

Police officers keep tabs on students

Campus cops look into home life

By Karina Bland
Staff writer

A police officer is always at Balsz School, not that there's *that* much trouble there.

Officer Kathy Ralph tracks down kids who are supposed to be in school but aren't and finds out why children who were fine yesterday show up bruised the next day.

Those are her official duties.

Unofficially, she tracks down an inhaler for a boy with asthma and drops a sick kindergartner at her baby-sitter's house after the mother, working downtown and unable to leave, suggested they put her in a cab.

Children flock to Ralph, hugging her around the waist, but mindful of the gun on her left hip.

"I get a lot of hugs," she said. "It's good for the soul."

Police officers are as much a part of schools these days as school nurses and math teachers.

Ralph is one of 47 officers in Phoenix schools, a daily reminder that school officials deal with more than just reading, writing and mathematics.

Three-fourths of the officers' salaries are paid by school districts, often with grants from the state's Safe Schools program. Phoenix pays the rest.

Schools with officers record 50 percent drops in crime. Maricopa County Attorney Rick Romley calls it "wildly successful."

At first, the children at Balsz were hesitant. The school is near 44th and Van Buren streets, and there, a police officer usually means trouble.

"All some of them have seen up until now is a police officer take Daddy away," Ralph said.

She's petite but looks tough enough in the blue uniform and black sunglasses, her long blond hair caught up in a ponytail.

Ralph's more protector than enforcer, talking gently to a girl wearing a wool hat on a warm November morning because her mother shaved her head.

"I heard you got a haircut," Ralph said. "Could I see it?"

The girl said her mother cut her hair because it was straggly. Then, because it had gum in it.

The child had no bruises. She was clean. It was just that hat and the note the mother left at the office, saying her daughter wasn't to take it off.

Ralph went to talk to the mother that afternoon, but cutting your own kid's hair isn't a crime. She'll keep watch.

"We feel safer with her here," said 13-year-old Mai-Esha Bell, an eighth-grader. "I thought I wouldn't like her, but she's cool."

The Wake-Up Club

Every Monday morning, a half dozen eighth-grade girls called the

Wake-Up Club meet with Ralph. They want to come up with ways to keep violence out of their school.

The problem is, it's something they've grown up with. They come from neighborhoods where kids have to stick up for themselves.

If they don't, they're taunted by other kids. Worse, the girls said, their parents get on them about it.

"My parents are going to say, 'Get her or else,'" one girl said.

"Can you believe their parents teach them that at home?" Ralph asked.

The 38-year-old lives in Gilbert with her three boys and husband, Dan, an FBI agent. She's been at Balsz for three years after patrolling south Phoenix.

Hugs ease the problems

The hugs Ralph gets make the rest of her day bearable.

One day, she sets up counseling for a boy whose mother's boyfriend shot himself in their house.

The next, she calls on a woman with six kids, two of whom are school age but aren't there much.

"This is truancy," Ralph tells her, explaining that a citation would carry a hefty fine. The young mother babbles excuses:

"He can't find his shoes. She can't find a shirt. They don't get up on time, and they miss the bus. I don't have a car so I can't take them, and I can't walk down the freeway with six kids."

This is Ralph's first visit, so she

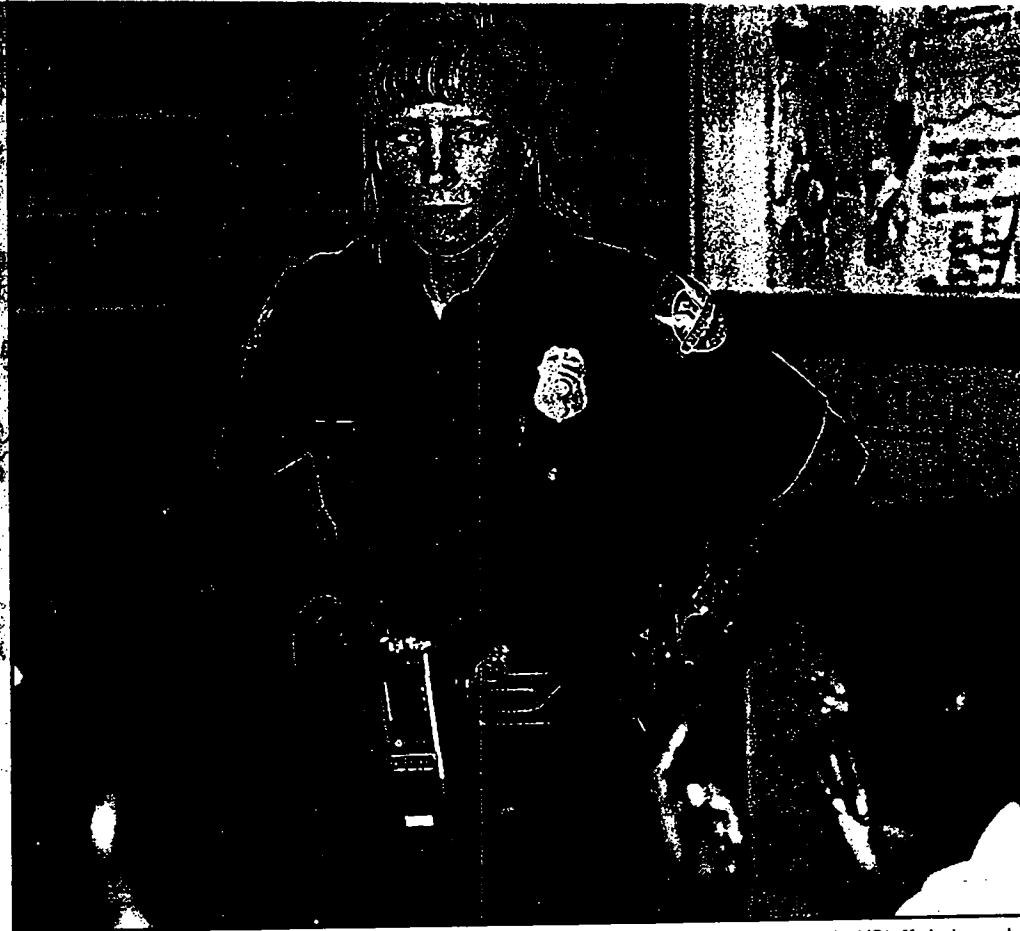
doesn't cite her. Instead, she offers tips on how she gets her own boys out of the house on time. Lay out their clothing the night before, Ralph said. She offers to get her an alarm clock.

"It really gets my goat. What are they teaching them? That it's OK to show up just when they feel like it," Ralph said. "They're teaching them habits that they'll keep the rest of their lives."

Ralph goes to parent-teacher meetings, school plays and after-school dances, even bopping onto the dance floor.

"Many kids these days have no hope. They've been in this neighborhood forever. They think this is all there is," Ralph said. "They have so much potential. They could do anything they want with the proper tools and education."

Helping students at Balsz School resolve their differences is Officer Kathy Ralph's job. Unofficially, she'll pinch hit by giving rides and finding medical supplies. The students' hugs help smooth her day, she says.



Charles Krejcsi/Staff photographer

talk to students and not at them," she says.

— Abel Parra
Metro Tech

"Horizon also has security guards, called narcs by students, who monitor the school to catch ditching students and stop fights that break out."

— Sarah Elezian,
Horizon High

"There is not a lot of violence at Gilbert right now, but I think there is the opportunity for a great deal of violence. I think it is very important that Gilbert take some precautions now before it is too late."

— Christopher Barney,
Gilbert High

"My school is a controlled and fairly safe place for students. The problem of violence is one that the administration has been working on controlling and they appear to be successful."

— Amanda Wesolowski,
Goldwater High

"There is the occasional fight, a few that are large enough to actually get noticed, but nothing serious."

— Erica Westenberg,
Greenway High

16 USE DRUG TESTS TO REDUCE DEMAND FOR NARCOTICS

by James Q. Wilson

Many of our worst drug abusers --who spin destruction across society through their habits--are already under the supervision of the criminal justice system because they are on probation or parole. By drug-testing these individuals frequently and punishing them for use, we can take a big bite out of total drug demand.

There is no doubt that drugs, especially crack cocaine, contribute to crime. What divides experts is why. For some, drugs cause crime because they are illegal: people steal in order to afford their fix, or shoot rivals in order to control illegal markets. For others, drugs cause crime because they alter the subjective state of drug users: drug abuse makes people unfit for regular employment and unable to manage their own lives. Whichever view one takes, crime would be less if the demand for drugs were less.

There is some reason to think that drug demand has in fact declined from 1980s peaks, but this drop is confined almost entirely to light or casual users. For cocaine at least, the number of regular users and the amounts they consume have increased dramatically. As a result, the cocaine problem is as bad today as it was 10 years ago in terms of total consumption, and far worse in terms of its concentration among heavy users.

Efforts to reduce drug demand by choking off supplies so that prices rise have had little if any effect. The price of cocaine has been declining and its purity has remained high. Given the vast resources pumped into supply reduction, this seems puzzling, but it can be explained by the economics of drug production.

Experts at the RAND Corporation estimate that the price of cocaine in transit to the United States is \$17,000 per kilo, but on U.S. streets that same kilo is worth

Urine tests in jails show that a majority of newly admitted inmates were using drugs within a day or two preceding their confinement. In the course of a year or two, a large fraction of the heavy crack users in this country fall under the supervision of the criminal justice system.

\$129,000. That enormous spread means that even if authorities manage to seize 1 out of every 10 kilos shipped (which seems to be about as much as can be hoped for) the street price on the supplies that get through need only be raised by 1.5 percent to make up for the lost shipment.

This has led most experts to conclude that it is more cost effective to invest in treatment programs—if they work. They do work for people who remain in them. The trouble is that many users, especially young ones, are not really seeking a permanent break from the drug. Increased emphasis on treatment will reduce drug demand among heavy users only if more of them become motivated to end their abuse.

One way to make them as motivated is coercion. This is neither as organizationally difficult nor as constitutionally dangerous as one might suspect—if we take advantage of the fact that cocaine use has become concentrated among a relatively small population.

Urine tests in jails show that a majority of newly admitted inmates were using drugs within a day or two preceding their confinement. In the course of a year or two, a large fraction of the heavy crack users in this country fall under the supervision of the criminal justice system. For this reason, prison-based drug treatment programs should be expanded. But they have two limits: First, without community-based follow-up, the relapse rate is likely to be high. Second, three-quarters of all supervised offenders are on the streets on probation or parole, not in prison.

Several experts, notably Mark Kleiman, Eric Wish, and Robert DuPont, have proposed making probationers and parolees subject to frequent, random drug tests, with modest but increasingly severe sanctions if they fail the test. Given the short time horizon of drug users, "frequent" would mean several times a week and the sanctions (a night or two in jail, a week on an arduous work crew) would have to be promptly imposed.

Because we would be testing persons already under the supervision of the criminal justice system, the civil liberties problem would be much reduced. Probationers and parolees are not subject to the full protection of the constitutional bar on unreasonable searches, and, in some states, have waived such protection as a condition of their release.

We know from studies that coerced participation can improve the chances of successful treatment. Kleiman estimates that the cost of the testing would be about \$2,500 per person per year. There would be additional costs for sanctions, but these could be relatively low if punishments were mild but swiftly applied. All of these outlays would be partially offset by a reduction in drug-caused crime and the attendant investigatory and imprisonment costs.

Such a program has been tried on a pilot basis, but never in a large jurisdiction for an extended period. In order for this to be done, probation, parole, and police officers would need to become aggressive about identifying and testing drug-abusing convicts, judges would need to respond crisply to those who failed the tests, and correctional authorities would need to create a graduated set of sanctions.



*Dennis
dub this out
PW*

December 1995

On the Issues

Reforming Criminal Trials

By James Q. Wilson

Americans believe their rights are best protected when they are tried by a jury of their peers. Here are four reforms that would make criminal trials simpler and less adversarial, while guaranteeing all citizens ready access to all of their constitutional protections.

Many Americans have lost confidence in the way our criminal courts assess guilt and innocence. Whatever one thinks of the verdicts, the recent trials of O.J. Simpson, Erik and Lyle Menendez, and various defendants in preschool molestation cases have been lengthy, lawyer-dominated soap operas in which the search for truth has been subordinated to the manipulation of procedures. If you doubt this, read the devastating critique of our courts by University of California Law School Professor Gordon Van Kessel in the *Notre Dame Law Review* (1992).

Matters need not be this way. In England trials are shorter and the atmosphere is less combative. Much less time is consumed hearing objections and ruling on motions. Since the criminal courts of England and the United States share a common origin, understanding the reasons they came to differ may help us find ways of improving our system without reducing the protections it affords to personal liberty.

James Q. Wilson is professor of management and public policy at the University of California at Los Angeles and chairman of AEI's Council of Academic Advisers. Among his many books are *Thinking About Crime* (Basic Books, 1983) and, with Richard J. Herrnstein, *Crime and Human Nature* (Simon and Schuster, 1985). This article appeared in the *Wall Street Journal* on November 20, 1995.

The English Way

One reason is obvious: We have a written constitution and a judiciary empowered to interpret it; England does not. American appellate courts have used their power to proliferate procedural rules; English courts (so far) have not. Important as this difference is, it is not the whole story.

English judges have retained control over their courtrooms; many American judges have lost it. English judges select the jury and often question witnesses and summarize and evaluate the evidence for the jury. American judges typically let the lawyers choose the jurors and do all of the talking.

In England there is a shared culture that shapes the behavior of criminal attorneys. That culture may depend to some degree on the fact that the barristers wear wigs and robes and sit apart from the accused, but it probably depends even more on the fact that the criminal and defense bars are, in large measure, in private hands. Barristers who prosecute a case before a jury are drawn from the same legal offices ("chambers" in English parlance) as barristers who defend a case. A barrister may prosecute one case and defend the next. Under these circumstances, neither side has an incentive to make the other out to be villains or to press

every advantage as ruthlessly as possible.

In this country, a high-profile case provides an opportunity for full-time prosecutors and full-time defense lawyers to engage in mortal combat by pressing every advantage, raising every objection, and finding every loophole. The rewards can be great—votes, money, prestige, and book contracts. Many judges let them do this because they are a product of the same system (they were once lawyers for the prosecution or defense) and because they fear being reversed on appeal if they dismiss an objection as without merit.

Groups in California and elsewhere are now considering proposals to change the system. They will be tempted to do what is politically easy rather than what is potentially useful. There may be an effort to authorize nonunanimous jury verdicts in noncapital cases or to ban television from the courtroom. The first change will have no effect on courtroom theatrics; the latter may have an effect, but it will be a marginal one. Let me suggest four changes that might help:

1. Have the judges select the juries without any participation by the lawyers except for a right to exercise challenges for cause. In 1990 California took a step in that direction by requiring the judge to conduct the voir dire, but a huge loophole was left: The court may, for "good cause," permit lawyers to "supplement the examination by such further inquiry as it deems proper" and to submit to prospective jurors "additional questions." The result was the notorious 73-page questionnaire to prospective Simpson jurors. The purpose of that questionnaire was not simply to eliminate obviously incompetent or patently biased people but to enable the lawyers to shape their strategy to appeal to the subjective state and personal inclinations of the jurors. Put an end to all attorney involvement, and thus an end to jury consultants and mock juries (lawyer-created focus groups) on which arguments are tried to assess their persuasive power. In federal courts the judges already do this, and so jury selection is both faster and fairer.

2. Authorize and direct the judge to take charge of the trial by, when he or she deems it appropriate, calling witnesses, questioning witnesses called by the lawyers, relegating lengthy motions to nighttime or weekend hearings, and summarizing and commenting on the evidence

when the case is given to the jury for deliberation. Federal rules already permit a more active judicial role, but appellate courts have discouraged judges from playing that role. Most states forbid judges from commenting on the evidence. Changing those laws would not make the process less adversarial—the lawyers could still deliver their summations—but it might make the presentation of the evidence more intelligible.

3. Allow witnesses to give their initial testimony in narrative form. Because of an excessive preoccupation with not "leading" the witness and not allowing hearsay testimony, a simple statement—by the arresting officer, the crime scene technician, the neighbor, or the limousine driver—is now heard by the jury at great length, over several days, broken up by unnecessary questions ("Now, did there come a time when you heard a dog bark?") and constant objections. Each witness would still be subject to cross-examination, and the difference between what he heard and saw and what he presumed or inferred would be made clear.

4. Experiment in a few jurisdictions with the use of a nonspecialized private bar to try cases on behalf of both the people and the defendant. Let the state hire Johnnie Cochran and the defense hire Marcia Clark. Doing this not only would help create a shared culture among the participants, but would reduce the extent to which wealthy defendants could hire attorneys not available to the average person.

Simpler, Cheaper, Less Combative

Some appellate courts may object to these suggestions on the ground that they would weaken the adversarial quality of our criminal trials. Such courts should remember, however, that the multiplication of procedural rules has created a system in which only a wealthy few have ready access to all of our constitutional guarantees, and that access is acquired at the price of public disgust with the process. Almost everybody else settles for a negotiated plea behind closed doors.

If we think our rights are best protected when we are tried by a jury of our peers, we should try to find ways of having more—and simpler, and cheaper, and less combative—trials before juries who are in truth a cross-section of our community.

REPUBLICAN RECORD ON DRUGS

The evidence is overwhelming that the issue of drugs is not a priority of the Republican Leadership in Congress.

While not doing one thing on drugs during the first year of this Congress, Bob Dole and Newt Gingrich have now formed -- in mid-December -- the partisan Task Force on National Drug Policy, which consists solely of Republican Members of Congress. So, after a year in power, the Republican Leadership has decided that they need a task force on drugs so that they can now "study" the issue of drugs in a partisan fashion.

Drugs is an issue that the Republicans have not bothered to devote one ounce of time or any resources to:

- The "Contract on America" says nothing about "drugs."
- Bob Dole has made no effort this Congress to advance any bill dealing with crime or drugs.
- Last year's Crime Bill included two national commissions to examine the issue of crime and drugs -- The National Commission to Support Law Enforcement and the National Commission on Crime Prevention and Control. Both commissions require bipartisan participation of law enforcement, academia, and experts in drugs and violence. Between the 2 commissions, Bob Dole has the authority to appoint 12 members. To date, over one year after the signing of the Crime Bill, Bob Dole has yet to appoint one person to either commission.

The National Commission on Crime Prevention and Control is required to have task forces to study particular issues -- one of the issues is drugs.

- Senator Grassley already chairs the Senate International Narcotics Control Caucus and Senator D'Amato is a member; number of hearings held this Congress by the Caucus -- Zero.
- While at the same time Republican Members of Congress are spending funds to create Congressional partisan task forces to "study" the issue of drugs, they are sending a bill to the President -- which he will veto -- that cuts Federal law enforcement task forces (OCEDTF) of FBI, DEA, and Treasury agents who are busting drug traffickers. This bill also cuts DEA, FBI, U.S. Marshals, drug prosecutors, Bureau of Prisons and other drug fighting resources.

What task force would the American public rather have to fight drugs -- one made up of Al D'Amato and Bill Zeliff or one made up of DEA and FBI agents?

November 3, 1995

Bruce Reed
Rahm Emanuel
Paul Weinstein
Dennis Burke

Crime\Law Enforcement initiatives:

1. Gun detectors for concealed weapons

What is the status of that at Justice? COPS Office and NIJ funded 3 research grants to develop this technology recently.

Dennis -- Check where the cop groups are on the State concealed weapons laws?

Answer: Rep. Cunningham (R-Ca) has a bill that would permit retired police officers to carry concealed weapons. NAPO passed a resolution to endorse bill if their amendments are accepted. W/ regards to state laws for civilians carrying concealed weapons, cops are split over this issue.

2. Enhanced search & seizure authority for police officers -- James Q. Wilson proposal.

3. Banning felons from buying bullet proof vests

Does Schumer have a bill on this?

4. Cops in schools?

How much would it cost to put a cop in every school in America?

What programs could we scrap to get funding for these programs?

Has Secretary Riley already done a paper on this?

Bratton bragged about his youth academies -- where are those?

Cops ROTC

5. Public Housing -- what can we do?

How does HUD work, what do they have going right now?

Do they screen people for criminal records?

Bruce is going to call Cisneros on this one.

Rahm ---We are funding a program in St. Louis in which parent gives waiver to have kid searched. Fox Butterfield is going to write about this.

6. What can we do with bad kids? What initiatives?

Rahm -- check to see about RICO for gangs; can we order AG?

Bruce -- check what James Q. Wilson wanted to do w/ this?

Dennis -- check on DoJ's proposal -- dragging kids into Fed court.

Rahm -- get the AG to do a high profile Kids & Gun case

7. AG road stuff

Rahm -- she needs to be a crimefighter; crime bill has passed, now we are doing big busts under our new authority.

8. Lawyers -- supporting the criminal justice system

Bruce -- President would challenge them to help out the criminal justice system. President -- "Too many lawyers in this country have forgotten their oath. I want every lawyer in America to recognize that the criminal justice system is broken; stop feathering your own nest and help out society." Urge lawyers to assist Fed, county and state prosecutors in a pro bono fashion. Challenge lawyers to start bringing civil cases pro bono.

VAWA element to this -- urge lawyers to bring VAWA civil rights cases pro bono.

9. "Stop the Revolving Door Act" and "Swift and Certain Justice Act"

President has delivered on the first half of his promise to the American people to improve safety in America with his 100,000 new police officer pledge. Now, he intends to conclude his work by reforming the criminal justice systems in this country. What's the point in arresting someone if he never goes to trial.

1) "Stop the Revolving Door Act" -- includes the President's Universal Criminal Justice Drug Testing Program. Since the campaign, the President has announced that we need to reduce the number of hard core addicts in this country -- for they are the ones who keep committing the crimes. This Act would provide universal drug testing and coerced abstinence from the moment an individual enters the Federal criminal justice system to the moment s/he receives unconditional release status. State prison funding money contingent upon a drug testing plan for pre and post conviction. Byrne money would require a state plan for drug testing.

2) "Swift and Certain Justice Act" -- would not provide _____ funding unless the state adopted a speedy trial act. Other options -- drug courts, gun courts, violent crime courts. The bill would also provide bail reform and expanded rights for victims.

10. Restoration of Rights -- under 1986 NRA-backed legislation, States can expunge an offender's prior felony and restore his firearm rights. The result -- Federal prosecutors can not prosecute the offender under a "felony in possession" statute because the felony has been expunged. The offender serves less time. Has this happened? Yes, e.g. in Montana with a few militia-types. Our bill would repeal this ill-considered and sentence-reducing policy.

11. Crop eradication program -- President notes that only marijuana use is going up among adolescents; this is a domestic crop. comments that he wants to double the budget of this DEA program in FY 97 budget.

12. Find prevention program worth fighting for.

CRIME

- Certain targeted - people programs work the best

① Wilson - Terry - Search

② KC program

③ Gun detectors research

Some of our new drug courts may be able to achieve these things. But the task would not be easy, as it would require our criminal justice system to succeed at some things it has generally not been good at.

James Q. Wilson is James A. Collins Professor of Management at UCLA, and chairman of AEI's Council of Academic Advisers.

17 CONTROL, TRACK, AND LOCK UP SEX PREDATORS

by Marc Klaas

Violent sex criminals cannot be cured. They will prey on innocent people, especially children, repeatedly throughout their lives unless they are tightly controlled. Sex predators ought to undergo behavior modification therapy, they ought to be tracked closely and revealed to their neighbors, and many of them ought to be locked up for long sentences.

Did you know that offenders who continue to perpetrate sexual assaults against children commit an average of 380 molestations in their lifetime? In 1986, one out of eight violent offenders in state prisons were serving time for victimizing a child. This totals 40,000 young victims. Did you know that the rape rate of girls under 17 is four times the adult rate? Did you know that in California there are 65,000 registered sex felons, and only one out of every five arrests for child molestation results in a conviction? Every child in America is at risk from sexual assault.

The typical child molester tends to be a mild-mannered, friendly person who seeks employment that gives him access to children. Ashley Estell was abducted, molested, and murdered while attending her brother's soccer match in Plano, Texas in 1993. Videotape confiscated as evidence identified three pedophiles in attendance, including the referee.

Forensic research units at state hospitals throughout the United States have

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more about
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rape is about sex.
Violent crime
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It is an act
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had sex offender rehabilitation programs for years. According to Dr. Chris Hatcher, a clinical psychologist at the University of California, San Francisco, professionals can expect to gain only slight control over the impulses that drive sex felons. Efforts to cure child molesters do not work—because they are driven by compulsions, like alcoholism, that have never proven curable. If any degree of suppression is to be achieved, long-term treatment, behavior modification, and drug therapies are necessary.

Legislative solutions are necessary to protect society from recidivist sex felons. States that adopt sex offender registration laws that notify communities and monitor sex offenders released back into society send a clear message. "We are not going to take it anymore. Deviant behavior will not be tolerated in our jurisdiction." Because of the transient nature of sexual offenders, the information collected in these databases must be made available to law enforcement officials throughout the country.

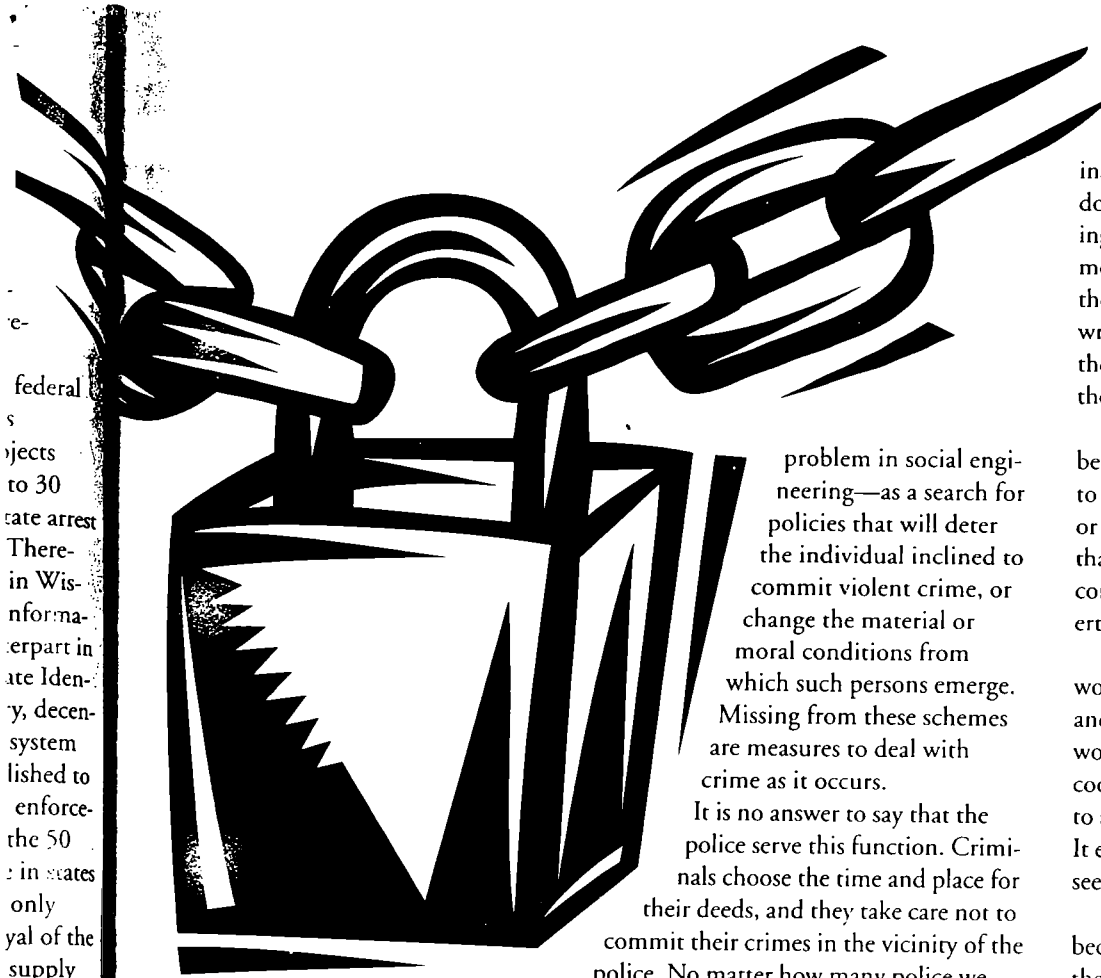
The aim of sex offender registration laws that include community notification is fourfold: to assist law enforcement investigations; to establish legal grounds to hold known offenders found in suspicious circumstances; to deter offenders from committing new offenses; and to offer citizens information so they can protect

themselves. To allay fears of retribution, California's statute has a felony enhancement of five years in prison for anyone who uses public notification information to persecute a released offender.

The FBI estimates that of all federal and state arrest fingerprint cards processed, two-thirds of the subjects have prior arrests. Of those, 25 to 30 percent have both federal and state arrest records in more than one state. Therefore, a law enforcement official in Wisconsin ought to have the same information that's available to his counterpart in California. In 1984, the Interstate Identification Index (III), a voluntary, decentralized national recordkeeping system for criminal histories, was established to make rap sheets available to law enforcement at the patrol car level. Of the 50 million criminal sheets available in states today, the III database contains only about 20.5 million. It is a betrayal of the public trust that 21 states don't supply the III with the criminal backgrounds of paroled violent and sexual felons. This should be remedied.

Meanwhile, the deterrence value of prison for sex offenders is pitiful in most places. Habitual offenders, including child molesters, serve an average of just 37 percent of their sentence behind bars. Victims of sexual assault spend years recovering from the horror of molestation, yet the average rapist is in jail for only three years, and the average child molester serves only 2 1/4 years in prison. Citizens everywhere must demand truth-in-sentencing laws based on the federal standard of 85 percent of sentence served as a minimum. Every day a child molester is behind bars is a day he cannot victimize an innocent youngster. By focusing our incarceration efforts on truth-in-sentencing with sentence enhancements for repeat crimes, we can save the lives of countless children. The person accused of murdering my daughter Polly Klaas has a violent criminal history dating back over 20 years. Yet he served less than half of a 16-year prison term for the assault and robbery of his second kidnap victim. Less than three months later, Polly was dead.

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We are waging a war for our children's security. The public must insist that legislators at all levels support laws necessary to protect the young. In the process of creating a safe future for our children we will create a safe nation for all innocent citizens.

Marc Klaas is co-founder of the Marc Klaas Foundation for Children in Santa Rosa, California, which can be reached at (800) 685-1321

18 FIGHT BACK. PERSONALLY.

by Jeffrey R. Snyder

Defense of your self, your family, and your property is not somebody else's responsibility. Every citizen should be personally prepared to resist maraudings—which are a kind of enslavement—else the moral sanctions against criminal behavior fade away.

The question of what to do about violent crime is often addressed strictly as a

problem in social engineering—as a search for policies that will deter the individual inclined to commit violent crime, or change the material or moral conditions from which such persons emerge. Missing from these schemes are measures to deal with crime as it occurs.

It is no answer to say that the police serve this function. Criminals choose the time and place for their deeds, and they take care not to commit their crimes in the vicinity of the police. No matter how many police we place on city streets, they simply will not often be there when they are needed.

There is, however, one person who is always at the scene of the crime and able to do something about it then and there—the intended victim. Amazingly, our policy discussions about crime never ask whether the intended victim has a duty to himself, his family, and his community to defend himself, and stop the criminal before he preys upon others.

The fact that both liberal and conservative crime policies studiously avoid the remedy of self-help reflects our desire for government to “solve” the problem institutionally, without our participation. Indeed, law enforcement and the media typically counsel us that when confronted by violence or the threat of violence we should simply hand over the goods and accede to the criminal's demands. Let the state deal with the villains.

The problem of rampant crime, though, can't be addressed without discussing the moral responsibility of intended victims. The notion that citizens ought to leave crime to be dealt with by the state, and ought not resist personally, amounts to a monstrous collaboration with immoral conduct. Why should crim-

inals respect our lives or our liberty if we do not ourselves hold them worth fighting for? If criminals are not met with immediate outraged resistance, why should they believe that what they are doing is wrong? Because laws make it so? Then their offense is solely against the state, not the person of the victim.

To say that victims should cooperate because no wallet or car is worth a life is to rationalize moral cowardice. Robbery or carjacking are no more about property than rape is about sex. Violent crime commandeers the victim's person and liberty. It is an act of enslavement.

Your wallet or your car may not be worth your life, it is true, but your liberty and dignity are. If those things are not worth fighting for, they do not exist. To cooperate in order to preserve your life is to affirm that you may be ruled by force. It encourages the very predation we all seek to avoid.

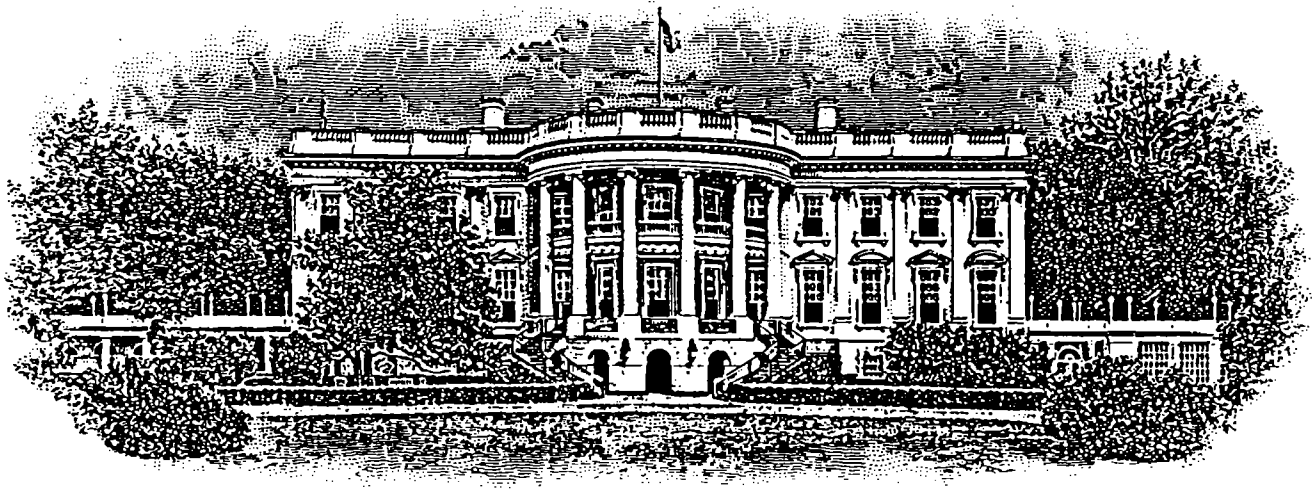
Violent crime flourishes in good part because each of us refuses to condemn the violent criminal with our deeds at the precise moment when that condemnation is required, believing instead that laws will “communicate”—and are sufficient to enforce—values we are unwilling to battle for ourselves. We marvel that crimes that 30 years ago were unthinkable have become commonplace, never seeing that the increased depravity of criminals mirrors our own refusal to act upon moral judgment.

Let the social engineers do their best. Perhaps their reforms can save us, without our participation. More likely, violent crime will continue to flourish and criminals will grow bolder, for the streets of America are currently a moral vacuum where each person believes his safety is someone else's responsibility. Criminals will hold the upper hand until we learn, and teach, that fighting crime is everyone's responsibility. Dignity and liberty require no less.

Jeffrey R. Snyder, an attorney working in Washington, D.C., publishes a quarterly journal entitled Arms, Law & Society.



The White House



DOMESTIC POLICY

FACSIMILE TRANSMISSION COVER SHEET

TO: Cynthia

FAX NUMBER: 616-5899

TELEPHONE NUMBER: _____

FROM: DB

TELEPHONE NUMBER: _____

PAGES (INCLUDING COVER): _____

COMMENTS: _____

November 30, 1995

Meeting :

Bruce Reed, Rahm Emanuel, Dennis Burke, Elena Kagen, Andy Fois, Kent Markus,
Bert Brandenburg, Grace Mastalli

General themes to pursue in coming year:

- 1) Youth Violence
- 2) Drugs
- 3) Criminal Justice Reform
- 4) Technology advances in criminal justice

Youth Violence \ Gangs

the President make a declaration of War Against Gangs?

Call in all the United States Attorneys to a "Call to Action" from the President

Rahm -- nothing is as good as action; we should continue to fight for the Crime Bill and new legislation but now is also the time to start prosecuting under the Crime Bill and showing results through indictments and convictions.

What about banning gang members from public housing?

COPS Office initiating a Gang program?

What about a definition of "gang?"

Fois -- we tried this before but it gotten water-downed in the Crime Bill

Kagen -- it would have to be very carefully drawn -- could be problematic.

What about a "Most Wanted List" for Gangs? Model it on the FBI list and have President announce it.

Justice is close to finishing up legislation that would enhance Fed prosecutors authority to seek adult prosecution of youth.

Police Youth Academies -- Bratton has application for funding before the Justice Department. Have to distinguish it from Police Corps.

Drugs

Rahm --- many studies that drug use goes up as media coverage goes down -- we need to capitalize on this and go after the media.

Bruce -- what about urging professional sports to adopt a "zero tolerance" program for their athletes? If you use drugs, your career is over. Or mandatory community service?

Ministers --- Rahm -- look at the "adopt a drug abuser" program that Fr. Clements created.

School Uniforms

-- making public school students wear uniforms. In Long Beach, California, it has cut down on disturbances, crime, lead to higher grades, etc. . ACLU has filed suit against the school on behalf of several students.

Reno should meet with Superintendent of this school system and let him know that we are going to stand behind him when this goes to court and will intervene when we can.

Drug testing kids?

In December, Director Brown is speaking to a High School Coaches group -- he is going to advocate that all schools administer drug testing of athletes.

Kagen -- you could probably expand the reasoning behind the Supreme Court case on High School Athlete drug testing beyond athletes.

What about locker searches?

The Supreme Court has ruled on this before but needs further study.

Criminal Justice Reform

Money to give to States for Criminal Justice reform is tight.

In the alternative, expose how States are behind the Federal system on several procedures that would provide swifter and more certain justice.

National Standards -- Show how much jail time, etc. (quantify the difference) is lost by the States not adopting Federal procedures. Once we have that, President would challenge States to improve their criminal justice systems. If States adopt these 4 or more changes, then they will help stop the revolving door a greater % of criminals will serve time for a greater % of time. This lets President take on States and give a vision speech.

Attorney General Barr did some compilation of these laws that we could use.

Where are States on victim standards? Fed system is very pro-victim.

Bruce -- Every victim deserves a lawyer.

Other

Felon prohibition on wearing bullet proof vests should be a penalty enhancement and not a registration system.

Initiatives to pursue from meeting:

Youth Violence

1. Youth Violence Action Plan (Justice Dept. already wrote, ready to release)
2. Federal Prosecution of juveniles as adults (already drafted).
3. Youth Police Academies (Bratton has funding request before DoJ, now)
4. Challenge to States
5. President declares war on gangs, similar to Bobby Kennedy on mafia.
COPS GANGS program as part of it.
6. Indictments --heightened what we can do w/ current laws -- action.
7. Ban gang members from public housing
8. FBI Most Wanted List of gangs
9. High School Locker Searches
10. School Uniforms
11. Drug Testing in Schools

Drugs

1. Drug Testing (ready to announce)
2. Media (President goes after media for not reporting drugs).
3. Professional Sports - Zero Tolerance program
4. Ministers -- Adopt a drug abuser program
5. Challenge to high school coaches (Brown is giving speech to them)

Criminal Justice Reform

1. Challenge States to adopt "Swift and Certain Justice" programs
National Standards
2. Every Victim has a right to a lawyer
3. Victims -- where are the States on protecting them.

CRIME SOLUTIONS



18 things we can now do to fight back

1 RESCUE THE YOUNG FROM BARBARISM

by John J. DiIulio, Jr.

Unparented children are growing into remorseless psychopaths in swelling numbers, posing grave danger to the public. Severely neglected and abused youngsters must be pulled from derelict mothers and fathers and given a chance in a new setting.

Listen closely. That ticking sound you hear off in the distance is America's crime bomb. The device is wired by irreversible demographic trends. The bomb is set to

explode in the year 2000 when there will be about 500,000 more 14- to 17-year-old males in the population than there are today. The blast will level what is left of order and civility on predominantly black and Latino inner-city streets, shatter windows in downwardly mobile white, working-class urban enclaves, and be felt in up-scale city neighborhoods, burglar-alarmed suburbs, and rent-a-cop rich business districts. Worst of all, the coming crime explosion will be especially violent—because the next wave of young street criminals, black, white, and Latino, will be especially vicious.

Crime rates among adolescents and young adults have mushroomed over the last two decades, among blacks in particular. We know a little bit about where these teenage predators are coming from. Most come from broken families. Over half of all kids in long-term state juvenile institutions have one or more immediate family members (father, mother, sibling) who have been incarcerated. An estimated 75 percent of the most violent incarcerated juveniles are boys who have been abused by a family member. The same fraction have witnessed extreme violence (murder, rape, assault) before they did violence themselves. Some 825,000 kids under age 18 today have one or both parents in prison.

Veteran cops, prosecutors, and others close to this problem note that the level of remorseless, murderous violence committed by young kids on inner-city streets today was "unthinkable" only a decade ago. I read and hear the same from prisoners. In a forthcoming book entitled *From Behind the Wall*, Mansfield Frazier—a man who has been arrested 15

times on felony charges and convicted five times—writes of "the coming menace" of a cadre of inner-city criminals who "promise to be monsters.... Never before in history have so many children been so neglected and brutalized."

