crime has doubled since 1970, federal law enforcement appears not to have upgraded its response to this area of crime over that of 20 years ago.

• **Intergovernmental Task Forces**

The recent trend has been to attack violent crime through intergovernmental task forces which link one or more federal investigative agencies with one or more state or local agencies. While the task force concept is probably the key to an effective violent crime enforcement program, a review of existing task

forces suggests that many of them are being formed on an *ad hoc* basis, without significant study concerning their potential benefits. Indeed, in some localities there are separate task force efforts which duplicate functions and even compete with each other. For example, the FBI is currently operating 107 "safe streets" task forces with state and local law enforcement agencies; ATF reports that it participated in 234 gang task forces during 1992; INS has created violent gang task forces in 36 cities.

C. THE VIOLENT CRIME PROBLEM REQUIRES A MULTI-DISCIPLINARY APPROACH

1. Components of a Multi-Disciplinary Approach

To be fully effective in addressing violent crime and gang violence, governmental entities need to work together in pursuing a multi-disciplinary approach. Key components of such an approach include:

- **Violent Crime Suppression**
- **Upgraded Programs to Address Particular Types of Problems--e.g., Youthful Offenders and Drug Addiction Treatment**
- **Community Revitalization--e.g., Programs Addressing Housing, Education, and Recreation**
- **Legislation Providing Reasonable Controls on the Availability of Firearms**

2. Interdependent Nature of the Components

This memorandum only addresses the first of the four delineated components, proposing a national strategy aimed at achieving violent crime suppression through the systematic, proactive investigation and prosecution of the nation's criminal elements. However, crime suppression will be of little lasting effect if not accompanied by strong efforts relating to each of the other components. For example, just as crime suppression is a prerequisite for community revitalization, so also is that revitalization a prerequisite to maintaining the reduced rate of crime achieved through crime suppression efforts. If we place young adults in jail only to have their younger brothers and sisters assume their roles as violent criminals, we have not made progress. Although the initiation of a national violent crime suppression strategy should not be delayed pending the implementation of the components designed to revitalize our communities, the ultimate goal should be for all components of the multi-disciplinary approach to function cooperatively.

Accordingly, as is discussed later in this memorandum, in carrying out a crime suppression strategy we are prepared to work closely with those officials within the Department who are addressing the other components of a multi-disciplinary approach.

**D. CRITERIA FOR DEVELOPING A STRATEGY WHICH
EFFECTIVELY UTILIZES FEDERAL LAW
ENFORCEMENT IN VIOLENT CRIME SUPPRESSION**

1. Federal Resources Must Be Applied Proactively

The FBI has approximately 10,000 special agents; DEA has approximately 3,500 special agents; and the other federal investigative agencies are each comprised of fewer than 2,000 agents. When these resources are spread nationwide, it is apparent that federal law enforcement cannot meaningfully impact on the current violent crime problem by *ad hoc* reaction to specific crimes which violate federal law. Yet, Bureau of Prisons' statistics for 1991 indicate that convictions for robbery, mostly bank robberies, accounted for more than half of the federal inmates incarcerated for violent crime. This statistic is indicative of a limited reactive response to violent crime. Instead, federal resources should be applied to violent crime pursuant to a proactive strategy which systematically channels them to permit the greatest impact on the most significant problems facing the particular community. While the strategy may appropriately allow for some reactive enforcement efforts, those efforts should be undertaken pursuant to an overall plan rather than on an *ad hoc* basis.

2. Federal Resources Must Be Utilized in Concert With State and Local Law Enforcement Efforts

• **Federal-State-Local Cooperation**

According to 1992 statistics, state and local law enforcement organizations were staffed by 532,583 full-time, sworn general purpose police officers. The reality is that federal law enforcement agencies are not staffed at a level which would permit them to assume a primary role relating to violent crime. Accordingly, the federal role must be to complement rather than to supplant or compete with state and local enforcement efforts. Indeed, the goal should be to forge a coalition of all pertinent federal, state, and local law enforcement entities which maximizes the particular strengths of each component agency. The fact is that most citizens in this country have little understanding of the jurisdictional divisions of law enforcement. Rather, their concern is simple: that their communities be safe. It is of no moment to them what level or levels of government are involved in accomplishing that result.

The taxes they pay support the activities of all the enforcement agencies.

- **Cooperation Among Federal Law Enforcement Agencies**

Just as it is necessary for federal law enforcement resources to be deployed cooperatively with state and local efforts, so also is it imperative that the involved federal agencies--FBI, DEA, ATF, INS, Marshals Service--work together effectively. There is simply too much violent crime and too few resources to abide having federal agencies working at cross purposes. Rather than initiating separate task forces in the same community to target the same type of law enforcement concern, these agencies must work together.

3. **The Strengths of Each Law Enforcement Agency Must Be Emphasized**

- **State and Local Law Enforcement Strengths**

The strengths of local law enforcement agencies will, of course, vary from jurisdiction to jurisdiction. However, as a general matter, local law enforcement agencies are better equipped than federal agencies for the following functions: placement of a significant law enforcement presence throughout the community; quick response to particular acts of violent crime; processing and prosecution of a high volume of criminal cases emanating from reactive street crime arrests; and development of comprehensive intelligence concerning local criminals and criminal activity. The latter strength is crucial in targeting the gang violence problem.

- **Federal Law Enforcement Strengths**

Federal procedures, substantive laws, and support resources provide federal law enforcement agents and prosecutors with many important tools which are often not available to state or local investigative agencies. When used in exclusive federal investigations, these tools have relatively limited potential for impacting on violent crime. However, when used in concert with the strengths of local law enforcement agencies, they can have a substantial impact. A list of some of the federal strengths which should be maximized in creating a violent crime strategy follows:

- **Investigative procedures** -- Title III electronic surveillance; investigative grand juries, which afford an opportunity to subpoena documents, "freeze" testimony, and examine witnesses with a reduced degree of interference from their counsel; and immunity.

► **Reach of federal resources and process** -- federal law enforcement agencies are not constrained by state or local jurisdictional boundaries; federal process is available throughout the entire nation.

► **Support resources** -- the Witness Protection Program; funds for undercover buys, informant payments, and rewards; and expert technical services.

► **Pretrial detention** -- this is a particularly critical tool in confronting gang violence.

► **Immigration laws** -- federal laws permitting the arrest and detention of illegal aliens can play a particularly valuable role in law enforcement actions relating to gangs which are comprised in part of illegal aliens, e.g., Jamaican Posses.

► **Substantive federal criminal statutes** -- federal statutes permit the effective targeting of criminal enterprises; additionally, a number of federal statutes carry mandatory minimum sentencing provisions which are invaluable in providing investigators and prosecutors leverage in eliciting the cooperation of members of criminal enterprises who have exposure under those statutes. For a brief discussion of some of the key federal statutes and a listing of pertinent narcotics and firearms statutes which provide for mandatory minimum prison sentences, see Attachment C.

► **Sentencing** -- under current federal sentencing law, defendants are required to serve approximately 85 percent of their prison sentence, in stark contrast to the situation in most states.

► **Asset forfeiture** -- this area of federal law has potentially valuable application to some of the better-established gangs.

4. The Strategy Must Include a Focus on Gang Violence

As discussed earlier in this memorandum, gangs have been the primary cause of the spiraling rate of violent crime during the past decade. Not only do gangs account for a very large number of violent crimes, but the wanton nature of their violence contributes substantially to the public perception that our society is not a safe one. Accordingly, no strategy can effectively address violent crime without focusing substantial attention on gangs.

Gangs represent a particularly difficult target for law enforcement, since they vary widely in structure and operation. An enforcement strategy which is successful against a particular set of Crips will likely not work against a Jamaican Posse and

may not even be effective against another set of Crips. Accordingly, it is particularly important that gang enforcement efforts draw on the combined resources of local and federal law enforcement. Local agencies generally possess street-level intelligence, and sometimes informants, critical to targeting a gang. In contrast, federal law enforcement usually has superior tools for targeting a gang's organizational structure and tracing any relevant migration pattern. See Attachment B.

Available information suggests that virtually all gangs finance their operations through the sale of drugs. As a result, their greatest point of vulnerability is often their narcotics dealing. Most gangs are not, however, major traffickers and do not come within guidelines set for Organized Crime Drug Enforcement Task Forces (OCDEF). Simply put, the primary problem posed by gangs is violence, not drug dealing. Nevertheless, federal drug prosecutions, with their potential for stringent sentences, often represent an effective initial means of disrupting gang activity or of gaining leverage against witnesses who can assist the government in targeting the gang's organizational structure.

5. The Strategy Must Be National in Scope

The day in which criminals remained within set jurisdictional boundaries has long passed. Although some violent criminals are not highly mobile, many are. This is particularly apparent in patterns of gang migration which, in some instances, include significant connections with foreign countries. Further, some gangs have shown a disposition to migrate to areas where they do not encounter concerted law enforcement resistance. In this context, a violent crime strategy cannot be fully effective unless it is applied systematically throughout the nation.

6. The Strategy Must Meet Local Needs

The success of the strategy in any particular jurisdiction will depend on the extent to which it is refined to meet specific community needs. This refinement must take into account local police capabilities and resources, as well as the nature of the local violent crime problem. There is no one formula that fits all jurisdictions. It would be unrealistic for law enforcement agents at the national level, who are unfamiliar with the problems of a particular jurisdiction and with the capabilities of its police agencies, to tailor a fully-effective violent crime strategy. See Attachment D. Finally, by tailoring the specific strategy at the local level, it is possible to involve state and local officials as full partners in the design of the strategy. This, in turn, serves to promote the spirit of intergovernmental cooperation which is necessary if the resulting strategy is to be implemented effectively.

E. DEVELOPMENT AND IMPLEMENTATION OF A NATIONAL VIOLENT CRIME STRATEGY

The material which follows proposes a framework for a national violent crime strategy and steps to be followed in implementing that strategy. As discussed above, the proposal is designed to fulfill the crime suppression component of an overall multi-disciplinary approach to the nation's violent crime problem. While the ultimate goal is for all components of the multi-disciplinary approach to function in a cooperative manner, the magnitude of the nation's violent crime problem mandates that initiation of the proposed crime suppression program not be delayed pending the further development of the other components.

1. Development of the Framework for a National Strategy

Based on our experience with violent crime enforcement and information gleaned during the past three years from meetings on violent crime with federal, state, and local law enforcement officials, the Criminal Division prepared a draft framework for a national violent crime strategy. Thereafter, meetings were held with appropriate representatives of the Attorney General's Advisory Committee of U.S. Attorneys (AGAC) and the primary federal investigative agencies involved in violent crime enforcement (FBI, DEA, INS, Marshals Service, and the Assistant Secretary for Enforcement of the Treasury Department) to obtain their input and to enlist their cooperation in this proposed violent crime initiative. Subsequently, we have held similar meetings with representatives of the National Association of Attorneys General (NAAG) and the National District Attorneys Association (NDAA).

2. Framework of the National Violent Crime Strategy

- United States Attorneys in each district will designate a senior Assistant United States Attorney to serve as their office's Violent Crime Coordinator.

- United States Attorneys in each district will meet with all pertinent federal, state, and local law enforcement agencies within their district for the purpose of forming a violent crime working group or identifying an existing group of like membership which is focusing on violent crime. If the district has a strong LECC which includes all pertinent agencies, the working group may be a subcommittee of the LECC.

- In support of the working group (or other appropriate group), the U.S. Attorney's Violent Crime Coordinator should undertake a survey that will identify issues within the district, including:

- ▶ the most critical violent crime problems that are susceptible to a coordinated federal/state/local attack,
- ▶ the relative priority of these problems,
- ▶ the law enforcement programs and resources currently dedicated to the investigation and prosecution of these problems,
- ▶ the results achieved to date from these efforts, and
- ▶ any multi-district or multi-jurisdictional aspects of these problems.

• The information gleaned from the surveys conducted in every judicial district throughout the United States, together with all available statistical information, will be used by the Department to formulate the general parameters and goals of a national violent crime strategy which will place particular emphasis on multi-district, migrating violent crime problems. The proposed strategy will be developed by the Criminal Division, working with representatives of the United States Attorneys and the pertinent federal investigative agencies. It will also be coordinated with NAAG, NDAA, and IACP. The resulting strategy will be submitted to the Attorney General.

• Using the new or existing working group as a mechanism, each United States Attorney will work with the pertinent federal, state, and local law enforcement agencies within the district to develop, and reduce to writing, a district plan to implement the national strategy consistent with local needs and the available law enforcement resources. The plan should target the district's highest priority violent crime problems which are susceptible to a coordinated federal/state/local enforcement approach.

• The United States Attorney will assist law enforcement agencies within the district in developing the necessary operational task force(s) or other working group(s) to carry out the day-to-day investigations called for by the district plan. Where appropriate, existing task forces and other successful joint efforts between federal and local authorities should be preserved; in other instances, it may be appropriate for existing task forces to be combined, expanded, or redirected.

• The Criminal Division, in coordination with representatives of U.S. Attorneys, the pertinent federal investigative agencies, NAAG, NDAA, and IACP, will periodically review the results of efforts in all districts to assess what operational strategies are working and to propose refinements in the national initiative.

3. Announcement of the Initiative

The President, the Attorney General and the Treasury Secretary will make an announcement stressing the Administration's commitment to law enforcement efforts against violent crime and outlining this initiative to address the violent crime problem at the local level, through partnerships with local authorities.

4. Steps to Be Followed in Implementing the Initiative

Following the public announcement of this initiative, as discussed above, we suggest that the following steps be pursued to ensure that it is implemented in an orderly fashion. At the district level, the U.S. Attorney will be the federal official responsible for pursuing this program.

• District Level Violent Crime Surveys

Available statistical data does not provide a current picture of the violent crime problems which exist in each district. Further, a complete assessment requires qualitative input which can only come from human reporting and analysis. Accordingly, the surveys are intended to bridge the timeliness deficiencies of available statistics and to provide the requisite analytical input.

The scope of the suggested survey is detailed at Attachment E. In summary, the survey should seek to elicit information concerning all major violent crime problems in the district, with particular emphasis on criminal activity by gangs and other organized groups. It should ask that those problems be prioritized and that significant out-of-district factors impacting on the violent crime problem be delineated. The survey should also seek a description of the composition, focus, and achievements of all current task forces which focus on violent crime. Finally, we should seek input concerning any enforcement programs which have proved particularly successful in combating violent crime.

• Formulation of National Violent Crime Strategy

The results of each district survey will be reviewed by representatives of the Criminal Division, the AGAC, and the pertinent Federal investigative agencies. We are prepared to assume the responsibility for coordinating that effort. It will result in the development of a proposed national violent crime strategy. The strategy will delineate goals and then articulate general parameters to guide the more specific targeting and operational decisions of the local violent crime working groups throughout the nation. The strategy will be designed to address multidistrict violent crime problems and to create the climate

for more effective enforcement relating to all aspects of violent crime. It will not, however, seek to dictate to enforcement officials within a district or to instruct them on how they should address purely localized violent crime problems. The proposed strategy will then be provided to NDAA, NAAG, and IACP for comment. It will then be submitted to the Attorney General.

- **Refinement of the National Strategy into District Operations Plans**

The national violent crime strategy will be communicated to the United States Attorneys together with guidance concerning the refinement process. For example, for any districts which have reported the presence of gangs, we will suggest that the district be instructed to ensure that a component of its strategy includes a focus on gang violence. Using the violent crime working group as a mechanism, U.S. Attorneys will work with the pertinent federal, state, and local law enforcement agencies within the district to develop a district operations plan to implement the national strategy consistent with local needs and the available law enforcement resources. The resulting strategy should be reflected in operations plans which address not only the priorities of the strategy but the plans for fulfilling those priorities, including a delineation of the federal, state, and local enforcement agencies addressing each particular problem. The plan should also address any coordinative arrangements, including task forces, utilized to conduct the necessary investigative functions. A sample operations plan is contained at Attachment F.

U.S. Attorneys will be asked to submit their resulting operations plans to the Department for review. Their content should be of assistance to the Department in assessing the overall scope of the violent crime enforcement effort. However, the plans will not be used as a basis to have Washington-based officials second guess local priorities.

5. Field Structure

As discussed above, the violent crime working group, or other pertinent group, in each district will be convened by the U.S. Attorney together with his or her local counterparts. The working group will draw on the ideas of all major federal, state, and local law enforcement agencies in developing a district operations plan. In turn, the United States Attorney will assist law enforcement agencies within the district in developing the necessary operational task force(s) or other working group(s) to carry out the day-to-day investigations called for by the district plan. There is no intention to reinvent structures which already exist. Where appropriate, existing task forces or other successful joint efforts between federal and local authorities should be preserved. In other instances, it may be

appropriate for existing task forces to be combined, expanded, or redirected.

Wherever appropriate, investigations should be carried out jointly. Decisions concerning whether to pursue federal or local prosecution of specific cases should be made cooperatively, with full consideration given to cross-designation of prosecutors.