He is right. A few months ago I spoke to a group of long- and life-term prisoners at a big maximum-security state prison. Most of them were black, under age 40, and convicted of multiple violent crimes, including murder. These men had ruled the mean streets of Newark and Camden in the 1970s and early '80s. Now all of them were working in a special program that brings kids who have had run-ins with the law into the prison for an "is-this-your-future?" taste of institutional life. "What," I asked, "explains the increase in murderous youth violence in your old neighborhoods and places like them?"

Few prisoners dwelled on poverty, joblessness, or other conventional "root causes." Not one argued that kids become criminally depraved mainly because they are economically deprived. Most argued instead that, in the words of one prisoner, "the kids coming to prison now are totally lost. Crack killed everybody's mama." "They don't listen to nothing or nobody, they got no respect, no fear," added another, cautioning that "sending in the blond [white social service workers] ain't what it's about." "I was a bad ass street gladiator," one prisoner reflected, "but [the kids in my neighborhood today] are stone-cold predators."

The thickening ranks of stone-cold predators consists mainly of inner-city black males who reach physical maturity without knowing either the loving touch

of a mother, aunt, sister, or grandmother, or the disciplining hand of a father, brother, male neighbor, teacher, or sports coach. The "role models" that are meaningful in their isolated lives are millionaire "gangsta rappers" who practice instant material and sexual gratification and preach impulsive violence against anyone who disrespects them in any way. Thanks to family meltdown, absolutely no one has imparted to these individuals the norms of civilized life—not even the basics of respect for peers and authorities, self-improvement, hard work, and other "middle-class" values. Most everyone in their lives taught them by example to be radically present-oriented and totally self-regarding.

Stone-cold predators can't easily be deterred by criminal penalties, because they attach almost no value to the future, their own or anyone else's. They can't be restrained much by stigma, the pangs of conscience, or the anguish of imprisonment, for they do not possess a normal range of human empathy or emotion. Nothing—not Head Start, and certainly not midnight basketball—is sufficient to divert them from their appointed criminal rounds. Morally and psychologically, they are anchored by no future, no past, no love, no hate, no grief, and no remorse. They are a new and deadlier breed of criminal than any ever seen before.

This must disturb us, but it should not shock or surprise. Aristotle warned thousands of years ago that "isolated from law and justice," humans are the worst of animals. People become good (loving, kind, responsible, law-abiding) only when they are "trained and habituated properly" and spend their time on "worthy pursuits under some form of right order—provided that this order has sufficient force." Because most people of whatever socioeconomic status are born to decent parents, most never become criminals. But allow communities to evolve where upwards of 75 percent of kids are born out of wedlock, where drug use is common, where the local economy is crime plus booze-to-go outlets, where state welfare policies frustrate family formation, and where quasi-familial influences (dedicated teachers, caring neighbors) have evaporated, and barbarism will not be far behind.

The first time a child is severely neglected or abused, he or she should be placed out of the home with all parental rights terminated.

We can try to cope with unsocialized predators by avoidance—changing where we live, work, shop, attend schools, vacation, and invest. We can demand truth-in-sentencing laws that take dangerous individuals age 16 or older out of circulation for many years. And we can channel police manpower on high-crime neighborhoods. But the only really effective strategy for crime control will be the one that keeps kids from becoming criminals in the first place. That means enveloping children in the care of adults who teach them right from wrong, provide loving discipline, and encourage respect for the dignity and humanity of others.

Rather than waiting until the third or fourth "contact" with social service bureaucrats or judges, the first time a child is severely neglected or abused he or she should be placed out of the home with all parental rights terminated. As urban ethnographer Mark Fleisher writes in his forthcoming book *Beggars and Thieves*, we must do more than just ask parents to stop beating their sons and daughters. We must permanently rescue youngsters from irresponsible parents who have severely abused or neglected them. Instead of accepting their near-certain future as criminals, we should redirect them into orphanages, group homes, or boarding schools.

What I have in mind for inner cities are private, church-centered, residential institutions led, run, and staffed by black men and women drawn from the large population of urban blacks who pay taxes, work hard, worship faithfully, and raise

good children. I think of them as "black urban kibbutzim."

Can such church-centered institutions be created in the face of fierce opposition from foster care bureaucrats and their perverse "family preservation" policies that currently lead to children being returned again and again to even the cruelest biological parent? Would such institutions work if they could be instituted? Can they maintain tough standards and independence while receiving government funds with all the red tape and political stumbling blocks that brings? Would they survive church-state legal challenges from the same civil libertarians who brought us no-eviction public housing, no-rules schools, no-teeth criminal statutes, and other disasters?

In all honesty, I do not know. But I suggest we better try and find out—soon.

John J. DiIulio, Jr. is a professor of politics and public affairs at Princeton University and director of the Brookings Institution's Center for Public Management.

2 SAVE THE DRUG BABIES

by Paul A. Loggi

The 1980s brought a flood of drug-abused babies—damaged in utero by irresponsible maternal consumption of illegal narcotics, and stunted after birth by neglect and abandonment—that shows no sign of abating. Legislatures need to pass statutes written specifically to attack drug abuse of children.

In the late 1980s this nation was shocked to learn that nearly 380,000 children a year were born with some evidence of cocaine or other illegal drugs in their blood. The pictures that accompanied stories about this new group of endangered infants showed tiny, emaciated babies who were born many weeks premature lying in hospital cribs with wires and tubes attached to their bodies. Other pictures showed older children affected by drugs who were easily upset and unable to concentrate normally on daily tasks.

Among the hundreds of thousands of drug-affected children are those who have simply been abandoned by their mothers at the hospitals where they were born. These so-called "boarder babies" sometimes learn how to walk while still residing in the maternity section of a hospital. They lose any opportunity for early bonding when their mothers desert them for drug consumption, prostitution, and other activities that leave no time, energy, or aptitude for properly rearing a child. Significant numbers of these mothers will return to the hospital again to give birth to further drug-scarred children.

This plague of substance-abused infants has raised concerns in both the health care and legal communities. Hospitals have had to absorb huge bills representing the costs of caring for the children. Even youngsters who are not physically harmed usually bear emotional and developmental scars that later require special medical, social, and educational assistance.

The legal response has been an effort by prosecutors to hold mothers accountable for narcotic abuse of an unborn child. Most efforts at applying existing laws to mothers have failed. Successful defenses have argued that mothers have never been put on notice that this behavior could be punishable by the criminal justice system.

Efforts to pass narrowly drawn statutes to prohibit maternal substance abuse during pregnancy have failed in almost all legislative chambers. Even when the proposed statutes centered on probation with condition of drug treatment, they have been defeated. Although the abuse of drugs by a pregnant mother is met with almost universal condemnation, legislators have been unwilling to stand up to intense lobbying by some health policy interests and a vocal pro-abortion lobby.

Lawmakers are told that punitive measures will only drive substance-abusing mothers out of the health care system and that women who are pregnant and abusing drugs will give birth at home or in back alleys to avoid discovery of their substance abuse. Such assertions ignore the fact that most of these women are already out of the health care system, and seek no

prenatal or other medical care until they are in the midst of labor.

The pro-abortion lobby, on the other hand, argues that a punitive approach to the problem, even one that emphasizes probation and treatment over incarceration, persecutes women and threatens their right to do whatever they choose with their body and the body of their fetus.

Frozen by fear of being labeled sexist, anti-choice, or unenlightened, legislators have refused to consider sanctions that would communicate societal outrage at the illegal behavior of a small group of people engaged in the selfish destruction of their own innocent young. And so children continue to be damaged in undiminished number.

A humane legislative scheme would provide that all children be tested at birth for the presence of narcotics and other lethal substances. It has been shown that early intervention in the lives of substance-abused infants can overcome many of the otherwise long-term damaging effects of drug toxicity. In many cases the effects of narcotics are not evident in the infant without a blood test and thus many babies are sent home with actively substance-abusing parents who constitute a continuing threat to the safety, health, and proper nurture of the child. Universal testing of infants would allow state and local authorities to intervene in potentially tragic situations, devise appropriate early intervention, and perhaps undo some harmful effects of substance affected births.

Legislation should also be passed to specifically prohibit the delivery of illegal narcotic substances to a fetus while still in the mother's womb. This would place public policy clearly on the side of the innocent fetus, soon to be born, and against a mother who has no legal right to abuse drugs or endanger the future well-being of her offspring. This would also address the recurring problem of children who are stillborn or who die shortly after birth as a result of their mother's drug use. Since there is no live child, juvenile courts have no jurisdiction over the future actions of the mother in such a case. She is allowed to leave the hospital untreated and to produce other damaged children at will.

Any laws thus passed could provide for probation, drug treatment, and rehabilitation in the first instance. They could then set out progressive sanctions for individuals who refuse to cooperate with appropriate programs, or who subsequently give birth to substance-abused infants. Such a legislative statement would discourage young parents from making tragic decisions affecting their own health and the health of their babies. It would offer help, and it would set appropriate moral limits on behavior that tramples the rights of others. Just an ounce of political courage could produce laws that would prevent a fearsome toll from falling on more American children.

Paul Logli is the state's attorney in Winnebago County, Illinois.

3 GET CONTROL OF JUVENILE TERRORISTS

by Ed Koch

Special provisions in our laws set up decades ago to protect and excuse juveniles no longer apply in an era of unprecedented viciousness by young criminals. Laws for handling juvenile offenders must be stiffened, grossly negligent parents must lose their children, and new organizations for inculcating moral lessons in children should be tried.

Too often, in New York and other jurisdictions, the law treats juvenile criminals as delinquent children, while they act more like feral animals. Juveniles seem to view the lack of restraints as a license to attack the elderly, the infirm, and other children who are not able to defend themselves.

Each year juveniles are committing more crimes than ever before. According to Department of Justice statistics, the number of juveniles arrested for murder increased 104 percent nationwide from 1970-1992. Since 1980, juvenile gang killings, the fastest growing murder circumstance, have increased 371 percent.

Judges and prosecutors are unable to take appropriate action to stanch this

Juveniles engage
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bloody flow because we have created unreasonable legal cushions for juveniles who commit serious crimes. In our zeal to protect the privacy of young thugs who in many cases will grow up to be older thugs, we've established a system where convicted juvenile criminals can't be identified to the public. Wouldn't you like to know if the kid down the block is a convicted arsonist? Or a sex offender? In New York, teenagers cannot be fingerprinted and photographed for certain felonies, including possession of a loaded gun or shooting someone resulting in physical injury. Why not?

Family Court prosecutors in New York are not permitted to get arrest and search warrants when a juvenile is involved—even if the prosecutor knows that a murder weapon is in the juvenile's home. Believe it or not, there is no legal mechanism available to get a search warrant and seize that murder weapon in the state of New York.

When juveniles convicted in family courts graduate to the adult courts, district attorneys and judges are often not allowed access to their full criminal history because juvenile records are placed off limits by confidentiality restrictions. Courts are sometimes told individuals are first-time offenders when they are nothing of the kind. Nationally, the recidivism rate for teenage offenders runs as high as 75 percent. There will be no controlling this until full juvenile records are made

available to courts for purposes of imposing the appropriate punishment on chronic offenders.

Juveniles engage in crime because there is no respect for law or authority, and little expectation of arrest or punishment. Our state legislators fail to recognize that the crimes committed by these "little rascals" have gone way beyond pickpocketing, slashing tires, and drinking beer in public. The laws created to handle those misdemeanors are simply not adequate to deal with the serious felonies that juveniles are now committing.

In New York, for example, the maximum juvenile sentence for serious crimes like shooting someone, gang robbery, and burglary is 18 months. For the most heinous felonies like murder and rape, juvenile sentences range from three to five years, with the maximum rarely applied.

All of England was horrified when two 10-year-olds kidnapped and murdered a toddler. Prime Minister John Major summed up the feelings of most responsible people when he said, "I feel strongly that society needs to condemn a little more and understand a little less." Regrettably, that common sense response is rarely found in our state legislatures.

Recently in New Jersey, seven-year-old twin boys were arrested for breaking into a church, their third burglary in two weeks. Previously, according to press reports, they burglarized and ransacked a school, causing \$30,000 worth of damage, and broke into a private house. After their most recent arrest they were again turned over to their mother, a recovering drug addict. The state Division of Youth and Family Services will "now send a caretaker to check on the boys to make sure they are home and out of trouble," according to a story in the local New Jersey newspaper.

Why was nothing done after the first burglary? And even if it made some kind of sense on the first occasion, it surely makes no sense to leave those children in the custody of their mother now. Without intervention, experience shows us that their rap sheets will grow and grow.

Aside from toughening the laws for handling juvenile crimes, what can we do to try and get youngsters off the criminal path? It is almost universally agreed that public schools for a whole host of reasons

are not teaching morality. One proposal that I believe Congress should explore, and perhaps install on a test basis in Washington, D.C., is a scouting operation for children starting at age five that would be available from 3 to 6 p.m.

The second proposal, designed for those 17 and older, is a Civilian Conservation Corps designed to teach young people job skills, provide them with drug treatment if they need it, and assist them with getting their general equivalency diplomas. After serving two years in such a corps, those who entered with criminal records could be eligible for an executive pardon if they remained drug free and avoided run-ins with the law for a three-year period.

To cope with today's explosion of juvenile crime we must be very tough—tough on the criminals, and tough on ourselves. We should no longer view heinous behavior as a phase that a child will outgrow. Serious juvenile delinquency is now part of our culture, and we need urgent measures to punish and rehabilitate young people who are violating the rights of others.

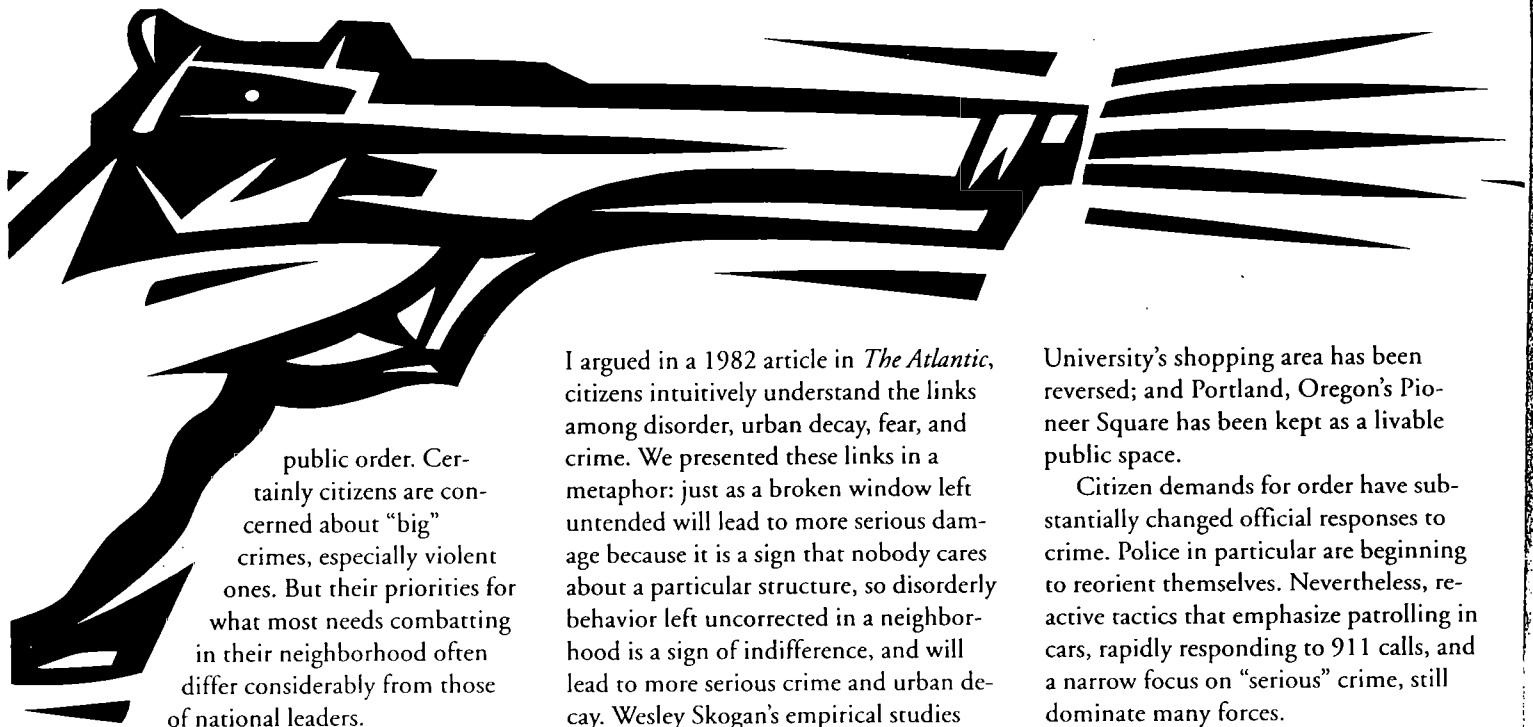
Ed Koch is the former mayor of New York City.

4 REDUCE SERIOUS CRIME BY RESTORING ORDER

by George Kelling

To head off serious crime and keep neighborhoods livable we must enforce public order. Offenses like vagrancy and panhandling are not small matters; they signal a broader breakdown of standards. Police should attack public disorder to head off trouble instead of reacting to crimes after they've commenced.

The national debate on crime swirls around big issues like gun control, "three strikes and you're out," and capital punishment. Close to home, though, citizens are demanding something simpler: that police rejoin them on the streets to restore



public order. Certainly citizens are concerned about "big" crimes, especially violent ones. But their priorities for what most needs combatting in their neighborhood often differ considerably from those of national leaders.

In focus groups, community meetings, and surveys, citizens regularly report their biggest safety concerns to be things like panhandling, obstreperous youths taking over parks or street corners, public drinking, prostitution, and other disorderly behavior. Such concerns cross class, race, and ethnic boundaries, and occur in all areas of the country. In New York City, surveys of citizens who abandoned subways during the 1980s showed that they were fleeing not because of serious crime but because of problems commonly associated with the "homeless": public urination and defecation, aggressive panhandling, individuals sprawling on benches and floors of trains or stations. Responding to citizen complaints, subway officials used their police to vigorously enforce subway rules, and at the same time provided service referrals to the genuinely needy.

In San Francisco, citizens demanded that parks, civic spaces, and sidewalks be reclaimed from prostitutes, panhandlers, and rowdy substance abusers, so Mayor Frank Jordan instituted "Operation Matrix," a multi-agency effort mixing social services, park maintenance, and police action. Again officials offered disorderly persons help if they needed it, but coupled this with strict enforcement of laws and ordinances.

Why are citizens so concerned about disorder? Isn't serious crime the real issue? Not quite. As James Q. Wilson and

I argued in a 1982 article in *The Atlantic*, citizens intuitively understand the links among disorder, urban decay, fear, and crime. We presented these links in a metaphor: just as a broken window left untended will lead to more serious damage because it is a sign that nobody cares about a particular structure, so disorderly behavior left uncorrected in a neighborhood is a sign of indifference, and will lead to more serious crime and urban decay. Wesley Skogan's empirical studies later proved our hypothesis: In various cities around the country he found that disorder was a harbinger of more serious crime to come.

Of course, attempts to restore order in cities almost always bring lawsuits from activists. Most often it has been advocates for those euphemistically referred to as the "homeless"—an extraordinarily troubled and troublesome population. Advocates have argued that the presence of such individuals is actually good for society because it provides a necessary prod to provide more social services. Some judges have viewed disorderly behavior as expressions of individual rights, and denied any attempts to restrict it in public spaces. Others, however, have recognized the aggregate consequences of unregulated disorderly behavior, and allowed measures to limit it. Just how these legal struggles will be resolved is not yet clear, but the outcome will determine whether many neighborhoods thrive or spiral downward into urban decay.

We now have many examples of what happens when basic order is restored to public spaces. As a result of the determined efforts by police to keep order in New York City's subway, robberies have declined 55 percent in four years. Bryant Park in New York City has been reclaimed; San Francisco's downtown civic spaces have been restored to public use. The degradation of Seattle

University's shopping area has been reversed; and Portland, Oregon's Pioneer Square has been kept as a livable public space.

Citizen demands for order have substantially changed official responses to crime. Police in particular are beginning to reorient themselves. Nevertheless, reactive tactics that emphasize patrolling in cars, rapidly responding to 911 calls, and a narrow focus on "serious" crime, still dominate many forces.

Rapid 911 response as the centerpiece of policing strategy may appear sensible, but research indicates unequivocally that it is a dead end. The centralized response system forces officers to focus solely on incidents of serious crime, prevents them from integrating into neighborhoods, and locks them in cars waiting for disasters to happen, rather than getting them to work with citizens to prevent crimes. For all this, rapid response makes a difference in less than 3 percent of all serious crimes.

Police have always spent considerable time in order-maintenance activities—but "unofficially," largely unrecognized and unrewarded. Politicians and police officials who have invested much in the promises of the 911 system sometimes resist its replacement. But if police are to be a preventive force in the community, they have no choice.

The good news is that police are beginning to respond to citizen demands and return to neighborhoods. Some prosecutors are changing their priorities as well. We are realizing that if serious crime is to be prevented, public officials must work with local residents to restore natural defenses against the disorder that is a first step toward predation.

George L. Kelling is a professor at Northeastern University and a fellow at Harvard University. His book *Fixing Broken Windows: Restoring Order in American Society* is forthcoming.

5 JUST TAKE AWAY CRIMINALS' GUNS

By James Q. Wilson

Forget gun control. To separate guns from the people who kill, let police stop likely suspects on the street, frisk them, and seize their weapons.

The public suspects gun-control laws don't work as a means of getting weapons out of the hands of the criminal. The public is right.

There are some 200 million guns in private ownership, about one-third of them handguns. Only about 2 percent of the latter are employed to commit crimes. Moreover, only about one-sixth of the handguns used by serious criminals are purchased. Most crime weapons are stolen, borrowed, or obtained through private purchases that wouldn't be affected by gun laws.

What is worse, any successful effort to shrink the stock of legally purchased guns (or of ammunition) would reduce the capacity of law-abiding people to defend themselves. Gun control advocates scoff at the importance of self-defense, but they are wrong to do so. Gary Kleck, a criminologist at Florida State University, has estimated that guns are displayed or fired by citizens for defensive purposes more than a million times every year. This is more than the total number of police arrests made in a year for all violent crimes plus burglaries.

People who defend themselves with a weapon are less likely to lose property in a robbery, or be injured in an assault than those who do not, according to the National Crime Survey. Statistics show that the chances of a burglar being shot are about the same as his chances of going to jail. Criminals know these facts even if gun control advocates do not, which is why occupied homes in America are much less likely to be burgled than ones in Europe, where residents rarely have guns.

Some gun control advocates concede these points but rejoin that the cost of self-

defense is self-injury. But most gun accidents involve rifles and shotguns, not handguns. Moreover, the rate of fatal gun accidents has been declining while the level of gun ownership has been rising. There are fatal gun accidents just as there are fatal car accidents, but in fewer than 2 percent of all gun fatalities was the victim someone mistaken for an intruder.

Those who would forbid or severely restrict the sale of guns ignore these facts. Worse, they promote a morally and politically absurd course of action. They say, in effect, "your government, having failed to protect you from criminal assault, now intends to deprive you of the opportunity to protect yourself."

Opponents of gun control make a different mistake. The National Rifle Association and its allies tell us that "guns don't kill, people kill" and urge the government to more severely punish people who use guns to commit crimes. Locking up crim-

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inals does protect society from future crimes. And the prospect of being locked up may also deter criminals. Experience shows, however, that tougher sentences are also less likely to be imposed by certain reluctant prosecutors and judges.

The NRA focus on completed crimes also ignores the fact that the mere presence of an illegal gun can make many street encounters more dangerous. Criminals carry guns not just to carry out crimes but also to protect themselves from other armed hoodlums. Guns often convert spontaneous outbursts of anger into fatal encounters that can be threatening to bystanders as well as participants. It should be one of our goals to get guns out of the hands of unstable young males before they are used in crimes, not just after.

Disarming law-abiding citizens is not the way to go about this. Instead, we should reduce the number of people who carry guns unlawfully in public places. This means encouraging the police to make street frisks.

The Fourth Amendment to the Constitution bans "unreasonable searches and seizures." In 1968 the Supreme Court decided in *Terry v. Ohio* that patting down a person's outer clothing is proper if a police officer has a "reasonable suspicion" that a person is armed and dangerous. If a pat-down reveals an object that might be a gun, the officer can enter the suspect's pocket to remove it. If the gun is being carried illegally, the suspect can be arrested.

The reasonable-suspicion test is much less stringent than the probable-cause standard the police must meet in order to make arrests. A reasonable suspicion, however, is more than just a hunch; it must be supported by specific facts. The courts have held, not always consistently, that these facts may include things like flight at the approach of an officer, suspicious bulges in the pockets of motorists stopped for traffic violations, or information from a reliable informant that someone is carrying a gun. The Supreme Court has also upheld frisking people on probation or parole.

Some police departments frisk a lot of people, but most do not. In 1992 the police arrested about 240,000 people for illegally possessing a weapon. About four times as many were arrested for public

drunkenness. The average police officer will make no weapons arrests and confiscate no guns during a given year. Professor Mark Moore has found that most weapons arrests are made because a citizen complained, not because the police were out looking for guns.

It is easy to see why. Many cities suffer from a shortage of officers, and even those with ample law-enforcement personnel worry about being accused of police harassment, or having their cases thrown out for constitutional reasons. But the risks of violating the Constitution or harassing citizens can be substantially reduced.

Each patrol officer can be given a list of people on probation or parole who live on that officer's beat, and be rewarded for making frequent stops to ensure that they are not carrying guns. Officers can be trained to recognize the kinds of actions that the court will accept as providing the "reasonable suspicion" necessary for a stop-and-frisk. Statutes or court precedents could be established to make membership in a gang known for assaults and drug dealing the basis for gun frisks.

And modern science can be enlisted to help. Detectors at airports have reduced the number of airplane bombings and skyjackings to nearly zero. But these devices work only at very close range. What is needed is a machine that will enable the police to detect a gun in someone's pocket from a distance of 10 or 15 feet. Receiving such a signal would supply the officer with reasonable grounds for a pat-down. Underemployed nuclear physicists and electronics engineers surely have the talents for designing useful gun detectors today.

[*Editor's note:* Professor Wilson's prodings in this area over the last year have just borne fruit. In March, the Justice Department awarded three lab contracts for the development of prototype concealed-weapons detectors. Within 18 months, devices that can identify and describe a gun concealed on someone's person from 12 feet away should be available. Mobile devices usable from patrol cars at even longer distances will follow.]

Even if we do all these things, there will still be complaints. Innocent people will be stopped. Young black and Hispanic men will probably be stopped more often than older white males or women of

any race. But if we are serious about reducing drive-by shootings, gang wars, and lethal quarrels in public places, we must get illegal guns off the street. We cannot do this by lengthening the forms to be filled out at gun shops or by pretending that guns are not a problem until a criminal uses one.

James Q. Wilson is James A. Collins Professor of Management at UCLA, and chairman of AEI's Council of Academic Advisers.

6 GET MORE GUNS INTO LAW ABIDING POCKETS

by Dave Kopel

Growing numbers of states are allowing law-abiding citizens to carry handguns with which to defend themselves. Research shows these laws increase personal security and do not have bad side effects.

Gun-control experts agree on two basic points: Every year, guns are used many thousands of times to perpetrate crimes. And every year, guns are used many thousands of times for lawful protection. Common sense thus suggests that gun control policy should follow two tracks: decreasing the number of unlawful criminal uses, while increasing the number of lawful defensive uses. While the former approach has garnered most of the media attention, a large number of states in recent years have adopted laws using the second approach. Twenty-three states currently have policies that stipulate that any trained law-abiding citizen may obtain a permit to carry a handgun.

When handgun-carrying laws are debated, opponents typically raise fears that blood will flow in the streets as armed citizens shoot each other over traffic jams. A recent study by Clayton Cramer and myself of outcomes in states that have legalized handgun-carrying finds this is not true. No legal-carry state

Gun control policy should follow two tracks: decreasing the number of unlawful criminal uses, while increasing the number of lawful defensive uses.

saw any abnormal increase in homicide rates, and one such state—Florida—experienced a sharp drop in its murder rate after the law changed.

Whether concealed carry permits result in significant reductions in crime rates or not, they plainly pass the "if it saves one life" test propounded by some gun control advocates. In October 1991, psychopath George Hennard rammed his pickup truck through the plate glass window of Luby's Cafeteria in Killeen, Texas. Using a pair of ordinary pistols, he murdered 23 people in 10 minutes, stopping only when the police arrived.

Dr. Suzanna Gratia, a cafeteria patron, had a gun in her car, but, in conformity to Texas law, the gun was not carried on her person; despite its Wild West image, Texas was the first state in the nation to prohibit any carrying of handguns. (Carry reform is considered virtually certain to pass Texas in 1995.)

If Dr. Gratia had been carrying her gun, she could have shot Hennard. "I had a perfect shot at him," she later explained. "I

had a place to prop my hand. The guy was not even aware of what we were doing."

Hennard reloaded five times, and had to throw away one pistol because it jammed, so there was plenty of opportunity for someone to fire at him. But because of the restrictive Texas law, neither Dr. Gratia nor any other citizen was armed. Both of Gratia's parents were among Hennard's victims.

Two months later, a pair of criminals with stolen pistols herded 20 customers and employees into the walk-in refrigerator of a Shoney's restaurant in Anniston, Alabama. Hiding under a table in the restaurant was Thomas Glenn Terry, armed with the .45 semi-automatic pistol he carried legally under Alabama law. One of the robbers discovered Terry, but Terry killed him with five shots in the chest. The second robber, who had been holding the manager hostage, shot at Terry and grazed him. Terry returned fire, and critically wounded the robber.

The experience of states with legal-carry laws clearly shows that the people who obtain permits—going through fingerprinting, a 90-day background check, and training classes—are law-abiding, stable citizens, and do not turn into temperamental psychopaths when issued a permit. Despite much gun control hysteria, in no jurisdiction we studied were the permit-holders considered a problem by law enforcement. Having strongly opposed Florida's reform law, the Dade County police administration in 1988 began compiling detailed reports of every police encounter with a permit-holder. The reports were discontinued in 1992, since permit-holders were so rarely encountered. Over 200,000 permits have been issued in Florida since 1987, and only 18 revoked because of misconduct with a firearm (generally, carrying the gun into an unlawful place, such as a bar). The story is the same in other states.

The only "evidence" that concealed carry laws are harmful is a single unpublished article from the University of Maryland that claims to find a homicide rise in cities that adopted concealed carry laws. This bit of "junk science" used data that did not distinguish lawful defensive killings from criminal ones, did not study whether homicides occurred outside the

home (the only place where concealed carry laws come into play), altered the years analyzed from city to city in order to minimize pre-law homicide rates, used mostly cities in Oregon and Florida but ignored the fact that homicide rates fell in both states, presumed that the change in the carry law was the only plausible explanation for homicide changes, and, most importantly, presented no evidence that even a single carry-permit holder had perpetrated a homicide.

Apart from the lives they save and the crimes they squelch, legal-carry laws allow permit-holders a precious peace of mind. If a woman can feel safe walking three blocks to the 7-Eleven after dark rather than remaining a prisoner in her own home, the permit has value even if the defensive weapon is never needed. Large numbers of women are beginning to demand the right to protect themselves in this way. When signing Alaska's 1994 carrying reform law, Governor Walter Hickel explained that the decisive factor was the women who called his office: "Those that impressed me the most were the women who called and said they worked late and had to cross dark parking lots, and why couldn't they carry a concealed gun?" In Colorado, a group of 1,600 women called "SWARM" (Safety for Women and Responsible Motherhood) has become the leading voice for carry reform. Already, California allows domestic violence victims whom a court has determined to be in immediate danger the right to carry a handgun for protection, without need to undergo a months-long application process for a permit.

Opponents of carry reform, finding that experience in legal-carry states has been quite positive, resort to slogans such as, "What if everyone carried a gun?" The question is meaningless, since data from legal-carry states show that only 1 percent to 4 percent of the adult population chooses to obtain a permit. But even if everyone did carry a gun, leading to the "Wild West" scenario foretold by carry reform opponents, the nation might be a lot safer. Historian Roger McGrath's detailed examination of actual crime rates in the nineteenth century *American West*, *Gunfighters*, *Highwaymen*, and *Vigilantes* found that despite the fact that the region was peopled mainly by young transient males

subject to few social controls and weak law enforcement, the per capita annual robbery rate was 7 percent of modern New York City's, the burglary rate was 1 percent, and rape was nearly unknown. Everyone carried a gun, and "the old, the weak, the female, the innocent, and those unwilling to fight were rarely the targets of attacks," McGrath found. Except for young men who liked to drink and fight with each other for disreputable sport, residents of the well-armed West were far more secure than residents of today's cities where ordinary people are banned from carrying a firearm.

With concealed carry reform laws already on the books in 23 states, and under serious consideration in 15 more, it seems inevitable that a national carrying-permit proposal will eventually be considered. In the near term, Congress might consider repealing the Washington, D.C. handgun prohibition and replacing it with a statute that requires authorities to issue a defensive carrying permit to any law-abiding resident of the District who requests it and is willing to take a safety course. Letting residents of the nation's capital exercise their Second Amendment right to protect themselves from the murderous insecurity that now rages all around them might just be a bold idea whose time has come.

David Kopel is research director of the Independence Institute.

7 GO TO THE PEOPLE

by John Carlson

Squeamishness among political leaders over strong anti-crime measures can be sidestepped by going directly to the public. Here's how Washington state residents invented "Three Strikes and You're Out," and how they're about to force into law new no-nonsense provisions attacking gun crime.

When fighting crime, it is important to zero in on its real sources. The first and most serious cause of crime is letting

criminals out of prison. Short sentences for violent, repeat offenders perpetuate the problem. Our response in Washington State was the nation's first "Three Strikes, You're Out" law, which mandates life in prison for anyone after conviction for a third serious offense (which includes any Class A felony or violent Class B felony). Simple and clear. No *ifs*, *ands*, or *buts*. And no exceptions, except via official clemency from the governor, who is accountable to voters for his actions.

We first tried instituting this reform through the legislative process. Didn't even come close. Fresh ideas from outside tend to wither quickly in the hot, stuffy political climate of state and federal capitols.

But in Washington State we have the initiative process, and after a laborious effort to gather 182,000 signatures, our proposal went before the people in November 1993. It passed with nearly 77 percent of the vote.

Sociologists, public defenders, and civil libertarians rushed to condemn the new law as a "simplistic" slogan that would do nothing to reduce crime. But police officers, jail guards, and prosecutors reported that even hardened criminals were visibly chastened by the new rules. The head of Seattle's sex offender registration program said that some criminals were leaving the state, and that others were pursuing drug and alcohol treatment they had refused in prison. Convicts who already had at least two offenses wondered out loud why they shouldn't have three fresh chances instead of just one more.

A TV camera crew from NBC's Seattle affiliate visited the King County Jail to interview inmates about the new law. Most said it was unfair, but all of them said they would think twice before committing a third "strike."

It is too early to pronounce final judgment on Washington's Three Strikes law. But statewide statistics show murders down 10 percent, rapes down 18 percent, and assaults down 4 percent in the first six months under the new law, while murder and assault had actually gone up the year before.

The next step we took in fighting crime was "Hard Time for Armed Crime," another failed legislative bill that bloomed into a popular ballot measure. Like "Three Strikes," "Hard Time" is tightly focused on a specific target—in this case, people who illegally use firearms or other deadly weapons, and those who unlawfully obtain guns. Until recently, the law in Washington State did not regard the theft of a \$350 gun any more seriously than a \$350 stereo. Many states still don't. Political debate centers fruitlessly on guns and ammunition purchased legally by law-abiding citizens, ignoring the fact that hardly any of the firearms used in violent crimes come from this source.

"Hard Time" creates the new crime of "theft of a firearm," and mandates more than a year in prison for stealing a gun—a substantial increase from the 60 days gun thieves can expect under current law. "Hard Time" also adds up to five years at sentencing for using a firearm in any felony (none of which can be discounted for "good behavior"), and adds up to two extra years for using any other deadly weapon such as a knife or club. It requires the state to keep public records of how judges sentence armed criminals, and to record all plea bargains.

The hope is that "Hard Time" will stigmatize the use and illegal possession of deadly weapons, particularly guns. Legal gun-owners' groups, weary of weathering the fallout of gun use by thugs, support the measure, as do prosecutors, victims' rights advocates, and, of course, cops.

The initiative has already qualified for next year's ballot, but the legislature, after an election that saw a drastic change of seats (from 35 Republicans to 61 in the 98-member House) has had a change of heart and wants to pass the initiative directly into law. The House vote was 88-6. A favorable Senate vote is expected shortly.

Our next anti-crime measure will target juvenile criminals, and the justice system's mishandling of them.

John Carlson is president of the Washington Institute for Policy Studies.

8 RETRIEVE THE DEATH PENALTY FROM SYMBOLISM

by John J. DiIulio, Jr.

The death penalty is barely applied these days, so we know little about its deterrent effects. Studies show that many killers will commit more crimes if released, and that sentences of death are not meted out unfairly by race. Americans support the death penalty as an expression of justice—which they are currently getting very little of.

Between 1977 and 1993 a third of a million Americans were murdered. Now take this multiple-choice test and guess what happened to their killers:

1. How many people were on death row in 1993 for all those lives stolen since 1977?
(a) 58,590
(b) 14,152
(c) 2,716
2. How many of the thousands of individuals on death row in 1993 were actually put to death that year?
(a) 491
(b) 164
(c) 38
3. Between 1977 and 1993, how many murderers do you suppose were executed in America in total?
(a) 22,600
(b) 2,260
(c) 226
4. What is the average sentence these days of someone in state prison for murder?
(a) 40 years
(b) 30 years
(c) 20 years
5. How much time does the average murderer actually spend in lockup before being released?
(a) 21 years
(b) 14.7 years
(c) 8.5 years

Statistics show
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cent in the first six
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ington State passed
"Three Strikes and
You're Out."

The correct answer to each question is "c." Which means that our justice system's message to anyone who believes murder should be punished by the death penalty in more than just a few symbolic cases is currently something like: "Get lost!"

In recent years, no state has executed more murderers than Texas. In 1993 Texas carried out 17 capital punishments; Virginia was a distant second with five. But Texas, like other states, commuted all death sentences to life imprisonment after the Supreme Court banished the death penalty in 1972, and a recent study tells us what happened to those death row inmates when Texas stopped executing them. It reveals that since 1974 about three times as many Texas prisoners have been released from death row by commutation or judicial reversals or dismissals as have been executed. After being released into the general prison population, 12 of 47 commuted prisoners were responsible for 21 serious violent offenses against other inmates and prison staff. One commuted death row inmate killed another prisoner. And within a year of his release on parole another commuted death row prisoner killed a girl.

This is not to say that every murderer on death row would murder again if released. But these individuals do tend to be repeat criminals. Over 40 percent of the persons on death row in 1992 were on probation, parole, or pretrial release at the time they murdered. (Ongoing research by myself and others indicates that perhaps a third of all the murders committed in this country over the last few decades were carried out by persons freed under court supervision. Tens of thousands of Americans are dead today simply because these criminals were let free.)

One of the things that has obstructed and delayed the carrying out of death sentences most is fear that they might be handed out in racially unfair ways. There are scores of studies that test this by weighing racial factors in capital sentencing. And those studies that control for all relevant factors including crucial legal variables (eyewitnesses present, aggravating circumstances) find absolutely no evidence of racial bias in contemporary capital sentencing. Of those persons un-

der sentence of death in 1993, about 58 percent were white. This is actually much higher than the proportion of all murderers who are white. Historically, black homicide rates have never been less than five times white homicide rates, and in many years since the 1950s have been more than 10 times higher.

No matter what type of reforms might be adopted to reduce the endless legal appeals that currently block most death sentences from being completed, America is never going to make it easy or inexpensive to execute convicted killers. Besides, the real bottleneck discouraging use of the death penalty today is not at the back end, it's at the front end: prosecutors wary of controversy don't seek the death penalty if they can help it, least of all in racially charged cases. When the Supreme Court terminated the death penalty in 1972, murder cases fell into the plea-bargaining pit along with other violent crimes. When the Court reinstated the death penalty in 1976, prosecutors were not eager to pull it out. Today, the bureaucratic, mass assembly culture of most big-city district attorney's offices favors doing a little deterrence on the cheap, frankly, not a lot of justice at great effort and financial cost.

Every major opinion survey of the last decade shows that large majorities of Americans—whites, blacks, young and old alike—support the execution of murderers. Americans value the death

penalty not just for its utility as a crime-reduction tool; they value it as a way of doing justice. But, somehow, getting away with murder remains relatively easy in America. Only a tiny fraction of even the most vicious killers ever get executed. Neither deterrence nor justice can possibly be achieved in this way.

John J. Dilulio, Jr. is professor of politics and public affairs at Princeton University, and director of the Brookings Institution's Center for Public Management.

9 CLOSE THE HABEAS CORPUS LOOPHOLE

by Kent Scheidegger

Criminals and their lawyers exploit current legal procedures to groundlessly appeal thousands of state criminal cases into the federal courts. This delays the execution of justice by many years and is very costly. The House closed the loophole in February. Will the Senate and President Clinton follow?

The jury files back in. They have finally decided. The family members of the murder victim wait anxiously. They've endured the horror of the murder. Then the investigation. Then months of pre-trial maneuvering. Then the trial. Then the penalty phase.

At last the verdict is read. The sentence is death. Now, finally, they think, justice will be done.

But they are tragically wrong. To borrow Churchill's phrase, it is not the end, or the beginning of the end; at best, it is only the end of the beginning.