6. Headquarters Structure

At headquarters, the Criminal Division will provide support to the United States Attorneys and the resulting operational task forces. The Division will, as needed, resolve problems that arise and serve as a central point of communication between the field and headquarters. The Criminal Division will be joined in this effort by representatives of all pertinent federal investigative agencies and the AGAC. Those representatives should be available for consultation and should meet quarterly with the Criminal Division to assess progress and address any problems that might be perceived.

• Criminal Division Regional Desks

The Criminal Division will create regional desks which will fulfill the following coordinative functions with the task forces.

- ▶ They will review any reports submitted by the working groups, giving particular attention to interdistrict violent crime activity, including gang migration. This information will then be communicated to all pertinent districts. The objective of this effort, over time, will be to effectuate any needed regional coordination among districts concerning interdistrict or other law enforcement problems which they share in common.

- ▶ Successful enforcement strategies developed by particular working groups will be shared with other districts.

- ▶ Operational problems raised by U.S. Attorneys will be addressed. By utilizing the assigned headquarters representatives of the various involved agencies, the Division will seek to ensure that all operational problems stemming from inadequate coordination among the field components of the federal investigative agencies are resolved quickly and effectively.

• Additional Criminal Division Support Functions

- ▶ The Division will prepare training materials, such as a gang prosecution manual, for dissemination to the field and assist in the development of an annual training conference. The Criminal Division, for example, is prepared to provide field

prosecutors information concerning (1) techniques which have been used successfully in prosecuting gang cases (Attachment G) and (2) organizations which have developed gang data through their involvement in investigations (Attachment H).

- ▶ The Division will periodically evaluate the need to create any new violent crime data bases, e.g., a gang data base.

- ▶ The Division will draft and recommend legislation in the event that the efforts of the violent crime working groups establish the need for corrective legislation or a new legislative resource.

- ▶ In conjunction with the representatives of the federal investigative agencies and the AGAC, the Division will be in a position to prepare a report concerning the results achieved during the first year under this program and suggest pertinent modifications to the program's goals or operational procedures.

- **Criminal Division Response Teams**

Additionally, the Criminal Division will create a number of groups of prosecutors to serve as response teams which will be available, upon request from the U.S. Attorney, to assist in the targeting of investigations and, where needed, the prosecution of resulting cases. These teams will include prosecutors experienced in violent crime, narcotics, and enterprise-based prosecutions. These response teams could focus initially on the cities which have been selected by the Department for prototype multi-disciplinary programs.

F. AVAILABILITY OF FEDERAL RESOURCES

The crime bill that recently passed the Senate does include some potential funding for expanded violent crime enforcement efforts. However, current economic constraints suggest that it is entirely possible that no new budget appropriation will be available to support the federal role in a nationwide violent crime initiative. Accordingly, in undertaking the proposed initiative, we ought to be prepared to move forward notwithstanding the possible unavailability of new funds.

1. Investigative Resources

At the investigative level, the absence of new resources may not prove to be a significant hindrance, at least at the outset. In January 1992, the Department reprogrammed significant investigative resources to the violent crime area. Further, as discussed above, current federal violent crime efforts involve a multiplicity of overlapping task forces. Accordingly, the efficiencies derived from the elimination of that duplication

should have the effect of freeing substantial resources. Ultimately, however, if the nationwide violent crime strategy results in the integral involvement of federal investigators in violent crime enforcement efforts across the country, some shifting of additional resources to this endeavor could well prove necessary.

2. Prosecutorial Resources

The bulk of the prosecutions which would result from an integrated federal, state, local violent crime effort would likely be appropriate for local prosecution. However, to be fully effective, the violent crime enforcement initiative clearly must have a federal prosecution component, especially as relates to gang leaders and repeat violent criminals whose incapacitation under the state criminal justice system has proved insufficient. Indeed, in our meetings with FBI agents who are currently involved in gang task forces, they have continually stressed the need for one or more federal prosecutors to be assigned to such task forces on a full-time basis, just as federal prosecutors have historically been assigned to traditional organized crime investigations. In spite of the priority which U.S. Attorneys generally believe should be accorded to violent crime, most have not assigned prosecutors to assist gang task force efforts on a full time basis. This appears to result from the fact that, in contrast to the substantial reprogramming of investigative agents to the violent crime area, there has been no reprogramming of federal prosecutorial resources. Since the reprogramming of FBI agents was done at the expense of the FBI's counter-intelligence efforts, it did not result in any diminution of the case load of federal prosecutors. Accordingly, if there is to be the necessary federal prosecutorial component to a national violent crime initiative, it is imperative that the Department consider reallocating prosecutive resources. This Division is prepared to make the necessary hard choices to effect the necessary reallocation.

G. PROTOTYPE FEDERAL-STATE-LOCAL PLAN FOR TARGETING GANG VIOLENCE

Under the proposed national violent crime strategy, law enforcement authorities in the majority of districts would undertake the targeting of one or more gangs engaged in violent criminal activity. Accordingly, we are including a prototype plan to demonstrate how federal, state, and local law enforcement authorities could work cooperatively to attack gang violence effectively.

1. Information Gathering

• Sources of Information

- ▶ Police officers engaged in street level gang violence suppression.
- ▶ Police records from all law enforcement organizations in the area and from federal agencies in that area.
- ▶ Federal, state, and local police agencies in Los Angeles, if the gang originated there.

• Types of Information to Be Elicited

▶ **Structure**--all available information from the area should be accumulated concerning the hierarchy and operational procedures of each targeted gang. For example, is there a strict chain-of-command which isolates the leadership from the bulk of the members or do the leaders regularly interrelate with the bulk of the gang members?

▶ **Criminal activities**--what is the range of criminal activities in which the gang is involved and how do they carry out these activities? For example, if the gang finances its operations through the sale of drugs, as virtually all gangs do, how are the sales made (retail level street sales, wholesale marketing, etc.) and what gang members are present at those transactions?

▶ **Membership**--this should include the fullest possible description of each gang member, his role in the gang, and his prior criminal history. The criminal history should include full information concerning all prior convictions to include all juvenile adjudications, all pending prosecutions, all ongoing investigations, any pertinent parole or probation information, and any pertinent INS information.

▶ **Informants**--police records should be examined closely for all informants or potential criminal informants among gang members and persons closely associated with gang members.

When a task force is created, there is a tendency to want to hit the streets quickly. However, if law enforcement targeting of a particular gang is to be fully effective, the information-gathering stage is critical. Accordingly, the investigators and agents involved should be warned that it may be necessary for them to spend weeks or even months in the information-gathering stage before the effort will move out to the streets.

2. Setting the Strategy

Using the information developed during the previous phase of the task force effort, task force members should meet with federal and local prosecutors to develop an investigative strategy. This should involve detailed consideration of the following factors.

- **Promising Avenues of Investigation**--This should consider the potential for approaches such as the following:

- ▶ Undercover narcotics buys, documented through video or audio tape, with arrests delayed until a substantial number of purchases have been made.

- ▶ Use of a wired informant. Consideration of this approach should not be limited to use of existing informants, if any, but should also include consideration of flipping and obtaining the cooperation of a gang member who may be vulnerable based on his having committed prior crimes for which evidence is available to support a prosecution.

- ▶ Title III electronic surveillance.

- ▶ Interjection of an undercover police officer. Although this is difficult to accomplish relating to most gangs, it should be at least considered.

- **Evaluating Available Statutory Tools**--This should involve consideration of all potential state and federal statutes and should recognize that the resulting prosecutions may not be exclusively local, state, or federal but rather may involve a mix. In considering federal versus local venue, comparisons should be made of:

- ▶ Pretrial detention laws.

- ▶ Sentences likely to be achieved in comparable local and federal prosecutions.

- ▶ State and federal narcotics offenses.

- ▶ State and federal firearms offenses.

- ▶ State and federal offenses targeting criminal enterprises.

- **Substantive Federal Offenses Meriting Particular Consideration**--In evaluating potential bases of prosecution, federal representatives should give special attention to the use of the following federal statutes which either carry potential

mandatory minimum sentences or provide for approaches which may not be available under state law:

- ▶ Firearms offenses
- ▶ Narcotics offenses
- ▶ Racketeer Influenced and Corrupt Organizations (RICO)
- ▶ Continuing Criminal Enterprise (CCE)
- ▶ Hobbs Act
- ▶ Interstate Travel in Aid of Racketeering (ITAR)
- ▶ Violent Crimes in Aid of Racketeering (VCAR)

3. Pursuing the Investigation

The resulting investigation should seek to maximize the strengths of the involved investigative agencies. For example, to the extent that technical support is needed for a Title III or audio or video surveillance, federal resources are probably best utilized. Further, if the strategy involves an effort to flip a vulnerable gang member, the federal Witness Protection Program may be an invaluable resource, since the prospective informant can be assured of relocation at a substantial distance from his former gang associates. If the strategy involves interjection of an undercover police officer, a local law enforcement agency may be best situated to provide a person with the requisite background and experience to handle the assignment. Further, if the strategy involves saturating a particular community with undercover officers who can engage in human surveillance, it will likely be appropriate to draw heavily on local resources.