No one disputes that appeals are necessary in criminal cases. To ensure that trials are fair, some must be reviewed carefully by appellate courts. In complex cases, especially capital ones, this process takes time.

What is very much disputed, though, is the need for the next stage of the current system. In other kinds of cases, once a judgment is affirmed on appeal, the matter is permanently settled and cannot be challenged in another court. Only in state

criminal cases are final judgments routinely second-guessed in a different, not higher, court. For after state courts have exhaustively reviewed the conviction and found no reversible error, the convict runs to the federal courts and gets a second review of his constitutional arguments. The careful consideration and rejection of his legal claims by the state courts receives no weight at all in this federal proceeding, called *habeas corpus*.

The case of Kermit Smith illustrates the unnecessary delay and interference with state proceedings this causes. In 1980, Smith kidnapped three college cheerleaders and brutally raped and murdered one of them, 19-year-old Whelette Collins's. After his trial, state courts reviewed his conviction in three separate proceedings over a period of seven years. Despite this exhaustive investigation, Smith's lawyers delayed his execution another six-and-a-half years by filing a federal *habeas corpus* petition. Fourteen years after Whelette Collins's death, her killer was finally brought to justice. Nearly half the total delay was in the federal courts, and all this happened in a case with no doubt whatever concerning the identity of the killer.

This practice strikes at the heart of federalism. Enforcement of the basic criminal law is the single most important function of state and local governments. Protection of our persons and property from marauding criminals is a primary reason we have governments in the first place. If states are not competent to try and punish criminals for murder, rape, and robbery, we should begin to ask why we have states at all.

Like so many problems of government excess, this one has its origins in a drastic remedy for a dire problem, a remedy that has both overstayed its necessity and overflowed its banks.

The ancient legal procedure of *habeas corpus* was a remedy for people held in custody illegally. Its beneficiaries included political prisoners jailed by the king and suspects improperly denied bail before trial. The law was clear, however, that a person convicted of a felony in a proper court could not use this procedure to delay or reverse his sentence.

The latter rule was followed in America into the twentieth century. In case after case, such legal giants as Chief Justice John

Marshall, Justice Joseph Story, and Justice Oliver Wendell Holmes reiterated that any claim that did not affect the jurisdiction of the trial court could not be considered on *habeas corpus*, even if the claim were based in the Constitution.

In the 1920s, this practice began to change. Criminal procedure was badly in need of reform, especially in state courts. The old cases are replete with coerced confessions, lynch mobs around courthouses, and indigent defendants tried without counsel or with only perfunctory representation. Looming above it all was the age-old problem of racism.

The Supreme Court expanded constitutional protections to correct such abuses. At the same time, it expanded the writ of *habeas corpus* to cover all constitutional claims, not just claims concerning the jurisdiction of the trial court. In 1953, it dropped the bombshell. Ignoring its own past statements to the contrary, it directed the lower federal courts to redetermine issues already fully and fairly adjudicated in the state courts.

In retrospect, it is not difficult to see why such a step was thought necessary in 1953, especially in a case from the South involving racial discrimination in jury selection. Given the magnitude of the problem, deputizing the lower federal courts as mini supreme courts, with full power to review decisions of state supreme courts, may well have been a necessary evil.

Changes in the law and the nation since 1953, however, have made this practice far less necessary and much more evil. America is a vastly different place than it was. Governors do not stand in schoolhouse doors. Presidents do not need to send the Army to enforce court orders. State judges do not declare that the U.S. Constitution is inapplicable, as the judge in the Billie Sol Estes case did. Federal constitutional limits are acknowledged and applied every day in every criminal court in this country.

The use of *habeas corpus* to review state judgments in federal court can be justified in two situations, both exceedingly rare. First, if a defendant has compelling new evidence of actual innocence which the state will not consider, *habeas corpus* can prevent a fundamental miscarriage of justice. Second, if a state court really does defy Supreme Court precedent, so clearly that

reasonable judges cannot differ, a corrective mechanism is needed.

What needs to be stopped is the use of *habeas corpus* to simply go judge shopping, running the same marginal arguments past multiple sets of judges until someone agrees with the defendant. On February 8, 1995, the House of Representatives passed H.R. 729 to eliminate this abuse. It remains to be seen whether the Senate and the president will concur.

Kent Scheidegger is legal director of the Criminal Justice Legal Foundation, based in Sacramento, California.

10 RADICALLY NARROW THE EXCLUSIONARY RULE...

by George Denton

Our current exclusionary rule is another judge-made loophole that regularly obstructs justice. It bogs down most criminal trials, and often allows flagrantly guilty individuals to walk free because important evidence has been excluded from court. It should be radically narrowed at the very least.

The goal of the justice system should be to punish the guilty and vindicate the innocent. Instead, our system regularly suppresses reliable evidence and knowingly lets the guilty off. This is the effect of the so-called "exclusionary rule."

The exclusionary rule excludes evidence of guilt at a criminal trial if the evidence was unconstitutionally obtained. For example, if the police need a search warrant but fail to get one, the evidence they find—drugs, guns, bloodstains, whatever—will not be admissible in court.

The rationale for the rule is that if police cannot use evidence wrongly obtained, they will not act wrongly. That's the theory. In practice the rule fails miserably and causes more injustice than it prevents.

The key problem is that the exclusionary rule rests on a false assumption,

namely that the law is clear and that the police can make simple decisions between right and wrong. In fact, the law is often murky and subject to varying interpretations when applied to the facts at hand.

Consider the facts confronting Police Officer James Doyle. He was on patrol in Manhattan when he was dispatched to handle a call of "shots fired." The call gave the location as apartment 3C, 450 West 163rd Street, a known drug house. Doyle responded quickly, scaled the steps, and found the door to the apartment slightly ajar. He heard voices inside. He pushed the door open and entered. He found four men. Two held handguns. One of them dropped his gun at Doyle's command; the other threw his out the window. On a nearby table was seven ounces of cocaine, a scale, and a granulator. He arrested the four men and charged them with drug and weapons crimes. Many would consider Doyle a hero.

Enter the judicial system and the exclusionary rule. The defendants sought to exclude the drugs and guns, alleging that Doyle had violated their rights by entering the apartment without a warrant. The prosecution countered that the shots-fired report presented an emergency making a warrant unnecessary. The judge ruled that Doyle was indeed presented with an emergency, and held the evidence admissible. All the defendants were convicted, and all were sentenced to 15 years to life.

On appeal, the defendants renewed their argument that Doyle illegally entered the apartment. Two separate panels of appellate judges heard the appeals, and it so happened that each panel issued its decision on the same day, unaware of what the other was doing. One panel unanimously held that Doyle acted legally in entering the apartment, and the other unanimously held that he acted illegally. The upshot is that one of the defendants is now free, while the others are serving 15 to life.

Results this preposterous are not the norm, but confusion over search and seizure law is routine. If our judges, with all the time and repose they need to deliberate, cannot agree on how to apply the law to the facts, how can they expect the cops on the street to make correct split-second decisions?

Under current applications of the exclusionary rule it counts for naught that an officer acted in good faith. In fact, new constitutional rulings are applied retroactively, meaning evidence is suppressed even though the police acted legally under then-existing guidelines.

The exclusionary rule cares nothing about the impact of evidence suppression on the public. If an officer stops a car without adequate reason and finds the butt of a marijuana cigarette on the floor, there is little public concern when the offense goes unpunished. But if the officer finds a gun that proves the driver committed a murder, the suppression of the gun may set a killer free and outrage the public. The officer's conduct in both cases is the same, but the consequences to the public vary drastically.

The exclusionary rule burdens our courts with a multitude of suppression hearings. These are pre-trial hearings where the defendant attacks the police, attempting to show some unconstitutional conduct. Defense attorneys put great effort into these hearings, for winning a suppression ruling may suppress vital evidence—the gun in a shooting, the cocaine in a drug conspiracy, the stolen stereo in a burglary—and end the prosecution. I dare say that we spend more time litigating the question of police misconduct than we spend litigating the question of the defendant's guilt.

Some say that we need the exclusionary rule to protect us all, but in fact the exclusionary rule helps only the guilty. Assume that two men are walking down the street, one a drug dealer, the other law-abiding. A police officer stops them both and frisks them, finding drugs on the dealer, but nothing on the other. The law-abiding man is allowed to go on his way. The dealer is charged with drug possession and goes to court. He moves to suppress the drugs, and the motion is granted on the ground that the officer

lacked adequate reason for the stop and frisk.

The exclusionary rule has done nothing for the law-abiding man. He is left to pursue other remedies—to sue the officer civilly, or perhaps to complain to the police review board. The drug dealer, on the other hand, has all the rights of the law-abiding man *plus* the right to avoid punishment for his crime. The only ones punished are the members of the community at large, who suffer the continued presence of the drug dealer.

Changing the exclusionary rule need not be an ordeal. The Constitution itself says nothing about excluding evidence. The Supreme Court imposed the rule on the federal courts in 1914 and extended it to the states in 1961. The Court's early pronouncements suggested the rule was required by the Constitution, but more recently the Court has described the rule as a judicially created remedy rather than a constitutional right of the accused. The Court is thus poised to accept the proposition that the exclusionary rule can be changed by Congress.

Complete elimination of exclusionary remedies would be unwise. There must be some limits that prevent police from running roughshod over individual rights. Unconscionable methods like torture and truth serum may yield reliable evidence, but are clearly beyond the pale.

At the same time, narrowing the exclusionary rule wouldn't endanger liberty.



None of the democracies in Europe, or anywhere else, has an exclusionary rule like ours. None are police states. And none has crime like ours.

Judicial opinions interpreting the Constitution's due process clause forbid evidence gathering techniques that "shock the conscience." A test like that should be adopted for suppression questions. The courts would be free to weigh the good faith of the officer, the seriousness of the crime, and the impact of suppression on the public.

This change would affect only the admissibility of evidence, not the underlying violation of civil rights. Wrong police conduct would still be wrong, and addressable through existing civil remedies—which would remain in place to protect the accused.

George Denton is the district attorney of Tompkins County, New York, and a former assistant district attorney in Manhattan.

11...OR GET RID OF IT ALTOGETHER

by Jagdish Bhagwati

Another alternative is to get rid of the exclusionary rule altogether. Other provisions would safeguard civil liberties just as well, and quite possibly much better.

The relaxation of the exclusionary rule in the House of Representatives crime bill, which would allow evidence seized illegally but in good faith to be admitted in court, has outraged liberals. They rely on the conventional argument that this will violate our fundamental right to be protected from unconstitutional searches. Conservatives justify the revision on the equally tired ground that criminals should not get off simply on "technicalities" (a question that arose in the O.J. Simpson trial when critical evidence, allegedly collected without proper warrant, was nearly excluded).

In truth, however, our current exclusionary rule and the revision proposed by

the House are both inadequate. The first regularly derails justice by placing crucial evidence out of reach, while the latter excuses police violations of fundamental rights so long as they are made accidentally rather than maliciously.

A better approach emerges from economic theory—which holds that efficient achievement of multiple objectives generally requires multiple problem-solving instruments. (This is the insight that won Jan Tinbergen the first Nobel Prize in economics.) Or as our forefathers put it so well: you cannot kill two birds with one stone.

Currently, in cases where evidence has been seized in some constitutionally indefensible way, the courts must struggle to reconcile two very difficult objectives: the guilty must be punished, and at the same time citizens must be protected from overzealous police. In rejecting any use of "tainted" evidence (as was standard until the limited exemption for "good faith" behavior whose extension is now being contemplated), we forced the courts to use a single policy instrument to pursue these different, sometimes contradictory, goals.

It would surely be more effective to use two instruments to address the two problems at hand. This could be done by admitting all solid evidence in court, no matter how obtained, so that judicial determination of guilt is as accurate as possible, while simultaneously providing separate mechanisms that hold police accountable for their searches, punishing them when constitutional improprieties are legally established.

Such a solution would improve the efficiency of the criminal justice system in punishing the truly guilty, and it would also be a more effective protection of our constitutional rights. Simply excluding improperly gathered evidence deters the police from future repetitions of their violations only indirectly, via the hope that failing to bring criminals to justice will so frustrate them that they correct their ways. Direct punishment of rogue police would be a better deterrent, and it would do so without the side effect of penalizing the public by freeing known criminals into their midst.

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As it happens, Judiciary Committee Chairman Orrin Hatch has introduced in the Senate a reform that fits right into the approach just outlined. Sen. Hatch's provision would kill the 80-year-old exclusionary rule, and in its place allow victims of illegal searches to sue police and collect judgments for actual and punitive damages (with the punitive damages capped at \$10,000).

Alternative, and perhaps better, ways to punish and deter rogue cops could also be devised. Trigger mechanisms could be installed for the state itself to initiate the judicial action, instead of relying on individual tort action. If that were done, the state would obviously require some *prima facie* evidence that an illegal search had occurred. But this can only materialize during the trial, and with the defendant having lost the right to exclude tainted evidence, his lawyers have no incentive to establish the constitutional impropriety of the search. To get around this "incentive" problem, the reform could include a fractional mitigation of the punishment that ensues on conviction with tainted evidence.

No matter how we get at the rogue police, it is evident that a two-track solution is needed if we are to efficiently pursue the dual objectives of just punishment for crime and robust protection for our rights. Establishing police accountability is one rail. Ending our unproductive experiment in evidence exclusion is the other.

Jagdish Bhagwati, a visiting scholar at the American Enterprise Institute, is the Arthur Lehman Professor of Economics at Columbia University.

12 OPEN UP JURIES

by Joseph E. DiGenova

Juries are not operating efficiently or fairly these days, particularly in major cities and major cases. Important reforms are needed to make juries more informed and representative, and prevent bad verdicts.

American jurors are asking for help. We must listen.

Jurors are asked to do one of the most important jobs in a democracy, yet we currently deny them the tools necessary to perform their task well. I recently conducted interviews with a selection of jurors fresh from hearing cases, and asked them how today's jury system might be changed. They suggested major reforms that could sharply improve our administration of justice.

Jurors are fact-finders, so it is not surprising they want to ask questions during trials. Lawyers and judges, while generally able, don't usually know what a jury needs, jurors say. They suggest they should be able to submit questions to the judge for consideration. Jurors are prepared to accept that particular questions cannot be asked for given reasons, but they want the opportunity to pose queries during the trial, before deliberations. There is no good reason this shouldn't be allowed, yet most judges refuse to consider it.

Jurors want to be given copies of the legal instructions delivered to them at the end of a case. In fact, they would like to

have them to consult right from the beginning of the trial. They say judges lecture them on complex legal issues using words, phrases, and concepts foreign to them, and that they want to be able to read this unintelligible legalese and discuss its meaning in the jury room. Jurors do that now anyway based on recollections of oral instruction. Jurors particularly want copies of instructions on key legal concepts such as reasonable doubt. They report that hours are spent trying to deal with concepts of this sort, because they are forced to recollect specific definitions.

Jurors want to be instructed on law, definitions, and procedures throughout the trial, and before closing arguments—and not just at the end. Judges and lawyers have copies of instructions, they say, why shouldn't jurors? Again, most judges refuse to do this.

Jurors want the right to take notes during trials without the judge's permission. In complex and lengthy cases they believe this is essential. Having portions of transcripts read back to them is not as helpful as judges think, they report, and some judges refuse to do even that. The fear that a good notetaker might dominate deliberations is ridiculous, say jurors, since individuals already insist they key facts when others disagree. Judges and lawyers all have outlines of the case; the decision making jurors should too, most insist.

Finding that some of their fellow panel members can be unreasonable, irrational, and unfair, jurors believe that non-unanimous verdicts in some types of crimes would be helpful. Some states already permit this, and it is an experiment worthy of replication and analysis.

Jurors report that some candidates shade the truth during the *voir dire* proceedings where juries are selected. Individuals I interviewed were deeply offended by the dishonesty of fellow jurors who, in essence, lied to get on a trial—telling the lawyers and judge what they knew would please them, or actually hiding information. Once selected, these jurors would profess a religious conviction that they had no right to judge another, or some other prejudicial opinion. There is disturbing evidence that increasing numbers of potential jurors are violating their oaths in order to sit on cases, particularly

notorious ones. These revelations require judges to be extra studious and respectful of the *voir dire* function.

Sequestered jurors told us that the circumstances of sequestration are unnatural, that in many cases people discuss the case even when they're not supposed to, and that the pressures of sequestration sometimes force decisions where none are warranted. They also reported that many jurors artificially delay their individual deliberations because they enjoy the camaraderie, attention, hotel accommodations, food, and so forth that sequestration brings.

Jurors believe they should be allowed to discuss the evidence amongst themselves as a case progresses. They believe it would force them to pay more attention and allow them to begin talking and working together earlier in the process. They suggest the end of a trial is too late for deliberations to begin, and say it is unnatural not to discuss daily testimony, evidence, and exhibits.

Many jurors believe that some of their fellow members should not have served because they had no interest in the proceedings, or were not capable of comprehending them. They believe the available jury pool is too small and that too many educated jurors are excluded. To assure attentive, intelligent, serious panels, a wider spectrum of citizens needs to be included.

Jurors believe they should be struck from service only for cause. Peremptory deletions should be eliminated. This change would lead to broader participation, shorten trials, and leave more able people on juries.

Each of the jurors I spoke with said it wasn't the power they wielded that sobered them, but rather their sense of responsibility. Lawyers, judges, and legislators should feel a similarly grave responsibility to improve the poor system in which conscientious jurors now toil. Procedures instituted a century or two ago may have been fine when jurors sat for several hours in a simple trial. They are not adequate today.

Joseph E. DiGenova, a former U.S. Attorney for the District of Columbia, is currently a partner at Manatt, Phelps & Phillips.

13 HIRING POLICE AND BUILDING PRISONS PAYS OFF

by Steven D. Levitt

There are hot debates over whether the nation would benefit from more police and more prison beds. Studying some "natural experiments" over time gives clear answers: we should have more of both.

Police and prisons represent the first line of defense in the fight against crime. In 1992 there were over 700,000 police officers in the United States (almost 50 percent more than two decades earlier), and over a million Americans in jails or prisons. The annual price tag for police and prisons is approaching \$100 billion per year. In spite of all this, violent crimes per capita have risen 80 percent over the last two decades.

Does that mean our spending on police and prisons is a waste of money? Some observers have jumped to that conclusion, even going so far as to propose a moratorium on new prison construction. Research I have been conducting on the connection between police and prison availability and crime rates, however, comes to very different conclusions. Both police and prisons appear to be cost-effective tools in controlling crime, and each has been increasing in number simply because the underlying crime trend has been sharply upward. High crime rates make additional police necessary; that is why Detroit has twice as many police officers per capita as Omaha. The link between the size of the prison population and crime rates is even more direct: unless a justice system is growing more lenient, prison populations will rise one for one with crime rates.

The best practical way to judge the effectiveness of police and imprisonment is to study "natural experiments" where the number of police or prisoners fluctuate for reasons completely unrelated to crime incidence. By examining the effect of these changes in police or prisons on victimization levels, it is possible to estimate causal impacts.

Mayoral and gubernatorial elections provide good ways to test the effectiveness of police reinforcements. In big cities, increases in police forces occur disproportionately during election years, presumably because incumbents want to look "tough on crime." Over the last two decades, police forces in cities with populations over 250,000 have grown an average of 2.8 percent in election years, but only 0.7 percent in non-election years.

After controlling election-induced changes in police staffing against other factors, one finds that police force expansions have large effects on crime rates. In the big cities I examined, an additional sworn officer eliminates 4.5 violent crimes and six property crimes each year. Based on the best estimates of costs of crime to victims, this reduction in crime is worth over \$100,000 per officer per year. Any reduction in drunk driving, drug-related activities, arson, or fraud due to additional police would need to be added on top of that number, as would any psychological benefits to citizens from feeling safer. Given that the full costs of hiring a police officer are approximately \$75,000 a year, it appears that hiring more police is a cost-effective approach to fighting crime in most cities.

Adding prisoners also appears to be a cost-beneficial strategy for reducing crime. The "natural experiment" I used in analyzing prisons grows out of prison overcrowding litigation brought by groups such as the American Civil Liberties Union. In many places, such suits have forced prison officials to release inmates. In states affected by such court orders, imprisonment levels lag the rest of the United States by an average of 15 percent over a three-year period. And during that time span, crime rates in those places rise 10 percent faster than the national average for violent offenses, and 5 percent faster for property crimes. I estimate that each additional prisoner taken off the streets eliminates between two and three violent crimes a year and over 10 property crimes. The economic benefits alone of preventing those crimes amount to approximately \$45,000—well above annual incarceration costs that average \$25,000 to \$35,000 per prisoner.

How much crime might we reasonably hope to eliminate through increases in police and prisons? Putting another 100,000 police officers on the streets and an additional 100,000 offenders behind bars would likely reduce violent crime rates by about 10 percent. Beyond that point, diminishing returns make further increases economically unattractive.

Steven D. Levitt is a member of the Harvard Society of Fellows.

14 THERE IS NO ALTERNATIVE TO BUILDING MORE PRISONS

by Richard K. Willard

Some claim we could open up ample prison space in which to put today's egregious repeat offenders just by letting out "low-level" offenders, particularly those charged with drug crimes. These people are wrong.

Many violent criminals are turned loose today after serving amazingly lenient sentences. This has led to calls for building more prisons so that repeat violent offenders can be locked up for longer terms. Balancing this is a persistent question about whether our current prison capacity is being used properly. Some critics contend that our prisons contain substantial numbers of minor offenders, especially ones convicted of drug crimes, who can safely be released without endangering our communities. Before spending billions of dollars on new cells, they assert, we should make better use of existing space by reducing or eliminating sentences for these "non-threatening" felons.

Some of these critics cite a 1994 Justice Department study that indicated 21 percent of federal prisoners are "low-level drug offenders." The problems riddling this study start with its use of the euphemism "drug offender." In practice, virtually all of these federal prisoners were convicted of drug trafficking. These are

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not otherwise law-abiding citizens who happened to get nabbed for casual drug use. They are dealers.

Drug dealing is a serious crime. Drug dealers destroy neighborhoods. They enmesh children in their illegal distribution networks, and peddle their poisons to all. Most drug dealers use violence as part of their trade. They often carry firearms, almost always illegally. A majority of all homicides today are drug-related.

Even if one believes that some drug dealers don't deserve prison terms, the Justice Department study seriously overstates the number of federal prisoners who could be considered non-threatening

to their communities. Its list of "low-level offenders" includes many with prior records of serious criminal misconduct. The study's screening protocol was supposed to eliminate offenders with a history of violent crime, but further analysis showed that a significant percentage of persons charged with crimes of violence got through. Moreover, many of those with "non-violent" records had been charged with such serious felonies as burglary, a crime that certainly is a serious

threat to community safety. In addition, 45 percent of the first-offender drug traffickers the study presents as candidates for release are non-U.S. citizens—and no consideration was given to whether these individuals might have prior criminal records abroad, and so not even be first offenders at all.

Another factor bedeviling the study's claim to have identified a large population of non-threatening prisoners is the fact that many records of juvenile arrests and convictions—even for the most serious violent crimes—are sealed or expunged and thus unavailable to researchers. Many a putative first offender actually has a lengthy record of prior criminal conduct as a juvenile. It is quite predictable that most of those convicts will commit violent and predatory crimes as soon as they are released.

A more fundamental problem with using this study to argue that our prisons contain significant numbers of harmless individuals is this: the Justice Department research covered only the federal prison system—which contains less than 7 percent of the country's total prison population. And, unlike their federal counterparts, only a small proportion of state prisoners are drug criminals. There are just 27,000 first-time drug offenders in state prisons today—less than 4 percent of the total state prison population.

It is thus hard to see how our states could free up much prison capacity by adopting more lenient sentencing policies for drug offenders. The vast proportion of first-time drug offenders already receive pretrial diversion, probation, or short sentences in local jails only. Among all drug offenders who go to state prison—including many repeat offenders—the median time actually served behind bars is only 12 months.

It is certainly true that we should optimize our use of limited and costly prison capacity. And it may be possible to release some small number of prisoners following drug treatment. In such cases, there should be frequent drug testing backed up by mandatory incarceration if drug use persists.

Reducing drug sentences, however, will not solve our shortage of prison capacity. In state and federal penitentiaries alike,



most prisoners have long histories of anti-social criminal conduct. Huge numbers are chronic offenders. These are people who are unlikely to be rehabilitated, and releasing them will only increase victimization and crime losses across the larger society. We must provide sufficient space in our prisons so that these repeat and violent criminals can be incapacitated for much longer sentences than are now being imposed—not shorter ones.

Richard Willard, a former assistant attorney general, is a partner with the Washington, D.C. law firm of Steptoe and Johnson.

15 RUN PRISONS DIFFERENTLY

by Charles H. Logan

Forget about rehabilitation—prisons are for punishment. We need to adhere much more closely to the original court-ordered sentences of convicts and make our punishments stick. We also need to build more prisons. To get the most bang for our buck we should allow our prisons to be privately run.

Prisons are the favorite whipping boy of every critic of the American criminal justice system. Some say we have too many of them, others too few. It is argued that prisons are too full, that they cost too much, that they have become too comfortable, or not comfortable enough. There are questions as to whether they rehabilitate, deter, or even incapacitate.

Some of these controversies would clear up if we had a better understanding of the practical and moral importance of prisons. Punishment through imprisonment is above all else an expression of our sense of justice and of the value our society places on freedom and on individual responsibility. Doing justice is the true mission of our prisons, and the single most important thing we can do to aid them is to purge them of any official responsibility for rehabilitation.

Prisons should not try to be "correctional institutions." Changing behavior is not impossible—the majority of those

released from prison do not return—but it happens only through self-restraint and individual reform. When we define rehabilitation as a collective responsibility to be achieved through the criminal justice system, the principle of accountability gets blurred.

The message of prison should be simple: "Felonies are wrong and controllable acts, and those who commit them will be punished." Institutions aiming for "rehabilitation" more often transmit this muddled message: "Felonies are the result of social and personal deficiencies (of opportunity, knowledge, skills, habits, temperament, and so on), and society has a responsibility to correct those deficiencies." That message depicts criminal behavior as uncontrollable rather than willful, and portrays offenders as automatons in need of adjustment rather than responsible human beings who must accept the consequences of their actions. Such a message may excuse, and even encourage, crime; at the very least, it weakens the vital punishment message of imprisonment.

"But," we are warned, "most prisoners will return to society eventually; don't we want them to come back prepared to lead noncriminal lives?" Indeed, we do. We not only want that, we demand it—but we demand it of the victimizer, not of the prison system. And in this we do not ask much: Do not hit, rob, rape, kill, swindle, or otherwise aggress against your fellow citizens. Those whom we send to prison, rather than to a mental hospital, already have all the equipment they need to refrain from crime. What they do with their lives beyond that is not the business of the penal system.

So, how can we improve the effectiveness of prisons in curbing anti-social behavior and carrying out justice? For one thing, sentences need to be less rubbery. Most prisoners today have committed crimes that average citizens strongly believe should lead to imprisonment, and the specific sentences imposed generally reflect a broad consensus about the seriousness of various crimes. Once handed down, these sentences should be served in their entirety. To convey a clear message about the wrongness of crime, we need a system in which punishments are carried out fully as prescribed. When sentences get reduced sometime after sentencing for expedient reasons we end up with

unfairness (as when a murderer ends up doing less time than a thief) and mixed signals to lawbreakers (as when a crime that is declared to deserve 10 years of loss of liberty actually only brings three years). Thus we need truth in sentencing: a requirement that all prisoners serve at least 85 percent of their sentence.

To meet the current level of serious crime in the United States we also need more prisons. We can afford this—prisons remain a small, if growing, portion of government spending. But we certainly don't want to waste money on them. How can taxpayers tell if their government is giving them good value for their prison dollars? The best guarantee is to put the government in competition with the private sector.

As of June 1994, there were 84 private prison facilities with a total capacity of 43,508 beds under contract with various government bodies. A growing body of research demonstrates that these private prisons save money, improve quality, and protect inmates' rights, and that they produce no problems not already faced by governmental operations. Prison privatization has been called "controversial," but most of the resistance has been manufactured by dedicated opponents like public employee unions who feel threatened at the prospect of competition (as well they should). A decade of mostly positive experience has proven the value of private prisons.

That's why politicians of both parties now support them at the national level, as they long have at the local level. When the Reagan administration requested money for the private operation of one federal prison, a Democrat-dominated Committee on Appropriations denounced the idea and denied any funding. But the Clinton administration's proposed budget for fiscal year 1996 calls for the contract operation of four planned federal prisons, and for the privatization of most lower-security federal prisons and detention facilities built in the future. Even greater privatization of prisons and jails should be considered, by all levels of government.

Charles Logan, a professor of sociology at the University of Connecticut, is the author of Private Prisons: Cons and Pros.

November 30, 1995

Proposed Crime Initiatives

1. Concealed Weapon Detectors
2. Search and Seizure -- enhanced authority
3. Bullet Proof Vests -- Felon Prohibition
- sentencing enhancement
4. Cops in Schools
5. Police Youth Academies
6. Public Housing Initiatives
7. Enhanced Prosecution of Juvenile Offenders
8. Gangs -- RICO prosecutions
9. Lawyer participation -- criminal matters
10. Drug Testing
11. Speedy Trial Act -- States
12. Victim Bill of Rights -- States
13. Victim Counselors -- States
14. Witness Protection Programs -- States
workup authority
15. Restoration of Rights
16. Crop Eradication

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youth violence
gangs
criminal justice reform
NASA - Batman - crime
- nat. labs

- Youth Violence
1. Youth Violence Action Plan
 2. DOJ Legislation - fed prosec. of ju
 3. High School ROTC (pre-cop)
 4. Challenge to states
 5. Decl. of war on gangs
- use some cops & (Cops Gangs)
 6. Indictments
 7. Ban gang members from
public housing
 8. FBI Most Wanted List of gangs
 9. Locker reaches
 10. School uniforms
 11. Drug testing in schools

DRUGS

1. Drug Testing
2. Medic
3. Pro Sports - zero tolerance
- mandatory comm. service
4. Ministers - If you're doing, your
dancer is over
5. High school coaches - challenge

CRIMINAL JUSTICE REFORM/REVENUE

1. Challenge states to submit certain ju
2. Every victim has a right to a law
3. Where states are on victims standard
4. NATL. STDS - vision
- If you do these 4 things, the
rebuilding law will be slammed shut

Rahm, Bruce, Rene Kagen, Fois, MARKUS, Mastalli, Brandy
①
②
THURS
NOV 30

→ Youth Violence / Drugs

→ Reform

- R & D (bundle together)

Themes

- 1 - YV
- 2 - Drugs
- 3 - CT Reform
- 4 - Technology

- Declaration of War against Gangs

- Clinton gives speech all USAs

- "I am sending up legislation..."

Rahm → nothing is as good as action

→ "COPS" (GANGS)

- "COPS" / GANGS
- USAs mt w POTUS
- Police Academics
- Enhanced Prosecution
- Indictments

- Define "gang" → then cut off benefits

* - ^aMost Wanted Gangs List

- Declare War on Gangs
Then

Rahm Drug use goes up as media coverage goes down

Bruce → get sports to have a zero tolerance program
- Sport Figure -

Jesse Jackson
Fr. Clements
Church Adopts a War

→ Jim Burke "Sniffing"

★ - "uniforms"

just need one case, & you have
a policy

Reno → to § Teachers
we will stand by you if this
goes to Ct.

December → Brown is speaking
to Athletic Assoc
advocating all schools to
drug test

Elena → you can expand Sct. Case
beyond just sports.

- locker searches?

Beth was looking at this
some problems of this

Palum ★ Drug Testing Kids
Changes behavior

Something he can talk about

Change behavior speeches is what POTUS
can do

not moral bully pulpit

Fed v State

- rating system
 - This is the minimum you should have
- these 4 components
 - if you do them, then the revolving door is shut
- Challenge the governors
- If you did this, then ___% of criminals would ~~serve~~ serve more time

- 9 -

confidential sources, the Cali drug kingpin Miguel Rodriguez-Orejuela was located and arrested in Colombia.

IMPACT

The success achieved during Operation Cornerstone provides U.S. law enforcement authorities with a unique understanding of how the Cali Cartel conceals their drugs, smuggles them into the U.S., distributes them within the U.S., collects and launders drug proceeds and provides a sophisticated system of facilitation and support to their operatives in the United States. Mr. Kendall Coffey, the U.S. Attorney in Miami characterized this case as "the most significant drug trafficking indictment of the Cali Cartel in U.S. history."

U.S. CUSTOMS SERVICE SIGNIFICANT NEW PROGRAM AREAS

OPERATION HARD LINE

- The drug smuggling organizations have responded to successful interdiction efforts such as Operation Cornerstone and Customs Air Program by diverting the majority of their drug trafficking through Mexico.
- The increased and more organized smuggling along the border has increased the level of violence at our ports of entry. The smugglers use couriers willing to risk crashing into innocent bystanders and Federal officers to move their drugs through our border ports of entry. There were 827 of these incidents in FY 1994.
- In response to the increasing level of smuggling and violence, Customs and ONDCP initiated Operation **Hard Line** in February 1995. Hard Line is a long term effort to reduce the level of violence at our border ports and eventually deter the smugglers from attempting to smuggle drugs through our border ports.
- In the near term, the structural enhancements and operational changes in the ports of entry have reduced the number of violent incidents by 34% since the Operation began. Additionally, we have apprehended 40% more of the port runners, who crashed through the ports, after they fled the port.
- In the near term, the amounts of narcotics seized by Customs along the border has increased as well. We have seized 15% more cocaine, 67% more heroin and 23% more marijuana than last year.
- We anticipated strong enforcement efforts in the passenger vehicle lanes would force the smugglers to attempt to exploit the large volume of commercial traffic entering from Mexico. This has proven correct as we have seized narcotics secreted in 26 commercial shipments this FY year as compared to only 9 last year.
- Additional Hard Line funding in our FY 96 Appropriation will allow us to further enhance our abilities on the border. We will move more investigators and intelligence analysts to border locations. We will place more of the very successful full truck searches under way.

- 10 -

improvements within the ports to control violent smuggling attempts and improve interdiction opportunities.

NAFTA ENFORCEMENT

U.S. Customs has been enforcing the provisions of NAFTA since its implementation. This enforcement has taken the form of verifications of the bona fides of NAFTA claims made on goods imported into the U.S. and has been accomplished via questionnaires issued by our field personnel to Canadian and Mexican exporters and producers and by visits by these same personnel to the premises of Canadian and Mexican exporters and producers. Failure to support the claim for NAFTA treatment with documentation proving that the goods originate in one or more of the NAFTA countries has resulted in the denial of the claim for preferential duty treatment with a consequent increase in the amount of duty collected.

Prior to October 6, 1992, any person under Federal firearms disabilities could apply for relief from his/her Federal firearms disabilities pursuant to 18 U.S.C. § 925(c). On October 6, 1992, Public Law No. 102-393, 106 Stat. 1729, containing ATF's appropriations, became effective. This law prohibited the expenditure of funds for investigating and acting upon applications for relief from Federal firearms disabilities filed by individuals. This restriction was retained in Public Law No. 103-123, 107 Stat. 1226, containing ATF's appropriations for 1994, and in Public Law No. 103-329, 108 Stat. 2382, containing ATF's appropriation for 1995. As long as this provision is included in ATF's appropriations legislation, the Bureau cannot act upon applications for restoration of Federal firearms privileges, as submitted by individuals.

The FY-95 Public Law restriction did not pertain to corporations that were applying for firearms and/or explosives restoration. Nor did it pertain to FFLs who submitted their application in accordance with 18 U.S.C. § 925(c). Consequently, these FFLs were advised, by letter, of the Public Law restriction, and that in accordance with 18 U.S.C. § 925(b), they shall not be barred from operating their business as a result of their felony convictions until final action has been made on their application for firearms restoration.



JUVENILE FIREARMS TRACING INITIATIVE

DRAFT

In late 1993, ATF began a tracing initiative specifically designed to determine the source of firearms recovered on school property and from juveniles who use them to commit violent crimes. This initiative grew from an increase in juvenile-related violent crime, including juvenile gang activity and shootings on or near school property, and from the number of instances in which juveniles brought firearms to school or committed acts of violence at school.

State and local law enforcement agencies were informed of this initiative and encouraged to participate in our efforts to reduce the frequency of firearms violence involving juveniles, identify and stem the illegal flow of firearms to juveniles, and apprehend and prosecute adults who violate firearms laws by purchasing firearms for, or providing firearms to juveniles.

Historically, the only Federal laws that dealt with the acquisition of firearms by juveniles concerned their acquisition from FFLs, and in those cases, the law is designed to prevent licensed gun dealers from knowingly selling handguns to persons under 21 years of age and long guns to persons under 18 years of age.

With the enactment of the Crime Bill, there exists for the first time specific Federal firearms laws that deal with the possession of firearms by juveniles and the transfer of firearms to juveniles.

DRAFT

ATF is committed to reducing juvenile access to firearms, and we have encouraged our field personnel to continue to trace firearms associated with violent juvenile crime and those possessed or recovered from school property. Additionally, we are committed to developing local initiatives in cooperation with State and local law enforcement and school authorities that are directed at reducing the frequency of juvenile firearms possession and firearms violence.

ATF is proud of the role we have played in the national strategy to reduce violent crime through the effective enforcement of the Federal firearms laws. ATF is clearly the quintessential ingredient in any national strategy to combat firearms

violence. We have historically been the linchpin that has held together this Nation's struggle for the reduction of firearms-related violence through the fair and effective enforcement of the firearms laws. Our future enforcement efforts, guided by our strategic plan, will prove even more effective.



THE COMING OF THE SUPER-PREDATORS

By John J. DiIulio, Jr.

Lynne Abraham doesn't scare easily. Abraham is the no-nonsense Democratic district attorney of Philadelphia. The city's late tough-cop mayor, Frank Rizzo, baptized her "one tough cookie." The label stuck, and rightly so. Abraham has sent more mafiosi to prison than Martin Scorsese, stood up (all 5'2" of her) to violent drug kingpins, won bipartisan support in this Congress for wresting control of the city's jail system from an ACLU-brand federal judge, and, most recently, publicly shamed the know-nothing literati who want to free convicted cop-killer Mumia Abu-Jamal. Today various of her colleagues at the non-partisan National District Attorneys Association describe her as "suite smart and street smart," "a genuine law-and-order liberal," and "probably the best big-city D.A. in the country."

All true. So pay attention, because Lynne Abraham is scared.

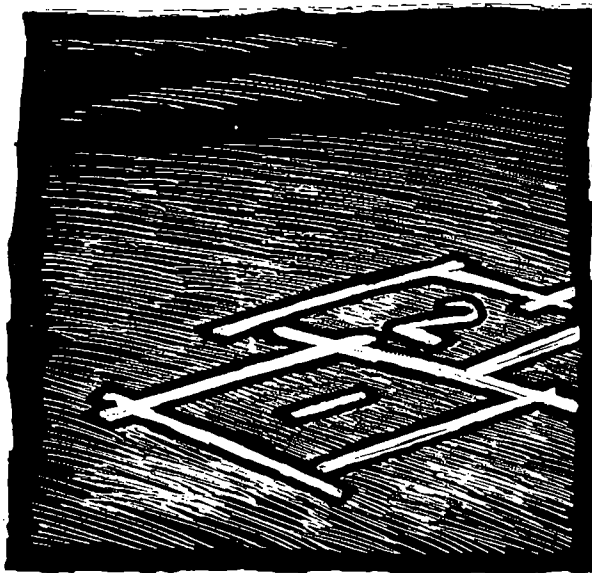
In a recent interview, Abraham used such phrases as "totally out of control" and "never seen anything like it" to describe the rash of youth crime and violence that has begun to sweep over the City of Brotherly Love and other big cities. We're not just talking about teenagers, she stressed. We're talking about boys whose voices have yet to change. We're talking about

elementary school youngsters who pack guns instead of lunches. We're talking about kids who have absolutely no respect for human life and no sense of the future. In short, we're talking big trouble that hasn't yet begun to crest.

And make no mistake. While the trouble will be greatest in black inner-city neighborhoods, other places are also certain to have burgeoning youth-crime problems that will spill over into upscale central-city districts, inner-ring suburbs, and even the rural heartland. To underscore this point, Abraham recounted a recent town-hall meeting in a white working-class section of the city that has fallen on hard times: "They're becoming afraid of their own children. There were some big beefy guys there, too. And they're asking me what am I going to do to control *their* children."

I interviewed Abraham, just as I have interviewed other justice-system officials and prison inmates, as a reality check on the incredibly frightening picture that emerges from recent academic research on youth crime and violence. All of the research indicates that Americans are sitting atop a demographic crime bomb. And all of those who are closest to the problem hear the bomb ticking.

To cite just a few examples, following my May 1995 address to the district attorneys association, big-city prosecutors inundated me with war stories about the ever-growing numbers of hardened, remorseless juveniles who were showing up in the system. "They kill or maim on impulse, without any intelligible motive," said one. Likewise, a veteran beat policeman confided:



Neil Shigley

Princeton's Professor John J. DiIulio, Jr. is director of the Brookings Institution's Center for Public Management and Adjunct Fellow at the Manhattan Institute. He is co-director of issues research for the Foundation for the American Family, chaired by former Pennsylvania Governor Robert P. Casey.

"I never used to be scared. Now I say a quick Hail Mary every time I get a call at night involving juveniles. I pray I go home in one piece to my own kids."