4. Planning for Prosecutions

There should be a clear understanding at the time the investigative strategy is initiated which jurisdiction will prosecute particular types of resulting cases, and how those cases will be staffed. See Attachment G. Full consideration should be given to cross-designation of prosecutors. Additionally, experience has shown that it is important to give consideration to techniques such as the following:

- Close coordination with probation departments, corrections departments, and the court prior to large-scale arrests of gang members.
- In drug prosecutions, assembly line integration of law enforcement officers--one officer conducts debriefings, one

functions as the evidence custodian, and one prepares all paperwork.

- Designation of particular prosecutors to handle cases in a vertical mode.
- Disclosure of all discovery at arraignment to minimize pretrial delays.

H. CONCLUSION

The nation's violent crime problem has been decades in the making. As a result, it is simply not susceptible to a "quick fix." However, the proposed violent crime initiative has the potential of serving as the first step toward more effectively addressing violent crime and, over time, significantly reducing the level of violence which plagues our society.

In pursuing such an initiative, it must be made clear to the involved law enforcement components that it is the Department's intention to stay the course. Violent crime task forces cannot be allowed to declare victory and effectively cease operation after obtaining a few headline accomplishments. Similarly, every effort should be made to energize task forces which do not initially achieve a measurable impact on their communities, so that they are not sapped of their vitality by the magnitude of the task that confronts them.

Attachments

**THE ATTORNEY GENERAL'S
NATIONAL ANTI-VIOLENT CRIME STRATEGY**

"WE CAN MAKE A DIFFERENCE"

"... my experience confirms again and again, year after year, my firm unequivocal belief that Americans have been, are, and will continue to be absolutely outraged at violence. They consider it the first priority of any criminal justice effort in America. They want something done in their communities, in the state, and in this nation."

"We can make a difference if we form a partnership taking the resources of America, understanding that the great steps that are being taken, the bold and innovative proposals, are being taken in communities
... ."

**Attorney General Janet Reno
- The Great Hall of Justice
October 15, 1993**

**FUNDAMENTAL PRINCIPLES OF
THE ATTORNEY GENERAL'S
NATIONAL ANTI-VIOLENT CRIME STRATEGY**

The wisdom of a full dimensional approach

We must acknowledge as a matter of common sense that the fight against violent crime is, in fact, a fight against violent people who commit crimes, and that the solution to violence has many dimensions beyond the punishment and deterrence provided by the criminal justice system, requiring sustained involvement of the resources and experience of virtually every federal agency;

The effectiveness of federal crime fighting tools

We must understand that as an integral building block in the framework of violent crime fighting, we must make available to local authorities powerful federal crime fighting tools modified to address local problems;

The compelling need for genuine partnerships

We must recognize as an article of faith and experience that to fight the violence strangling our cities and threatening our rural areas, genuine partnerships with state and local communities must be the centerpiece of any successful strategy, and that those partnerships must be effectively organized and worked on the ground at the local level involving all implicated federal agencies and their local counterparts.

"WE CAN MAKE A DIFFERENCE"**THE ATTORNEY GENERAL'S
NATIONAL ANTI-VIOLENT CRIME STRATEGY****OVERVIEW**

As part of the multidimensional approach to the violence plaguing our communities, the Attorney General has established a federal anti-violent crime enforcement initiative using federal strengths as an integral part of the Administration's National Crime Fighting Strategy; by forming partnerships with local and state authorities and sharing with them federal investigative and enforcement models to help attack the violent gangs and narcotics trafficking.

- A. United States Attorneys in each district will be convening, together with their local counterparts, a meeting or series of meetings of all pertinent federal, state, and local law enforcement agencies within their district for the purpose of forming a violent crime working group or identifying an existing group of like membership which is focusing on violent crime.
- B. The working group (or other appropriate group) will be assessing and prioritizing the violent crime problems, and selecting one or more such problems for federal focus and impact; inventorying federal and local prosecution and investigative resources, and developing an anti-violence strategy which, to the extent practicable and productive, integrates resources so that
 - 1. federal investigators (FBI, DEA, INS, U.S. Marshals, ATF, Customs and other appropriate federal agencies) work together with local law enforcement, supporting and assisting local efforts;
 - 2. federal and local prosecutors work together to target local priorities.
- C. Under the leadership of the Assistant Attorney General, Criminal Division, the Department of Justice will create a new Violent Crime Section in the Criminal Division, so that
 - 1. the Criminal Division is better situated to coordinate the national effort, and to provide strong support for the United States Attorneys consisting of, for example, assistance where appropriate in the design of strategic

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investigative and prosecutive models using the full panoply of federal tools; training; facilitation of the sharing of intelligence and tactics; and,

2. where requested by the United States Attorney, participation in the investigation and prosecution of appropriate cases using federal tools and strategies.

EXECUTIVE SUMMARY

This summary highlights the key aspects of the violent crime initiative.

• A successful attack on violent crime will require a multi-disciplinary approach.

- ▶ The components of such an approach include:
 - ▼ violent crime suppression;
 - ▼ upgraded programs to address such problems as youthful offenders and drug addiction;
 - ▼ community revitalization through programs relating to housing, education, and recreation;
 - ▼ legislation providing reasonable controls on the availability of firearms.
- ▶ While the goal is for these components to function together, and while there are initiatives beginning with respect to the non-law enforcement aspects of the program, the magnitude of the nation's violent crime problem suggests that initiation of the proposed crime suppression program not be delayed pending the further development of the other components.

• The following steps should be taken to implement the Attorney General's national violent crime strategy:

- ▶ The Criminal Division is meeting with the National District Attorneys Association and the National Association of Attorneys General to advise them of this initiative and to enlist their comments and active participation.

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- ▶ The President, Attorney General and the Treasury Secretary will make an announcement underlining the Administration's commitment to law enforcement efforts against violent crime and outlining this initiative to address the violent crime problem at a local level, through partnerships with local authorities.
- ▶ United States Attorneys in each district will be designating a senior Assistant United States Attorney to serve as their office's Violent Crime Coordinator.
- ▶ United States Attorneys in each district will be meeting with all pertinent federal, state, and local law enforcement agencies within their district for the purpose of forming a violent crime working group or identifying an existing group of like membership which is focusing on violent crime.
- ▶ In support of the working group (or other appropriate group), the U.S. Attorney's Violent Crime Coordinator should seek to undertake a survey that will identify issues within the district, including:
 - ▼ the most critical violent crime problems that are susceptible to a coordinated federal/state/local attack,
 - ▼ the relative priority of these problems,
 - ▼ the law enforcement programs and resources currently dedicated to the investigation and prosecution of these problems,
 - ▼ the results achieved to date from these efforts, and
 - ▼ any multi-district or multi-jurisdictional aspects of these problems.
- ▶ The Assistant Attorney General, Criminal Division of the Department of Justice, working with representatives of the United States Attorneys and the pertinent federal investigative agencies, will use the results of the surveys from all districts to formulate the general parameters and goals of a national violent crime strategy, with particular emphasis on multi-district, migrating violent crime problems. The strategy will be coordinated with NAAG, NDAA, and IACP, and then submitted to the Attorney General.

- ▶ Using the new or existing working group as a mechanism, each United States Attorney will work with the pertinent federal, state, and local law enforcement agencies within the district to develop, and reduce to writing, a district plan to implement the national strategy consistent with local needs and the available law enforcement resources. The plan should target the district's highest priority violent crime problems which are susceptible to a coordinated federal/state/local enforcement approach.
- ▶ The United States Attorney will assist law enforcement agencies within the district in developing the necessary operational task force(s) or other working group(s) to carry out the day-to-day investigations called for by the district plan. Where appropriate, existing task forces and other successful joint efforts between federal and local authorities should be preserved; in other instances, it may be appropriate for existing task forces to be combined, expanded, or redirected.
- ▶ Through the actions of each district, violent crime initiatives will be implemented throughout the United States.