On a recent visit to a New Jersey maximum-security prison, I spoke to a group of life-term inmates, many of them black males from inner-city Newark

and Camden. In a typical remark, one prisoner fretted, "I was a bad-ass street gladiator, but these kids are stone-cold predators." Likewise, in his just-published book, *Mansfield B. Frazier*, a five-time convicted felon, writes of what he calls "The Coming Menace": "As

WHAT FRIGHTENS EVERYONE IS NOT WHAT'S HAPPENING NOW; IT'S WHAT'S JUST AROUND THE CORNER—A SHARP INCREASE IN YOUNG PREDATORS

bad as conditions are in many of our nation's ravaged inner-city neighborhoods, in approximately five years they are going to get worse, a lot worse." Having done time side-by-side with today's young criminals in prisons and jails all across the country, he warns of a "sharp, cataclysmic" increase in youth crime and violence.

To add my own observations to this pile, since 1980 I've studied prisons and jails all across the country—San Quentin, Leavenworth, Rikers Island. I've been on the scene at prison murders and riots (and once was almost killed inside a prison). Moreover, I grew up in a pretty tough neighborhood and am built like an aging linebacker. I will still waltz backwards, notebook in hand and alone, into any adult maximum-security cellblock full of killers, rapists, and muggers.

But a few years ago, I forswore research inside juvenile lock-ups. The buzz of impulsive violence, the vacant stares and smiles, and the remorseless eyes were at once too frightening and too depressing (my God, these are *children!*) for me to pretend to "study" them.

The numbers are as alarming as the anecdotes. At a time when overall crime rates have been dropping, youth crime rates, especially for crimes of violence, have been soaring. Between 1985 and 1992, the rate at which males ages 14 to 17 committed murder increased by about 50 percent for whites and over 300 percent for blacks.

While it remains true that most violent youth crime is committed by juveniles against juveniles, of late young offenders have been committing more homicides, robberies, and other crimes against adults. There is even some evidence that juveniles are doing

homicidal violence in "wolf packs." Indeed, a 1993 study found that juveniles committed about a third of all homicides against strangers, often murdering their victim in groups of two or more.

Violent youth crime, like all serious crime, is predominantly *intra*-racial, not interracial. The surge in violent youth crime has been most acute among black inner-city males. In 1992, black males ages 16 to 19 experienced violent crime at nearly double the rate of white males and were about twice as likely to be violent crime victims as were black males in 1973. Moreover, the violent crimes experienced by young black males tended to be more serious than those experienced by young white males; for example, aggravated assaults rather than simple assaults, and attacks involving guns rather than weaponless violence.

The youth crime wave has reached horrific proportions from coast to coast. For example, in Philadelphia, more than half of the 433 people murdered in 1994 were males between the ages of 16 and 31. All but 5 of the 89 victims under 20 were non-white. In Los Angeles, there are now some 400 youth street gangs organized mainly along racial and ethnic lines: 200 Latino, 150 black, the rest white or Asian. In 1994, their known members alone committed 370 murders and over 3,300 felony assaults.

But what is really frightening everyone from D.A.s to demographers, old cops to old convicts, is not what's happening now but what's just around the corner—namely, a sharp increase in the number of super crime-prone young males.

Nationally, there are now about 40 million children under the age of 10, the largest number in decades. By simple math, in a decade today's 4 to 7-year-olds will become 14 to 17-year-olds. By 2005, the number of males in this age group will have risen about 25 percent overall and 50 percent for blacks.

To some extent, it's just that simple: More boys begets more bad boys. But to really grasp why this spike in the young male population means big trouble ahead, you need to appreciate both the statistical evidence from a generation of birth-cohort studies and related findings from recent street-level studies and surveys.

The scientific kiddie-crime literature began with a study of all 10,000 boys born in 1945 who lived in Philadelphia between their tenth and eighteenth birthdays. Over one-third had at least one recorded arrest by the time they were 18. Most of the arrests occurred when the boys were ages 15 to 17. Half of the boys who were arrested were arrested more than once.

Once a boy had been arrested three times, the chances that he would be arrested again were over 70 percent.

But the most famous finding of the study was that 6 percent of the boys committed five or more crimes before they were 18, accounting for over half of all the serious crimes, and about two-thirds of all the violent crimes, committed by the entire cohort.

This "6 percent do 50 percent" statistic has been replicated in a series of subsequent longitudinal studies of Philadelphia and many other cities. It is on this basis that James Q. Wilson and other leading crime doctors can predict with confidence that the additional 500,000 boys who will be 14 to 17 years old in the year 2000 will mean at least 30,000 more murderers, rapists, and muggers on the streets than we have today.

Likewise, it's what enables California officials to meaningfully predict that, as the state's population of 11 to 17-year-olds grows from 2.9 million in 1993 to 3.9 million in 2004, the number of juvenile arrests will increase nearly 30 percent.

But that's only half the story. The other half begins with the less well-known but equally important and well-replicated finding that since the studies began, each generation of crime-prone boys (the "6 percent") has been about three times as dangerous as the one before it. For example, crime-prone boys born in Philadelphia in 1958 went on to commit about three times as much serious crime per capita as their older cousins in the class of '45. Thus, the difference between the juvenile criminals of the 1950s and those of the 1970s and 80s was about the difference between the Sharks and Jets of *West Side Story* fame and the Bloods and Crips of Los Angeles County.

Still, demography is not fate and criminology is not pure science. How can one be certain that the demographic bulge of the next 10 years will unleash an army of young male predatory street criminals who will make even the leaders of the Bloods and Crips—known as O.G.s, for "original gangsters"—look tame by comparison?

The answer centers on a conservative theory of the root causes of crime, one that is strongly supported by

all of the best science as well as the common sense of the subject. Call it the theory of moral poverty.

Most Americans of every race, religion, socio-economic status, and demographic description grow up in settings where they are taught right from wrong and rewarded emotionally or spiritually (if not also or always materially) for deferring immediate gratification and respecting others. Most of us were blessed to be born to loving and responsible parents or guardians. And most of us were lucky enough to have other adults in our lives (teachers, coaches, clergy) who reinforced the moral lessons that we learned at home—don't be selfish, care about others, plan for the future, and so on.

But some Americans grow up in moral poverty. Moral poverty is the poverty of being without loving, capable, responsible adults who teach you right from

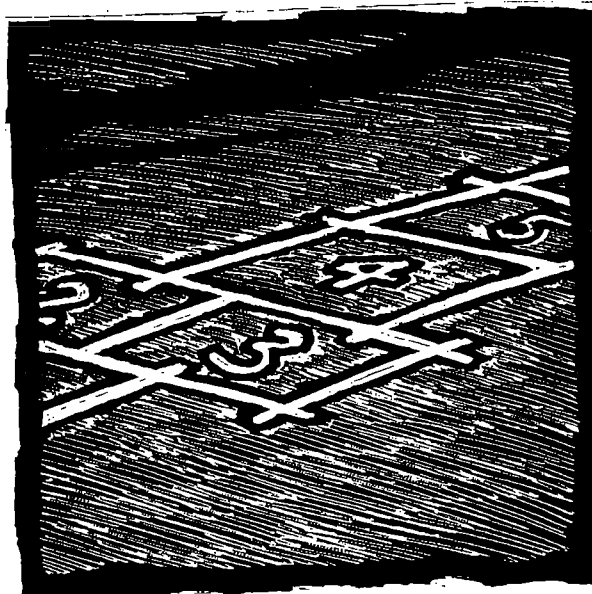
wrong. It is the poverty of being without parents and other authorities who habituate you to feel joy at others' joy, pain at others' pain, happiness when you do right, remorse when you do wrong. It is the poverty of growing up in the virtual absence of people who teach morality by their own everyday example and who insist that you follow suit.

In the extreme, moral poverty is the poverty of growing up surrounded by deviant, delinquent, and criminal adults in abusive, violence-ridden, fatherless, Godless, and

jobless settings. In sum, whatever their material circumstances, kids of whatever race, creed, or color are most likely to become criminally depraved when they are morally deprived.

Most predatory street criminals—black and white, adult and juvenile, past and present—have grown up in abject moral poverty. But the Bloods and Crips were so much more violent, on average, than their 50s counterparts, and the next class of juvenile offenders will be even worse, because in recent decades each generation of youth criminals in this country has grown up in more extreme conditions of moral poverty than the one before it.

The abject moral poverty that creates super-predators begins very early in life in homes where uncondi-



Neil Shigley

San Francisco Chronicle - Dec 10

tional love is nowhere but unmerciful abuse is common. One of the best ethnographic accounts of this reality is Mark S. Fleisher's 1995 book on the lives of 194 West Coast urban street criminals, including several dozen who were juveniles at the time he did his primary field research (1988 to 1990). Almost without exception, the boys' families "were a social fabric of fragile and undependable social ties that weakly bound children to their parents and other socializers." Nearly all parents abused alcohol or drugs or both. Most had no father in the home; many had fathers who were criminals. Parents "beat their sons and daughters—whipped them with belts, punched them with fists, slapped them, and kicked them."

Such ethnographic evidence is mirrored by national statistics on the morally impoverished beginnings of incarcerated populations. For example, 75 percent of highly violent juvenile criminals suffered serious abuse by a family member; nearly 80 percent witnessed extreme violence (beatings, killings); over half of prisoners come from single-parent families; over one-quarter have parents who abused drugs or alcohol; nearly a third have a brother with a prison or jail record.

Among other puzzles, the moral poverty theory explains why, despite living in desperate economic poverty, under the heavy weight of Jim Crow, and with plenty of free access to guns, the churchgoing, two-parent black families of the South never experienced anything remotely like the tragic levels of homicidal youth and gang violence that plague some of today's black inner-city neighborhoods.

It also explains why once relatively crime-free white working-class neighborhoods are evolving into white underclass neighborhoods. The out-migration of middle-class types, divorce, out-of-wedlock births, and graffiti-splattered churches have spawned totally unsocialized young white males who commit violent crimes and youth gangs that prefer murder to mischief. (Anyone who doubts it is welcome to tour my old Catholic blue-collar neighborhood in Philadelphia.)

Moral poverty begets juvenile super-predators

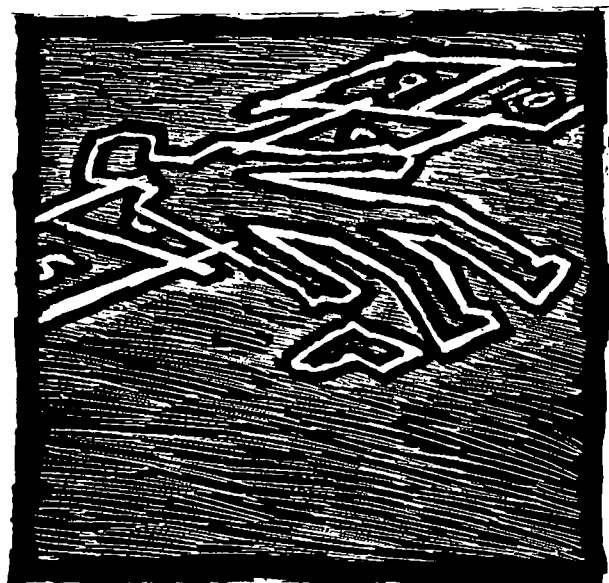
whose behavior is driven by two profound developmental defects. First, they are radically present-oriented. Not only do they perceive no relationship between doing right (or wrong) now and being rewarded (or punished) for it later. They live entirely in and for the present moment; they quite literally have no concept of the future. As several researchers have found, ask a group of today's young big-city murderers for their thoughts about "the future," and many of them will ask you for an explanation of the question.

Second, the super-predators are radically self-regarding. They regret getting caught. For themselves, they prefer pleasure and freedom to incarceration and death. Under some conditions, they are affectionate and loyal to fellow gang members or relatives, but not even moms or grandmoms are sacred to them; as one prisoner quipped, "crack killed everybody's 'mama.'" And they place zero value on the lives of their victims, whom they reflexively dehumanize as just so much worthless "white trash" if white, or by the usual racial or ethnic epithets if black or Latino.

On the horizon, therefore, are tens of thousands of severely morally impoverished juvenile super-predators. They are perfectly capable of committing the most heinous acts of physical violence for the most trivial reasons (for example, a perception of slight disrespect or the accident of being in their path). They fear neither the stigma of arrest nor the pain of imprisonment. They live by the meanest code of the meanest streets, a code that reinforces rather than restrains their violent, hair-trigger mentality. In prison or out, the things that super-predators get by their criminal behavior—sex, drugs, money—are their own immediate rewards. Nothing else matters to them. So far as long as their youthful energies hold out, they will do what comes "naturally": murder, rape, rob, assault, burglarize, deal deadly drugs, and get high.

What is to be done? I will conclude with one big idea, but my best advice is not to look for serious answers from either crowd in Washington.

Earlier this year, I was among a dozen guests invited to a working White House dinner on juvenile



Neil Shigley

crime. Over gourmet Szechwan wonton and lamb, the meeting dragged on for three-and-a-half hours. President Clinton took copious notes and asked lots of questions, but nothing was accomplished. One guest pleaded with him to declare a National Ceasefire Day. Wisely, he let that one pass. But another guest recommended that he form (you guessed it) a commission. In mid-July, the president named six members to a National Commission on Crime Control and Prevention. I didn't know whether to laugh or cry.

Meanwhile, Republicans have made some real improvements on the 1994 crime bill. But it is hard to imagine that block-granting anti-crime dollars will work (it never has before). And it is easy to see how the passion for devolution is driving conservatives to contradict themselves. For years they've stressed that drugs, crime, and welfare dependency are cultural and moral problems. Now, however, they talk as if perverse monetary incentives explained everything.

True, government policies helped wreck the two-parent family and disrupted other aspects of civil society. But how does the sudden withdrawal of government lead automatically to a rebirth of civil society, an end to moral poverty, and a check on youth crime? It doesn't, not any more than pulling a knife from the chest of a dead man brings him dancing back to life. Liberal social engineering was bad; conservative social re-engineering will prove worse.

My one big idea is borrowed from three well-known child-development experts—Moses, Jesus Christ, and Mohammed. It's called religion. If we are to have a prayer of stopping any significant fraction of the super-predators short of the prison gates, then we had better say "Amen," and fast.

Why religion? Two reasons. First, a growing body of scientific evidence from a variety of academic disciplines indicates that churches can help cure or curtail many severe socioeconomic ills. For example, a 1986 study by Harvard economist Richard Freeman found that among black urban youth, church attendance was a better predictor of who would escape drugs, crime, and poverty than any other single variable (income, family structure) and that churchgoing youth were more likely than otherwise comparable youth to behave in socially constructive ways. Likewise, a study by a panel of leading specialists just published by the journal *Criminology* concluded that, while much work remains to be done, there is substantial empirical evidence that religion serves "as an insulator against crime and delinquency." And we have long known that many of the most effective substance-

abuse prevention and treatment programs, both in society and behind bars, are either explicitly religious or quasi-religious in their orientation.

Second, religion is the one answer offered time and again by the justice-system veterans, prisoners, and others I've consulted. With particular reference to black youth crime, for example, it is an answer proffered in recent books by everyone from liberal Cornel West to neoconservative Glenn Loury, Democrat Jesse Jackson to Republican Alan Keyes.

In a recent forum at Trenton's Mount Zion AME Church, Isaac "Ike" Ballard, executive director of education for the New Jersey prison system, spoke the big truth: "The church is the most potent establishment in every black community. It is the single entity that can take on the mission of economic development and give people, especially young people, an alternative to drugs and crime." To be sure, black churches are in decline in many needy neighborhoods. They are straining to stay open despite lost membership, near-empty coffers, and increasing community demands. Still, they remain the last best hope for rebuilding the social and spiritual capital of inner-city America.

We must, therefore, be willing to use public funds to empower local religious institutions to act as safe havens for at-risk children (church-run orphanages, boarding schools, call them what you please), provide adoption out-placement services, administer government-funded "parenting skills" classes, handle the youngest non-violent juvenile offenders, provide substance-abuse treatment, run day-care and pre-school programs, and perform other vital social and economic development functions.

MY ONE BIG IDEA IS BORROWED FROM THREE WELL-KNOWN CHILD-DEVELOPMENT EXPERTS—MOSES, JESUS CHRIST, AND MOHAMMED.

Although many government officials are reluctant to admit it—and while data on how much of each government social-services dollar already goes through religious institutions are incredibly sparse—in some places churches are already performing such tasks with direct or indirect public support. We should enable them to do even more.

Obviously, even with increased public support, churches could not come close to saving every child or solving every social problem. But I'd bet that the marginal return on public investments that strengthen the community-rebuilding and child-protection capacities

of local churches would equal or exceed that of the marginal tax dollar spent on more cops, more public schools, and more prisons.

Such proposals raise all sorts of elite hackles. But most Americans believe in God (90 percent) and pray each day (80 percent). The trouble is that our faith in God and religion is not reflected in federal, state, and local social policies, courtesy of the anti-religious and non-religious liberal and conservative pseudo-sophisticates of both parties. Let them argue church-state issues (anyone remember the Northwest Ordinance or what the Founding Fathers really said about religion?) all the way to the next funeral of an innocent kid caught in the crossfire. Let these theoretic politicians, as Madison would disparagingly call them, trifle with

non-issues concerning which level of government ought to take the lead in protecting lives and property. (Answer: all.)

No one in academia is a bigger fan of incarceration than I am. Between 1985 and 1991 the number of juveniles in custody increased from 49,000 to nearly 58,000. By my estimate, we will probably need to incarcerate at least 150,000 juvenile criminals in the years just ahead. In deference to public safety, we will have little choice but to pursue genuine get-tough law-enforcement strategies against the super-predators.

But some of these children are now still in diapers, and they can be saved. So let our guiding principle be, "Build churches, not jails"—or we will reap the whirlwind of our own moral bankruptcy. ♦

THE CASE FOR AN AMERICAN 'FRANKPLEDGE'

By Andrew Peyton Thomas

In recent years, the alarming increase in violent crime rates has proved resistant to the best efforts of police and politicians. These trends have also given us reason to reconsider the tried and true crime-control strategies that once kept American streets safe. In particular, it is time that American tax policies begin to reflect the age-old presumption that private citizens, rather than the government, are primarily responsible for the defense of their neighborhoods from criminals.

Accordingly, the federal government should offer a tax credit or some other comparable financial incentive for Americans to participate in Neighborhood Watch programs or similar community crime-control organizations. By giving each participating household a credit of, say, \$250 a year, the federal government could do far more to deter crime than spending the same amount for more police officers and prisons.

To receive this tax benefit, citizens would be required to patrol their neighborhoods without weapons, armed only with walkie-talkies and other

communications gear capable of informing police of any criminal activity discovered. Their sole duty would be to inform police of crimes in progress.

Such a system would not be some untested anti-crime proposal born of frustration with the current crime problem. It is, rather, a return to the system of community self-protection that the Founding Fathers inherited from Great Britain. Under the system called the "frankpledge," men without property were organized for community self-defense and required to serve as night watchmen. This arrangement served for centuries as an effective deterrent to crime. It was not abandoned until the 1800s, when Americans became confident that the new police departments being created could singlehandedly deter crime.

By offering tax credits for community crime-control service, the government would not be making such service mandatory. This is an important distinction from the classic frankpledge and is more consistent with the ethos of our time. Rather, the American frankpledge would enlist volunteers for defense of their own territory, modestly compensating them and thereby demonstrating government's support for this indispensable service.

It would also be a better investment of federal money than simply sending more funds to police

Andrew Peyton Thomas is an assistant attorney general for Arizona and the author of the book Crime and the Sacking of America: The Roots of Chaos. This article does not necessarily reflect the views of the Arizona Attorney General's Office.

departments. While policemen cannot be everywhere at once, neighbors, in a sense, can. Now, the probability of arrest for a crime in progress is about 33 percent, while a mere 15-minute delay in giving chase reduces the probability to 5 percent. One prominent criminologist, Herman Goldstein, has estimated convincingly that a 5 to 10 percent increase in citizen anti-crime involvement could "possibly prove of much greater value in combating crime than a 50 to 60 percent increase in the number of police officers or an equally large investment in technical equipment."

An example of the kind of dramatic success to be reaped from such widespread citizen involvement was evident recently in Detroit's reaction to the annual real-life Halloween horror of Devil's Night. In response to the local tradition of an arson festival on the nights preceding All Hallows Eve, Detroit residents in 1991 banded together with fire extinguishers, flashlights, and radios in a massive display of community deterrence.

With the help of police helicopters and a dusk-to-dawn juvenile curfew, the 4,000 volunteers cut the number of fires from 141 the prior year to 62. In the

following years, there was less community involvement and more fires, thus proving the reverse point as well.

Active governmental support of such community efforts is crucial. There is only so much that private citizens can do without a coordinated governmental strategy for fighting crime, one that issues a common call to civic duty supported by proper financial incentives. We must recognize that our duty to defend the community against criminals does not end when we pay our taxes to fund police squads. Ultimately, the people must be willing to roll up their sleeves and help out more actively.



Neil Shigley

As crime rates continue to rise ominously among juveniles, especially white juveniles (among whom crime rates are rising at more than double the rate of growth among black juveniles), we must all be prepared to assist our beleaguered police forces in the daunting task at hand. Tax incentives for community anti-crime service are a sensible place to start. For without the help of the currently disengaged masses, America's police officers will continue to languish in a siege that promises to end unpleasantly. ♦

WHY WE SHOULD DECRIMINALIZE CRIME

By William Tucker

The same week that O.J. Simpson got off, the U.S. Supreme Court was considering *Gore v. BMW*, the case of an Alabama doctor who found that his car had been partially refinished after suffering slight damage on the boat trip from Germany. An Alabama jury awarded \$4,000 in compensatory damages and \$4 million in punitive damages.

The juxtaposition illustrates perfectly the yawning dichotomy that has developed between the two halves of the justice system. On the criminal side, it seems

impossible to convict anybody of anything. Certainly, the jails are filled with offenders. But when really important cases arise and the criminal defense industry marshals its forces, it seems less and less likely that the prosecution will secure a conviction—or, equally important, make one stick in the appeals process. Next thing you know, it is being argued that the system is "unfair" because every criminal does not get the same kind of legal defense.

The degeneration of race relations in Los Angeles and across the country, for example, has been charted by a series of bizarre acquittals in what seemed to be transparent cases of guilt. First there was the acquittal

William Tucker is a free-lance writer living in Brooklyn. He collaborated with Neut Gingrich on To Renew America.

*Dennis is here
in sample white
paper*

Repeal The Frank And Give It To The American People

Background

One of the biggest perks for Congressional incumbents is the franking privilege, which gives Members the right to mail whatever they want without stamps. Many critics have stated that the congressional newsletter, which supposedly keeps constituents informed about what's happening in Congress, is merely a propaganda tool for reelection. The Senate decided to ban sending unsolicited postage-free mail, a 219 year-old practice, in this midterm election cycle. It will save \$9 million in fiscal year 1995. However House members have continued stuffing mailboxes at the taxpayers expense.

According to the National Taxpayers Union Foundation (NTUF), House members spent \$62.9 million on franked mail in '93-'94. The study found that:

- . The average House member spent \$143,026 on franked mail during the first 21 months of the 103rd Congress;
- . 37 of the most vulnerable House incumbents spent on average three times more than what retiring House members spent (\$129,184 vs. \$39,238 respectively);
- . House incumbents saved vast amounts of their annually allocated franking money until the final months of 1993 and 1994 to blitz their districts with mailings as close to the 1994 election as possible. December 1993 and August 1994 accounted for nearly one-fifth (18% of all House franking expenditures in the 103rd Congress;
- . The \$62.9 million far exceeds the \$40.8 million in campaign contributions raised by the 1,041 Congressional challengers between January 1, 1993 and June 30, 1994.

Apparently the new Republican Freshman of the 104th Congress have discovered the virtue of the frank. Of the top ten freshman frankers so far, eight are Republicans, including Tom Davis, who introduced bill earlier this year to slash franking budgets by one-third. Davis was number nine among freshman frankers and using raw expenditure s as a gauge, was also in the top 15% of frankers as a whole.

Proposal

Several reform proposals of the frank have been suggested by public interest organizations: These include:

- . The House should follow the Senate's lead and endorse an election-year ban on unsolicited mass mailings. In off-years it should adopt the same member-by-member restrictive dollar limits on the use of the frank. NTUF estimates this would save \$40 million per Congress.

- . The House should allow public inspection and copying of all unsolicited mass mailings. Current House rules only permit public inspection of a limited number of mailings per day and no copying is allowed.
- . The House and Senate should disclose all mass mailing expenditures to the public before an election, not after election.

While these reforms would go a long way towards cleaning up the unfairness in the franking system, we recommend bolder action: Eliminate the frank for unsolicited mass mailings altogether and give a citizen's frank to the American people.

According to Roll Call, at least half the franking budget goes for unsolicited mail. Others say it could be as high as 95%. We propose to eliminate franking privileges for unsolicited mail and use the savings to pay for providing the frank to the American people. This citizen's frank should also apply to the letters to the White House.

Only letters in standard envelopes, individually signed, could be sent to members for free. Lobbyist, interest group organization, and other types of mass mailings would not be eligible for franking privileges. Anyone violating these restrictions would be subject to heavy, mandatory monetary penalties. All letters must include the House or Senate zip code and the name of the Congressman/woman to whom the letter is being sent.

Advantages

- . Will encourage voter participation in democratic process.
- . Will increase constituent access to Members of Congress.

Disadvantages

- . Hard to police violations against mass mailing prohibition.

Recommendation

Propose repealing the congressional frank for unsolicited mail with the "Citizen's Frank for the American People".

S.F. Court to Test Phone Arguments In Law and Motion

Procedures Should Reduce Client Costs, Save Attorney Time

ABA; L.A. Bar Watch-

By PHILIP CARRIZOSA

SAN FRANCISCO — One of the busiest departments in San Francisco's Superior Court is about to embark on a "state of the art" experiment of handling law and motion matters by telephone rather than in-court.

The six-month experiment, scheduled to begin in two weeks, adds the San Francisco court to a growing list of jurisdictions that are using the modernized process as a means of reducing legal costs to clients.

Participation in the project is voluntary but most officials believe they have included some of the best features of other programs and are hoping for substantial use of its time-saving methods.

Essentially what we have tried to do is create a totally flexible program here which enables the people who are most served by this approach to utilize it without forcing anybody to force themselves to come into

Friese, chairman of the business litigation

committee of the Bar Association of San Francisco and Witham Bates; a member of the State Bar Courts Committee, have been heading the effort toward telephonic law and modern with the help of Superior Court Judge

Idea Tried Elsewhere

The idea has also been tried in superior

But the Northern California court officials have carefully structured their task

program with an eye toward encouraging as much attorney participation as possible without creating any new burdens for Judge Brown or his staff.

Under the program, any attorney who has set a hearing in San Francisco's sole law and motion department can participate by tele-

phone by sending notice to opposing counsel and the court's telephone conference coordinator. Notices must be received two days before the hearing date.

Costs of the call would be billed to the attorney first requesting a telephonic appearance.

ance, although the rules permit the lawyers to apportion the calls among themselves under their own agreement.

Judge Brown currently separates his calendar of cases into a 9 to 11 a.m. and 11:30 a.m. section. Attorneys seeking to argue by telephone would have to be available for the conference call between 9:30 a.m. and 11:30 a.m.

a m. if on the first half of the calendar and between 10:30 a.m. and noon if on the second

One of the key features of the San Francisco plan deals with the tentative ruling that Brown usually posts outside his courtroom about 9:15 a.m.

Currently, Brown's tentative rulings are not available by telephone and attorneys who wish to know the decision must go to his courtroom at City Hall to see the findings.

torneys would be told of the tentative ruling at the start of the conference call. Friedman hopes that will encourage attorneys to use the telephone because their lawyers will

changed his mind on a tentative ruling since taking over the Law and Motion De-

Thus, said Friese, attorneys will not only learn the tentative ruling more quickly by coming in the experiment but will also be

Financial Savings for Lawyers

The typical three-way conference call for alternative in the San Francisco area is \$1.75 for the first three minutes, according to Pa-

For attorneys in the Los Angeles area who prefer to call from there, to the San Francisco court, the cost is \$3.25 for the first

See Page 16—TELEPHONE HEARING

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The Federal Speedy Trial Act: New Praise for Its Effectiveness

By STEVEN ABRAMSON

When Congress passed the Speedy Trial Act of 1974, it was, in effect, giving meaning to a message the courts had heard many times before: That justice delayed is justice denied.

The act for the first time gave concrete dimensions to both the defendant's constitutional right to a speedy trial and a more recently expressed public interest in seeing criminals imprisoned without delay. It came in response to growing pretrial delays of the late 1960s and early 1970s that threatened the rights of both defendants and the public.

As amended in 1979, the act requires district court criminal cases to move from arrest to indictment within 30 days and from indictment to trial within 70. The clock runs without being triggered by the defendant, as past speedy trial legislation required, because the 1974 act considers the interests of the public as well.

The deadlines are flexible for a number of reasons outlined in the bill, such as pretrial mental or physical examination, or if delay serves the "ends of justice." But, as of June 1, 1980, judges could dismiss cases exceeding the deadlines either without prejudice (allowing a new trial) or with prejudice (barring it from future consideration).

Judges and lawyers complained about the act from its beginning, although no one argued the principles. Lawyers criticized burdensome time limits. Judges echoed the complaints of Chief Justice Warren Burger, who said it was an intrusion into an area the federal courts alone should control. "I leave it to you whether . . . the Speedy Trial Act should have been imposed on the federal courts over the vigorous opposition of the Judicial Conference of the United States and whether the act contributes to a sound and orderly administration of the criminal law," he told the American Law Institute.

After a four-year phase-in of the act from 1975 to 1979, a one-year delay in implementing the dismissal rule from mid-1979 to mid-1980, and nearly a year of full operation, the questions of Chief Justice Burger and others are now being answered. And most of the answers are positive.

Most approving is a November 1980 report to Congress from the U.S. General Accounting Office. As of the second half of 1979, according to national statistics of the Administrative Office of the U.S. Courts reviewed by the GAO, 96 percent of district criminal cases reached trial within 100 days. In 1977 only 80 percent of such cases moved as fast. The GAO said that, within its intent to protect public and private speedy trial rights, "the act has been effective."

In a July 1980 report to the U.S. Justice Department entitled "The Processing of Federal Criminal Cases under the Speedy Trial Act of 1974," Abt Associates of Cambridge, Massachusetts, also confirmed "a high rate of compliance. Of the 1,331 cases filed in 18 nationally representative districts during November and December of 1979, Abt found 91 percent complying with the 100-day deadline. The private research group noted further that once judges began imposing dismissal sanctions in mid-1980 prosecutors might streamline policy for an even higher compliance rate."

Steven Abrahams is a research assistant at Judicature magazine. Reprinted by permission.

Write It Right

To The Editor:

This letter is written in response to the letter by Allen Bartleman, of Rancho Cucamonga, which was published July 13.

Mr. Bartleman, it truly is sad that an 8-year old child was crushed to death by an allegedly defective elevator. However, the allegations of the wrongful death complaint that the elevator would cause "severe personal injuries including but not limited to death," are simply gobbledegook at its best. I do not believe that Milt Policzer, writer of the "From the Courts" column, is ridiculing the event. Rather, he is performing a valuable community service by pointing out examples of often-dubious legal writing which could be, or at least should be, avoided.

I would hope that the readers of "From the Courts" think of this column whenever they draft their legal papers. If attorneys were more careful, Mr. Policzer would not have any material to print in his column.

EDWARD L. LE BERTON
Hollywood

Use of Loopholes

The GAO and Abt did find problems with the act, however. In fact, the bulk of the two reports concerned those problems, as the title of the GAO study suggests — "Congress Should Clarify the Speedy Trial Act to Resolve Differing Interpretations."

Both reports found widespread use of a loophole in the act to avoid the 30-day arrest-to-indictment limit. Prosecutors order a suspect arrested, hold him or her for up to 30 days and then dismiss charges — only to continue their criminal investigations and bring an indictment later. The chief of the Grand Jury Division of the D.C. District Court told the GAO that nearly a third of all arrest cases there involved a loophole dismissal. Abt found high numbers of loophole

also has helped reduce the dockets, according to District Clerk H. Stuart Cunningham.)

Marshall acknowledged that some cases cannot meet the act's strictures because of complexity, unavailable evidence, or witnesses, or even overworked defense counsel. "There's a definite possibility that the defense can be given an unreasonable schedule in a complex case," Marshall says. "But I think in this district 80 percent of lawyers know when to ask for a time adjustment. There are 20 percent who don't, and judges have to be on the lookout for that." So Marshall schedules pretrial dates to review the progress of defense preparation and allow for deadline adjustment.

Vince Connelly an assistant U.S. attorney

If the Speedy Trial Act were applied in a mechanical fashion, it could be a real problem. But (judges) usually construe the act liberally. They recognize the problems that the defense faces, and in the interests of justice they do what's fair.

dismissals in New York City and Chicago.

Though this tactic doesn't violate the letter of the act, it does violate the spirit, said the GAO. The reports implied that continued or broadened use of preindictment dismissals could make the act's compliance rate a statistical veneer that hides delay.

The GAO also observed that some judges have allowed defendants to waive the act's time limits altogether, although the Senate, in writing the act, stated "in the strongest possible terms" that the defendant did not have that right. The GAO warned Congress to clarify the waiver right before the question would have to be resolved in court.

And Abt recorded wide variability among judges and districts in interpreting delays for "the ends of justice." "In some districts and courtrooms," Abt wrote, "the 'ends of justice' clause is used to justify almost any delay. On the opposite end of the spectrum, some judges felt that Congress intended 'ends of justice' continuances to be granted in only exceptional cases. As a result, prosecutors and defense counsel are uncertain what to expect."

The reports detail a few other ambiguities in the act, but ones with weaker impact or incidence. Any improvements needed in the act are minor, according to the GAO.

While the Speedy Trial Act may have created minor problems for judges and lawyers, its benefits for many defendants and the public are clear. In mid-1979, nearly a third of the 20,000 pending district court criminal cases had been awaiting trial for a year or more. Although half of those cases involved fugitive defendants, pretrial delays for defendants ready to go to court caused frustrating problems. Witnesses disappeared. Memories faded. Some defendants committed further crimes.

Most disturbing was the number of defendants jailed and unable to pay bail costs during long delays. In April 1979, for instance, 75 percent of defendants indicted and jailed by the New York County Supreme Court were still behind bars three months later awaiting trial. Compliance with the Speedy Trial Act implies at least a partial resolution of these problems.

Opinions on the Speedy Trial Act in the U.S. District Court for Northern Illinois echo much of the GAO and Abt reports. When U.S. District Judge Prentice Marshall first took the bench eight years ago in Chicago, for example, judges there averaged more than 30 pending federal criminal cases. Today the average docket is 12.

"The sole reason for that in my judgment is the Speedy Trial Act," Marshall said. "I think it's terrific. I think it's one of the best pieces of legislation the Congress has ever passed regarding the courts." It gave judges a badly needed framework for scheduling dockets, Marshall said, and cases in his courtroom have met Speedy Trial Act deadlines from their inception. (A dropoff in case filings plus three new district judges

the burden may force trade-offs between speed and quality in the courts "that could decrease the system's ability to promote equal justice." But then, as now, no available data could accurately determine the degree of trade-off, so the act went unchanged. Comments from Northern Illinois indicate awareness of potential trade-offs and care to assure quality adjudication.

Civil Litigation Delay

One group of people who may suffer indirectly from the Speedy Trial Act are civil litigants, as the 1979 GAO report suggests. As of June 30, 1978, the GAO reported the nation's district court civil backlog at an all-time high of 166,462 cases, up 79 percent from 1970. Cases pending three years or more increased 36 percent from 1977. Court planning groups in 44 districts cited increased delays in civil disposition since 1976. And officials from seven of the eight U.S. districts surveyed said the act had caused some civil delay.

In analyzing court statistics from 1974 to 1979, however, Abt said that speedier criminal disposition was not to blame for civil backlogs. Though the civil backlog has grown 8.25 percent annually since the act became effective in 1976, it grew even faster for the three years before the act was introduced.

Abt also found that the average time for processing a civil case (8.9 months) had not changed from 1974 to 1979. And Abt concluded that there was only a slight tendency for faster criminal proceedings to delay civil ones; a 25 percent acceleration of criminal procedures would cause only a two percent addition to civil delay.

Judge Marshall believes a speedy trial act for civil cases is in order. "It would require a trial within a defined period of time once the case is at issue," Marshall said. "I'm convinced it could be done."

Though the Speedy Trial Act seems to have succeeded, sources warn that the act's future effectiveness may not be assured. Marshall and others suggest that the legal community may be learning to manipulate the act through loophole dismissals and too liberal interpretations of the "ends of justice."

But Marshall still thinks the act will improve the speed and quality of justice — and America's opinion of the legal system. "I think it was 50 or so years ago that Roscoe Pound said delay is the principal disaffection of the American public with justice," Marshall said.

"I think it still is."

Releasing Pretrial Defendants: What's Needed Is Will

By MICHAEL DORMAN

DIX HILLS, N.Y. — Among the more demagogic propositions being palmed off on the public is the notion that crime will be substantially reduced if only "bleeding heart" judges stop turning defendants loose to sin again. Whenever an accused criminal free on bond while awaiting trial is charged with committing another offense of the newsworthy variety, we hear cries for every remedy from outrageously high bail to the even more repugnant policy of preventive detention.

We are being subjected anew to rumbling echoes of Ronald Reagan's campaign oratory, emphasizing a hard line on crime, from doom-sayers of shallow perspective. "Keep the thugs in jail," they demand, ignoring the fact that our jails already are hopelessly overcrowded training schools for the very crimes they purport to deter.

Now comes the Law Enforcement Assistance Administration, a branch of Reagan's own Justice Department, with a study reflecting the manipulative nature of such diatribes. The study concludes that "significant numbers of pretrial defendants can be safely released" without detriment to society. Contrary to common belief, it reports, such releases "do not increase the failure of defendants to appear in court nor boost the re-arrest rate of defendants awaiting trial."

The acting L.E.A.A. administrator, George H. Bohliger, says that about half the national jail population consists of defendants awaiting trial. Many are eligible for release but lack money to post bond. He reports that projects in which L.E.A.A. has provided \$6.5 million to 49 local governments for improving correction systems have demonstrated the practicality of releasing defendants on bail while simultaneously reducing re-arrest and bond-jumping rates.

In Tucson, Ariz., the Pima County Jail saved \$5,000 every "bail days" — days of jail time served by individual prisoners — through early release of felony and misdemeanor defendants. There was a 90 percent drop in jail suicides, as well as reductions in the bail-jumping and re-arrest rates.

In Mississippi, a new law mandates statewide establishment of pretrial release programs. The programs have already

criminal record, and history of honoring court orders; whether he has roots in the community; the weight of the apparent evidence against him; and the severity of the possible sentence.

The issues, however, often get short shrift from political opportunists espousing a full-the-jails philosophy. They are well aware that many more votes are likely to be drawn with a rostrum-pounding tirade than a thoughtful disquisition. For evidence, they need not look beyond the success of Reagan, whose simplistic idea of tough law enforcement encompasses passage of a national law comparable to one he sponsored in California that was supposed to add 5 to 15 years to the prison sentences of defendants carrying firearms in the commission of crimes. Actually, the effectiveness of that legislation has been diluted through plea bargaining.

At least occasionally, don't we have a right to expect our candidates and elected officials to rise above mere nostrums? Law-enforcement professionals who must deal daily with the realities of criminal justice recognize that a policy of filling the jails often creates more problems than it solves. Nicholas Demos, program manager of L.E.A.A., says unnecessary use of jails produces unhealthy and dangerous conditions. "What we have learned is that things can be done to make bad jail situations better. They are frequently not all that expensive to do. What is needed is the will and some models."

The L.E.A.A. program has produced some models. As for will, that is yet to come. A significant first step could be abandonment of hypocritical political hyperbole in favor of reasoned discussion of the genuine issues.

Michael Dorman is author of numerous books, including "King of the Courtroom: Percy Foreman for the Defense." Reprinted with permission from the New York Times.

EXPRESS YOUR THOUGHTS

IN PRINT



Which states have adopted case-processing time standards? What types of standards?

States are continuing to either develop or adopt case-processing time standards to assist in case management and to monitor case disposition times. Standards help courts to both identify old cases still in the system and monitor their progress in delay reduction. To the extent that reasonable goals are met, courts may say that they have eliminated, or reduced to a minimum, unnecessary delay in the handling of cases.

In the fall of 1994, the Information Service (IS) of the National Center for State Courts updated a survey on case-processing goals that was last conducted in 1992. IS found that by 1993, 34 states and the District of Columbia had adopted some sort of case-processing goals. (It should be noted that for the purposes of this survey, some states refer to requirements in speedy trial laws as case-processing goals.)

Some states have mandatory case-processing standards; in other states, the standards are advisory. Alabama, Arkansas, California, Delaware, Massachusetts, Missouri, Ohio, Utah, Vermont, West Virginia, and Wyoming have mandatory standards. The states that have adopted advisory time standards are Alaska, Arizona, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Hawaii, Idaho, Iowa, Kansas, Louisiana, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York, North Dakota, Oregon, Rhode Island, South Carolina, Texas, Virginia, Washington, and Wisconsin.

The American Bar Association (ABA) recommends case-processing standards in *Standards Relating to Trial Courts* (1992, Standard 2.52). The Conference of State Court Administrators (COSCA) also has proposed time standards. Florida is the only state that has adopted the COSCA standards as a whole. No state has adopted the ABA standards as a whole.

Overall, 33 states have adopted some sort of time standard for processing felony cases. Eight states have adopted COSCA's goal for processing felony cases, which is 180 days from arrest to termination: Florida, Hawaii, Iowa, Nebraska, New York, South Carolina, West Virginia, and Wisconsin. The ABA's standards require that 90 percent of all felony cases be processed in 90 days, 98 percent in 180 days, and 100 percent in 1 year. Three states have adopted these standards: Delaware, Minnesota, and Virginia. The remainder of the states with felony time standards have developed their own.

Thirty-three states have adopted standards for processing civil cases. Five states have adopted COSCA's standard of 18 months from filing to disposition for jury trials: Alaska, Florida, Iowa, Nebraska, and West Virginia. The ABA's civil case standards—which call for 90 percent of cases to be processed in 12 months, 98 percent in 18 months, and 100 percent in 24 months—have been adopted by five jurisdictions: California, Oregon, Virginia, Washington, and the District of Columbia. The remaining states developed their own civil time standards.

Five states have changed their time standards since the survey was last conducted in 1992. California changed its standards for small-claims cases. Connecticut revised its criminal case standards, which were initially developed in the 1970s, in response to larger case volume and greater caseload complexity. Massachusetts changed its civil standards, adopting different goals for different tracks of cases. New Jersey changed its domestic case goals. South Carolina increased the time for disposition in limited civil cases, domestic cases, and juvenile cases.

Since Idaho became the first state to adopt

mented case-processing goals for appellate cases: Alabama, Arizona, Arkansas, Louisiana, Michigan, Virginia, and Washington.

In some states, time standards have been developed at the local level. Two judicial districts in Nevada have implemented their own time standards. From 1991 to 1993, twelve judicial districts in North Carolina participated in a court management pilot program; one of the goals was for the participating court officials to establish and comply with case-processing time standards. At the conclusion of this pilot project, the participants had the option of permanently adopting the developed standards.

What are some space-saving methods for storing court documents and records?

At least four technologies can help ease storage problems: high-density shelving, micrographic transfer, computer disks, and optical disks.

High-density shelving (or "compact" shelving) can offer the least expensive solution to storage space problems. It works in one of two ways: face-to-face tracking in which double-faced shelf stacks are milled apart and pushed back together in an accordion fashion, or parallel tracking in which a single-faced stack of shelves glides in front of and parallel to shelving stacks immediately behind it in the manner of a sliding glass door.

Micrographic transfer involves saving documents as microfilm on reels, microfiche slides, or film cartridges (not used much anymore). This was once hailed as the technology that would bring about a paperless society; it is actually best for long-term storage of documents that do not need to be retrieved often. A good microfilm storage system depends on three factors: 1) the document being photographed must be legible; 2) the photographic equipment must have superior imaging capabilities at

multiple magnifications; and 3) the microfilm-reading equipment must be dependable, easy to maintain, and easy to use. Drawbacks include access limited to the number of available readers and slow access/search capabilities.

Computer disks allow the use of records and forms generated from templates on computerized word-processing programs. There should be no problem with long-term storage of documents generated from such forms, except when signatures are needed. However, hardware, such as computer writing tablets, is available that can accommodate and store cursive writing.

Optical disks allow the scanning of hard-copy documents on an imaging scanner capable of supporting software that converts images from graphics to text files. Additional software is then needed to convert the graphic image into a text-readable document. Scanning takes about one minute per page (depending on the type of document) and requires a massive amount of computer memory for storage. The most promising technology appears to be laser disk formats: CD-ROM (compact disk read-only memory) and WORM (write once read many). Data can be stored in either format, and great quantities of data can be stored on a single laser disk.

No matter what method is used, considerable planning, significant cost, and much labor will be required. Computer scanning on optical disks may, in theory, be the best way to store documents, but be advised that computer scanning is still neither cost-effective nor particularly fast. Micrographic storage is well-established and relatively inexpensive, regardless of its drawbacks.

For more information on these and other topics, contact the Information Service of the National Center for State Courts, P.O. Box 8798, 300 Newport Avenue (23185), Williamsburg, Va., 23187-8798; (800) 416-6164, fax (804) 229-0449. □

Contract Filings Down, Domestic Violence Up, continued

Felony filings, the largest part of criminal caseloads in general jurisdiction courts, have increased 68 percent since 1984—about 8 percent per year over the last decade. However, falling felony rates in the most populous states, including California, Florida, and New York, helped reduce the national trend in felony case filings by 2 percent between 1992 and 1993.

Overall, while filings dropped between 1992 and 1993, this decline follows a decade of sharp increases. Most courts still have difficulty dealing with the flow of incoming cases. Declining state resources and expanding caseloads pose

a direct challenge to the ability of state courts to stay current with their workload and to ensure the timely disposition of cases.

For more information, contact Brian Osti, Director, Court Statistics Project, National Center for State Courts, P.O. Box 8798, Williamsburg, Va., 23187-8798; (804) 253-2000; fax (804) 229-0449; Internet bostin@ncsc.dhns. For copy of *Examining the Work of State Courts, 1993*, its companion volume, *State Court Caseload Statistics, 1993*, contact Carrie Clay, NCSC's Publications Coordinator, same address and number. □

NCSC Plans Seminar for State Court Executive Teams

The National Center for State Courts (NCSC) will be holding an executive leadership team-building seminar for state chief justices and state court administrators at its headquarters in Williamsburg, Va., September 13-14. This seminar will be held in conjunction with the annual orientation session for new chief justices and state court administrators, September 13.

The seminar will give chief justices and state court administrators the chance to explore the challenges and opportunities of working together as an executive team to manage the courts. Topics include the characteristics of effective teams, the contributions of effective team leadership to court

of strategic planning and problem solving, as the relationship of power and personal style to group dynamics and team leadership.

The seminar will be facilitated by Dr. Ronald J. Stupak, distinguished faculty research scholar of management at Mount Vernon College, and Dr. Francis P. Gavin, director of programs and services for NCSC's Institute for Court Management. The seminar is open to all state court executive teams, whether or not they plan to participate in the September 15 orientation session. For more information, contact Shelley Rockwell, NCSC Secretariat Services, P.O. Box 8798, 300 Newport Avenue (23185), Williamsburg, Va., 23187-8798; (804) 259-1841, fax (804)

Date 11-27-95	# of pages 1
Post-it Fax Note 7671	
To Shire Gregory	From Mary Bone
Co./Dept.	Co. CSC-SEC
Phone # 202-4516-2334	Phone # 606-244-8234
Fax # 202-4516-7028	Fax # 606-244-8001

NOV-27-95 MON 01:23 PM NAT'L CONF. OF ST. LEG. FAX NO. 3038638003

NATIONAL CONFERENCE OF STATE LEGISLATURES

1560 Broadway

Suite 700

Denver, Colorado 80202

Phone: (303) 830-2200

FAX No.: (303) 863-8003



Telecopy to: Shyra Gregory, Domestic Policy Office

From: Elizabeth Pearson, Criminal Justice Program

Message: What follows is a page from the 1988 BJS Report to the Nation on Crime and Justice
concerning speedy trial laws. I hope that this and the other contacts I referred
you are helpful in your research..

The Sixth Amendment guarantees the right of a defendant to a speedy trial

Concern about court delay is not new

As early as 1818 the Massachusetts legislature adopted a system to ease court congestion and delay.² Yet, what constitutes unreasonable delay in criminal proceedings has been difficult to define. In *Baker v. Wingo* (1972), the U.S. Supreme Court set down four factors to be weighed in determining whether a defendant had been denied the right to a speedy trial:

- length of the delay
- reason for the delay
- whether the defendant was responsible for the delay
- whether delay prejudiced the case of the defendant.

Most criminal cases are disposed of in 6 months or less, except in chronically delayed State courts

	Total court disposition time in criminal cases	
	Time to process 50% of cases	Percent of cases requiring more than 180 days
Portland, Oreg.	62 days	3%
Phoenix, Ariz.	64	11
Detroit Rec. Ct., Mich.	69	17
New Orleans, La.	73	-16
Oakland, Calif.	81	29
Minneapolis, Minn.	84	13
Dayton, Ohio	88	17
San Diego, Calif.	89	12
Wayne County, Mich.	96	22
Miami, Fla.	108	27
Wichita, Kans.	116	17
Cleveland, Ohio	123	29
Pittsburgh, Pa.	135	27
Providence, R.I.	197	54
Jersey City, N.J.	213	53
Bronx, N.Y.	218	56
Newark, N.J.	253	65

Source: B. Mahoney et al., *Implementing delay reduction and delay prevention: Programs in urban trial courts*, National Center for State Courts, 1985.

Cases resulting in trials generally take longer than ones that end in dismissals or guilty pleas

In 12 jurisdictions studied by Boland, most felony cases were disposed of within 4 months from arrest. On average, cases that went to trial took more than 7 months.

National standards recommend speedy hearings in juvenile courts

National standard-setting organizations generally agree on the need for speedy hearings in juvenile courts, particularly for alleged delinquents being held in detention.

It is widely recommended that—

- detention hearings take place within 24 to 48 hours of arrest, with periodic reviews every 7 to 10 days
- the same time restrictions be placed on intake departments to finish their investigations and to make their recommendations for juveniles held in detention.

For nondetained juveniles—

- intake officials are to make recommendations within 30 days
- initial hearings should be held within 3 to 5 days of filing the petition.

State and Federal laws safeguard the defendant's right to a speedy trial

"Speedy trial laws" attempt to give precision to the guarantee of a speedy trial by introducing quantitative measures of unacceptable delay.

The Federal Speedy Trial Act of 1974, amended in 1979, specifies time standards for each stage in the Federal court process. Thirty days are allowed from arrest to filing of an indictment or an information; 70 days are allowed between information or indictment and trial. Certain time periods, such as defense-requested continuances, are not counted. If case-processing time exceeds the limit, the case may be dismissed.

Some States have laws modeled on the Federal law and the speedy trial standards of the American Bar Association. These laws differ somewhat on such matters as the kinds of events that do not count as elapsed time, but the major difference among them is in the amount of time they allow between arrest and trial. Many speedy trial provisions set shorter time limits for the disposition of cases if the defendant is being detained.

Most States have speedy trial restrictions for defendants not in custody

States that restrict time from arrest to trial	Time limit
California	75 days
Nevada	75
Alaska	120
North Carolina	120
Texas	120
Iowa	135
Arizona	150
Illinois	160
Florida	180
Hawaii	180
New Mexico	180
New York	180
Pennsylvania	180
Ohio	270
Idaho	360
Louisiana	360
Indiana	365
Massachusetts	365
Arkansas	3 terms of court
Oklahoma	4
Utah	4

States that restrict time from indictment to trial

Minnesota	60 days
Wisconsin	90
Washington	104
Wyoming	120
Colorado	180
Maryland	180
Montana	180
Nebraska	180
Kansas	190
Missouri	190
Mississippi	270
Virginia	270
Georgia	2 terms of court
West Virginia	3

States that restrict "unreasonable delay"

Delaware	Oregon
District of Columbia	Rhode Island
Kentucky	South Dakota
Maine	Tennessee
New Jersey	Vermont
North Dakota	

Note: States without restrictions include Alabama, Connecticut, Michigan, New Hampshire, and South Carolina.

Source: Barbara Boland with Ronald Sones, INSLAW, Inc., *The prosecution of felony arrests, 1981*, U.S. 1988.

NATIONAL CONFERENCE OF STATE LEGISLATURES**SPEEDY TRIAL STATUTES**

Arizona Rev. Stats. Sec. 13-114: In a criminal action defendant is entitled: 1. To have a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed. 2. To have counsel. 3. To produce witnesses on his behalf, and to be confronted with the witnesses against him in the court's presence.

California Ann. Stats., Criminal Procedure, Sec. 684: In a criminal action the defendant is entitled: 1. To a speedy and public trial. 2. to be allowed counsel as in civil actions, or to appear and defend in person and with counsel. In a capital case, he shall be represented in court by counsel at all stages of the preliminary and trial proceedings. 3. To produce witnesses on his behalf and to be confronted with the witnesses against him.

Colorado Rev. Stats. Sec. 18-1-405: (1) If a defendant is not brought to trial on the issues raised within six months from the date of the entry of a not-guilty plea, he shall be discharged from custody if he has not been admitted to bail. The pending charges shall be dismissed, and the defendant shall not be indicted, informed against, or committed for the same offense again, or for another offense based on the same act or series of acts arising out of the same criminal episode. (2) If a trial results in conviction which is reversed on appeal, any new trial must be commenced within six months after the date of the receipt by the trial court of the mandate from the appellate court.

Delaware Constitution, Art. I Sec. 7: In all criminal prosecutions, the accused has a right to be heard by himself and his counsel, to be plainly and fully informed of the nature and cause of the accusation against him, to meet the witnesses face to face, to have compulsory process in due time to obtain witnesses in his favor, and a speedy and public trial by an impartial jury.

Florida Stats. Ann. Sec. 918.015: (1) In all criminal prosecutions, the state and the defendant each shall have the right to a speedy trial. (2) The Supreme Court shall provide procedures through which the right to a speedy trial shall be realized.

Illinois Comp. Stats. Ann. 725 ILCS 5/103-5: (a) Every person in the State's custody for an alleged offense shall be tried by the court within 120 days from the date he was taken into custody unless delay is occasioned by the defendant, by an exam for fitness, by a fitness hearing, by an adjudication of unfitness to stand trial, by a continuance after the court determines the defendant's physical incapacity for trial, or by an interlocutory appeal.

Pennsylvania Consol. Stats. Ann., 1994 Cum. Ann. Pocket Part, Sec. 4136: (a) A person charged with indirect criminal contempt for violation of a restraining order or injunction issued by a court shall enjoy: (3) (I) upon demand, the right to a speedy and public trial by an impartial jury of the judicial district wherein the contempt is alleged to have been committed.

Virginia Code Sec. 19.2-243: When a general district court finds that there is probable cause to believe that the accused has committed a felony, the accused, if he is held continuously in custody, shall be forever discharged from prosecution for such offense if no trial is commenced in the circuit court within five months from the date such probable cause was found by the district court. If the accused is not held in custody by has been recognized for his appearance in the circuit court to answer for such offense, he shall be forever discharged from prosecution if no trial is commenced in the circuit court within nine months from the date such probable cause was found.



National Conference of State Legislatures

1560 Broadway, Suite 700 Denver, CO 80202
(303) 830-2200 (303) 863-8003 FAX

To: Shyra Gregory

From : Adelia Yee

Date : Nov 30 1995, 08:28 AM

This is follow-up information.

NATIONAL CONFERENCE OF STATE LEGISLATURES

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Suite 700

Denver, Colorado 80202

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Hawaii	180
New Mexico	180
New York	180
Pennsylvania	180
Ohio	270
Idaho	360
Louisiana	360
Indiana	365
Massachusetts	365
Arkansas	3 terms of court
Oklahoma	4
Utah	4

States that restrict time from indictment to trial

Minnesota	60 days
Wisconsin	90
Washington	104
Wyoming	120
Colorado	180
Maryland	180
Montana	180
Nebraska	180
Kansas	190
Missouri	190
Mississippi	270
Virginia	270
Georgia	2 terms of court
West Virginia	3

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Maine	Tennessee
New Jersey	Vermont
North Dakota	

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Source: Barbara Boland with Ronald Sones, INSLAW, Inc., *The prosecution of felony arrests*, 1987. BJS, 1986.

- 4 -

Dennis,
I believe this
is for you, but this is
all that came in.

— Todd

than the number of white inmates. Although the number of black and white inmates was almost equal in 1994, the incarceration rate for blacks was much higher.

According to data collected annually from state, federal and local officials, the proportion of black females in the U.S. who are incarcerated was seven times higher than for white females in 1994. Similarly, the proportion of black male adults incarcerated was almost eight times higher than for white male adults. An estimated 6.8 percent of all black male adults were in jail or prison compared to less than 1 percent of white male adults.

These data were analyzed by BJS statisticians Darrell K. Gilliard and Allen J. Beck. Additional information may be obtained from the BJS Clearinghouse, Box 179, Annapolis Junction, Maryland 20701-0179. The telephone number is 1-800-732-3277. Fax orders to 410-792-4358.

Data from tables and graphs used in many BJS reports can be obtained in spreadsheet files on 5¼ and 3¼ inch diskettes by calling 202-616-3283.

#

BJS9609

After hours contact: Stu Smith at 202/616-3230

**Prisoners under the jurisdiction of State or Federal correctional authorities,
June 30, 1995, December 31, 1994, and June 30, 1994, by region and State**

Region and jurisdiction	Total ^a			Percent change from		Incarceration rate on 6/30/95 ^b
	6/30/95	12/31/94	6/30/94	6/30/94 to 6/30/95	12/31/94 to 6/30/95	
U.S. total	1,104,074	1,054,671	1,014,367	8.8%	4.7%	403
Federal	99,466	95,034	93,708	6.1%	4.7%	31
State	1,004,608	959,637	920,659	9.1	4.7	372
Northeast	158,184	153,072	150,702	5.0%	3.3%	295
Connecticut ^c	15,005	14,380	14,427	4.0	4.3	325
Maine	1,459	1,474	1,468	(-6)	(-1.0)	112
Massachusetts	11,469	11,293	11,166	2.7	1.6	180
New Hampshire	2,065	2,021	1,895	9.0	2.2	180
New Jersey	25,626	24,632	24,471	4.7	4.0	323
New York	68,526	66,750	65,962	3.9	2.7	377
Pennsylvania	29,844	28,302	27,082	10.2	5.4	247
Rhode Island ^c	3,132	2,919	3,049	2.7	7.3	190
Vermont ^{c,d}	1,058	1,301	1,182	-	-	135
Midwest	190,170	184,508	178,339	6.6%	3.1%	307
Illinois	37,790	36,531	35,814	6.1	3.4	320
Indiana	15,699	15,014	14,826	5.9	4.6	270
Iowa	5,692	5,437	5,090	11.8	4.7	201
Kansas	6,927	6,371	6,090	13.7	8.7	269
Michigan	41,377	40,631	40,220	2.9	1.8	434
Minnesota	4,764	4,575	4,573	4.2	4.1	103
Missouri	18,940	17,898	16,957	11.7	5.8	356
Nebraska	2,801	2,711	2,449	14.4	3.3	168
North Dakota	610	536	522	16.9	13.8	90
Ohio	43,158	43,074	41,156	4.9	.2	387
South Dakota	1,780	1,708	1,638	8.8	4.2	245
Wisconsin	10,632	10,022	9,206	15.5	6.1	196
South	446,498	422,053	395,188	13.0%	5.8%	474
Alabama	20,082	19,573	19,098	5.2	2.6	459
Arkansas	8,825	8,643	8,916	(-1.0)	2.1	349
Delaware ^c	4,651	4,466	4,324	7.6	4.1	406
District of Col. ^c	10,484	10,949	11,033	(-5.0)	(-4.2)	1,722
Florida	61,992	57,168	56,052	10.6	8.4	437
Georgia	34,111	33,425	30,292	12.6	2.1	468
Kentucky	11,949	11,066	10,724	11.4	8.0	310
Louisiana	24,840	24,063	23,333	6.5	3.2	573
Maryland	21,441	20,998	20,887	2.7	2.1	398
Mississippi	12,446	10,930	10,631	17.1	13.9	447
North Carolina	26,818	23,648	22,650	18.4	13.4	357
Oklahoma	17,605	16,631	16,306	8.0	5.9	536
South Carolina	19,481	18,999	19,646	(-8)	2.5	510
Tennessee	14,933	14,401	14,397	3.7	3.7	284
Texas	127,092	118,195	100,136	26.9	7.5	659
Virginia	27,310	26,968	24,822	10.0	1.3	412
West Virginia	2,438	1,930	1,941	25.6	26.3	134
West	209,756	200,004	196,430	6.8%	4.9%	348
Alaska ^c	3,031	3,292	3,128	(-3.1)	(-7.9)	293
Arizona	20,907	19,746	18,830	11.0	5.9	473
California	131,342	125,605	124,813	5.2	4.6	402
Colorado	10,757	10,717	9,954	8.1	.4	287
Hawaii ^c	3,583	3,333	3,246	10.4	7.5	218
Idaho	3,240	2,811	2,861	13.2	15.3	278
Montana	1,801	1,764	1,654	8.9	2.1	207
Nevada	7,487	6,993	6,745	11.0	7.1	468
New Mexico	4,121	3,712	3,704	11.3	11.0	234
Oregon	7,505	6,936	6,723	11.6	8.2	199
Utah	3,272	3,045	2,948	11.0	7.5	166
Washington	11,402	10,833	10,650	7.1	5.3	210
Wyoming	1,308	1,217	1,174	11.4	7.5	271

() Indicates a negative percent change.

- Not calculated.

^a Includes inmates sentenced to more than 1 year ("sentenced prisoners") and those sentenced to a year or less or with no sentence. Prisoner counts may differ from previously published figures and may also be revised.

^b The number of prisoners with a sentence of more than 1 year per 100,000 in the resident population.

^c Prison and jails form one integrated system. Data include total jail and prison population.

^d Data for 6/30/95 are custody counts only and are not comparable to previous counts.

The prison situation in the United States, June 30, 1995

Prison population	Number of inmates	Incarceration rates, 6/30/95	Sentenced prisoners per 100,000 State residents*	12-month growth, 6/30/94 to 6/30/95	Percent change	Female prison population	Number of female prisoners
10 highest:							
California	131,342	Texas	659	Texas	26.9%	Texas	9,599
Texas	127,092	Louisiana	573	West Virginia	25.6	California	8,828
Federal system	89,466	Oklahoma	536	North Carolina	18.4	Federal system	7,407
New York	68,526	South Carolina	610	Mississippi	17.1	New York	3,636
Florida	61,992	Arizona	473	North Dakota	16.9	Florida	3,496
Ohio	43,168	Georgia	468	Wisconsin	15.5	Ohio	2,662
Michigan	41,377	Nevada	468	Nebraska	14.4	Georgia	2,138
Illinois	37,790	Alabama	459	Kansas	13.7	Michigan	2,073
Georgia	34,111	Mississippi	447	Idaho	13.2	Illinois	2,044
Pennsylvania	29,844	Florida	437	Georgia	12.6	Oklahoma	1,689
10 lowest:							
North Dakota	610	North Dakota	90	District of Col.	(-5.0)%	North Dakota	24
Vermont	1,058	Minnesota	103	Alaska	(-3.1)	Vermont	38
Wyoming	1,308	Maine	112	Arkansas	(-1.0)	Maine	53
Maine	1,459	West Virginia	134	South Carolina	(-.8)	Wyoming	79
South Dakota	1,780	Vermont	135	Maine	(-.6)	Montana	94
Montana	1,801	Utah	166	Maryland	2.7	New Hampshire	108
New Hampshire	2,065	Nebraska	168	Massachusetts	2.7	South Dakota	114
West Virginia	2,438	New Hampshire	180	Rhode Island	2.7	West Virginia	118
Nebraska	2,801	Massachusetts	180	Michigan	2.9	Utah	125
Alaska	3,031	Rhode Island	190	Tennessee	3.7	Nebraska	175

*The number of prisoners with a sentence of more than 1 year per 100,000 residents. The Federal Bureau of Prisons and the District of Columbia are excluded.

Growth in the number of prisoners, 1990-95

July 1 - June 30	Annual increase in number of prisoners		
	U.S. total	Federal	State
1994-95	89,707	5,758	83,949
1993-94	72,551	6,736	65,815
1992-93	71,041	9,583	61,458
1991-92	51,020	7,886	43,135
1990-91	49,446	5,602	43,844
Percent increase 1994-95	8.8%	6.1%	9.1%
Annual average growth, 1990-95	7.9%	9.3%	7.8%

Number of prisoners under the jurisdiction of State or Federal correctional authorities, by sex of inmate, 6/30/94 and 6/30/95

	Men	Women
Total		
6/30/95	1,035,046	69,028
6/30/94	952,393	61,974
Percent change	8.7%	11.4%
Sentenced to more than 1 year		
6/30/95	996,138	63,662
6/30/94*	916,135	57,570
Percent change	8.7%	10.6%
Incarceration rate, 6/30/95 ^b	776	47

*Excludes Massachusetts' inmates under jurisdiction but not in physical custody for whom sex was unknown.

^bThe number of prisoners with a sentence of more than 1 year per 100,000 residents on June 30, 1995.

Number of adults in custody of State or Federal prisons or in local jails, 1980, 1985, 1990-94

Year	Total custody ^a	Federal prisons	State prisons	Local jails ^b	Total rate ^c
1980	501,886	23,779	295,819	182,288	221
1985	742,579	35,781	451,812	254,986	312
1990	1,146,401	58,838	684,544	403,019	460
1991	1,216,664	63,930	728,605	424,129	482
1992	1,292,347	72,071	778,495	441,781	507
1993	1,384,881	80,815	828,566	455,500	529
1994	1,483,410	85,500	914,193	483,717	565

Percent change

1980-94	195.6%	259.6%	209.0%	165.4%
1993-94	8.7	5.8	10.3	6.2

^aState and Federal inmate counts exclude those under State or Federal jurisdiction who were housed elsewhere, as in county or local jails.

^bNumber of adults held in local jails.

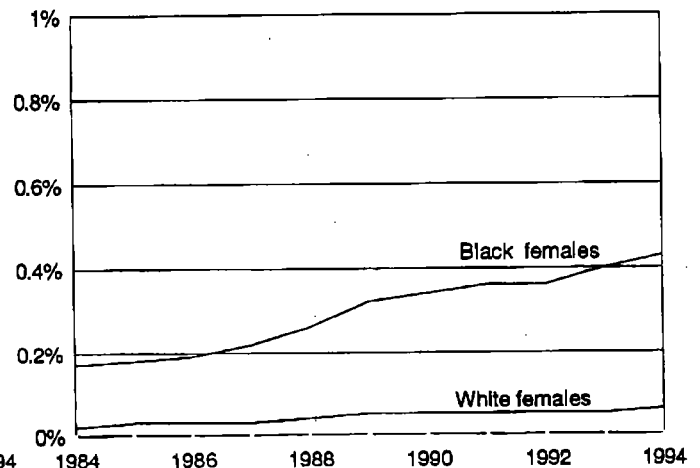
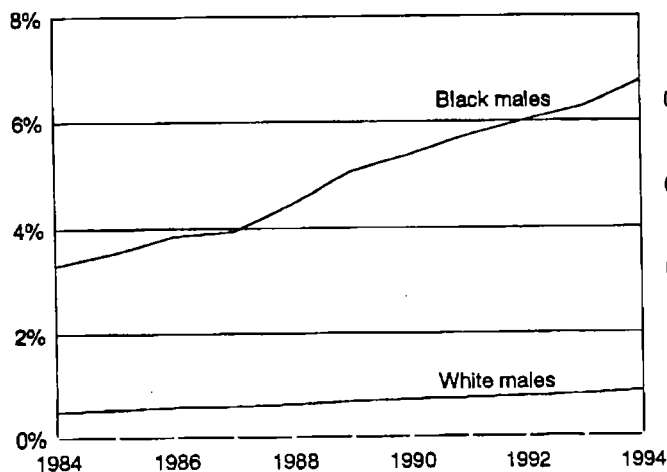
^cTotal number of adults held in the custody of State, Federal, or local jurisdictions per 100,000 U.S. residents.

Number of adults held in State or Federal prisons or in local jails, by sex and race, 1984-94

Year	White		Black	
	Males	Females	Males	Females
1984	351,800	19,000	284,400	16,900
1985	382,800	21,500	309,800	19,000
1986	417,600	22,900	342,300	20,000
1987	439,100	27,700	356,300	23,200
1988	469,200	32,700	407,500	28,000
1989	516,100	38,500	472,900	35,500
1990	545,900	39,300	508,800	38,000
1991	566,800	42,200	551,000	40,600
1992	598,000	44,100	590,200	42,400
1993	627,100	46,500	624,100	47,500
1994	674,400	50,700	683,200	52,000

Number of adults held in State or Federal prisons or in local jails per 100,000 adult residents in each group, 1984-94

Year	White		Black	
	Males	Females	Males	Females
1984	490	24	3,309	166
1985	528	27	3,544	183
1986	570	29	3,850	189
1987	594	35	3,943	216
1988	629	41	4,441	257
1989	685	47	5,067	321
1990	718	48	5,365	338
1991	740	51	5,717	355
1992	774	53	6,014	365
1993	805	56	6,259	403
1994	860	60	6,753	435

Percent of adults in each group incarcerated in State and Federal prisons and local jails


Estimated number of adults on probation, in jail, in prison, or on parole and their percent in the adult population, by sex and race, 1994

	Sex			Race		
	Total*	Male	Female	White	Black	Other
Total	5,135,800	4,341,600	794,200	3,049,500	2,013,700	72,600
Probation	2,962,200	2,342,300	619,900	1,965,200	982,000	34,900
Jail	483,700	434,800	48,900	252,300	223,900	7,600
Prison	999,700	942,100	57,600	472,800	511,300	15,600
Parole	690,200	622,400	67,800	359,200	316,500	14,500
U.S. adult resident population ^b	192,323,000	92,231,000	100,092,000	162,472,000	22,080,000	7,771,000
Percent under correctional supervision	2.7%	4.7%	.8%	1.9%	9.1%	0.9%

Note: Detail may not add to total because of rounding. In cases where sex or race was unknown or not reported, percentages were applied based on known cases.

*A small number of individuals may have multiple correctional statuses; consequently, the total number of persons under correctional supervision is an overestimate.

^bResident population 18 years or older on July 1, 1994.

Jurisdiction Notes

Alaska — Prisons and jails form one integrated system. All NPS data include jails and prisons.

Arizona — Population counts are based on custody data.

Arkansas — Inmates with a sentence of 1 year or less include 144 male inmates incarcerated in the county jail awaiting transfer to Department of Corrections for whom the Arkansas DOC does not know the sentence.

California — Population counts are based on custody data.

Population counts for "Unsentenced inmates" include civil narcotic addict commitments, county diagnostic cases, Federal and other States' inmates, and safekeepers.

Colorado — Population counts for "Inmates with over 1 year maximum sentence" include an undetermined number of "Inmates with a maximum sentence of 1 year or less."

Connecticut — Prisons and jails form one integrated system. All NPS data include jails and prisons.

Delaware — Populations of inmates given partially suspended sentences (part served in prison, part under probation) are included with the "Inmates with over 1 year maximum sentence" only if the prison portion of the sentence exceeds 1 year. As a result, the "Inmates with over 1 year maximum sentence" populations are understated and the "Inmates with a year or less maximum sentence" are overstated.

Prisons and jails form one integrated system. All NPS data include jails and prisons.

District of Columbia — Populations of inmates given partially suspended sentences (part served in prison, part under probation) are included with the "Inmates with over 1 year maximum sentence" only if the prison portion of the sentence exceeds 1 year. As a result, the "Inmates with over 1 year maximum sentence" populations are understated and the "Inmates with a year or less maximum sentence" are overstated.

Prisons and jails form one integrated system. All NPS data include jails and prisons.

Florida — Population counts are based on custody data.

These data reflect the total sentence length for inmates across multiple current commitments. Previous reports only include sentence length for a single current commitment.

Georgia — Population counts are based on custody data.

Population counts exclude an undetermined number of inmates housed in local jails, awaiting pick-up.

Hawaii — Prisons and jails form one integrated system. All NPS data include jails and prisons.

Illinois — Population counts are based on custody data.

Population counts for "Inmates with over 1 year maximum sentence" include an undetermined number of inmates with a sentence of 1 year.

Iowa — Population counts are based on custody data.

Kansas — Population figures include a small undetermined number of inmates with sentences of less than 1 year (this includes those sentenced under The Kansas Sentencing Guidelines Act of 1993).

Maine — Maine based their sentence length classifications on the controlling offense. Inmates with multiple sentences are included in the category in which their most serious offense belongs.

Maryland — While population totals are actual manual counts, the breakdowns for sentence length are estimates extracted from the actual sentence length breakdowns of the automated data system applied to the manual data.

Massachusetts — Population counts exclude inmates housed in the Bridgewater State Hospital and Massachusetts Treatment Center.

The number of sentenced prisoners was estimated.

Michigan — Population counts are based on custody data.

New Jersey — New Jersey Department of Corrections has no jurisdiction over inmates with sentences of less than 1 year. Counts reported for inmates with a sentence of 1 year or less are inmates with a sentence of exactly 1 year.

North Carolina — In North Carolina, populations of inmates given partially suspended sentences (part served in prison, part under probation) are included with the "Inmates with over 1 year maximum sentence" only if the prison portion of the sentence exceeds 1 year. As a result, the "Inmates with over 1 year maximum sentence" populations are understated and the "Inmates with a year or less maximum sentence" are overstated.

Ohio — Population counts for "Inmates with over 1 year maximum sentence" include an undetermined number of "Inmates with a sentence of 1 year or less."

Oklahoma — Population counts for "Inmates with over 1 year maximum sentence" include an undetermined number of inmates with a sentence of 1 year.

Oregon — Inmates with a sentence of 1 year or less include a few inmates whose complete sentence information has not been received from the courts.

Rhode Island — Inmates given partially suspended sentences (part served in prison, part under probation) are included with the "Inmates with over 1 year maximum sentence" only if the prison portion of the sentence exceeds 1 year. As a result, the

"Inmates with over 1 year maximum sentence" populations are understated and the "Inmates with a year or less maximum sentence" are overstated.

Prisons and jails form one integrated system. All NPS data include jails and prisons.

Included in the counts for unsentenced inmates are 16 males and 1 female who have civil commitments for non-payment of child support.

Tennessee — Population counts exclude 3,339 felons sentenced to serve their time in local jails. (The State pays to house these 3,339 felons, but the local court maintains jurisdiction.)

Vermont — Population counts represent only offenders who are "incarcerated." Past data included furloughed offenders; therefore, data are not comparable.

Prisons and jails form one integrated system. All NPS data include jails and prisons.

Wisconsin — The totals do not include 1,217 men and 222 women under the supervision of the Division of Intensive Sanctions in the community.

THE WHITE HOUSE
WASHINGTON

November 30, 1995

MEMORANDUM TO DPC STAFF

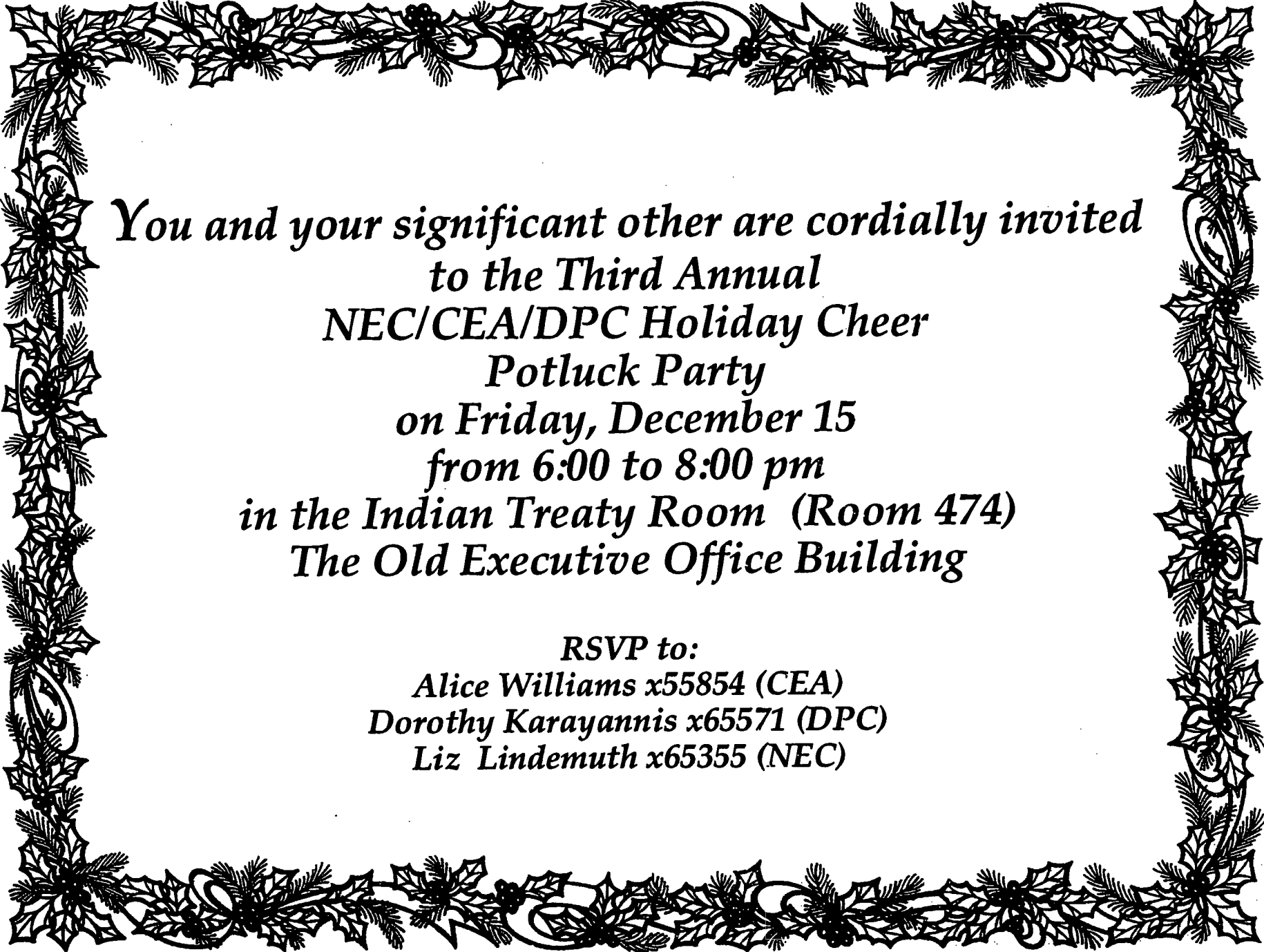
FROM: Dorothy Karayannis (OEOB 213.5, ext. 65571)

SUBJECT: Annual Holiday Party, December 15

Attached is your personal invitation to the NEC/CEA/DPC Annual Holiday Party.

Please sign up in OEOB 213.5 to either bring a dish to share at the party or send an envelope to me with your \$ donation (\$10/person). The NEC/CEA/DPC food drive competition starts *NOW!* You can place your canned goods in the labeled box in OEOB 213.

Please read yesterday's email, which explains the party in more detail. Thanks.



*You and your significant other are cordially invited
to the Third Annual
NEC/CEA/DPC Holiday Cheer
Potluck Party
on Friday, December 15
from 6:00 to 8:00 pm
in the Indian Treaty Room (Room 474)
The Old Executive Office Building*

*RSVP to:
Alice Williams x55854 (CEA)
Dorothy Karayannis x65571 (DPC)
Liz Lindemuth x65355 (NEC)*

DCCA #622-95

POLICE DEPARTMENT
CITY OF NEW YORK

November 20, 1995

Memorandum for: POLICE COMMISSIONER

Subject: 1996 POLICE YOUTH ACADEMY FUNDING

1. During the summer of 1995, the Office of the Deputy Commissioner of Community Affairs conducted the New York City Police Department's first Police Youth Academy. Recently, a proposal and accompanying budget was submitted to the Police Commissioner's office outlining the plans for the 1996 Police Youth Academy for possible funding by the National Crime Bill. The plan was to target 1000 young men and women ages twelve to seventeen to participate in the academy. Based on expenses incurred during 1995, it was anticipated that the cost of accommodating 1000 youngsters would be close to one hundred thousand dollars (proposal and budget attached).

2. Since the original plans were drafted, this office has succeeded in obtaining a financial commitment to be used for the implementation and operation of the 1996 Youth Academy from the J.E. & Z.B. Butler Foundation. The amount of the grant, to be donated through the N.Y.C. Police Foundation, is fifty thousand dollars. This is half the amount of money necessary to conduct an academy for a thousand students. Should there be no additional funding forthcoming, the Office of the Deputy Commissioner of Community Affairs has determined that existing resources will allow for the Youth academy to proceed as planned albeit with half the number of participants.

As in the original plan, the Police Youth Academy class of 1996 will be conducted at sites in each of the five (5) geographical boroughs. Approximately one hundred (100) young men and women will be recruited from each of the five (5) boroughs for a total class of five hundred (500) participants. In the event that the additional funding becomes available from the National Crime Bill or another source, the Youth Academy will then accommodate the original plan of one thousand (1000) participants.

3. For your consideration and approval.



Walter Alicea
Deputy Commissioner
Community Affairs

5

POLICE DEPARTMENT
CITY OF NEW YORK

NEW YORK CITY POLICE DEPARTMENT POLICE YOUTH ACADEMY

During the summer of 1995, the Office of the Deputy Commissioner of Community Affairs conducted the New York City Police Department's Police Youth Academy. The Youth Academy began on July 25, 1995 at Medgar Evers College in the Crown Heights section of Brooklyn and concluded on August 29, 1995. The Police Youth Academy provided New York City's youth with an opportunity to learn about the daily challenges and responsibilities of a New York City police officer. Furthermore, the daily interactions with the young people who participated in the Police Youth Academy fostered positive relations with the New York City Police Department.

The 1995 Police Youth Academy graduating class consisted of one hundred and twenty-five (125) young men and women ages twelve to seventeen. The participants were exposed to an array of Department resources to provide them with an understanding of the different types of jobs police officers perform on a daily basis. The Academy consisted of one (1) one and a half (1 1/2) hour classroom session and one (1) field trip each week for six weeks during July and August. The classroom sessions were interactive events which included role plays, lectures and demonstrations by police personnel. The topics taught the fundamental concepts of law, police science, citizen involvement, ethnic tolerance and unity building. The field trips brought the participants to a variety of police facilities. The youngsters visited local precincts, the Police Academy and the Firearms Range. They also visited Floyd Bennett Field for demonstrations by Emergency Service, Aviation, Driver Training and Harbor Units. The Canine, Mounted and Highway units demonstrated their skills on a field trip to Cunningham Park.