• The Criminal Division will support the United States Attorneys and the resulting operational task forces through:

- ▶ creating a Violent Crime Section to coordinate the effort and to be available upon request to assist United States Attorneys' Offices, including the dissemination of successful enforcement strategies, and the interchange of information relating to interstate criminal activities;
- ▶ coordinating a headquarters group of representatives from the involved federal investigative agencies to address interagency issues through the Director of Investigative Agency Policy; forming an Anti-Violent Crime Council; and establishing other groups to address the issues of violent crime enforcement and policy, as appropriate;
- ▶ with appropriate components of the Department of Justice, including the Attorney General's Advocacy Institute, providing training;
- ▶ developing response teams of prosecutors experienced in violent crime and narcotics prosecutions which would be available, upon the request of a United States Attorney, to travel to the requesting districts to

assist in the design of investigations and, where needed, the prosecution of resulting cases.

• Since it is unclear whether additional resources will be forthcoming from Congress to support this program, it should be initiated on the basis that it will have to be supported through:

- ▶ more efficient utilization of existing resources resulting from upgraded cooperation between involved federal, state, and local agencies; and
- ▶ reallocation of existing resources.

• A carefully focused violent crime program of national scope which forges a coalition of all pertinent federal, state, and local law enforcement agencies, can serve to help bring this nation's national epidemic of violence under control.

- ▶ The process will not be quick or easy, as the violent crime problem is deeply rooted.
- ▶ But, if we do not now accept the challenge of addressing this problem in a systematic manner, it will surely not be solved.

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A. INTRODUCTION

The impact of violent crime on the quality of life in the United States is all too apparent. Americans consistently list violent crime as one of the most significant concerns facing our society. We all know of people who change travel plans to avoid high crime areas, elderly people who fear to venture out of their homes after dark, and people who install multiple locks on the doors of their houses fearing for their safety even in their homes. In high crime neighborhoods, the lives of children are misshaped by the constant level of violence to which they are exposed. The fundamental right of all Americans to live their lives free from fear of violence has been placed in peril.

The lead role in countering violent crime resides with the states and localities. However, the Federal Government can play crucial, complementary roles in combating this problem. The solution to the nation's violent crime problem lies in the forging of a coalition of all pertinent federal, state, and local law enforcement entities which draws on the particular strengths of each component agency.

This memorandum proposes a national violent crime strategy designed to achieve such a coalition and to bring this national epidemic of violence under control. Since our violent crime problem has been decades in the making, it is deeply rooted and will not be solved quickly. However, if we do not accept the challenge of addressing this problem in an energetic and systematic manner, it will surely not be solved.

B. SCOPE OF THE VIOLENT CRIME PROBLEM

1. Violent Crime is the Nation's Most Serious Law Enforcement Problem

- Rate of Violent Crime Has Increased 41% in the Past 10 Years; 81% in 20 years

The nation's two leading statistical indicators of crime--the FBI's Uniform Crime Report (UCR) and the Bureau of Justice Statistics' National Crime Victimization Survey (NCVS)--reflect that, when adjusted to account for population growth, violent crime declined slightly in 1992 as compared with 1991. However, as measured by the UCR data, the decline was a *de minimis* .1 percent. In contrast, UCR figures, adjusted for population growth, indicate staggering increases in the rate of violent crime during the past 20 years. The violent crime rate in 1992 was 19 percent higher than in 1988, 41 percent higher than in 1983, and 81 percent higher than in 1973.

- **Problem is National in Scope: Urban, Suburban, and Rural**

The Uniform Crime Report for 1992 demonstrates clearly that violent crime is not simply an urban problem. While the rate of violent crime in major cities (those with a population of 250,000 or more) declined slightly, the incidence of violent crime increased in smaller cities, suburban communities, and rural counties. Cities with populations under 10,000 inhabitants experienced the greatest increase, 7 percent, while rural counties reported a 5 percent increase in violent crime as compared with 1991 levels.

- **Problem Especially Imperils the Nation's Youth and Minorities**

The NCVS revealed the following troubling trends: violent crime rates for teenagers and young adults have increased in recent years and continued to do so in 1992. The violent crime rate for African Americans in 1992 was the highest ever recorded. Further, this group has the highest rate of victimization.

2. Impact of Gangs on the Violent Crime Problem

- **Gangs Have Been a Major Cause of Growth in Violent Crime in the Past Decade**

The growth in violent crime can be tied closely to the development of gangs. Although definitive statistics are not available, the assessment of law enforcement professionals is that gang violence is a primary factor--and perhaps the primary factor--in the increase in violent crime during the past decade. Further, the phenomenon of gang violence has contributed not only to an increase in the rate of violent crime but also to the public perception of vulnerability and resulting feeling of fear. The criminal acts of many gang members are both extraordinarily violent in nature and seemingly indiscriminate. A killing may be motivated by nothing more than the victim's presence in a particular neighborhood, choice of apparel, or facial expression.

- **Gang Violence is National in Scope**

The origin of most gangs can be traced to major urban areas. However, in recent years many of these gangs have migrated from their cities of origin throughout the country, rendering gang violence a nationwide problem. By 1992, seventy-two of the nation's 79 largest cities reported experiencing gang violence. See Attachment A. ATF reports the presence of Bloods and Crips in 35 states and 58 cities across the United States. Further, small and mid-sized cities--even in relatively rural states--have not been spared the problem of gang violence. A discussion of

the gang violence problem, including maps reflecting the migration of several major gangs, is contained at Attachment B.

3. Law Enforcement Response Has Not Kept Pace With the Escalation in Violent Crime

• State and Local Response

While state and local law enforcement agencies continue to exercise their traditional roles as the nation's primary protection against violent crime, it appears that they have not upgraded their efforts in the face of the increasing rate of violent crime which has plagued the nation for the past 20 years. Rather, it appears that their efforts relating to violent crime have been diluted by attention to a related crime problem: narcotics violations. At the same time, many gang crimes are increasingly difficult to solve, given the increased number of drive-by shootings and the frequent use by gang enforcers of witness intimidation. Additionally, state and local law enforcement officials do not have the statutory or jurisdictional authority to investigate violent criminal activity that crosses state lines.

According to a BJS study released in May 1993, the percentage of state prisoners incarcerated for violent crimes has declined steadily since 1980, dropping from slightly under 50 percent to slightly under 30 percent. These statistics suggest, perversely, that while violent crime has spiraled and become the nation's number one crime problem, the proportion of state and local law enforcement resources devoted to the problem has declined.

• Federal Response

Since the late 1980's, the Department of Justice has increased its emphasis on violent crime. However, this increase has simply served to offset the Department's retrenchment from violent crime enforcement which occurred in the late 1970's. This is reflected in Bureau of Prisons' statistics which indicate that the percentage of federal inmates incarcerated for violent crimes as of 1990 was slightly less than in 1970. Accordingly, although the rate of violent crime has doubled since 1970, federal law enforcement appears not to have upgraded its response to this area of crime over that of 20 years ago.

• Intergovernmental Task Forces

The recent trend has been to attack violent crime through intergovernmental task forces which link one or more federal investigative agencies with one or more state or local agencies. While the task force concept is probably the key to an effective violent crime enforcement program, a review of existing task

forces suggests that many of them are being formed on an ad hoc basis, without significant study concerning their potential benefits. Indeed, in some localities there are separate task force efforts which duplicate functions and even compete with each other. For example, the FBI is currently operating 107 "safe streets" task forces with state and local law enforcement agencies; ATF reports that it participated in 234 gang task forces during 1992; INS has created violent gang task forces in 36 cities.

C. THE VIOLENT CRIME PROBLEM REQUIRES A MULTI-DISCIPLINARY APPROACH

1. Components of a Multi-Disciplinary Approach

To be fully effective in addressing violent crime and gang violence, governmental entities need to work together in pursuing a multi-disciplinary approach. Key components of such an approach include:

- **Violent Crime Suppression**
- **Upgraded Programs to Address Particular Types of Problems--e.g., Youthful Offenders and Drug Addiction Treatment**
- **Community Revitalization--e.g., Programs Addressing Housing, Education, and Recreation**
- **Legislation Providing Reasonable Controls on the Availability of Firearms**

2. Interdependent Nature of the Components

This memorandum only addresses the first of the four delineated components, proposing a national strategy aimed at achieving violent crime suppression through the systematic, proactive investigation and prosecution of the nation's criminal elements. However, crime suppression will be of little lasting effect if not accompanied by strong efforts relating to each of the other components. For example, just as crime suppression is a prerequisite for community revitalization, so also is that revitalization a prerequisite to maintaining the reduced rate of crime achieved through crime suppression efforts. If we place young adults in jail only to have their younger brothers and sisters assume their roles as violent criminals, we have not made progress. Although the initiation of a national violent crime suppression strategy should not be delayed pending the implementation of the components designed to revitalize our communities, the ultimate goal should be for all components of the multi-disciplinary approach to function cooperatively.