The Police Youth Academy culminated with a graduation ceremony on August 29, 1995, in the Auditorium at One Police Plaza. The ceremony was attended by the Youth Academy participants, their parents and police instructors. Ranking members of this department were in attendance and the Police Commissioner presented the graduation certificates.

The Office of the Deputy Commissioner of Community Affairs is planning to conduct the second annual Youth Police Academy during the summer of 1996. The 1995 Youth Academy was targeted to one particular neighborhood in Brooklyn. It is anticipated that the Police Youth Academy class of 1996 will be conducted at sites in each of the five (5) geographical boroughs. Approximately two hundred (200) young men and women will be recruited from each of the five (5) boroughs for a total class of one thousand (1000) participants. The recruitment effort will enlist the help of various community organizations to reach the appropriate candidates for this type of program.

The 1996 Police Youth Academy will be similar to the 1995 Academy and will include classroom sessions as well as field trips to police facilities. In many cases, the

participants will experience their first positive contact with the Police Department during their involvement in the Police Youth Academy. Throughout the six (6) weeks of the program, the participants will be provided with information on other police related youth programs such as the Explorers, Precinct Youth Councils and the Cadet Program. Some may eventually aspire to a career as a New York City Police Officer.

The cost of each borough Youth Academy will be approximately \$19,552 for a grand total of \$97,760 to run a city wide program.

POLICE YOUTH ACADEMY BUDGET

Transportation (subway/bus tokens) 24 trips per student	4,800 @ \$1.25	\$6,000.00
Meals (lunch for 4 field trips)	800 @ \$3.00	\$2,400.00
\$75 U.S. Savings Bonds	200 @ \$37.50	\$7,500.00
Youth Academy t-shirts	200 @ \$9.75	\$1,950.00
Student Handbook	200 @ \$1.00	\$200.00
Certificate Holder	200 @ \$3.01	\$602.00
Film, Developing and one photo per student		\$500.00
Miscellaneous		<u>\$400.00</u>
Total per borough		\$19,552.00
Grand total for five boroughs		\$97,760.00



**THE POLICE COMMISSIONER
CITY OF NEW YORK**

September 14, 1995

**Nancy Gist
Director
Bureau of Justice Assistance
633 Indiana Avenue, N.W. Suite 1042
Washington, D.C. 20531**

Dear Director Gist:

It was a pleasure seeing you again earlier this week. I hope you will schedule a trip to New York City soon. As we discussed, I think you would find our crime control strategy meetings very interesting and informative. In the meantime, we are seeking funding for several progressive policing initiatives that could be easily replicated by police departments across the country. The three projects summarized below address prominent issues for policing today and into the 21st Century.

→
✱
1) NYPD Police Youth Academy

During the summer of 1995, the NYPD conducted the first Police Youth Academy at Medgar Evers College in the Crown Heights section of Brooklyn. The Academy was developed to enhance police-youth relations. It was modeled after the citizen police academies many police departments across the nation have implemented as part of their community policing efforts.

The Brooklyn Police Youth Academy enabled 125 youth from 12 to 17 years old to learn about the challenges and responsibilities of being a New York City Police Officer as well as understand the community's role in successfully reducing crime and fear of crime throughout the city. Participants attended classroom lectures and visited police facilities for six weeks during their summer vacation in July and August, 1995. Upon graduation, each student received a diploma and savings bond worth \$75 upon maturity.

The program's success in one Brooklyn neighborhood has led the Department to develop plans for expanding the Youth Academy city-wide. This expanded and enhanced Academy will operate during school vacation and recruit 200 students from each of the

five boroughs to attend. The Department will also enhance the curriculum to teach the 1,000 youth methods communicate what they have learned to their peers, thereby strengthening relations between police and youth throughout New York City. The Department is also working on a 'career track' for graduates of the Youth Academy who may be interested in becoming police cadets and eventually police officers.

The Department is seeking federal assistance to start this city-wide one year pilot project. If successful, we are optimistic that we can interest a private sector corporation to fund the project in the future. Thus, this seed money will enable the NYPD to implement the project and attract private sector interest for future funding. The cost of a one year Youth Academy is approximately \$20,000 per borough, totaling a little less than \$100,000/yr. for the city-wide initiative.

2) Police Academy Computer Training Enhancement Project

As the NYPD (and most police departments across the nation) tries to catch up and use available computer new technology in this century prior to moving into the 21st Century, we are finding our progress constrained due to training needs. The Department has developed a proposal for setting up an innovative training unit that will not only teach Department members current technology innovations for policing, but will introduce a new problem-solving tool for crime reduction in New York City.

The Department has enlisted the expertise of successful private sector businesses to design this training project. The project includes equipment and instruction that will enhance interactions between computer developers, users and training staff. In other words, we have designed a system that will enable all members of the Department, from MISD directors to beat officers, to work together using computer technology for reducing crime.

The Department has already allocated \$1.2 million to renovate a space on the 7th floor of the Police Academy for this initiative. The NYPD is seeking federal funding for equipment and computer consultant personnel totaling approximately \$100,000.

3) Crime Scene Unit Computer Aided Design System

National attention has recently been focused on the police's ability to effectively and efficiently carryout crime scene investigations. Although the technology exists for police departments to conduct state-of-the-art investigations, unfortunately, many police departments have fallen behind due to limited technology funding.

The NYPD has developed a Computer Assisted Design System for our Crime Scene Unit that will greatly enhance the Department's ability to expeditiously investigate all crime scenes, even those as complicated as last year's shooting on the Brooklyn Bridge and bombing in the subway.

The proposed system would enable the Crime Scene Unit to prepare scene renderings, computerize data, conduct statistical analysis and sketch three dimensional crime scene simulations. This technology is especially valuable to ensuring officer and bystander safety in a hostage/barricade or search warrant/arrest situation whereby an entry team could 'walk through' the area using the new computer system before physically being present.

The proposed model has been developed in conjunction with expertise from the private sector as well as the District Attorney's Office. The total cost of the system including equipment, training and maintenance over five years is an estimated \$650,000. However, the Department is currently seeking federal assistance for a pilot project over a one year period costing approximately \$150,000.

Please have your staff contact my Special Assistant, Joan Brody at (212) 374-6756 about more information on any or all of these projects. We are ready to submit a formal proposal immediately. Thank you again for your continued interest and support. I look forward to seeing you in New York City soon.

Sincerely,



William J. Bratton
POLICE COMMISSIONER

enclosure

POLICE DEPARTMENT
CITY OF NEW YORK

NEW YORK CITY POLICE DEPARTMENT POLICE YOUTH ACADEMY

During the summer of 1995, the Office of the Deputy Commissioner of Community Affairs conducted the New York City Police Department's Police Youth Academy. The Youth Academy began on July 25, 1995 at Medgar Evers College in the Crown Heights section of Brooklyn and concluded on August 29, 1995. The Police Youth Academy provided New York City's youth with an opportunity to learn about the daily challenges and responsibilities of a New York City police officer. Furthermore, the daily interactions with the young people who participated in the Police Youth Academy fostered positive relations with the New York City Police Department.

The 1995 Police Youth Academy graduating class consisted of one hundred and twenty-five (125) young men and women ages twelve to seventeen. The participants were exposed to an array of Department resources to provide them with an understanding of the different types of jobs police officers perform on a daily basis. The Academy consisted of one (1) one and a half (1 1/2) hour classroom session and one (1) field trip each week for six weeks during July and August. The classroom sessions were interactive events which included role plays, lectures and demonstrations by police personnel. The topics taught the fundamental concepts of law, police science, citizen involvement, ethnic tolerance and unity building. The field trips brought the participants to a variety of police facilities. The youngsters visited local precincts, the Police Academy and the Firearms Range. They also visited Floyd Bennett Field for demonstrations by Emergency Service, Aviation, Driver Training and Harbor Units. The Canine, Mounted and Highway units demonstrated their skills on a field trip to Cunningham Park.

The Police Youth Academy culminated with a graduation ceremony on August 29, 1995, in the Auditorium at One Police Plaza. The ceremony was attended by the Youth Academy participants, their parents and police instructors. Ranking members of this department were in attendance and the Police Commissioner presented the graduation certificates.

The Office of the Deputy Commissioner of Community Affairs is planning to conduct the second annual Youth Police Academy during the summer of 1996. The 1995 Youth Academy was targeted to one particular neighborhood in Brooklyn. It is anticipated that the Police Youth Academy class of 1996 will be conducted at sites in each of the five (5) geographical boroughs. Approximately two hundred (200) young men and women will be recruited from each of the five (5) boroughs for a total class of one thousand (1000) participants. The recruitment effort will enlist the help of various community organizations to reach the appropriate candidates for this type of program.

The 1996 Police Youth Academy will be similar to the 1995 Academy and will include classroom sessions as well as field trips to police facilities. In many cases, the

DCCA #622-95

POLICE DEPARTMENT
CITY OF NEW YORK

November 20, 1995

Memorandum for: POLICE COMMISSIONER

Subject: 1996 POLICE YOUTH ACADEMY FUNDING

1. During the summer of 1995, the Office of the Deputy Commissioner of Community Affairs conducted the New York City Police Department's first Police Youth Academy. Recently, a proposal and accompanying budget was submitted to the Police Commissioner's office outlining the plans for the 1996 Police Youth Academy for possible funding by the National Crime Bill. The plan was to target 1000 young men and women ages twelve to seventeen to participate in the academy. Based on expenses incurred during 1995, it was anticipated that the cost of accommodating 1000 youngsters would be close to one hundred thousand dollars (proposal and budget attached).

2. Since the original plans were drafted, this office has succeeded in obtaining a financial commitment to be used for the implementation and operation of the 1996 Youth Academy from the J.E. & Z.B. Butler Foundation. The amount of the grant, to be donated through the N.Y.C. Police Foundation, is fifty thousand dollars. This is half the amount of money necessary to conduct an academy for a thousand students. Should there be no additional funding forthcoming, the Office of the Deputy Commissioner of Community Affairs has determined that existing resources will allow for the Youth academy to proceed as planned albeit with half the number of participants.

As in the original plan, the Police Youth Academy class of 1996 will be conducted at sites in each of the five (5) geographical boroughs. Approximately one hundred (100) young men and women will be recruited from each of the five (5) boroughs for a total class of five hundred (500) participants. In the event that the additional funding becomes available from the National Crime Bill or another source, the Youth Academy will then accommodate the original plan of one thousand (1000) participants.

3. For your consideration and approval.



Walter Alicea
Deputy Commissioner
Community Affairs

5

TO: Dennis Burke

MEMORANDUM

TO: Andy Fois
Kent Markus
Dennis Burke ✓
FROM: Nick Gess N.G. 8/8/95
SUBJECT: Gun Policy "Best Practices"

Attached is a memorandum circulated by the Criminal Division relating to "best practices" in the firearms field.

1. Can we include this as part of a broader White House "get tough on crime" strategy surrounding the anniversary of the VCCA?
2. In whatever form, there are some good Congressional notifications to do here, even on the Majority side.
3. Any events USA's can do to kickoff anything here?

Attachment



U. S. Department of Justice

Criminal Division

Office of the Deputy Assistant Attorney General

Washington, D.C. 20530

August 8, 1995

MEMORANDUM

TO: Members of the Gun Policy Working Group

FROM: Robert S. Litt *Phil Baridon for*
Deputy Assistant Attorney General

SUBJECT: Draft "Best Practices" Memo

Attached is a draft memo for the Attorney General's signature conveying to the U.S. Attorneys information about "best practices" that cover a broad array of initiatives to reduce gun-related violence. I would appreciate any comments or corrections -- including any ideas that you have for additions to the memo. Please take this opportunity to ensure that we have highlighted the best programs, and that we have described them accurately.

To make this more usable for the U.S. Attorneys, we will add a contact person and a phone number at the bottom of each description. Because OJP funds most of these programs, they will assume responsibility for completing this information unless otherwise indicated (for example, a U.S. Attorney or an unfunded local initiative). Normally, the contact person should be the grantee. OJP should make that determination, however, on a case-by-case basis. For example, it may be better to refer calls to an OJP contact person on a set of similar or interrelated projects. In addition to naming the best point of contact, please ask all non-DOJ persons if they are available and willing to receive calls about their program(s) and to give out information to U.S. Attorneys and other interested parties. Also, they must understand that each point of contact will be listed next to a program description in a memo from the Attorney General. If you have personal knowledge of a program, please suggest a contact person. We can sort out any conflicts or duplications later.

Please provide all comments, additions, or corrections to Phil Baridon (CRM04(baridon)) by August 18. His phone number is 514-2659.

Attachment

August 4, 1995

DRAFT

MEMORANDUM FOR ALL UNITED STATES ATTORNEYS

FROM: THE ATTORNEY GENERAL

SUBJECT: A SUMMARY OF PROGRAMS AND PRACTICES THAT MAY BE
EFFECTIVE AT REDUCING GUN VIOLENCE

INTRODUCTION

Since 1920, firearms have killed more than one million American civilians. A sharp increase in this carnage began in 1985. Production of large caliber, semi-automatic pistols -- increasingly preferred by offenders -- also grew substantially after 1985. From 1985 to 1992, homicide rates among youth under 18 more than doubled. In 1993, 70 percent of the 24,526 reported murders were committed with firearms. Handguns were used in approximately 80 percent of these killings, and handguns are the most rapidly growing weapon among the more than 220 million guns available to the general public. There is no greater challenge for law enforcement today than finding effective approaches to reverse these shocking trends.

The Department of Justice, in partnership with state and local authorities, is seeking to develop, adopt or advocate programs and strategies -- within the framework of existing legislation -- that will reduce firearms-related violence in America. This can happen only if we share our information and experiences. Most importantly, we need to know what works and what doesn't. As I travel around the country, I am struck by the number and variety of promising programs and strategies that have been developed to deal with different aspects of the gun problem -- and by the need to share information and ideas about these programs.

To coordinate our efforts in this area, I have established a Gun Policy Working Group, chaired by the Criminal Division, with broad representation from many components of the Department. The Working Group canvassed Department staff and sorted through an immense amount of information to identify programs and strategies that appear to be most effective against gun violence. Some of these programs may be familiar to you since they first appeared in a preliminary report on reducing youth gun

violence prepared last April by The Office of Juvenile Justice and Delinquency Prevention (OJJDP). The Office of Justice Programs has funded many of the programs described below.

We are pleased to provide you with summaries of the "best practices" that we have identified so far. They range from law enforcement strategies, to technology, to prevention, to education. While some of the law enforcement programs operate under the umbrella of the Anti-Violence Crime Initiative (AVCI), others are purely local initiatives that seem promising.

As the chief Federal law enforcement officer in your district, you can play an important role in promoting programs to combat gun violence. I recognize that not all of these initiatives will be applicable to your district, but I am confident that you will find some promising approaches that are relevant. Some of these programs will be directly useful, while others will be more suited for partnerships with state and local law enforcement agencies, and still others will be appropriate for sharing with school officials and community leaders. We have tried to include enough information about each program to allow you to determine whether a potential match exists with the needs of your district. For further information, a contact and phone number are provided after each program summary. We hope that this document will serve as a valuable source of ideas as you craft improved initiatives tailored to the unique needs of your area. Your Law Enforcement Coordinating Committees may be able to play an important role in developing programs and exchanging information.

I have also included an Appendix that summarizes relevant research and evaluation efforts. Please direct any questions, comments, or suggestions to: Deputy Assistant Attorney General Robert S. Litt, Room 2112 Main Justice. His phone number is 202-514-2636 (Fax: 514-6034).

Attachment

**A SUMMARY OF PROGRAMS AND PRACTICES THAT
MAY BE EFFECTIVE AT REDUCING GUN VIOLENCE**

**CRIMINAL DIVISION
AUGUST 1995**

**A SUMMARY OF PROGRAMS AND PRACTICES THAT MAY BE
EFFECTIVE AT REDUCING GUN VIOLENCE**

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I. LAW ENFORCEMENT INITIATIVES: AVAILABILITY REDUCTION/SUPPRESSION/PROSECUTION

The law enforcement programs summarized in this section reflect the broad array of tactics and initiatives in use across America to reduce gun violence. They range from using high technology equipment, to regulatory enforcement, to multi-agency agreements, to community policing, to directed patrol, to Federal prosecutions. A number of these programs demonstrate the value of identifying crime "hot spots" -- an area of intense criminal activity. Police personnel are often redeployed to saturate such hot spots. This is a type of "directed patrol" that focuses police resources where they are most needed and most effective.

Although all of these efforts share a common goal, the diversity of these programs reflects the complexity of the violence problem, as well as the creativity of law enforcement professionals in their pursuit of effective approaches.

A. FIREARMS INVESTIGATIVE TASK FORCES

Firearms Task Forces have been established in several states with funding assistance from the Bureau of Justice Assistance (BJA). Although the emphasis of each program varies, their common goals are to identify, investigate, and prosecute individuals and to dismantle organizations involved in the unlawful use, sale, or acquisition of firearms. Each Task Force develops a unique strategy that is responsive to the region's firearms problems.

- o **Virginia** was a prototype for such multi-jurisdictional Task Forces. Working closely with their U.S. Attorneys, officers and agents from the ATF, state police, and local law enforcement agencies have combined their capabilities and resources to conduct joint multi-jurisdictional investigations. With an emphasis on seizing and tracing weapons, Task Force efforts have produced hundreds of arrests and successful investigations.
- o In **North Carolina**, the **Violent Career Criminal Task Force** is a joint effort by the N.C. Department of Justice, the three U.S. Attorneys, and ATF to develop a model procedure to disrupt the flow of firearms to violent, career criminals throughout the state. This complements the efforts of a Middle District Task Force that has targeted the district's 500 most violent criminals.
- o In **Gary Indiana**, a Task Force has concentrated its resources specifically on interdicting firearms intended for approximately 4,000 members of violent street gangs.

- o The **Georgia Governor's Strike Force Against Drugs and Violent Crime** includes a weapons specialist to help deal with violence in rural and under-served areas of the state.
- o The multi-agency **Gun Task Force** in the Eastern District of **Arkansas** emphasizes investigations and prosecutions of illegal firearms traffickers.

For further information, contact:

B. COMPUTERIZED MAPPING AND NETWORKING

New computer technology can provide investigative agencies with a powerful tool for sharing information, analyzing problems, spotting trends, and focusing resources. Mapping software, a type of computerized Geographic Information System (GIS), can generate maps based on a type of criminal activity or some other criteria such as arrests, or it can overlay different data sets, which gives police managers a visual picture of interrelated problems. For crime control and prevention, mapping has two primary goals: (1) understanding the nature and extent of criminal activity in a community, as well as possible contributing factors; and (2) improving the allocation of resources to combat these problems. According to an informal IACP poll, about 30 percent of major police departments have some type of mapping capability.

- o The **Pittsburgh Police Department Gun Task Force**, created in January 1994, includes ATF, the county sheriff, and municipal and state police. The purpose of the project is to improve both street-level enforcement and complex gun Task Force investigations by developing and implementing an Automated Information System that integrates data from multiple sources. This project connects Federal and local law enforcement agencies via a local area network (LAN) and remote telecommunication lines to gather and exchange firearms and related information, including applications for firearms purchases; permits to carry guns; dealership licenses; and police reports on stolen, confiscated, and pawned firearms within the Pittsburgh region.
- o In addition, Pittsburgh is now using a GIS called the **Drug Market Analysis Program (D-MAP)** to identify and characterize drug markets, many of which are extremely violent. Officers have used this information to disrupt open air drug markets, to help close down bars that sell guns, to set up reverse stings, and to develop undercover operations. Recently, the Gun Task Force began establishing networking connections between their personal computers and D-MAP workstations so that the Task Force will have access to D-MAP mapping capabilities. D-MAP has sophisticated query and display features to examine and integrate data from many different sources to identify drug markets. Among other features, this system can easily make comparisons among police crime reports, arrest data, and citizen calls for service. D-MAP makes it possible to consider the

addresses where different offenders are arrested and the types of crimes for which they are arrested. Also, the system provides detailed information about the types of drugs available and the market's hours of operation. Both of these projects are funded by the BJA.

For further information, contact:

C. BRADY BILL ENFORCEMENT IN NEW MEXICO

The District of New Mexico has instituted, in cooperation with ATF, a program to generate and evaluate referrals by local law enforcement regarding potential violations discovered during Brady checks. Under this program, ATF sends the U.S. Attorney's Office (USAO) a list of cases in which local law enforcement agencies have identified prohibited persons who appear to have concealed their status in applying to purchase a handgun. The USAO reviews the list and selects the cases with the highest potential for prosecution under 18 U.S.C § 922(a)(6) (false statement in connection with attempted acquisition of a firearm).

The criteria used by the U.S. Attorney's Office to select cases were formalized in a December 1994 memorandum to ATF. In general, they deal with the defendant's background and history of violence, the date of prior conviction(s), and the type of sentence imposed by the court.

Once the cases are evaluated by the USAO, a list of potential defendants is sent to ATF for more detailed investigations into their backgrounds. Once these investigations are completed, the USAO receives a detailed report and makes final prosecutive decisions. Cases can also be referred to the state for prosecution when appropriate. While the U.S. Attorney does not expect to generate a large number of prosecutions as a result of this program, a few targeted and publicized cases should produce a substantial deterrent effect.

For further information, contact: AUSA Louis E. Valencia at 505-766-2868 ext. 159.

D. FIREARMS LICENSEE COMPLIANCE PROGRAMS

To help keep bogus gun dealers out of business, BJA has funded a **Firearms Licensee Compliance Program** designed to improve the ability of state and local law enforcement agencies to conduct more comprehensive background investigations on new or renewal applications for a Federal Firearms License

(FFL).¹ Results from the demonstration program, a joint effort between the New York City Police Department and ATF, have been very encouraging. The cities of **Oakland, Richmond, and Berkeley, California** are also implementing an innovative, multi-jurisdictional firearms project that includes a firearms licensee compliance component. In-depth background investigations of FFL applicants are conducted by local detectives and ATF agents to ensure dealer compliance with local, state, and Federal laws. In both the New York and Bay Area projects, authorities have found that thorough background investigations result in the denial or withdrawal of many applications, thus reducing the number of shady gun dealers while increasing the time available to monitor the remaining dealers. Background checks often lead undercover officers to certain public housing areas known to be sources of straw purchasers.

For further information, contact:

E. **ACHILLES PROGRAM**

The ATF **Achilles Program** currently consists of about two dozen ATF/state/local Task Forces that work in areas plagued with high levels of gun-related violence. The goal is to target violent and armed career criminals who can be prosecuted under the enhanced Federal penalty provisions.² Achilles now includes the proactive **Violent Offender Program** that identifies up to 1,000 of the most violent offenders in America and establishes an individual file on each with enough information to support a pretrial detention request. All of these violent offenders are specially flagged within NCIC. When a local law enforcement officer encounters such an individual after an NCIC query, he is instructed to contact ATF for immediate assistance. [Based on 1995 internal ATF memo]

For further information, contact:

F. **PROJECT TRIGGERLOCK**

This Justice Department initiative continues to be a key component of the AVCI, targeting repeat offenders and dangerous violators for prosecution under Federal

¹ In July, 1993, ATF completed **Operation Snapshot**. This study provided a profile of FFLs, which had swelled from 87,000 in 1968 to over 287,000 by 1993. Many of these FFLs were bogus enterprises. The study found, for example, that approximately half of the "dealers" had no inventory and did no business in the previous 12 months, and one-third had prior federal firearms violations. As a result of Sec. 110302 of the Violent Crime Control and Law Enforcement Act of 1994, now codified at 18 § 923 (d)(1), FFLs must now comply with State and local licensing laws.

² Possession of a Firearm by a Felon or Fugitive, 18 U.S.C. § 922(g); Possession of a Firearm by an Armed Career Criminal, 18 U.S.C. § 924(c); Carrying or Using a Firearm during a Federal Crime of Violence, 18 U.S.C. § 924(c).

firearms statutes that provide for lengthy sentences. Initiated by the Department in 1991, **Project Triggerlock** is operational in every Federal district and is closely coordinated with state and local law enforcement. Since the program's inception, the Department has initiated more than 22,000 Triggerlock prosecutions. Although the program encompasses all Federal firearms offenses, it places special emphasis on three provisions: Felon in Possession of a Firearm, Armed Career Criminals, and Possession of a Firearm During the Commission of a Federal Crime of Violence.

For further information, contact: Jim Reynolds, Chief, Terrorism and Violent Crime Section, Criminal Division at 202-514-0849.

G. VIOLENCE REDUCTION ALLIANCE

(Awaiting additional information on this new ATF initiative)

H. STATE AND REGIONAL TRACING AGREEMENTS

Where the dimensions of firearms trafficking and violence tend to be multi-district or multi-state, U.S. Attorneys could take a leadership role in negotiating a coordinated regional response.

- o In New Jersey, under **Project Lisa**, the U.S. Attorney, ATF, the state Attorney General, the state's 21 county prosecutors, and the heads of local law enforcement agencies signed an MOU that requires the tracing of all seized firearms. The initiative was designed to solve crimes while facilitating the interdiction of illegal weapons.
- o The Governors of **14 East Coast States**, the Mayor of the **District of Columbia**, and ATF have signed an **Interstate Firearms Trafficking Compact** to increase the number and quality of investigations and prosecutions against illegal firearms traffickers and other violent offenders. The agreement emphasizes tracing firearms used in crimes and interstate information sharing, especially regarding the sources of guns. Cross deputizing law enforcement officers is also used to facilitate multi-jurisdictional investigations.³

One outcome of the first meeting of Compact members in July 1994 was a request to BJA for financial and technical assistance to implement their goals and to

³ Such coordinated efforts can have a significant impact. Last year, for example, cooperation between Massachusetts and Virginia authorities resulted in the conviction of five gang members in Boston. The gang brought kilos of cocaine to Virginia to exchange for guns. Investigators tracked 27 guns from Virginia to Massachusetts. Eight of the guns were recovered after robberies and shootouts with police and rival gangs in Boston.

coordinate their efforts among Federal, state and local governments. In response to requests for training, BJA has awarded a grant to the Police Executive Research Forum (PERF), to develop a training curriculum, in conjunction with ATF, on a state-by-state basis that emphasizes tracing and information about weapons. More states have expressed an interest in and plan to join the Compact following its early successes.

For further information, contact:

I. REDUCING GUN VIOLENCE IN PUBLIC HOUSING

In 1994, BJA funded several programs to help the **Chicago Housing Authority** and the **Chicago Police Department** reduce violence in high-crime communities. These programs are showing great promise and can serve as models for other public housing complexes faced with increases in violent crime.

- o **The Building Interdiction Team Effort (BITE)** is an innovative project established by the Chicago Housing Authority and the Chicago Police Department to win back control of selected buildings from gangs. BITE teams are securing the perimeters of buildings, challenging suspicious persons, patrolling and searching common areas and vacant apartments, and conducting consensual searches of occupied units.
- o **The Ceasefire Program** is a cooperative effort among the Chicago Police Department, the Chicago Housing Authority, and ATF to provide firearms technicians with an automated projectile comparison system. This enables them to perform more efficient evidence examinations to help solve a greater number of serious firearm-related crimes occurring in public housing.

For further information, contact:

J. THE KANSAS CITY GUN EXPERIMENT

The **Kansas City Gun Experiment** was developed from the original Weed and Seed grant to the Kansas City Police Department (KCPD). It was based upon the theory that additional police patrols would increase gun seizures in a known high-crime area, which, in turn, would reduce gun crime. For 29 weeks between July 1992, and January 1993, the KCPD focused increased patrols on gun crime "hot spots" within the target area, where the homicide rate was about 20 times the national average.

Patrol officers seized guns in the hot spots by searching suspects upon arrest, making plain view sightings of firearms, and conducting frisks for safety reasons. Patrol officers in the target area seized significantly more guns than officers in a

similar control area in which there was normal patrol. Gun crimes, drive-by shootings, and homicides all decreased significantly in the target beat during the experiment.

The evaluation of the experiment concluded that police can increase the number of guns seized and reduce violence at a relatively reasonable cost in high gun crime areas. Based on a statistical comparison with a control area, the evaluation also found that "directed patrol" in crime hot spots is about three times more cost effective in removing firearms from the streets than traditional, city-wide police patrols. The experiment demonstrated that the overall impact of even small increases in the number of guns seized can be significant in decreasing gun-related crime.

This experiment has been replicated in **Indianapolis**, and is now being launched on a nearly city-wide basis in **Washington, D.C.** The National Institute of Justice (NIJ) is funding an evaluation of the Indianapolis initiative and is serving in an advisory role on the D.C. initiative.

For further information, contact:

K. ST. LOUIS FIREARMS SUPPRESSION PROGRAM

In the Fall of 1993, the **St. Louis** Police Department developed a standard consent form that permits officers to search residences in high crime areas for weapons. On the form, the Police Department agrees to look for and confiscate only illegal weapons. In addition, the city promises not to prosecute for anything found in the home. A Mobile Reserve Unit consisting of 18 sworn officers conducts all searches, mostly based on the recommendations of community policing officers. Over 90 percent of those asked have agreed to the searches. During 1994, the Mobile Reserve Unit seized 402 firearms, including 36 in one house. These 18 officers constitute approximately one percent of the total sworn complement, but they seized more than 10 percent of all guns throughout the city. Preliminary 1995 numbers parallel those from last year. NIJ plans to fund a formal evaluation of the program.

For further information, contact Dr. Scott Decker, University of Missouri, at 314-516-5038.

L. GUN COURTS

- o A **Gun Court** was established in **Jefferson County, Alabama** in January 1995 following a record number of gun-related homicides. It is a community-based, collaborative effort involving the Alabama Department of Youth Services, the Birmingham Police Department, the Mayor's Office of Youth Development, the

Birmingham School System, the local private sector, and the court. The goal of the program is to improve public safety by reducing the number of violent crimes and handgun offenses in Jefferson County.

The initiative includes hearings by the presiding judge within two weeks of the offense, secure detention pending hearings, (non-secure) boot camp residential placement for three months, firearms education classes for guardians of convicted juveniles, a prevention-oriented program in the area schools, and post-boot camp intensive supervision in the community for 6 to 12 months.

- o **Providence, Rhode Island** recently established a Gun Court. All gun crimes are referred to a single judge who processes the cases on a fast track. New rules have cut the life span of gun crime cases in half. With more than 80% of convictions resulting in mandatory 10-year jail terms, many defendants are now pleading guilty in exchange for a reduction to two years of imprisonment.

The Gun Court model has received support both from gun control advocates and the NRA. Legislators in **Texas** and court administrators in **Louisiana, Illinois, and Dade County** are considering Gun Courts. These programs, in addition to expediting case handling, also have the potential to address the special needs of the victims of gun violence.

For further information, contact:

M. KEEPING GUNS OUT OF SCHOOLS

Local law enforcement and school officials are working together to rid our schools of guns. The Gun-Free Schools Act of 1994 requires every state receiving Federal aid for elementary and secondary education to have a law requiring school districts to expel any student for at least one year who is caught carrying a gun to school. The statute specifically prohibits the Federal government from funding any local educational agency that fails to adopt a policy requiring referral to a law enforcement agency of any student who brings a firearm or weapon to school.⁴ The Department of Education is providing guidance to local schools and law enforcement officers to implement this Act and will work with OJJDP to support alternative education programs to keep youth found with weapons off the streets. ✓

⁴ See 8 U.S.C. § 14601. The Youth Handgun Safety Act requires the Office of Juvenile Justice and Delinquency Prevention to disseminate model youth handgun legislation -- now close to completion -- so that states that do not already have laws prohibiting the possession of firearms by juveniles can adopt such laws, and so that other states can revise existing laws as appropriate. The Department of Education already has prepared a Guide for Governors and State Education Agencies to help them enact the required legislation in every state. ✓

- o **Tracing Seized Guns** can be an important investigative tool. The Treasury Department has asked ATF to accept and trace all firearms seized from students in schools and turned over to local law enforcement. Such tracing data may lead to the investigation and prosecution of those individuals who provide firearms to juveniles -- especially major suppliers.
- o **Metal Scanners** to detect firearms are one of the most widely used school gun violence intervention approaches, albeit with mixed results. According to the National School Safety Center, 70 percent of the nation's 50 largest districts have installed scanners in schools. The **New York City Metal Detector Program** is one of the best known of these programs.

For further information, contact:

N. ALTERNATIVE SCHOOLS

These programs attempt to meet the needs of high-risk youth through swift and strict sanctions, treatment, and the development of viable academic and employment opportunities. Students expelled from public schools for firearms possession may benefit from a period of structured education and counseling in alternative schools prior to their return.

- o The **Barron Assessment and Counseling Center** is a project of the **Boston** public school system. Until a few years ago, this program was intended only to counsel students found to have had a weapon on school property, but recently it has admitted any student committing an expellable offense. If the charges are substantiated in a hearing with the superintendent, the parents are notified and the student is referred to the center. At the center, students (elementary through high school) receive academic, psychological and social assessments, as well as crisis intervention counseling. The program has an aftercare component to continue services after release. Staff prepare individualized service delivery plans for each client. Special workshops to teach these youths alternatives to violence are provided by Northeastern University School of Law, Office of Emergency Medical Services and Vietnam Veterans Against Violence. This program is coordinated with the juvenile court, probation officers and the Departments of Youth Services, Social Services and Mental Health.

For further information, contact:

- o The **Zero Tolerance Program** is designed to ensure the safety of those attending **San Diego** schools and to provide an alternative to expulsion or lengthy suspension without follow-up support. It applies to middle, junior, and senior high school students. Any student caught with a firearm, explosive device, or any other dangerous weapon is suspended immediately and referred to a hearing officer.

Students identified as needing intervention are subsequently referred to alternative school sites where they continue their regular academic curriculum, supplemented by extensive violence prevention sessions, conflict resolution training, and individual and family counseling. After a period of time ranging from a semester to a year, the student is given a second hearing to assess progress. If it is considered safe, the student may be returned to a regular school environment at that time. Repeat offenders are reported to be rare.

For further information, contact:

O. GUN BUY-BACK PROGRAMS

Many gun buy-back programs have been implemented across the country, with widely varying results. In general, the better programs operate in urban areas and are often conducted in tandem with a wider gun violence prevention effort. Unfortunately, most of the guns turned in are old and in poor condition. One benefit of buy-backs is the community engagement aspect of the program. The process itself highlights guns as an issue. When many guns are turned in, regardless of their condition, it brings home the reality that a city full of guns can be a dangerous place in which to live.

- o **Citizens for Safety in Boston**, a community-based coalition to reduce violence, includes 50 neighborhood and youth organizations as well as over 500 citizens from across the city. In 1993, CFS organized a gun buy-back program which removed 1,302 guns from circulation.

For further information, contact:

- o **Weapon Watch** is a variation on the usual gun turn-in program. Organized by the Mental Health Center of the **Memphis** School District, the Memphis Police Department, and Crime Stoppers (a citizen group that offers financial rewards for tips about crimes), Weapon Watch was implemented to get children involved in ridding their schools of weapons. Instead of buying metal detectors, Memphis officials decided to involve students. A hot line was established for them to report anonymously any student who brings a weapon to school. Those who call in are given a secret code number. Police are dispatched to investigate each call, and students are rewarded if their information leads to the confiscation of weapons and an arrest.

For further information, contact:

II. PREVENTION/INTERVENTION/EDUCATION/PUBLIC HEALTH

These programs are designed to complement law enforcement initiatives by helping to break up patterns of violence involving firearms. Some are designed to educate, and thereby prevent violence, while others are designed to intervene and deter further violence among high-risk groups. An active, involved community is an essential characteristic of most of these programs. Many programs have produced training or informational videotapes and other materials.

A. PUBLIC EDUCATION TO PREVENT GUN VIOLENCE

- o The **Children's Defense Fund's Cease Fire Campaign** involves 10 steps to stop the war against America's children, including: removing guns from our homes; creating opportunities; providing safe havens; being informed about media violence versus real violence; and resolving conflicts peacefully. The campaign also features television public service announcements and the "Wall of Names," a print presentation of more than 600 children killed from 39 states by gunfire in 1993-1994.

For further information, contact:

- o A gun violence prevention video, "**Under the Gun**," was the product of a recent collaboration between The Center to Prevent Handgun Violence and Disney Educational Productions. The video challenges the glamorization of guns and the notion that guns make us safer. Disney plans to market the video to schools, recreation centers, police departments, juvenile justice facilities, hospitals, rehabilitation centers, and other educational organizations.

For further information, contact:

- o The **Mobile (Alabama) Bay Area Partnership for Youth**, a community-based organization, in coordination with the police and sheriff's departments created the **Kid With a Gun/Call 911 Campaign** to encourage citizens to call 911 upon seeing an armed youth. A three-month long media campaign in 1992 focused local attention on youth violence and gun safety and raised parents' awareness about these issues. Periodically, the police ask the media to repeat the campaign's public service announcements to reinforce public awareness.

For further information, contact:

- o The **California Wellness Campaign to Prevent Handgun Violence Against Kids** -- by far the most extensive public education campaign against youth gun violence -- is a \$2 million state-wide effort that includes extensive research, surveys, polling,

focus groups, and analyses of target audiences. The program has: produced multiple 30-second television PSA's that run on prime time in both English and Spanish; communicated critical information on youth gun violence through its "First Aid" portfolio to more than 8,000 elected officials, key media leaders, and public agencies; received more than 75,000 calls and 11,000 supporters through its 1-800-222-MANY hotline and information service; organized a women's coalition against gun violence; and developed a video teleconference town hall meeting throughout the state to unveil its policies on handguns and firearms.

For further information, contact:

B. PREVENTION CURRICULA

Curricula for Schools, Law Enforcement, and Community Organizations

Most of the gun-related, violence reduction programs aimed at youth include curricula developed for classroom use by schools, law enforcement agencies, and community-based organizations. Such curricula emphasize firearms safety, the risks of owning a firearm, and the need for conflict resolution and anger management skills. Other topics may include examining the causes of handgun violence; educating youth and parents on how to prevent gun-related violence; encouraging anonymous reporting of guns; and teaching the consequences of being arrested. These educational programs often use videotapes to support their presentations and may also be reinforced by public information campaigns, counseling programs, or crisis intervention hotlines.

- o The **Straight Talk About Risks (STAR)** program is a comprehensive school-based program designed by the Center to Prevent Handgun Violence to reduce gun injuries and deaths. It is based on prevention activities for children and their families. Through STAR, students also learn how to make better, safer decisions and to resolve conflicts without violence through role-playing, goal setting, and the development of leadership skills. Although designed in clusters for grades K-12, a recent evaluation found the greatest improvement in knowledge and attitudes occurred in grades 3-5.
- o The NRA's program "**Eddie the Eagle**" is designed to make elementary school children in grades K-5 aware that guns are not toys, and to explain what to do if they see a gun. One or two class periods are required.
- o The **Firearm Injury Prevention Curriculum** in Albuquerque was developed by the Firearm Injury Prevention Task Force for grades K-8. It uses lesson plans that teach problem solving and peer refusal skills, while building self esteem. Illustrative stories are drawn from the actual deaths of children in New Mexico from firearms.

- o **Kids + Guns: A Deadly Equation** is a program developed jointly by the Center to Prevent Handgun Violence and the **Dade County** public schools. Its curriculum, designed to reach children in all grades, becomes progressively more sophisticated as age increases. Emphasis is placed on such topics as resisting peer pressure to carry or play with guns, and distinguishing between real-life and TV violence. Group presentations, brochures, and a video help emphasize the potential dangers posed by guns.
- o **Weapons Are Removed Now (WARN)** in **Reseda, California** uses trained high school volunteers to visit neighborhood elementary and middle schools to speak about dispute resolution and the dangers of guns on school campuses.
- o **Solutions Without Guns** in **Cleveland** is based on research that shows that children make basic decisions about violence and guns in the fifth and sixth grades. This multi-media curriculum addresses four "gun-proneness" factors: (1) guns and the people who use them are exciting; (2) guns provide safety and power; (3) aggression is an acceptable response to disrespect; and (4) children are comfortable with aggression. The curriculum is integrated into daily classroom lessons.
- o The **Guns, Teens, and Consequences** program in **Tulsa, Oklahoma**, is also the name of a video produced cooperatively by the police department and school system. To date, it has been shown to more than 6,000 middle and high school students.

For further information, contact:

Curricula for Physicians

A number of curricula are used by physicians to instruct parents and others about the dangers of guns. They add a public health perspective and often emphasize preventing violence and treating the victims of violence.

- o **Steps to Prevent Firearm Injury (STOP)** is a cooperative effort between the American Association of Pediatricians and the Center to Prevent Handgun Violence. It has led to **The Childhood Firearm Injury Prevention Project**, which is the first national educational program designed for pediatricians to use when counseling parents on the risks of keeping a gun in the home and the dangers guns pose in the community. The program includes: (1) a monograph on firearms injury and death; (2) a bibliography of resources related to gun violence; (3) an audiotape that models dialogue between pediatricians and parents; (4) an eight-page brochure for parents that describes the dangers guns present and ways to minimize them; and (5) a poster for display in waiting rooms.

- o Another similar, physician-based program is **Boston's Violence Prevention Project**. This multi-agency, community-based initiative is designed to reduce interpersonal violence among adolescents by developing and reinforcing conflict resolution skills. In 1992, the project produced a guide for addressing and responding to young patients at high risk for violence. The guide, now used in several Boston health care centers, is entitled "**Identification and Prevention of Youth Violence: A Protocol Package for Health Care Providers.**"

For further information, contact:

C. TRAUMA PREVENTION PROGRAMS

Other programs emphasize the need for counseling high-risk young people by professionals, as well as by peers who themselves have been the victims of gun violence. These programs are usually sponsored or run by a public health project or hospital.

- o **Youth Alive in San Francisco** sends young counselors into Highland Hospital to try to persuade teenage gunshot victims to avoid further violence by not retaliating. Counselors emphasize that revenge will only destroy another life and put friends (who are doing the retaliating) at risk of arrest. This program also involves young gunshot victims in sharing their experiences with kids involved in gang behavior.

For further information, contact:

- o **People Opening the World's Eye to Reality (POWER)** is a trauma prevention program in **New York City**. POWER members are patients in Goldwater hospital who are severely disabled as a direct result of drugs or street violence. Confined to wheelchairs, they pay visits twice a week to high schools, correctional facilities, probation agencies, and community centers to tell their stories. Their basic message to the youths of New York is simple: "Put down the guns and drugs and pick up the books, because guns and drugs have only three results: jail, paralysis, or death."

For further information, contact:

- o The **Shock Mentor** program was recently developed by the **Prince Georges County, Maryland Hospital Center** and **Concerned Black Men, Inc.**, a mentoring group of Black professionals. The program brings high school students into the shock trauma and emergency rooms to watch doctors treat the victims of violence. This program is part of a larger county initiative that includes a conflict-resolution program, a peer mediation training program, a Black male achievement program, and a county-wide forum on violence prevention.

For further information, contact:

- o **"Wasted Dreams"** (distributed by Film Ideas, Inc. at 800-475-3456) is a peer to peer video on the effects of violence on seven young men. Produced by the **Southeastern Michigan Spinal Cord Injury System** in Detroit, the video and discussion guide are used for counseling high school students about gunshot victims and injuries. This group of seven, including one who can breathe only with the help of a respirator, all describe how they were shot and, in hindsight, how they could have avoided becoming victims.

For further information, contact:

D. JUVENILE DIVERSION AND INTERVENTION PROGRAMS

Diversion and intervention programs target delinquency-prone juveniles. Since these programs are often implemented after arrest, they may involve law enforcement and the juvenile justice system. Specialized training can be very helpful to the law enforcement officers, school officials, and community leaders who participate in these programs.

- o **Project LIFE (Lasting Intense Firearms Education)**, operated by **Indiana Juvenile Court**, is a diversion program for juveniles arrested on gun charges. The program is designed to help youth and their parents learn about the effects of gun violence and accidents through discussions and group exercises. Children and their parents prepare a paper on the effect of guns. A discussion based on these papers opens the education session. After the discussion, a videotape of an actual accidental shooting is shown. Participants engage in another discussion to emphasize how easily high-risk juveniles can make the transition from violator to gunshot victim. The project director reports that few of these families return to juvenile court on gun charges.

For further information, contact:

- o **The Rebound/Lookout Mountain Camp Falcon Juvenile Facility in Denver, Colorado** offers an additional treatment-oriented program as part of a boot camp for first-time and other juvenile offenders, as well as probation violators. The program lasts 60 days and includes academic education, life skills training, and drug and alcohol counseling. Aftercare is provided upon completion of the program.

For further information, contact:

- o The **Handgun Violence Reduction Program in Baltimore County, Maryland**, is a combination public information campaign and handgun safety program. The outreach portion includes a hotline, PSAs, and community presentations on such issues as safe storage, the legal liabilities of gun ownership, and the limits on guns as personal protection. Uniformed officers also make school presentations designed to take the glamour away from guns and to provide information on what to do if a student comes upon or is threatened by a gun.

For further information, contact:

- o In **Washington, D.C.**, a group of two psychologists, four social workers, 16 community recreation workers, and 45 trained police officers formed a team which patrols the city at all hours helping children cope with the violence they so often witness. The work of the team is helped by the **Howard University Violence Prevention Project** which offers an after-school middle school program, a pre-school program, and a summer camp which provides social support, tutoring, esteem-building, and cultural enrichment for children who have been exposed to serious violence. The program is designed to provide an array of services that will help stop the cycle of violence.

For further information, contact:

- o The **Illinois State Police School Security Facilitator Program** provides specialized training for a variety of officials in jurisdictions where school violence is a problem. Representatives from all community programs (private, government, and not-for-profit) that play a role in addressing youth crime and violence are invited to attend an intensive 5-day team building/education program at ISP's training academy. A typical "team" will include:

- Law enforcement personnel
- School administrators and teachers
- Local state's attorney and public defender
- Prevention and treatment staff
- Other court officials
- Concerned community members

Community teams may range in size from 5 to 15. Participants live at the academy (in trooper dorms) with other team members throughout the training program. The courses are divided between youth violence issues and violence reduction strategies. Part of this training effort deals directly with the interdiction of guns coming into schools. Trainers highlight identification of situations where violence may escalate; investigative techniques to acquire information on weapons that might be in the school; actual strategies for weapon removal; and cooperation with law enforcement authorities. Additional programs such as locker searches,

canine searches, and the use of metal detectors are also discussed. Teams are "returned" to their communities to educate others on youth violence issues and to implement selected strategies for violence reduction. Anecdotal information from prior participants indicates some degree of success.

For further information, contact:

- o **The University of Virginia's Youth Violence Project** focuses on reducing youth violence through a team approach. A multi-disciplinary team of experts on youth aggression and violence (education, psychology, law enforcement, planning, and crime prevention) present courses in selected Virginia cities. Program participants (primarily school and law enforcement officials) are exposed to a variety of issues (risk factors for violence, multi-cultural dynamics, etc.) and are asked to implement a series of actions in their schools, including building security assessments and peer mediation. Many of the instructors in this program are local police officers. Part of their curriculum also deals with weapon detection and interdiction. School cooperation with law enforcement is stressed, since school officials are not trained in weapon removal or disarming tactics. In 1994, the project expanded its reach through a televised version called "School Safety and Youth Aggression," which was broadcast to 24 sites across the Commonwealth.

For further information, contact:

III. **COMPREHENSIVE GUN VIOLENCE REDUCTION PROGRAMS**

These programs, which feature many of the individual initiatives discussed above, are usually organized by a coalition of law enforcement officers, prosecutors, and other concerned citizens. Recognizing that no single solution exists, many cities have developed comprehensive approaches designed to respond to the unique set of problems that help fuel gun violence in their community. Although these examples are not intended to be prescriptive, they illustrate how several interrelated initiatives that address different aspects of the problem, while maximizing resources and opportunities, can constitute an effective overall strategy against gun violence.

A. **OAKLAND, CALIFORNIA**

This strategy emphasizes reducing the supply and availability of firearms in the city by supervising firearms dealers, expanding field enforcement, and developing a comprehensive firearms database.

Firearms Dealers A strict local licensing program has been very successful, contributing to a reduction in the number of FFLs held by dealers from 57 to 7 during the first seven months of this year. A local license to sell firearms requires a \$600 fee, a thorough background check, and specific security requirements for

the place of business (including a \$1 million insurance policy, keeping guns locked in cases, an alarm system connected to the central police station, and a physical inspection of the premises). These rigorous standards have caused many dealers to move or forfeit their licenses. In addition, dealers' report of sales are investigated, purchasers are occasionally spot checked, and pawned firearms are subjected to checks to verify that sales are not made to prohibited persons.

Field Enforcement A Weapons Unit, composed of two sergeants and two officers, investigates only firearms cases. These officers are involved in charging firearms-related cases and conducting interviews with firearms arrestees to trace their sources. This unit also participates on various task forces, employing covert buys and sting operations to target illegal dealers and traffickers. In addition, working groups have been established, including the Oakland Police Department, the FBI, and neighboring police departments, to deal with a serious problem of firearms crossing city limits. Common carriers, such as Federal Express and United Parcel Service, as well as freight lines, have been asked to cooperate with law enforcement efforts designed to interdict illicit transportation by and theft of firearms from these services. Sting operations are among the techniques that have been used with success. A new Hot Tip Line in Oakland encourages citizens to report illegal carriers of firearms or firearms-related crime. Since nearly 5,000 illegal weapons are recovered each year, a personnel system of merit points for officers may be established based on the number of weapons recovered.

Firearms Database A comprehensive firearms database has been developed and is constantly being updated. This database contains full descriptions of all weapons that come to the department and is used to try to establish the source of the weapons, looking for common names and traffickers. Improved links with the ATF computer system have been established in order to facilitate firearms tracing. Neighboring cities also have access to the database.

For further information, contact:

B. SEATTLE, WASHINGTON

The city is working on several initiatives to reduce gun-related violence. These include enforcement of local requirements for FFLs, heavy police patrols in areas known for violence, gun buy-backs, and participation in crafting tougher state laws.

Gun Buy-Backs One of the more notable gun buy-backs combined the efforts of a non-profit organization, Stop the Violence, with those of the city police department. The non-profit organization collected donations to pay for the buy-backs, and the police received the guns and distributed the payments. The project also had the support of the King County Prosecutor's Office, the City Council, and the Mayor's Office. The buy-back offered fifty dollars for each handgun or

other modified weapon turned in during a two-week period in 1992. Over 350 guns were bought back during the first two days of the project. The guns were kept in a secure location and then melted down into a sculpture commemorating those individuals slain by firearms.

Anti-violence Squads Seattle created two city-wide, anti-violence squads. The squads, which consist of one sergeant and four officers, patrol areas of the city known for gang and youth-related violence, particularly involving guns. In 1994, the city had four juveniles murdered. There have been none during the first five months of 1995.

Legislation The Seattle Police Department is working with the Washington state legislature to craft two new state laws. One would make it a felony for youths to carry guns, and includes a provision for mandatory jail time, and the other would increase mandatory sentences for those using weapons during the commission of a crime (**Hard Time for Armed Crime**).

FFL Enforcement An analysis of the number of FFLs in the city showed that approximately two-thirds of the dealers were not in compliance with the requirement for a city business permit. Following enforcement actions, some dealers obtained permits while many others chose to forfeit their licenses.

For further information, contact:

C. MILWAUKEE, WISCONSIN

This strategy emphasizes three areas: enforcement initiatives, community-oriented initiatives, and the active support of all legislative measures enacted to restrict access to firearms by juveniles and adult criminal offenders. This multifaceted approach appears to be successful based on an increase in the number of firearms seized and a decrease in violent crimes.

Enforcement Initiatives These initiatives emphasize the seizure of illegal firearms and are carried out by the Robbery Task Force, an FBI/Milwaukee Police Department (MPD) Violent Crimes Task Force, and directed patrols in high crime areas by members of the Tactical Enforcement Unit and the Gang Crimes Division. Funded entirely by the MPD, this enforcement initiative tends to produce more immediate and tangible results than the other two components described below. For example, the Gang Crimes Division alone seized 535 firearms in 1994.

Community-Oriented Initiatives These initiatives include the following: a "Guns" Hotline program, which provides a quick, easy, and anonymous means of reporting illegal firearms activity by citizens, and is coordinated with the

Milwaukee County Sheriff's Office; Gang Resistance Education Training (GREAT); a 1994 Gun Buy-Back program which resulted in 368 firearms being turned in; and presentations by Community Service Division personnel to public school students on how to deal with abandoned firearms, and on personal safety techniques. Additionally, the MPD has developed a Gun Safety Coloring Book to instruct young children on the dangers associated with an abandoned or unsupervised firearm. Public and private donations subsidized the creation and printing of the book.

Legislative Component The City of Milwaukee has strictly regulated the licensing and zoning of retail sales of firearms to the public. As a result, Milwaukee has very few retail firearms dealers selling handguns. MPD operational policy directs all officers to vigorously pursue state charges that enhance the penalty for the use of a firearm or dangerous weapon during the commission of a crime. The MPD also actively participates in Project Triggerlock. Thirteen offenders were charged with Federal firearms violations under this program in 1994.

For further information, contact:

D. **DISTRICT OF COLUMBIA**

In addition to active enforcement initiatives, the U.S. Attorney has helped the city police obtain funding from DOJ to deal with a growing backlog of 1,500 to 2,000 firearms cases that require examination to support criminal investigations or prosecutions. Ten contract firearm examiners will assist the Washington Metropolitan Police Department (MPD) in examining firearms evidence. Also, an examination protocol will be developed to help prevent the future occurrence of another backlog.

Operation Ceasefire Modeled after the Kansas City Gun Experiment, Operation Ceasefire, an initiative of the U.S. Attorney, combines the efforts of the Washington MPD, and ATF. In addition, the initiative has received support from other local and Federal governmental and law enforcement agencies, as well as from private businesses, politicians, and community activists. The goal of this initiative is a 40 percent reduction in violent crime from its current rate. This would bring it back to its 1986 level, before crack abuse spawned an unprecedented wave of drug-related violence. The initiative involves a three-pronged approach: (1) seizing illegal weapons; (2) increasing the certainty of punishment for illegal possession of firearms; and (3) educating the public, particularly youth, about the destructive potential of firearms. The cornerstone of this effort to combat violent crime will be getting firearms out of the hands of criminals.

Under Operation Ceasefire, teams of law enforcement officers are working in targeted areas to maximize seizures of illegal firearms. Seizures are accomplished

through traffic stops, special enforcement operations, and other police procedures. The USAO works closely with the MPD to train officers in law enforcement techniques that are innovative, effective, and constitutional. In addition, ATF is tracing seized firearms in order to solve individual cases and track down the purveyors of illegal firearms. In support of this initiative, the USAO will expand its program of systematic debriefing of anyone who wishes to plead guilty to, or is convicted of, an offense involving a firearm. A standard debriefing protocol will be developed for all law enforcement agents and AUSAs. Finally, the USAO has designated a "firearms prosecutor," whose sole responsibility is to coordinate intelligence gathering, as well as the investigation and prosecution of all firearms cases.

Legislation The second component involves a legislative package designed to increase the certainty of punishment for those convicted of illegally possessing firearms, to use asset forfeiture to enhance punishment, and to support the imposition of curfews for youths sixteen and under. This package has been submitted to the City Council. While most of it remains under consideration, the curfew for juveniles recently went into effect.

Public Education and Support The final component of the initiative features an extensive public education campaign to destroy the glamorous and powerful mystique of firearms that fascinates so many of our young people and to reduce the level of public acceptance of illegal firearms. This campaign will be an important component of the District of Columbia's violence prevention efforts through Project PACT (Pulling America's Communities Together) and will use a multi-media approach to influence community residents. All sectors of the community -- political figures, government agencies, private non-profit organizations, sports figures, news media organizations, television and radio stations, commercial advertisers, and local corporations -- will be asked to contribute in creative and effective ways to change the way people view illegal guns. This campaign will be reinforced by a partnership among the USAO, law enforcement agencies, and the D.C. school system to design anti-gun and anti-violence instruction and make it an integral part of every student's educational experience. Most of the costs for a public education campaign will be borne by donors.

Project Lead Project Lead is a joint initiative between ATF and MPD, with assistance from the USAO. All firearms recovered or confiscated in the District of Columbia are processed through MPD's Firearms Identification Unit (FIU). A description of each firearm and the circumstances of the recovery are documented by FIU. ATF Project Lead Coordinators then trace the firearms, compile statistical data, and generate appropriate investigative leads. The statistical data include trends in the types and calibers of firearms and their recovery locations when used in the commission of a crime.

Ultimately, the goal is to develop and support investigations and prosecutions by using information from the FIU, tracing results and multiple sale information from ATF, and obtaining essential information from the seizing law enforcement agency. ATF's Washington Field Division also uses Project Lead information to analyze trends in firearm activity in the city.

Project Drugfire The FBI Firearms Lab conceived the Drugfire Project in March 1989 to support the "D.C. Emergency Action Plan" of the Office of National Drug Control Policy. Drugfire is a multi-media computer imaging system developed to help firearms laboratories in metropolitan or regional areas identify firearms and ammunition involved in more than one shooting.

The goal of the project is to increase the solution rate of shootings through the application of computer technology. The system stores forensic classification data from firearms-related evidence and a limited amount of related investigative information, together with images of microscopic markings on cartridge cases. The computer assists the firearms examiner by screening for candidate matches among ammunition components which have the greatest probability for making identifications. By using the Drugfire system, a firearms examiner has the potential to reconstruct the violent history of a firearm by associating it with times and places where it was used in multiple shootings in different locations. The Drugfire system is linked via a computer network to the MPD lab; the FBI lab in Washington, D.C.; the Maryland State Police lab in Pikesville, Maryland; the Baltimore City lab; the Northern Virginia lab in Fairfax; and the ATF lab.

Project Bulletproof The ATF's Bulletproof system is also an automated, multi-media imaging system with additional capabilities for analyzing firearms evidence. Bulletproof can analyze both cartridge cases and bullets using image enhancement techniques. The system can identify prospective matches, which can be further evaluated by a human examiner. The system can provide assistance to examiners anywhere. In addition, there is the potential to access the system remotely via a computer network.

For further information, contact:

E. **ATLANTA, GEORGIA**

Project PACT is developing a strategy to reduce gun violence that is based on demand reduction, supply reduction, and offender rehabilitation.

Youth and Deadly Weapons Recently, Project PACT in Metropolitan Atlanta designated reducing youth firearms violence as one of its top crime prevention priorities.

Three complementary tactics will be used to break the deadly link between children and guns: 1) **demand reduction** efforts will be centered around a broad-based community education program; 2) **supply reduction** will include citizen education on the safe storage of firearms and law enforcement efforts to interdict the flow of illegal guns; and 3) **rehabilitation** of juvenile gun offenders will be stressed to decrease the rate of recidivism and break the cycle of retribution.

Specific Program Goals Include:

- Apply the problem solving approach to develop, implement, and refine a comprehensive youth firearms violence prevention program in Atlanta.
- Use the political momentum generated by the designation of metro Atlanta as a PACT community to demonstrate that broad-based community action can reduce violence.
- Demonstrate the value of prospective data collection to help guide the development of violence prevention countermeasures and to evaluate their impact.

The Center for Injury Control at Emory University is supporting this effort by collecting and disseminating evaluation data to PACT participants. This information will be used to help design a broad-based program to curtail youth firearms violence. A problem-solving approach will use evaluation data to guide program implementation, to expand the knowledge of what works and what doesn't work, and to allocate resources more wisely. Qualitative data will be collected to determine the knowledge, attitudes and self-reported behavior of key groups in the community. Quantitative data will be collected to establish baseline levels of violent crime. Serial observations will be used to evaluate and refine the program over time.

For further information, contact:

F. NEW YORK, NEW YORK

Getting Guns Off New York Streets is the name for the first of a number of major police strategies designed in 1994 and launched this year by the New York City Police Department to reduce gun-related violence. It is a five-part strategy to:

- Refocus and expand investigative resources, with the goals of identifying and pursuing all accomplices involved in violent crimes, including gun traffickers inside and outside New York City. Case responsibility is placed at the precinct level to encourage results-oriented investigative work, and

detectives are used to strengthen every gun arrest made by uniformed and plainclothes officers.

- Redeploy patrol resources with the goal of expanding the Street Crime Unit of the Patrol Services Bureau to attack specific high gun-violence areas.
- Revise and expand training activities to help detectives in such areas as improving case development in gun investigations, apprehending illegal firearms traffickers, developing and handling confidential informants, and preparing search warrants. A related objective is training uniformed officers how to recognize the signs of weapons possession and to make stronger cases.
- Obtain and use technologically advanced equipment to match guns used in more than one outstanding crime and trace guns to illegal sellers throughout the country.
- Secure committed support from the public to help identify and locate individuals who possess, use, or sell illegal firearms in their neighborhoods.

For further information, contact:

APPENDIX

RESEARCH AND EVALUATION

This Appendix summarizes some of the research and evaluation efforts, as well as work on technological innovations, now being funded by the Department. The results of these efforts should help us to understand and respond more effectively to the problem of gun violence. As these projects are completed, we will forward the results to each of you.

A. CONCEALED WEAPON DETECTION INITIATIVE

In response to the growing public concern over the illegal possession of concealed weapons on the streets and in public buildings, the Department of Justice (OJP's National Institute of Justice with funding from the Community Oriented Policing Services Office) has initiated a program to promote the development of technology that would enhance the detection and identification of weapons carried by unauthorized individuals. Three different technologies have been selected for support. Each has a different set of strengths and weaknesses, depending on the particular weapon detection scenario. In addition, actual use of these technologies, if they prove feasible, could present significant legal and policy issues. A total of \$2,150,000 has been allocated for their development, evaluation, and demonstration.

1. The Millitech Corporation recently developed a passive imaging technology using electromagnetic emissions that permits rapid and remote detection of metallic and nonmetallic weapons, plastic explosives, drugs, and other contraband concealed under multiple layers of clothing without the necessity of a direct physical search. This technique relies solely on existing and natural emissions from objects, does not require man-made irradiation of the person, and is therefore completely harmless.
2. The Raytheon Company is developing and testing a concealed weapon detection system based on low frequency electromagnetic radiation. The system is expected to have a low probability of false alarms, will not require people to walk through a portal equipped with a magnetic sensor, and can be operated in an unobtrusive manner. Much of the basic development work has already been completed and Raytheon hopes to demonstrate that the system is sufficiently discriminating to meet the "probable cause" requirement for a physical search.

3. The Idaho National Engineering Laboratory concealed weapon detection scheme will use a proven, existing technology based on passive sampling of the earth's magnetic field. Local aberrations in the magnetic field produced by a ferromagnetic object such as guns and knives would be detected and measured by extremely sensitive magnetometers. This is a new application of existing technologies. The proposed approach is to construct a scanner that can stand alone, much like an airport scanner, or be directly incorporated into doorways or hallways. The system will be used to collect magnetic profiles of a variety of weapons to create an electronic catalog of magnetic signatures. These signatures can then be used to determine the presence, location, and type of weapon carried.

B. GUN SURVEYS

Currently, NIJ is conducting a national survey of firearms ownership and use. This survey will produce the first objective, in-depth national statistics on the number of guns in private households, how they were obtained, what types, how they are stored and used, experiences with self-defense uses, accidents, victimizations, and other gun-related issues.

A separate national survey by NIJ of urban, suburban, and rural high school students will provide information about access to weapons and the extent to which weapons are carried in and around schools, as well as in the community. Violence incidents and victimizations, as well as gang and drug-related behavior, also will be measured. In addition, school administrators will be surveyed about their responses to guns and violence in their schools.

C. COMMUNITY POLICING AND GUN MARKETS

One NIJ study will assess how well community policing can interrupt illicit youth gun markets in **Boston**, combining prevention strategies with policing strategies used against illegal drug markets.

In addition to the comprehensive Atlanta program discussed previously, NIJ and OJJDP are funding two major demonstration and evaluation programs on youth, firearms, and violence, in cooperation with the Centers for Disease Control, in **Washington, D.C., and St. Louis**. These large-scale projects are using a problem-solving approach to design demonstration programs that target youth firearms problems in local areas. These programs will be coordinated with local public health, criminal justice, and juvenile justice agencies. Researchers will document the implementation process and conduct evaluations.

D. GUN VIOLENCE AND DRUGS

This NIJ study is examining youth violence, guns, and links to illicit drug markets. More specifically, the research will study the links between recruitment of juveniles into participating in drug markets, purchasing guns as a tools-of-the-trade, and socializing others in their communities to rely on guns. It will also explore the increasing use of guns as a replacement for fights to settle disputes.

E. EXPANDED DRUG USE FORECASTING (DUF)

As a special research project appended to the standard DUF interview, 4,139 adult and juvenile male and female arrestees were interviewed at eleven DUF sites between January and March of 1995 regarding their ownership, procurement, and use of firearms. Findings will be published by NIJ later in 1995.

F. PROGRAM EVALUATIONS

NIJ is funding several studies to evaluate initiatives ranging from gun confiscation programs to the impact of gun trigger lock and lock box safety techniques.

Police officers keep tabs on students

Campus cops look into home life

By Karina Bland
Staff writer

A police officer is always at Balsz School, not that there's that much trouble there.

Officer Kathy Ralph tracks down kids who are supposed to be in school but aren't and finds out why children who were fine yesterday show up bruised the next day.

Those are her official duties.

Unofficially, she tracks down an inhaler for a boy with asthma and drops a sick kindergartner at her baby-sitter's house after the mother, working downtown and unable to leave, suggested they put her in a cab.

Children flock to Ralph, hugging her around the waist, but mindful of the gun on her left hip.

"I get a lot of hugs," she said. "It's good for the soul."

Police officers are as much a part of schools these days as school nurses and math teachers.

Ralph is one of 47 officers in Phoenix schools, a daily reminder that school officials deal with more than just reading, writing and mathematics.

Three-fourths of the officers' salaries are paid by school districts, often with grants from the state's Safe Schools program. Phoenix pays the rest.

Schools with officers record 50 percent drops in crime. Maricopa County Attorney Rick Romley calls it "wildly successful."

At first, the children at Balsz were hesitant. The school is near 44th and Van Buren streets, and there, a police officer usually means trouble.

"All some of them have seen up until now is a police officer take Daddy away," Ralph said.

She's petite but looks tough enough in the blue uniform and black sunglasses, her long blond hair caught up in a ponytail.

Ralph's more protector than enforcer, talking gently to a girl wearing a wool hat on a warm November morning because her mother shaved her head.

"I heard you got a haircut," Ralph said. "Could I see it?"

The girl said her mother cut her hair because it was straggly. Then, because it had gum in it.

The child had no bruises. She was clean. It was just that hat and the note the mother left at the office, saying her daughter wasn't to take it off.

Ralph went to talk to the mother that afternoon, but cutting your own kid's hair isn't a crime. She'll keep watch.

"We feel safer with her here," said 13-year-old Mai-Esha Bell, an eighth-grader. "I thought I wouldn't like her, but she's cool."

The Wake-Up Club

Every Monday morning, a half dozen eighth-grade girls called the

Wake-Up Club meet with Ralph. They want to come up with ways to keep violence out of their school.

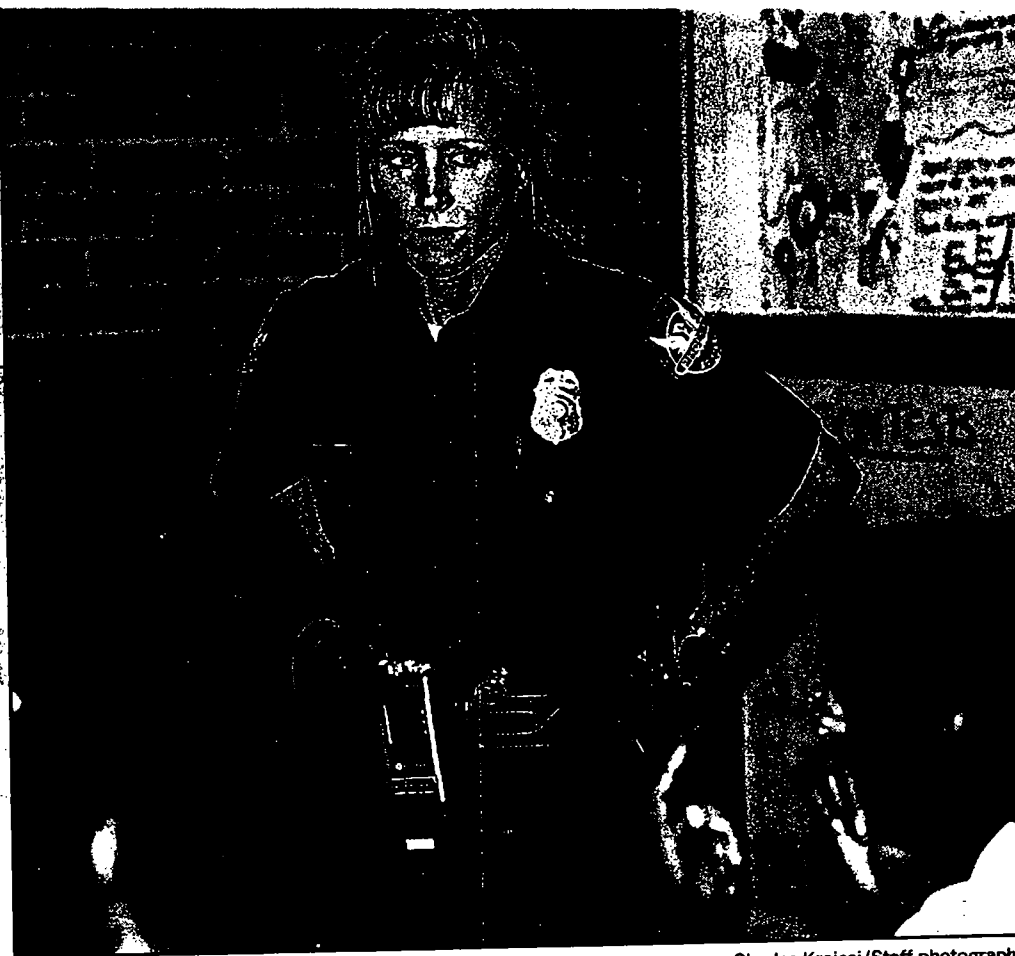
The problem is, it's something they've grown up with. They come from neighborhoods where kids have to stick up for themselves.

If they don't, they're taunted by other kids. Worse, the girls said, their parents get on them about it.

"My parents are going to say, 'Get her or else,'" one girl said.

"Can you believe their parents teach them that at home?" Ralph asked.

The 38-year-old lives in Gilbert with her three boys and husband, Dan, an FBI agent. She's been at Balsz for three years after patrolling south Phoenix.



Charles Krejcsi/Staff photographer

Hugs ease the problems

The hugs Ralph gets make the rest of her day bearable.

One day, she sets up counseling for a boy whose mother's boyfriend shot himself in their house.

The next, she calls on a woman with six kids, two of whom are school age but aren't there much.

"This is truancy," Ralph tells her, explaining that a citation would carry a hefty fine. The young mother babbles excuses:

"He can't find his shoes. She can't find a shirt. They don't get up on time, and they miss the bus. I don't have a car so I can't take them, and I can't walk down the freeway with six kids."

This is Ralph's first visit, so she

doesn't cite her. Instead, she offers tips on how she gets her own boys out of the house on time. Lay out their clothing the night before, Ralph said. She offers to get her an alarm clock.

"It really gets my goat. What are they teaching them? That it's OK to show up just when they feel like it," Ralph said. "They're teaching them habits that they'll keep the rest of their lives."

Ralph goes to parent-teacher meetings, school plays and after-school dances, even bopping onto the dance floor.

"Many kids these days have no hope. They've been in this neighborhood forever. They think this is all there is," Ralph said. "They have so much potential. They could do anything they want with the proper tools and education."

Helping students at Balsz School resolve their differences is Officer Kathy Ralph's job. Unofficially, she'll pinch hit by giving rides and finding medical supplies. The students' hugs help smooth her day, she says.

Moreno, security and we talk to students and not at them," she says.

— Abel Parra
Metro Tech

"Horizon also has security guards, called narcs by students, who monitor the school to catch ditching students and stop fights that break out."

— Sarah Elezian,
Horizon High

"There is not a lot of violence at Gilbert right now, but I think there is the opportunity for a great deal of violence. I think it is very important that Gilbert take some precautions now before it is too late."

— Christopher Barney,
Gilbert High

"My school is a controlled and fairly safe place for students. The problem of violence is one that the administration has been working on controlling and they appear to be successful."

— Amanda Wesolowski,
Goldwater High

"There is the occasional fight, a few that are large enough to actually get noticed, but nothing serious."

— Erica Westenberg,
Greenway High

Proposed Crime Initiatives

1. Concealed Weapon Detectors
2. Search and Seizure -- enhanced authority
3. Bullet Proof Vests -- Felon Prohibition
4. Police in Schools Strategy (PISS)
5. Police Youth Academies
6. Public Housing Initiatives
7. Enhanced Prosecution of Juvenile Offenders
8. Gangs -- RICO prosecutions
9. Victim Bill of Rights
10. Lawyer participation -- criminal matters
11. Drug Testing
12. Speedy Trial Act -- States
13. Witness Protection Programs -- States
14. Restoration of Rights
15. Crop Eradication

November 3, 1995

Meeting w/ Bruce Reed, Rahm Emanuel, Paul Weinstein, Dennis Burke

Crime Proposals:

1. Gun detectors for concealed weapons

What is the status of that at Justice?

Dennis -- Check where the cop groups are on the State concealed weapons laws

2. Enhanced search & seizure authority for police officers -- James Q. Wilson proposal.

3. Banning felons from buying bullet proof vests

Does Schumer have a bill on this?

4. Cops in schools?

How much would it cost to put a cop in every school in America?

What programs could we scrap to get funding for these programs?

Has Secretary Riley already done a paper on this?

Bratton bragged about his youth academies -- where are those?

5. Public Housing -- what can we do?

How does HUD work, what do they have going right now?

Do they screen people for criminal records?

Bruce is going to call Cisneros on this one.

Rahm --- We are funding a program in St. Louis in which parent gives waiver to have kid searched. Fox Butterfield is going to write about this.

Paul - any suggestions on how I should write this up?

DB

for note?

6. What can we do with bad kids? What initiatives?

Rahm -- check to see about RICO for gangs; can we order AG?

Bruce -- check what Wilson wanted to do w/ this

Dennis -- check on Beth's proposal -- dragging kids into Fed court.

Rahm -- get the AG to do a high profile Kids & Gun case

7. AG road stuff

Rahm -- she needs to be a crimefighter; crime bill has passed, now we are doing busts

8. Lawyers -- supporting the criminal justice system

Bruce -- President would challenged them to help out the criminal justice system. President -- "Too many lawyers in this country have forgotten their oath. I want every lawyer in America to recognize that the criminal justice system is broken; stop feathering your own nest and help out society." Urge lawyers to assist Fed, county and state prosecutors in a pro bono fashion. Challenge lawyers to start bringing civil cases pro bono.

VAWA element to this -- urge lawyers to bring VAWA civil rights cases pro bono.

9. "Stop the Revolving Door Act" and "Swift and Certain Justice Act"

President has delivered on the first half of his promise to the American people to improve safety in America with his 100,000 new police officer pledge. Now, he intends to conclude his work by reforming the criminal justice systems in this country. What's the point in arresting someone if he never goes to trial.

1) "Stop the Revolving Door Act" -- includes the President's Universal Criminal Justice Drug Testing Program. Since the campaign, the President has announced that we need to reduce the number of hard core addicts in this country -- for they are the ones who keep committing the crimes. State prison funding money contingent upon a drug testing plan for pre and post conviction. Byrne money would require a state plan for drug testing.

2) "Swift and Certain Justice Act" -- would not provide _____ funding unless the state adopted a speedy trial act. Other options -- drug courts, gun courts, violent crime courts. The bill would also provide bail reform and expanded rights for victims.

10. Restoration of Rights -- under 1986 NRA-backed legislation, States can expunge an offender's prior felony and restore his firearm rights. The result -- Federal prosecutors can not prosecute the offender under a "felony in possession" statute because the felony has been expunged. The offender serves less time. Has this happened? Yes, e.g. in Montana with a few militia-types. Our bill would repeal this ill-considered and sentence-reducing policy.

11. Crop eradication program -- President notes that only marijuana use is going up among adolescents; this is a domestic crop. comments that he wants to double the budget of this DEA program in FY 97 budget.

12. Find prevention program worth fighting for.

November 3, 1995

Bruce Reed
Rahm Emanuel
Paul Weinstein
Dennis Burke

Crime\Law Enforcement initiatives:

1. Gun detectors for concealed weapons

What is the status of that at Justice? COPS Office and NIJ funded 3 research grants to develop this technology recently.

Dennis -- Check where the cop groups are on the State concealed weapons laws?

Answer: Rep. Cunningham (R-Ca) has a bill that would permit retired police officers to carry concealed weapons. NAPO passed a resolution to endorse bill if their amendments are accepted. W/ regards to state laws for civilians carrying concealed weapons, cops are split over this issue.

2. Enhanced search & seizure authority for police officers -- James Q. Wilson proposal.

3. Banning felons from buying bullet proof vests

Does Schumer have a bill on this?

4. Cops in schools?

How much would it cost to put a cop in every school in America?

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Cops ROTC

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Rahm -- get the AG to do a high profile Kids & Gun case

7. AG road stuff

Rahm -- she needs to be a crimefighter; crime bill has passed, now we are doing big busts under our new authority.

8. Lawyers -- supporting the criminal justice system

Bruce -- President would challenge them to help out the criminal justice system. President -- "Too many lawyers in this country have forgotten their oath. I want every lawyer in America to recognize that the criminal justice system is broken; stop feathering your own nest and help out society." Urge lawyers to assist Fed, county and state prosecutors in a pro bono fashion. Challenge lawyers to start bringing civil cases pro bono.

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November 30, 1995

Proposed Crime Initiatives

- | | | |
|-----|--|----------|
| 1. | Concealed Weapon Detectors | ATTACHED |
| 2. | Search and Seizure -- enhanced authority | ATTACHED |
| 3. | Bullet Proof Vests -- Felon Prohibition | |
| 4. | Cops in Schools | ATTACHED |
| 5. | Police Youth Academies | ATTACHED |
| 6. | Public Housing Initiatives | |
| 7. | Enhanced Prosecution of Juvenile Offenders | |
| 8. | Gangs -- RICO prosecutions | |
| 9. | Lawyer participation -- criminal matters | |
| 10. | Drug Testing | |
| 11. | Speedy Trial Act -- States | ATTACHED |
| 12. | Victim Bill of Rights -- States | |
| 13. | Victim Counselors -- States | |
| 14. | Witness Protection Programs -- States | |
| 15. | Restoration of Rights | |
| 16. | Crop Eradication | |

November 30, 1995

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November 30, 1995

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Concealed Weapon Detectors / Increased *Terry* Searches

Background

In response to the growing public concern over the illegal possession of concealed weapons on the streets and in public buildings, the Department of Justice has initiated a program to promote the development of technology that would enhance the detection and identification of weapons carried by unauthorized individuals.

Under 3 different grant proposals, \$2,150,000 has been allocated for the development, evaluation, and demonstration of this technology.

Within the next year, devices that can identify and describe a gun concealed on someone's person from 12 feet away should be available. Mobile devices usable from patrol cars at even longer distances will follow.

The 4th Amendment to the Constitution bans "unreasonable searches and seizures." In 1968 the Supreme Court decided in *Terry v. Ohio* that patting down a person's outer clothing is proper if a police officer has a "reasonable suspicion" that a person is armed and dangerous. If a patdown reveals an object that might be a gun, the officer can enter the suspect's pocket to remove it. If the gun is being carried illegally, an arrest would be lawful.

The average police officer will make no weapons arrests and confiscate no guns during a given year. Studies have found that most weapons arrests are made because a citizen complained, not because the police were out looking for guns.

The coming concealed weapon technology breakthroughs, funded by the Clinton Administration, will permit police to arrest suspects, who are illegally carrying concealed weapons, and prevent eventual crimes from occurring.

The liberty infringement in this technology differs little from metal detectors in Federal buildings or airports

Proposal

In coming crime speeches, the President announces how Administration-funded initiatives -- such as the concealed weapon technology -- will make the streets of America safer and urges law enforcement throughout the country to use this technology.

He challenges Republican luddites to side with law enforcement and support advanced technology to make America safer from guns.

Advantages

- leads to easily quantifiable results of reducing illegal gun possession.

- effective gun control initiative that law abiding gun owners could not object to

Disadvantages

- Big Brother criticism. Law abiding citizens will fear that they will be harassed by police in States with concealed weapons laws.
- young minorities will probably be stopped more often than others leading to racism criticism.

Recommendation

National "Community/School Resource Officer" (CRO/SRO) Program

"Cops in Schools"

Background

Schools are a natural environment to extend the link for community policing. Schools are not immune from the community environment; schools both reflect and shape the community.

Few school districts have developed comprehensive strategies and programs to respond to increasing levels of school violence, usually their strategies or programs are ad hoc. To make schools violence free, we need to make communities and families violence free; school is only one influencing environment. However, schools are the main central location of youths. In addition, schools have the capacity to provide youth with alternatives to engaging in violent behavior. As reports of youth violence increase in media reports and research, an assessment of the existing and successful programs are helpful models and ideas to consider in the struggle to assist youth and decrease violence.

One example of links between schools, the community and police are the "Community/School Resource Officer" (CRO/SRO) Programs found in many communities. The program is a pro-active approach to address the ever-increasing incidents of crime and violence in schools. The overall goal is to provide safe environments for students and staff by deterrence and enforcement efforts

The CRO/SRO is a police officer serving various functions within the schools including:

- serving as a liaison between the school and police department and to create a better rapport between the police department and the schools
- has an office in the high school and handles "situations" (truancy, runaways, students involved with criminal justice system, frequent violent incidents, low attendance, low student achievement, trouble at home, presentations on various legal aspects and safety, intervention and prevention programs projected at the specified age level)
- is available at the enforcement level, for crime investigations in school
- handles situations from "feeder" schools as well (i.e. elementary and secondary schools whose students will eventually go to the designated high school)
- depending on resources, have different structure: one officer in each middle

and high school or only high school but called in to assist assigned middle school

- the majority cover public schools; however, some CRO programs include private schools
- do not replace discipline and responsibility of school principals, administration or teachers (complimentary function only)
- handle all calls for service from schools, including conducting crime investigations on school grounds
- coordinates other police resources to schools with principals
- patrol hallways and grounds of school routinely for deterrence purposes (identify anyone not belonging on grounds)
- involved in school curriculum to the extent they provide instruction enhancing student understanding of police mission
- assist in training of school administration in law enforcement and related areas
- monitors cultural and social influences and activities to ensure protection or early intervention with developing gang structures

Reason for success: program relies on cooperation between school system and police department and willingness of community to accept police officers within the school environment

Proposal

The President would announce a Cops in Schools program that would be administered by the COPS Office at the Department of Justice in conjunction with the Department of Education.