Accordingly, as is discussed later in this memorandum, carrying out a crime suppression strategy we are prepared closely with those officials within the Department who addressing the other components of a multi-disciplinary approach.

**D. CRITERIA FOR DEVELOPING A STRATEGY WHICH
EFFECTIVELY UTILIZES FEDERAL LAW
ENFORCEMENT IN VIOLENT CRIME SUPPRESSION**

1. Federal Resources Must Be Applied Proactively

The FBI has approximately 10,000 special agents; DEA has approximately 3,500 special agents; and the other federal investigative agencies are each comprised of fewer than 2,000 agents. When these resources are spread nationwide, it is apparent that federal law enforcement cannot meaningfully impact on the current violent crime problem by ad hoc reaction to specific crimes which violate federal law. Yet, Bureau of Prisons' statistics for 1991 indicate that convictions for robbery, mostly bank robberies, accounted for more than half of the federal inmates incarcerated for violent crime. This statistic is indicative of a limited reactive response to violent crime. Instead, federal resources should be applied to violent crime pursuant to a proactive strategy which systematically channels them to permit the greatest impact on the most significant problems facing the particular community. While the strategy may appropriately allow for some reactive enforcement efforts, those efforts should be undertaken pursuant to an overall plan rather than on an ad hoc basis.

2. Federal Resources Must Be Utilized in Concert With State and Local Law Enforcement Efforts

• Federal-State-Local Cooperation

According to 1992 statistics, state and local law enforcement organizations were staffed by 532,583 full-time, sworn general purpose police officers. The reality is that federal law enforcement agencies are not staffed at a level which would permit them to assume a primary role relating to violent crime. Accordingly, the federal role must be to complement rather than to supplant or compete with state and local enforcement efforts. Indeed, the goal should be to forge a coalition of all pertinent federal, state, and local law enforcement entities which maximizes the particular strengths of each component agency. The fact is that most citizens in this country have little understanding of the jurisdictional divisions of law enforcement. Rather, their concern is simple: that their communities be safe. It is of no moment to them what level or levels of government are involved in accomplishing that result.

The taxes they pay support the activities of all the enforcement agencies.

- **Cooperation Among Federal Law Enforcement Agencies**

Just as it is necessary for federal law enforcement resources to be deployed cooperatively with state and local efforts, so also is it imperative that the involved federal agencies--FBI, DEA, ATF, INS, Marshals Service--work together effectively. There is simply too much violent crime and too few resources to abide having federal agencies working at cross purposes. Rather than initiating separate task forces in the same community to target the same type of law enforcement concern, these agencies must work together.

3. **The Strengths of Each Law Enforcement Agency Must Be Emphasized**

- **State and Local Law Enforcement Strengths**

The strengths of local law enforcement agencies will, of course, vary from jurisdiction to jurisdiction. However, as a general matter, local law enforcement agencies are better equipped than federal agencies for the following functions: placement of a significant law enforcement presence throughout the community; quick response to particular acts of violent crime; processing and prosecution of a high volume of criminal cases emanating from reactive street crime arrests; and development of comprehensive intelligence concerning local criminals and criminal activity. The latter strength is crucial in targeting the gang violence problem.

- **Federal Law Enforcement Strengths**

Federal procedures, substantive laws, and support resources provide federal law enforcement agents and prosecutors with many important tools which are often not available to state or local investigative agencies. When used in exclusive federal investigations, these tools have relatively limited potential for impacting on violent crime. However, when used in concert with the strengths of local law enforcement agencies, they can have a substantial impact. A list of some of the federal strengths which should be maximized in creating a violent crime strategy follows:

- ▶ **Investigative procedures -- Title III electronic surveillance; investigative grand juries, which afford an opportunity to subpoena documents, "freeze" testimony, and examine witnesses with a reduced degree of interference from their counsel; and immunity.**

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► **Reach of federal resources and process** -- federal law enforcement agencies are not constrained by state or local jurisdictional boundaries; federal process is available throughout the entire nation.

► **Support resources** -- the Witness Protection Program; funds for undercover buys, informant payments, and rewards; and expert technical services.

► **Pretrial detention** -- this is a particularly critical tool in confronting gang violence.

► **Immigration laws** -- federal laws permitting the arrest and detention of illegal aliens can play a particularly valuable role in law enforcement actions relating to gangs which are comprised in part of illegal aliens, e.g., Jamaican Posses.

► **Substantive federal criminal statutes** -- federal statutes permit the effective targeting of criminal enterprises; additionally, a number of federal statutes carry mandatory minimum sentencing provisions which are invaluable in providing investigators and prosecutors leverage in eliciting the cooperation of members of criminal enterprises who have exposure under those statutes. For a brief discussion of some of the key federal statutes and a listing of pertinent narcotics and firearms statutes which provide for mandatory minimum prison sentences, see Attachment C.

► **Sentencing** -- under current federal sentencing law, defendants are required to serve approximately 85 percent of their prison sentence, in stark contrast to the situation in most states.

► **Asset forfeiture** -- this area of federal law has potentially valuable application to some of the better-established gangs.

4. The Strategy Must Include a Focus on Gang Violence

As discussed earlier in this memorandum, gangs have been the primary cause of the spiraling rate of violent crime during the past decade. Not only do gangs account for a very large number of violent crimes, but the wanton nature of their violence contributes substantially to the public perception that our society is not a safe one. Accordingly, no strategy can effectively address violent crime without focusing substantial attention on gangs.

Gangs represent a particularly difficult target for law enforcement, since they vary widely in structure and operation. An enforcement strategy which is successful against a particular set of Crips will likely not work against a Jamaican Posse and

may not even be effective against another set of Crips. Accordingly, it is particularly important that gang enforcement efforts draw on the combined resources of local and federal law enforcement. Local agencies generally possess street-level intelligence, and sometimes informants, critical to targeting a gang. In contrast, federal law enforcement usually has superior tools for targeting a gang's organizational structure and tracing any relevant migration pattern. See Attachment B.

Available information suggests that virtually all gangs finance their operations through the sale of drugs. As a result, their greatest point of vulnerability is often their narcotics dealing. Most gangs are not, however, major traffickers and do not come within guidelines set for Organized Crime Drug Enforcement Task Forces (OCDETF). Simply put, the primary problem posed by gangs is violence, not drug dealing. Nevertheless, federal drug prosecutions, with their potential for stringent sentences, often represent an effective initial means of disrupting gang activity or of gaining leverage against witnesses who can assist the government in targeting the gang's organizational structure.

5. The Strategy Must Be National in Scope

The day in which criminals remained within set jurisdictional boundaries has long passed. Although some violent criminals are not highly mobile, many are. This is particularly apparent in patterns of gang migration which, in some instances, include significant connections with foreign countries. Further, some gangs have shown a disposition to migrate to areas where they do not encounter concerted law enforcement resistance. In this context, a violent crime strategy cannot be fully effective unless it is applied systematically throughout the nation.

6. The Strategy Must Meet Local Needs

The success of the strategy in any particular jurisdiction will depend on the extent to which it is refined to meet specific community needs. This refinement must take into account local police capabilities and resources, as well as the nature of the local violent crime problem. There is no one formula that fits all jurisdictions. It would be unrealistic for law enforcement agents at the national level, who are unfamiliar with the problems of a particular jurisdiction and with the capabilities of its police agencies, to tailor a fully-effective violent crime strategy. See Attachment D. Finally, by tailoring the specific strategy at the local level, it is possible to involve state and local officials as full partners in the design of the strategy. This, in turn, serves to promote the spirit of intergovernmental cooperation which is necessary if the resulting strategy is to be implemented effectively.

E. DEVELOPMENT AND IMPLEMENTATION OF A NATIONAL VIOLENT CRIME STRATEGY

The material which follows proposes a framework for a national violent crime strategy and steps to be followed in implementing that strategy. As discussed above, the proposal is designed to fulfill the crime suppression component of an overall multi-disciplinary approach to the nation's violent crime problem. While the ultimate goal is for all components of the multi-disciplinary approach to function in a cooperative manner, the magnitude of the nation's violent crime problem mandates that initiation of the proposed crime suppression program not be delayed pending the further development of the other components.

1. Development of the Framework for a National Strategy

Based on our experience with violent crime enforcement and information gleaned during the past three years from meetings on violent crime with federal, state, and local law enforcement officials, the Criminal Division prepared a draft framework for a national violent crime strategy. Thereafter, meetings were held with appropriate representatives of the Attorney General's Advisory Committee of U.S. Attorneys (AGAC) and the primary federal investigative agencies involved in violent crime enforcement (FBI, DEA, INS, Marshals Service, and the Assistant Secretary for Enforcement of the Treasury Department) to obtain their input and to enlist their cooperation in this proposed violent crime initiative. Subsequently, we have held similar meetings with representatives of the National Association of Attorneys General (NAAG) and the National District Attorneys Association (NDAA).

2. Framework of the National Violent Crime Strategy

- United States Attorneys in each district will designate a senior Assistant United States Attorney to serve as their office's Violent Crime Coordinator.

- United States Attorneys in each district will meet with all pertinent federal, state, and local law enforcement agencies within their district for the purpose of forming a violent crime working group or identifying an existing group of like membership which is focusing on violent crime. If the district has a strong LECC which includes all pertinent agencies, the working group may be a subcommittee of the LECC.

- In support of the working group (or other appropriate group), the U.S. Attorney's Violent Crime Coordinator should undertake a survey that will identify issues within the district, including:

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- ▶ the most critical violent crime problems that are susceptible to a coordinated federal/state/local attack,
- ▶ the relative priority of these problems,
- ▶ the law enforcement programs and resources currently dedicated to the investigation and prosecution of these problems,
- ▶ the results achieved to date from these efforts, and
- ▶ any multi-district or multi-jurisdictional aspects of these problems.

• The information gleaned from the surveys conducted in every judicial district throughout the United States, together with all available statistical information, will be used by the Department to formulate the general parameters and goals of a national violent crime strategy which will place particular emphasis on multi-district, migrating violent crime problems. The proposed strategy will be developed by the Criminal Division, working with representatives of the United States Attorneys and the pertinent federal investigative agencies. It will also be coordinated with NAAG, NDAA, and IACP. The resulting strategy will be submitted to the Attorney General.

• Using the new or existing working group as a mechanism, each United States Attorney will work with the pertinent federal, state, and local law enforcement agencies within the district to develop, and reduce to writing, a district plan to implement the national strategy consistent with local needs and the available law enforcement resources. The plan should target the district's highest priority violent crime problems which are susceptible to a coordinated federal/state/local enforcement approach.

• The United States Attorney will assist law enforcement agencies within the district in developing the necessary operational task force(s) or other working group(s) to carry out the day-to-day investigations called for by the district plan. Where appropriate, existing task forces and other successful joint efforts between federal and local authorities should be preserved; in other instances, it may be appropriate for existing task forces to be combined, expanded, or redirected.

• The Criminal Division, in coordination with representatives of U.S. Attorneys, the pertinent federal investigative agencies, NAAG, NDAA, and IACP, will periodically review the results of efforts in all districts to assess what operational strategies are working and to propose refinements in the national initiative.

3. Announcement of the Initiative

The President, the Attorney General and the Treasury Secretary will make an announcement stressing the Administration's commitment to law enforcement efforts against violent crime and outlining this initiative to address the violent crime problem at the local level, through partnerships with local authorities.

4. Steps to Be Followed in Implementing the Initiative

Following the public announcement of this initiative, as discussed above, we suggest that the following steps be pursued to ensure that it is implemented in an orderly fashion. At the district level, the U.S. Attorney will be the federal official responsible for pursuing this program.

• District Level Violent Crime Surveys

Available statistical data does not provide a current picture of the violent crime problems which exist in each district. Further, a complete assessment requires qualitative input which can only come from human reporting and analysis. Accordingly, the surveys are intended to bridge the timeliness deficiencies of available statistics and to provide the requisite analytical input.

The scope of the suggested survey is detailed at Attachment E. In summary, the survey should seek to elicit information concerning all major violent crime problems in the district, with particular emphasis on criminal activity by gangs and other organized groups. It should ask that those problems be prioritized and that significant out-of-district factors impacting on the violent crime problem be delineated. The survey should also seek a description of the composition, focus, and achievements of all current task forces which focus on violent crime. Finally, we should seek input concerning any enforcement programs which have proved particularly successful in combating violent crime.

• Formulation of National Violent Crime Strategy

The results of each district survey will be reviewed by representatives of the Criminal Division, the AGAC, and the pertinent Federal investigative agencies. We are prepared to assume the responsibility for coordinating that effort. It will result in the development of a proposed national violent crime strategy. The strategy will delineate goals and then articulate general parameters to guide the more specific targeting and operational decisions of the local violent crime working groups throughout the nation. The strategy will be designed to address multidistrict violent crime problems and to create the climate

for more effective enforcement relating to all aspects of violent crime. It will not, however, seek to dictate to enforcement officials within a district or to instruct them on how they should address purely localized violent crime problems. The proposed strategy will then be provided to NDAA, NAAG, and IACP for comment. It will then be submitted to the Attorney General.

• **Refinement of the National Strategy into District Operations Plans**

The national violent crime strategy will be communicated to the United States Attorneys together with guidance concerning the refinement process. For example, for any districts which have reported the presence of gangs, we will suggest that the district be instructed to ensure that a component of its strategy includes a focus on gang violence. Using the violent crime working group as a mechanism, U.S. Attorneys will work with the pertinent federal, state, and local law enforcement agencies within the district to develop a district operations plan to implement the national strategy consistent with local needs and the available law enforcement resources. The resulting strategy should be reflected in operations plans which address not only the priorities of the strategy but the plans for fulfilling those priorities, including a delineation of the federal, state, and local enforcement agencies addressing each particular problem. The plan should also address any coordinative arrangements, including task forces, utilized to conduct the necessary investigative functions. A sample operations plan is contained at Attachment F.

U.S. Attorneys will be asked to submit their resulting operations plans to the Department for review. Their content should be of assistance to the Department in assessing the overall scope of the violent crime enforcement effort. However, the plans will not be used as a basis to have Washington-based officials second guess local priorities.

5. **Field Structure**

As discussed above, the violent crime working group, or other pertinent group, in each district will be convened by the U.S. Attorney together with his or her local counterparts. The working group will draw on the ideas of all major federal, state, and local law enforcement agencies in developing a district operations plan. In turn, the United States Attorney will assist law enforcement agencies within the district in developing the necessary operational task force(s) or other working group(s) to carry out the day-to-day investigations called for by the district plan. There is no intention to reinvent structures which already exist. Where appropriate, existing task forces or other successful joint efforts between federal and local authorities should be preserved. In other instances, it may be

appropriate for existing task forces to be combined, expanded, or redirected.

Wherever appropriate, investigations should be carried out jointly. Decisions concerning whether to pursue federal or local prosecution of specific cases should be made cooperatively, with full consideration given to cross-designation of prosecutors.

6. Headquarters Structure

At headquarters, the Criminal Division will provide support to the United States Attorneys and the resulting operational task forces. The Division will, as needed, resolve problems that arise and serve as a central point of communication between the field and headquarters. The Criminal Division will be joined in this effort by representatives of all pertinent federal investigative agencies and the AGAC. Those representatives should be available for consultation and should meet quarterly with the Criminal Division to assess progress and address any problems that might be perceived.

• Criminal Division Regional Desks

The Criminal Division will create regional desks which will fulfill the following coordinative functions with the task forces.

- ▶ They will review any reports submitted by the working groups, giving particular attention to interdistrict violent crime activity, including gang migration. This information will then be communicated to all pertinent districts. The objective of this effort, over time, will be to effectuate any needed regional coordination among districts concerning interdistrict or other law enforcement problems which they share in common.

- ▶ Successful enforcement strategies developed by particular working groups will be shared with other districts.

- ▶ Operational problems raised by U.S. Attorneys will be addressed. By utilizing the assigned headquarters representatives of the various involved agencies, the Division will seek to ensure that all operational problems stemming from inadequate coordination among the field components of the federal investigative agencies are resolved quickly and effectively.

• Additional Criminal Division Support Functions

- ▶ The Division will prepare training materials, such as a gang prosecution manual, for dissemination to the field and assist in the development of an annual training conference. The Criminal Division, for example, is prepared to provide field

prosecutors information concerning (1) techniques which have been used successfully in prosecuting gang cases (Attachment G) and (2) organizations which have developed gang data through their involvement in investigations (Attachment H).

- The Division will periodically evaluate the need to create any new violent crime data bases, e.g., a gang data base.

- The Division will draft and recommend legislation in the event that the efforts of the violent crime working groups establish the need for corrective legislation or a new legislative resource.