The Program would differ little from existing COPS programs other than it would focus on placing cops in schools and require applications to reflect that criterion.

Any school that would want or need a cop would now be able to afford one.

There are approximately 1500 school districts in the United States with around an average of 25 schools in those districts.

Advantages

- exhibits how the President's COPS program is prepared to address growing juvenile crime problem.
- communities are already moving in this direction and program would fulfill an existing need.

Disadvantages

- some criticism that we are softening policing and creating a glorified national school security officer/ "patrol boy" program.
- contention that not enough crime occurs in schools to justify such a personnel resource commitment.

Recommendation

The Swift and Certain Justice Act

Background

When Congress passed the Speedy Trial Act in 1974 -- through the tremendous efforts of Sam Ervin -- it gave meaning to a message that courts have heard for years -- that justice delayed is justice denied.

The Federal Speedy Trial Act specifies time standards for each stage in the Federal court process:

30 days are allowed from arrest to filing of an indictment or an information;

70 days are allowed between information/indictment and trial.

Certain time periods, such as defense-requested continuances are not counted. If case-processing time exceeds the limit, the case may be dismissed.

Judge Prentice Marshall of the Northern District of Illinois once said that the Speedy Trial Act is "one of the best pieces of legislation the Congress has ever passed regarding the courts."

Some States have laws modeled on the Federal law and the speedy trial standards of the American Bar Association. These laws differ somewhat on such matters as the kinds of events that do not count as elapsed time but the amount of time they allow between arrest and trial. Many speedy trial provisions set shorter time limits for the disposition of cases if the defendant is being detained.

Overall, 33 States had adopted some sort of time standard for processing felony cases. However, some States -- as diverse as Massachusetts, Louisiana, Indiana, and Idaho -- have time limits as long as 1 year to occur between arrest and trial.

Proposal

With the same vision that Sam Ervin once had, the President announces that he is going to dedicate the coming year and his next Administration to providing swifter criminal justice systems. His first Administration provided the 100,000 new community police officers throughout the country -- the frontend of the criminal justice system. Now, he is going to focus on the rest of the criminal justice system by reforming the speed of the dispensation of justice -- justice delayed is justice denied.

The model is the Federal system -- where we have for years had swifter justice because of the Speedy Trial Act. Now, it is up to the States to provide swifter justice and the

President is going to urge the States to change their systems so that criminals don't languish on pretrial release committing more crimes and so that victims know that justice is being done. To help restore this trust in our State criminal justice systems, the President will propose legislation that would authorized funding out of the Violent Crime Control Act so that States have incentives to adopt Speedy Trial Acts of short duration.

An element of his effort to speed up the State criminal justice systems has already been enacted -- Drug Courts -- which is in effect a criminal docket remedy program. He can expand upon this by including Gun Courts as an element of this program -- so that States have the resources to provide attention to gun crimes. He will also review the Federal Speedy Trial Act for any loopholes that can be remedied.

Advantages

- shows President's understanding of one of the American public's major concerns with criminal justice -- delay -- and that he is prepared to provide solutions.
- While Republican Governors throughout the country are complaining about crime, this initiative shines light and puts burden on them to speed up their own criminal justice systems.

Disadvantages

- budget implications are unknown and hard to quantify how much would be needed to entice States to reform their laws.
- Overemphasis on speed could lead to problems in the quality of justice.

Recommendation

Police Youth Academies

Background

During the Summer of 1995, the New York Police Department conducted the first Police Youth Academy at Medgar Evers College in Brooklyn. The academy was established to enhance police-youth relations. It was modeled after the citizen police academies many police departments across the nation have implemented as part of their community policing efforts.

The first class of the NYPD Police Youth Academy enabled 125 youth from 12 to 17 years old to learn about the challenges and responsibilities of being a police officer as well as understand the community's role in successfully reducing crime and fear of crime throughout the city.

Participants attended classroom lectures and visited police facilities for 6 weeks during their summer vacation in July and August 1995. Upon graduation, each student received a diploma and savings bond worth \$75 upon maturity.

The program's success in this one Brooklyn neighborhood has led the NYPD to develop plans for expanding the Youth Academy city-wide. This expanded and enhanced Academy will operate during school vacation and recruit 200 students from each of the 5 boroughs to attend.

NYPD will also enhance the curriculum to teach the 1000 youth methods to communicate what they have learned to their peers. This will lead to a better relation between police and youth in the city.

NYPD is also working on a "career track" for graduates of the Youth Academy who may be interested in becoming police cadets and eventually police officers.

NYPD presently has a grant proposal before the Department of Justice's Bureau of Justice Assistance to receive Federal funding for this project.

Proposal

President announces a National Police Youth Academy initiative in which Police Departments can apply directly for funding to establish Police Youth Academies.

Advantages

- represents another effort of President to improve policing in America by providing a greater understanding of their role and duties.
- another example of President's effort to prepare for growing youth population by improving police/youth relations and understandings.

Disadvantages

- Reminds people of Police Corps. and could lead to Adam Walinsky visits.

Recommendation

Bruce Reed, Rahn E, Paul W.

11/3/95

CRIME

Long-Term Strategy

① Detection

- Who at Justice

② James Q Wilson's

→ article on search & seizure

③ - banning

→ find out if Schumer has a bill on this

Insta-check on bullet proof vests?

④ Caps in schools?

Scrap \$ &
put to caps

* Riley already has a paper on this

- How much would it cost to put a cap in every school?

might have to ~~find out~~ take \$ from somewhere else

* - Youth Academies (Bratten is for it)

check

* Public housing → what can we do?
→ see if we can convert into caps

How does HUD work?

Do they screen people for criminal records?

Don't settle for the census from HUD

Bruce is going to call Cisneros

~~Kansas City~~

St Louis

- ~~Kansas City~~ model

if they know donde
is a lot of violence, get waivers
to have kids searched

We are funding this program

Fox Butterfield → will use this as
lead in to his story

- Drug Testing (Timing issue)

- Speech to a police academy

→ he is opposed to these state laws?

Concealed weapons

★ get a better read on where Gps are on this

Dept of Educ.

What can we do w/ bad kids?

Rahm What can we do w/ gangs?

See what Wilson wants to do w/ this?

- Check w/ Bell W on her proposal

Ralm - Use Rico laws against gangs

① See what we can do

② Direct A.G.

Ralm high profile →
get AG to do a high profile

pursue a juvenile handgun

Burns into Chicago to do the Disrupt
busts

We need AG to do stuff on the
road

She ~~has~~ needs to be a crime-
fighter

Now we need a criminal justice system that

★ "Swift & Certain Punishment"

Bruce What do people hate about the current system?

is there a piece like the

Bruce
Paul

if there was a violent crimes that handle just those

What if you challenged lawyers to do pro bono to help prosecutors

→ "Zero tolerance for violent crime"

No backlog for violent crime

What can we Challenge lawyers
to do?

Challenge

→ Court appt prosecutors
youth cases?

Challenge → every lawyer in America to
recognize that the Criminal
Justice is broken
Stop feathering their own nest &
help out society

See if you ~~can~~ can Challenge lawyers
to bring civil cases for victims

→ Victim's Rights stuff

Rights to sue for Δs

→ Challenge to lawyers

POTUS → There are ~~too~~[#] many lawyers
in this country

→ Too many lawyers in this country
have forgotten that oath

→ Clinton ~~offers~~

Brill "Swift & Certain Justice Act"

A VAWA add to it "gender
discrimination"

tell lawyers to bring animus cases
pro bono

women across this country getting
beaten up
don't have resources,

My Crime Bill made it possible for any
woman to sue

→ If we are going to do things to agencies then we need to get it into FY97

FY97 Budget → what are priorities

Restoration of Rights

→ add old ones to this list, too

Talk to - Grace

- Foris

- Jeremy

plant seeds in FY97 Budget
for what we want to do ^{down the} road

**STATE OF MINNESOTA
FOURTH JUDICIAL DISTRICT COURT**

KEVIN S. BURKE
CHIEF JUDGE
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DATE: November 8, 1995

Number of Pages Including this Sheet: 5

Comments:

FYI



Elections '96 & Minnesota Poll

Star Tribune **Four News**

A disenchanted electorate is losing its faith in Washington

By Steve Berg
National Correspondent

With the 1996 election a year away, Minnesotans remain disgusted with national politics, profoundly disappointed in many of their elected leaders and disheartened about the direction of the country.

In a remarkable turnaround, they have refocused their gloom over the past three years and now worry far less about jobs and the economy and far more about violent crime and the decline of social values.

To them, Washington seems

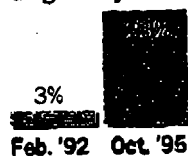
incapable of solving these and other of the nation's big problems despite sweeping changes in political leadership since 1992.

While holding President Clinton and Sen. Paul Wellstone in fairly high regard, Minnesotans are doubtful that either deserves to be reelected. And the state clearly is becoming more conservative, although Minnesotans harbor suspicions about the "Republican revolution" underway in Congress.

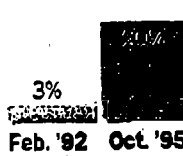
Minnesotans shift focus to crime and moral values

► "What do think is the single most important problem facing the country today?"

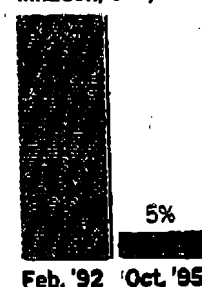
Crime, violence,
drugs and juveniles



Lack of moral
and family values



Economic issues
(unemployment,
inflation, etc.)



► Other concerns remained fairly constant since 1992: Taxes and government spending (13 percent), health care (7 percent), education (5 percent), for example.

Source: Star Tribune/WCCO-TV Minnesota Poll of 810 adults statewide Oct. 16-22. Margin of sampling error: no greater than 3.4 percentage points, plus or minus.

Star Tribune Graphic

Turn to POLL on A14

POLL from A1

Tone of urban life leaves many disappointed

These are among the findings of a Star Tribune/WCCO-TV Minnesota Poll conducted with an eye toward the approaching political season, one that may get a jump-start in the coming days if Colin Powell decides to chase the presidency and one that, in any case, figures to produce a show-down over the very function of the federal government.

Minnesota's mood about these things reflects the national outlook in most respects. By a 2-1 ratio, people here, as well as nationwide, see the country on the wrong path. Yet the national shift toward worrying less about the economy and more about crime and social values is considerably more pronounced here.

Public opinion experts offer two reasons: a healthy Minnesota economy, especially its 3 percent unemployment rate, which is about half the nation's 5.5 percent; and a surge in high-profile violent crime, particularly in Minneapolis, at a time when crime is subsiding in many of the nation's urban areas.

Minnesota's mood swing on these topics has been dramatic. Three years ago, half of the Minnesota Poll respondents named the economy as the nation's biggest problem, while only 7 percent mentioned crime, welfare and declining values. Now, only 5 percent worry mainly about the economy, while nearly half are most concerned with social values.

Discouraging

Public opinion experts suspect that many Minnesotans are surprised and profoundly disappointed that the Twin Cities have been unable to dodge the poverty and vexing social problems that have engulfed so many U.S. cities.

"Minnesota has always thought of itself as different," said Lawrence

Jacobs, a political scientist and public opinion authority at the University of Minnesota. "People created expectations for this place that now are being frustrated. We still look pretty good compared with most cities. But the trends are discouraging."

Frank Sorauf, regents' professor of political science at the university, said it's not only crime but news coverage that goes with it, especially on television.

"It goes beyond charitable to describe what they do as sensationalist entertainment," he said. "There's this endless business of sobbing relatives and the exploitation of human grief that grabs peoples' attention."

Indeed, for middle-aged Twin Citians, the tone of urban life, both real and perceived, has changed remarkably during their adult lifetimes. Taken together, the rates of homicide, robbery and assault have increased more than fivefold in Minneapolis since the mid-1960s.

'Here too'

William Jahnke moved to the Twin Cities from Chicago 25 years ago to escape such urban disorder and now finds himself saddened at what he sees. "I thought we were so remote, so far north that it would shield us from what was going on in the rest of the country, but now it's occurring here, too," he said.

Jahnke, 55, lives in Coon Rapids and was one of 810 people interviewed for the Minnesota Poll. He blames crime on lenient punishment, overly generous welfare benefits and the lack of well-paying jobs. He sees crime spreading from central city to suburb and growing among blacks and whites.

A Democrat in the past, Jahnke said he feels himself moving toward

becoming an independent and would relish the chance to vote for someone such as Colin Powell, a man who, he said, might show the country leadership and values.

"I hate to say it, but I think welfare brings Minnesota a lot of problems," he said, referring specifically to migration from the shabby and depressed steel towns of northern Indiana. As a postal worker, Jahnke said he sees hundreds of change-of-address cards: old addresses — Gary, Whiting, East Chicago; new address — Minneapolis.

For many suburbanites far removed from city streets, higher crime rates are emblematic of a more abstract chaos that often seems to swamp family life.

"My biggest concern is that there's zero time for family any more," said Betty Jegeris, 54, a retired teacher from Maple Grove and another of the poll's respondents. "People are so busy they don't keep track of their children. I'm normally a positive person, but I'm scared for families."

Hard for Democrats

An electorate focused on social values is often seen as favorable to Republicans — and, perhaps, even more so now that voters seem impatient with government solutions historically offered by Democrats.

Rob Daves, director of the Minnesota Poll, said that the pronounced shift on social issues may signal a harsher, more emotional campaign next year. He also said that the shift may spell more difficult reelection campaigns for Democrats Clinton and Wellstone. "It is harder and harder for Democrats to assume they will be reelected in this state," he said.

While more than half of Minnesotans view the president and the senator favorably, they also are eager for new faces.

Clearly, the state is drifting rightward. While DFLers still outnumber Republicans and independents, the percentage of Minnesotans who say they are "conservative" has increased from about 25 percent of the state's adults to more than 33 percent since 1991. Those calling themselves "liberal," have remained at about one-fifth of the total.

The conservative flavor has intensified especially among the state's independents, who at about one-sixth of the potential electorate form an important swing group. Since 1991, the percentage of independents who say they are "conservative" has zoomed from 19 to 32 percent.

Thus, in assigning themselves political labels, Minnesotans appear to be moving more into line with the rest of Americans — less liberal, more conservative — although those labels may hold different degrees of meaning from state to state.

Among the 11 Republicans hoping to challenge Clinton for the presidency next fall, Bob Dole is by far the strongest. While many Minnesotans dislike the Senate's Republican leader, he is clearly the most popular candidate among strong Republicans — those most likely to attend party caucuses next March. Three-quarters of them are favorably impressed by the Kansas senator.

The only other figures who approach popularity among strong Minnesota Republicans are House Speaker Newt Gingrich and Powell, the retired army general. But neither is seen favorably by even half of strong Repub-

licans.

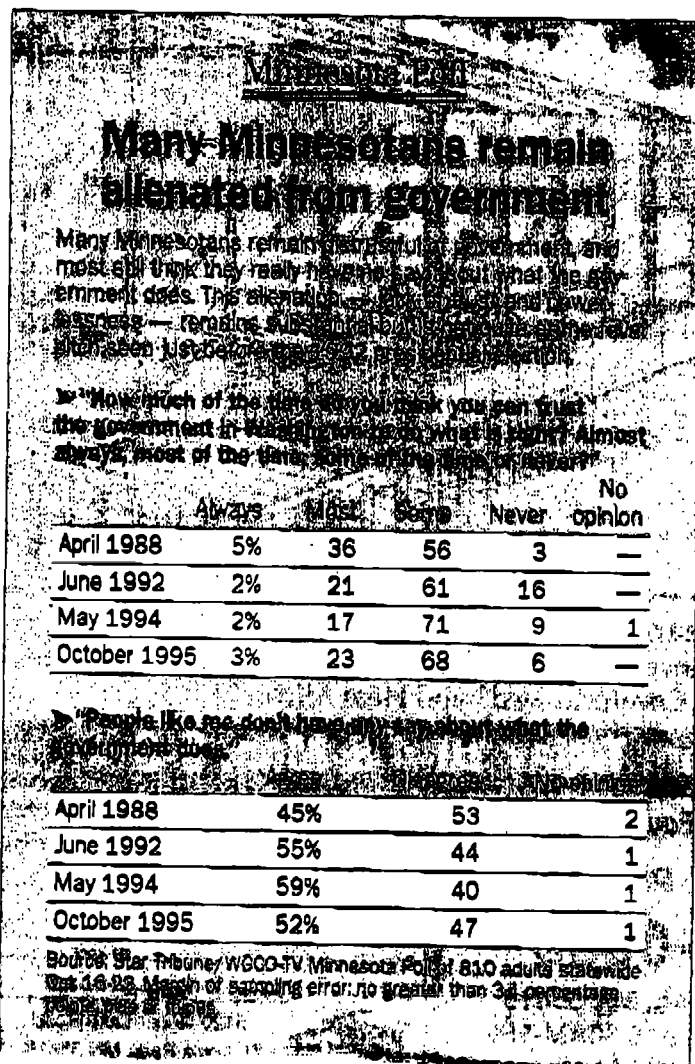
Minnesotans as a whole have much clearer opinions of each. Powell is popular; Gingrich is not. By 3-1, Minnesotans say they dislike the House speaker and leader of the "Republican revolution."

The popularity of Gingrich's program has become a sticky point in recent weeks as Republicans and Democrats achieved rare clarity in their face-off over the federal budget.

Gingrich seethed over a New York Times/CBS poll showing that, given a choice, people would favor higher Medicare spending over balancing the budget. The Minnesota Poll did not ask people to take sides on the budget issue, but its results offer some clues.

Minnesotans remain distrustful and confused about Washington politics in general. Few believe they can trust government to do what's right most of the time. Seven in 10 say government is run "for a few big interests." Republicans, especially, are suspect. More than three-fifths of Minnesotans say the GOP invests itself too much in "special interests," a slightly higher figure than for Democrats.

Mostly, Minnesotans seem puzzled and alienated over the happenings in Washington. Two-thirds say politics and government are too complex to understand.



Minnesota Poll

Clinton, Dole, Powell have best image, highest name recognition

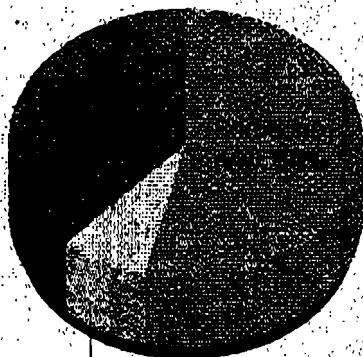
Most Minnesotans — 52 percent — approve of the way Bill Clinton is doing his job as president, while 39 percent disapprove. And most have a favorable image of him. But 44 percent have an unfavorable image. His vulnerability in the state is apparent in that 54 percent say someone new deserves a chance to be president, while only 38 percent say he deserves to be reelected. This was the first time the Minnesota Poll asked that

question about Clinton. Among Republicans and others who have been mentioned as presidential candidates, Jesse Jackson, Bob Dole, Colin Powell, Newt Gingrich and Pat Buchanan have the highest name recognition. Dole and Powell have the most positive image among all Minnesotans and among the 24 percent of the respondents who consider themselves strong Republicans.

Clinton's vulnerability

➤ "Right now, do you think Bill Clinton deserves to be reelected or do you think someone new deserves a chance?"

October 1995



No opinion: 8%

Candidate image and name recognition

	Favorable	Unfavorable	Don't know impression	Don't know name	Refused
Lamar Alexander	5%	19	9	67	—
Pat Buchanan	19%	50	17	14	—
Bill Clinton	53%	44	3	—	—
Bob Dole	43%	45	9	3	—
Robert Dornan	5%	12	8	75	—
Malcolm (Steve) Forbes Jr.	13%	32	19	35	1
Newt Gingrich	20%	63	6	11	—
Phil Gramm	25%	39	14	21	1
Alan Keyes	6%	12	9	73	—
Richard Lugar	5%	16	10	68	1
Jesse Jackson	25%	64	8	3	—
Ross Perot	34%	58	6	2	—
Colin Powell	50%	23	15	12	—
Arlen Specter	6%	20	13	61	—

Note: Less than 20 percent knew the name of Morry Taylor. Names were rotated to avoid order bias.

Facts about the poll

Results are based on a Star Tribune/ WCCO-TV Minnesota Poll conducted statewide Oct. 16-22 by phone with 810 randomly selected adults.

Results were weighted for age, gender and education to make sure the sample reflected 1990 census proportions. The weighting also accounted for household size and the number of phone lines in a household. One respondent from each house-

hold was selected randomly to be interviewed.

For results based on the sample of 810, margin of sampling error is no greater than 3.4 percentage points at a 95 percent confidence level. Margins of sampling error for smaller groups, such as Democrats, are larger. In addition to random error, results may be influenced by things such as question order, wording and the practical difficulties of conducting any poll, including the effect on public opinion by news events that may have

occurred during or after the interviewing period.

Project Research Inc. conducted the interviewing for the Star Tribune from its facilities in Minneapolis. News Research Director Rob Daves directs the Minnesota Poll. He can be reached at daves@startribune.com via the Star Tribune's Internet connection. He encourages e-mail but might not be able to respond to all messages. Findings are available by appointment at the Star Tribune offices at 425 Portland Av. S., Minneapolis.

Against Excess: Drug Policy for Results
Mark A.R. Kleiman

Afterword:
A Memorandum to the New President

Although your fellow citizens have deprived you of the leisure for reading 400-page essays on drug policy, some of the analysis in this book may be of value to you as President. Here, stripped of the detailed arguments and on-the-other-hands, are some proposals for action from the White House.

There is no substantial public support for making any of the currently illicit drugs legally available for non-medical use or for drastically restricting adult access to alcohol or nicotine. What follows, therefore, ignores the question of changing the drug laws. Leaving the current laws in place, you can and should change the programs through which governments at every level enforce the laws, persuade people not to use drugs, and help and control problem drug users.

The goal of anti-drug efforts is to limit the damage done by drug abuse and drug dealing, not to wage a cultural war. Therefore, the first step in choosing policies is to ask what damage is now being done.

Most of the health damage done by drug abuse, to users and others (including fetuses), is done by the licit drugs, alcohol and nicotine. Efforts to protect public health from drug abuse should therefore focus on these licit drugs. Illicit drugs constitute a crisis rather than a footnote because of their link with crime: property crime by users who need money and violent crime among heavily-armed dealers. Illicit-drug policies should therefore be chosen with crime control and neighborhood protection first in mind.

Reducing Alcohol and Nicotine Abuse

Abuse of the licit drugs can be reduced by changing attitudes toward them, raising their prices, and making them less available to minors. Because they are legal, alcohol and tobacco are currently much less feared, much less expensive, and much less hard for minors to obtain than marijuana, cocaine, or heroin. It would be easier to reduce smoking and drinking from this high baseline than to reduce illicit drug-taking from its current relatively low level. For the same reason, licit drug control is harder politically; the pushers are politically well connected and will not give ground without a fight.

Anti-drug curricula in school already include smoking and drinking. We need messages from opinion leaders and in the mass media to support what goes on in the classroom. Just identifying beer and cigarettes as drugs by including them in the national drug control strategy would help make a difference in attitudes, but a modest amount of

"negative advertising" over the airwaves and in print would help drive the message home. Such anti-marketing efforts avoid the free-speech issues associated with restricting tobacco and alcohol advertising. They also work better.

Raise taxes on licit drugs. Alcohol, especially beer and wine, and cigarettes are too cheap, easily within the financial reach of teenagers. Inflation has been eating away at the real value of federal alcohol and tobacco taxes since the Korean War. Some of the new revenue could be used to pay for anti-smoking and anti-drinking ads; the rest -- easily \$10-20 billion per year -- could help finance universal access to health care, including substance abuse treatment. Higher drug taxes are actually popular, if the money is recycled into prevention and treatment; polling data on this point is confirmed by the referendum results from California and Massachusetts. Alternatively, let alcohol and tobacco pay for an expanded Earned Income Tax Credit or other working-class tax cut.

Existing state laws, as currently enforced, have grossly failed to keep alcohol and tobacco away from youngsters. Nine in ten smoking habits are formed before the age of nineteen, and males in their late teens have the highest rate of binge drinking of any age group. The Federal Trade Commission and the Bureau of Alcohol, Tobacco, and Firearms may be able to exert some regulatory authority over tobacco and alcohol advertising that blatantly targets children, but controlling retail sales is clearly the business of the states. Technical assistance and support of pilot efforts could help. Why shouldn't Drug-Free School Zones be free of the sale and advertising of alcohol and nicotine, which are illegal for kids?

Controlling Drug-Related Crime

The damage done by the sale of illicit drugs -- violence among dealers, neighborhood disruption from drug houses and open-air markets, theft to feed drug habits, and the diversion of adolescents from school and legitimate work into the flashy world of drug dealing -- is distinct from the damage they cause their users. Contrary to myth, casual users do not account for most of the revenues that support illicit markets. As a rule of thumb, 20% of the users of any given drug account for 80% of the volume. This is as true for alcohol as it is for marijuana and cocaine. (Nicotine and heroin, with much higher addiction rates and correspondingly fewer casual users, are another story.) Nor do casual users have to steal to pay for their drugs.

A focus on drug-related crime therefore dictates a focus on limiting the number and controlling the behavior of heavy, chronic drug users, especially the two or three million heavy users of expensive cocaine and heroin, rather than the twenty million or more Americans who occasionally use some illicit drug. Heavy users are not as easy to influence as casual ones. They are harder to persuade, harder to scare away, less sensitive to price, and better connected to drug sources. Treatment will help some of them, but most do not want treatment if they can get drugs instead. Thus the drug-policy triad of education, enforcement, and treatment has difficulty changing the behavior of heavy users.

Still, if you're going duck hunting, you go where the ducks are, not down to the park where the pigeons are easy to shoot. To shrink the drug markets and drug-related crime, you have to go after the hard core. About three-quarters of the heavy heroin and cocaine users steal or deal to finance their drug purchases. When not in prison or jail, they are likely to be on probation or parole. That fact is the key to getting their behavior under control.

Those behind bars should all get treatment if they want it, and maybe even if they don't. A little bit of reduced recidivism will pay for a lot of treatment, especially since we are already paying the room and board bill. Perhaps as important for prisoners as treatment inside is help in staying clean once they get out, if only in the form of introductions to self-help recovery groups such as Narcotics Anonymous.

Whether or not they get treatment in prison -- whether or not they want to quit -- heroin- and cocaine-using offenders on probation or parole should be required to stay off drugs as a condition of staying on the street. As a matter of law, that is so right now. As a matter of fact, it is not. To close the gap between law and fact we need frequent drug tests and swift, certain penalties for continued use: not as part of a moral crusade, but because these user-offenders have made their drug problems everyone's drug problems.

Most probation and parole departments are too understaffed, too underfunded, and too reluctant to add "mere technical violators" to already-crowded prisons and jails to have effective drug-testing programs. Both the tests themselves, and the sanctions for testing "dirty," are too sporadic and unpredictable to be worth much. The current system, with occasional but drastic sanctions, fills up large numbers of scarce prison cells without having much effect on drug use or crime.

Sanctions need to be certain and immediate, but should start out mild and grow progressively more severe with repeated violations; that's the way to get the most deterrence from the fewest cells. The point is to convince addict/offenders that the hustling, drug-taking lifestyle is simply no longer available to them. That conviction will greatly reduce both their personal crime rates and the amount of time they spend behind bars.

Although offender drug testing with sanctions would be a money-saver in the long run for the states and counties, in the short run state and local governments are much too deep in alligators to think about draining the swamp. The Federal government could provide financing, at least for the start-up, and the confinement capacity (perhaps at closed military bases) either for those being punished for post-conviction drug violations or for an equivalent number of other prisoners.

A complete post-conviction testing-and-sanctions system could be run for something less than \$5 billion per year. For that, we could expect to reduce property crime by about a quarter and the volume of illicit drugs sold by about a third, while shrinking the prison population. That represents the greatest bargain available, not only in drug abuse control, but

in any domestic policy I can think of. It is also the only Federal initiative that might measurably reduce crime within the span of your first term. If you do nothing else, do this.

With respect to enforcing the drug laws, as a nation we should spend less money on foreign source control and interdiction (anti-smuggling) efforts and more on breaking up retail drug markets. Since there is no way to create physical shortages of drugs for more than a few months at a time, source and border control efforts simply increase or maintain drug prices, which is good because it helps reduce consumption, but bad because it tends to make dealers richer and users more criminally active. By contrast, attacking the drug system at the point of retail sale reduces drug use without increasing price, thus shrinking the dollar volume of the drug trade and the associated crime rate.

Since retail enforcement based on making arrests tends to jam the courts and crowd the jails, local police have begun to invent "low-arrest" tactics to make areas that are now open drug markets less dealer-friendly, for example by changing traffic patterns, boarding up drug houses, or sending postcards to the owners of the out-of-town automobiles that cruise slowly through dealing hot-spots. (This is the part of the enforcement effort that can usefully focus on casual users, because they tend to patronize street markets and are relatively easy to drive away.) Physical and management changes in public housing projects can help make them dealing-resistant, greatly to the benefit of the non-dealing residents. Since retail enforcement is and should be a state and local responsibility, all the feds can usefully provide is technical advice, encouragement, and money. Federal aid in suppressing retail drug markets would fit in naturally with a federal effort to foster community-oriented policing.

Low-arrest tactics to control retail markets cannot entirely replace more conventional efforts to lock up major dealers. Those efforts, too, need to be focused on the task of reducing violent crime. Most of the enforcement attention, and most of the long prison terms, should be reserved for those dealers at every level of the traffic who are gun-happy, rather than spread around indiscriminately on anyone who can be caught holding enough weight to qualify as a "kingpin." Some of this change can be made by the enforcement agencies, but at some point we need to think about changing the structure of mandatory sentences.

Encouraging Quitting

In any given year, some of the several million Americans who habitually abuse illicit drugs try to quit, and some proportion of those attempts succeed. We can reduce the number of drug abusers either by increasing the number of quit-attempts or increasing their success rate.

This may or may not involve "treatment," thought of as a service, more or less on the medical model, for which someone gets paid. Everyone knows that only a small proportion of the tens of millions of Americans who have quit cigarette smoking have done so with professional help, even though most cigarette smokers are badly hooked. (The average

smoker tries to quit five or more times before succeeding.) The same is true of the illicit drugs; the number of ex-addicts far exceeds the number who have ever been formally treated.

A wide variety of policies can encourage and help quitting. Make quitting a centerpiece of anti-drug public service messages. Fund research into successful quitting and relapse-management strategies for individuals; there are lessons to be learned from how people quit smoking. Use "treatment" dollars to pay for things that make trying to quit more comfortable, and learn how to do so cheaply; there is no reason to make heroin detoxification a hospital-based activity, when many addicts just need two weeks of food and shelter far away from a heroin dealer. Acupuncture and anti-depressant medications both seem to help reduce the discomfort of trying to quit; that should be enough, without trying to prove that they constitute "treatment modalities."

Drug Policy for Results

This hardly exhausts the list of drug policy issues to be addressed by you and people working for you. There is an urgent need to get on top of the growing heroin problem before it gets out of control, as cocaine did a decade ago; doing so will require both beefed-up enforcement and targeted prevention efforts. Intravenous injection and sex-for-drugs both spread HIV infection, and current policies do little to address the problem; here solutions need to be invented, not just implemented, and somebody needs to take a close and impartial look at the pilot needle-distribution and needle-exchange programs to see if they are worth expanding. Drug-war ideology has to move out of the way of the decision about whether marijuana has medical uses in controlling nausea for chemotherapy patients, enhancing appetite for people with AIDS, and controlling the spasticity of MS.

But right decisions on these and other issues will all follow from asking of every policy, current or proposed: "What part of the harm that drugs do to their users and others does this policy reduce? How? To what extent? What harms of its own does it cause or exacerbate in the process? Is there another way to attack the same problem with more effect or less collateral damage?" If you can persuade the people who work for you to ask those questions -- in place of the futile and unanswerable "How can we win the war on drugs?" -- your drug policies will do more good than harm. That would be a welcome change.

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Sanctions need to be certain and immediate, but should start out mild and grow progressively more severe with repeated violations; that's the way to get the most deterrence from the fewest cells. The point is to convince addict/offenders that the hustling, drug-taking lifestyle is simply no longer available to them. That conviction will greatly reduce both their personal crime rates and the amount of time they spend behind bars.

Although offender drug testing with sanctions would be a money-saver in the long run for the states and counties, in the short run state and local governments are much too deep in alligators to think about draining the swamp. The Federal government could provide financing, at least for the start-up, and the confinement capacity (perhaps at closed military bases) either for those being punished for post-conviction drug violations or for an equivalent number of other prisoners.

A complete post-conviction testing-and-sanctions system could be run for something less than \$5 billion per year. For that, we could expect to reduce property crime by about a quarter and the volume of illicit drugs sold by about a third, while shrinking the prison population. That represents the greatest bargain available, not only in drug abuse control, but

in any domestic policy I can think of. It is also the only Federal initiative that might measurably reduce crime within the span of your first term. If you do nothing else, do this.

With respect to enforcing the drug laws, as a nation we should spend less money on foreign source control and interdiction (anti-smuggling) efforts and more on breaking up retail drug markets. Since there is no way to create physical shortages of drugs for more than a few months at a time, source and border control efforts simply increase or maintain drug prices, which is good because it helps reduce consumption, but bad because it tends to make dealers richer and users more criminally active. By contrast, attacking the drug system at the point of retail sale reduces drug use without increasing price, thus shrinking the dollar volume of the drug trade and the associated crime rate.

Since retail enforcement based on making arrests tends to jam the courts and crowd the jails, local police have begun to invent "low-arrest" tactics to make areas that are now open drug markets less dealer-friendly, for example by changing traffic patterns, boarding up drug houses, or sending postcards to the owners of the out-of-town automobiles that cruise slowly through dealing hot-spots. (This is the part of the enforcement effort that can usefully focus on casual users, because they tend to patronize street markets and are relatively easy to drive away.) Physical and management changes in public housing projects can help make them dealing-resistant, greatly to the benefit of the non-dealing residents. Since retail enforcement is and should be a state and local responsibility, all the feds can usefully provide is technical advice, encouragement, and money. Federal aid in suppressing retail drug markets would fit in naturally with a federal effort to foster community-oriented policing.

Low-arrest tactics to control retail markets cannot entirely replace more conventional efforts to lock up major dealers. Those efforts, too, need to be focused on the task of reducing violent crime. Most of the enforcement attention, and most of the long prison terms, should be reserved for those dealers at every level of the traffic who are gun-happy, rather than spread around indiscriminately on anyone who can be caught holding enough weight to qualify as a "kingpin." Some of this change can be made by the enforcement agencies, but at some point we need to think about changing the structure of mandatory sentences.

Encouraging Quitting

In any given year, some of the several million Americans who habitually abuse illicit drugs try to quit, and some proportion of those attempts succeed. We can reduce the number of drug abusers either by increasing the number of quit-attempts or increasing their success rate.

This may or may not involve "treatment," thought of as a service, more or less on the medical model, for which someone gets paid. Everyone knows that only a small proportion of the tens of millions of Americans who have quit cigarette smoking have done so with professional help, even though most cigarette smokers are badly hooked. (The average

smoker tries to quit five or more times before succeeding.) The same is true of the illicit drugs; the number of ex-addicts far exceeds the number who have ever been formally treated.

A wide variety of policies can encourage and help quitting. Make quitting a centerpiece of anti-drug public service messages. Fund research into successful quitting and relapse-management strategies for individuals; there are lessons to be learned from how people quit smoking. Use "treatment" dollars to pay for things that make trying to quit more comfortable, and learn how to do so cheaply; there is no reason to make heroin detoxification a hospital-based activity, when many addicts just need two weeks of food and shelter far away from a heroin dealer. Acupuncture and anti-depressant medications both seem to help reduce the discomfort of trying to quit; that should be enough, without trying to prove that they constitute "treatment modalities."

Drug Policy for Results

This hardly exhausts the list of drug policy issues to be addressed by you and people working for you. There is an urgent need to get on top of the growing heroin problem before it gets out of control, as cocaine did a decade ago; doing so will require both beefed-up enforcement and targeted prevention efforts. Intravenous injection and sex-for-drugs both spread HIV infection, and current policies do little to address the problem; here solutions need to be invented, not just implemented, and somebody needs to take a close and impartial look at the pilot needle-distribution and needle-exchange programs to see if they are worth expanding. Drug-war ideology has to move out of the way of the decision about whether marijuana has medical uses in controlling nausea for chemotherapy patients, enhancing appetite for people with AIDS, and controlling the spasticity of MS.

But right decisions on these and other issues will all follow from asking of every policy, current or proposed: "What part of the harm that drugs do to their users and others does this policy reduce? How? To what extent? What harms of its own does it cause or exacerbate in the process? Is there another way to attack the same problem with more effect or less collateral damage?" If you can persuade the people who work for you to ask those questions -- in place of the futile and unanswerable "How can we win the war on drugs?" -- your drug policies will do more good than harm. That would be a welcome change.

**INVESTING IN THE FUTURE OF RURAL AMERICA VS.
CUTTING EDUCATION AND TRAINING
THE FACTS ON THE WAR ON RURAL EDUCATION**

FACT: President Clinton wants to invest in the future of Rural America by **INCREASING** funding for improving education, training, and financial aid to students while balancing the budget in 10 years. **The Republican proposals CUT education and training, denying education and training opportunities to millions of students and increasing costs to families, many of whom live in rural areas.**

GOALS 2000 --- EDUCATION QUALITY

FACT: Both the House and the Senate have approved a bill that would eliminate all funds for high poverty rural areas, **depriving about 20 rural districts of at least \$9 million in funds that could be used to design and implement their own school reform plans.**

IMPROVING BASIC AND ADVANCED SKILLS --- TITLE ONE

FACT: Republican cuts will deny 113,000 rural children basic and advanced skills education -- at a time when many small-town and rural schools are already having trouble making ends meet.

SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

FACT: Republicans want to dismantle the program used by school districts to keep crime, violence, and drugs out of schools and away from students. Rural school districts, most of which have small enrollments, are likely to be disproportionately affected, because the majority of funds are allocated on a per-pupil basis.

SCHOOL-TO-WORK

FACT: House Republicans would reduce the amount of direct grants to local partnerships, depriving 25 rural areas of grants to institute school-to-work systems. Under both House and Senate proposals, no new state awards could be made.

STAR SCHOOLS

FACT: House Republicans have voted to eliminate this funding for 1996, which promotes statewide or multistate telecommunications partnerships to enhance educational opportunities for rural areas.

EISENHOWER PROFESSIONAL DEVELOPMENT

FACT: House Republicans would cut this program by 80%, severely disabling professional development for educators in rural areas. Eisenhower funds are distributed on a formula basis and due to small enrollments, most rural districts will be unable to operate effective programs.

ADULT EDUCATION AND LIFELONG LEARNING

FACT: Congressional Republicans have approved bills that would deny approximately 9,000 rural adults the adult education and literacy services they need and deserve.

Effect of Proposed FY '96 Congressional Action: Technology Challenge Grants and Rural Areas

On October 10th, the President announced the award of the first 19 challenge grants for technology in education. These grants provide funding to local school districts and their community partners to harness technology to help all students learn to challenging academic standards. Leveraging matching funds from other public and private participants (roughly three times the size of the federal investment), the grants will support the involvement of 380 local partners, including 153 school districts--**70 of which, nearly half, are rural school districts.**

The President has proposed that the Department of Education increase its commitment for this initiative from \$ 9.5 million this year to \$50 million for FY '96. This would allow as many as 40 new grants to as many as 750 new partners. **A significant portion of the new grants would likely go to rural districts which present innovative proposals for working with their partners to get technology into the classroom.** Meanwhile, the House appropriations bill only includes \$25 million for technology challenge grants, and the Senate only includes \$15 million -- only enough to continue those grants that have already been made.

Here are some approved grants and how they can improve teaching and learning in rural areas:

South Dakota's "Technology in Education Challenge for Rural America" consortium, led by the **Black Hills Special Services Cooperative, Sturgis, South Dakota**, has organized a state-wide, community-focused education program to advance the effective use of technology in school improvement by introducing innovative education technologies in a statewide redesign of K-12 curricula, instruction and assessment and capitalizing on new technologies to promote student achievement. The program will help over 14,000 rural students in the first year, and over 35,000 throughout its duration, improving teaching and learning and leading to the attainment of challenging academic standards by all children.

The Newaygo County Advanced Technology Service, Newaygo County Intermediate School District, White Cloud, Michigan, is a consortium that has been established to develop and maintain an advanced fiber optic cable telecommunication network that will enrich the education process throughout this isolated, rural, low-income county. The service's education program enhances education opportunities for over 9,000 disadvantaged students and adults. Moreover, the network supports data, video, and voice communications capabilities that are available to all county residents. It provides student access to challenging curriculum in science, mathematics, and modern languages, and it supports professional development opportunities for teachers. The program has strong school-home, school-community, and school-work components.

New Vision, lead by the **Towanda Area School District in Towanda, Pennsylvania**, is a consortium of 23 school districts, six post-secondary institutions, museums and private industries that use emerging technologies to expand and improve educational opportunities in rural, remote, and poor school districts. Through video-conferencing, New Vision can offer high-level classes seldom offered due to low enrollment, use outstanding teachers to cover hard-to-fill positions in several districts at once, and offer advanced placement courses. The project will involve over 54,000 students in rural areas of three states: **Pennsylvania, New Jersey and New York.**