- In conjunction with the representatives of the federal investigative agencies and the AGAC, the Division will be in a position to prepare a report concerning the results achieved during the first year under this program and suggest pertinent modifications to the program's goals or operational procedures.

- **Criminal Division Response Teams**

Additionally, the Criminal Division will create a number of groups of prosecutors to serve as response teams which will be available, upon request from the U.S. Attorney, to assist in the targeting of investigations and, where needed, the prosecution of resulting cases. These teams will include prosecutors experienced in violent crime, narcotics, and enterprise-based prosecutions. These response teams could focus initially on the cities which have been selected by the Department for prototype multi-disciplinary programs.

F. AVAILABILITY OF FEDERAL RESOURCES

The crime bill that recently passed the Senate does include some potential funding for expanded violent crime enforcement efforts. However, current economic constraints suggest that it is entirely possible that no new budget appropriation will be available to support the federal role in a nationwide violent crime initiative. Accordingly, in undertaking the proposed initiative, we ought to be prepared to move forward notwithstanding the possible unavailability of new funds.

1. Investigative Resources

At the investigative level, the absence of new resources may not prove to be a significant hindrance, at least at the outset. In January 1992, the Department reprogrammed significant investigative resources to the violent crime area. Further, as discussed above, current federal violent crime efforts involve a multiplicity of overlapping task forces. Accordingly, the efficiencies derived from the elimination of that duplication

should have the effect of freeing substantial resources. Ultimately, however, if the nationwide violent crime strategy results in the integral involvement of federal investigators in violent crime enforcement efforts across the country, some shifting of additional resources to this endeavor could well prove necessary.

2. Prosecutorial Resources

The bulk of the prosecutions which would result from an integrated federal, state, local violent crime effort would likely be appropriate for local prosecution. However, to be fully effective, the violent crime enforcement initiative clearly must have a federal prosecution component, especially as relates to gang leaders and repeat violent criminals whose incapacitation under the state criminal justice system has proved insufficient. Indeed, in our meetings with FBI agents who are currently involved in gang task forces, they have continually stressed the need for one or more federal prosecutors to be assigned to such task forces on a full-time basis, just as federal prosecutors have historically been assigned to traditional organized crime investigations. In spite of the priority which U.S. Attorneys generally believe should be accorded to violent crime, most have not assigned prosecutors to assist gang task force efforts on a full time basis. This appears to result from the fact that, in contrast to the substantial reprogramming of investigative agents to the violent crime area, there has been no reprogramming of federal prosecutorial resources. Since the reprogramming of FBI agents was done at the expense of the FBI's counter-intelligence efforts, it did not result in any diminution of the case load of federal prosecutors. Accordingly, if there is to be the necessary federal prosecutorial component to a national violent crime initiative, it is imperative that the Department consider reallocating prosecutive resources. This Division is prepared to make the necessary hard choices to effect the necessary reallocation.

G. PROTOTYPE FEDERAL-STATE-LOCAL PLAN FOR TARGETING GANG VIOLENCE

Under the proposed national violent crime strategy, law enforcement authorities in the majority of districts would undertake the targeting of one or more gangs engaged in violent criminal activity. Accordingly, we are including a prototype plan to demonstrate how federal, state, and local law enforcement authorities could work cooperatively to attack gang violence effectively.

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1. Information Gathering

• Sources of Information

► Police officers engaged in street level gang violence suppression.

► Police records from all law enforcement organizations in the area and from federal agencies in that area.

► Federal, state, and local police agencies in Los Angeles, if the gang originated there.

• Types of Information to Be Elicited

► Structure--all available information from the area should be accumulated concerning the hierarchy and operational procedures of each targeted gang. For example, is there a strict chain-of-command which isolates the leadership from the bulk of the members or do the leaders regularly interrelate with the bulk of the gang members?

► Criminal activities--what is the range of criminal activities in which the gang is involved and how do they carry out these activities? For example, if the gang finances its operations through the sale of drugs, as virtually all gangs do, how are the sales made (retail level street sales, wholesale marketing, etc.) and what gang members are present at those transactions?

► Membership--this should include the fullest possible description of each gang member, his role in the gang, and his prior criminal history. The criminal history should include full information concerning all prior convictions to include all juvenile adjudications, all pending prosecutions, all ongoing investigations, any pertinent parole or probation information, and any pertinent INS information.

► Informants--police records should be examined closely for all informants or potential criminal informants among gang members and persons closely associated with gang members.

When a task force is created, there is a tendency to want to hit the streets quickly. However, if law enforcement targeting of a particular gang is to be fully effective, the information-gathering stage is critical. Accordingly, the investigators and agents involved should be warned that it may be necessary for them to spend weeks or even months in the information-gathering stage before the effort will move out to the streets.

2. Setting the Strategy

Using the information developed during the previous phase of the task force effort, task force members should meet with federal and local prosecutors to develop an investigative strategy. This should involve detailed consideration of the following factors.

- **Promising Avenues of Investigation--**This should consider the potential for approaches such as the following:

- ▶ Undercover narcotics buys, documented through video or audio tape, with arrests delayed until a substantial number of purchases have been made.

- ▶ Use of a wired informant. Consideration of this approach should not be limited to use of existing informants, if any, but should also include consideration of flipping and obtaining the cooperation of a gang member who may be vulnerable based on his having committed prior crimes for which evidence is available to support a prosecution.

- ▶ Title III electronic surveillance.

- ▶ Interjection of an undercover police officer. Although this is difficult to accomplish relating to most gangs, it should be at least considered.

- **Evaluating Available Statutory Tools--**This should involve consideration of all potential state and federal statutes and should recognize that the resulting prosecutions may not be exclusively local, state, or federal but rather may involve a mix. In considering federal versus local venue, comparisons should be made of:

- ▶ Pretrial detention laws.

- ▶ Sentences likely to be achieved in comparable local and federal prosecutions.

- ▶ State and federal narcotics offenses.

- ▶ State and federal firearms offenses.

- ▶ State and federal offenses targeting criminal enterprises.

- **Substantive Federal Offenses Meriting Particular Consideration--**In evaluating potential bases of prosecution, federal representatives should give special attention to the use of the following federal statutes which either carry potential

mandatory minimum sentences or provide for approaches which may not be available under state law:

- ▶ Firearms offenses
- ▶ Narcotics offenses
- ▶ Racketeer Influenced and Corrupt Organizations (RICO)
- ▶ Continuing Criminal Enterprise (CCE)
- ▶ Hobbs Act
- ▶ Interstate Travel in Aid of Racketeering (ITAR)
- ▶ Violent Crimes in Aid of Racketeering (VCAR)

3. Pursuing the Investigation

The resulting investigation should seek to maximize the strengths of the involved investigative agencies. For example, to the extent that technical support is needed for a Title III or audio or video surveillance, federal resources are probably best utilized. Further, if the strategy involves an effort to flip a vulnerable gang member, the federal Witness Protection Program may be an invaluable resource, since the prospective informant can be assured of relocation at a substantial distance from his former gang associates. If the strategy involves interjection of an undercover police officer, a local law enforcement agency may be best situated to provide a person with the requisite background and experience to handle the assignment. Further, if the strategy involves saturating a particular community with undercover officers who can engage in human surveillance, it will likely be appropriate to draw heavily on local resources.

4. Planning for Prosecutions

There should be a clear understanding at the time the investigative strategy is initiated which jurisdiction will prosecute particular types of resulting cases, and how those cases will be staffed. See Attachment G. Full consideration should be given to cross-designation of prosecutors. Additionally, experience has shown that it is important to give consideration to techniques such as the following:

- Close coordination with probation departments, corrections departments, and the court prior to large-scale arrests of gang members.
- In drug prosecutions, assembly line integration of law enforcement officers--one officer conducts debriefings, one

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functions as the evidence custodian, and one prepares all paperwork.

- Designation of particular prosecutors to handle cases in a vertical mode.
- Disclosure of all discovery at arraignment to minimize pretrial delays.

H. CONCLUSION

The nation's violent crime problem has been decades in the making. As a result, it is simply not susceptible to a "quick fix." However, the proposed violent crime initiative has the potential of serving as the first step toward more effectively addressing violent crime and, over time, significantly reducing the level of violence which plagues our society.

In pursuing such an initiative, it must be made clear to the involved law enforcement components that it is the Department's intention to stay the course. Violent crime task forces cannot be allowed to declare victory and effectively cease operation after obtaining a few headline accomplishments. Similarly, every effort should be made to energize task forces which do not initially achieve a measurable impact on their communities, so that they are not sapped of their vitality by the magnitude of the task that confronts them.

Attachments